

## STATE WILDLIFE GRANTS & WILDLIFE CONSERVATION AND RESTORATION PROGRAM

### LEGISLATIVE HISTORY

The State Wildlife Grants (SWG) program traces back to the Conservation and Reinvestment Act (CARA). CARA proposed amending the Pittman-Robertson Wildlife Restoration Act to create the Wildlife Conservation and Restoration Program (WCRP), and it would have dedicated funding for the WCRP at a level of \$350 million annually. The program would have allocated funds to state fish and wildlife agencies according to a formula based on population and land area, with a 75 percent federal/25 percent state match requirement. States would also have been required to prepare comprehensive wildlife conservation strategies by October 2005 with required elements outlined in the law. CARA passed the House of Representatives in May 2000, but it was not brought up for a vote in the Senate.

In October 2000, a “CARA-compromise” package of conservation funding was included in the Fiscal Year 2001 Interior Appropriations Act. One component of this package was the new State Wildlife Grants program, which was structured to provide \$50 million in competitively awarded, cost-shared grants to state fish and wildlife agencies. In addition, this program required states to develop comprehensive wildlife conservation plans according to criteria to be defined by the US Fish and Wildlife Service. Shortly thereafter, the Fiscal Year 2001 Commerce, Justice, and State Department Appropriations Act authorized the Wildlife Conservation and Restoration Program under Pittman-Robertson, as outlined in CARA, and funded it at a level of \$50 million. Subsequently, the Fish and Wildlife Service decided that the ‘strategy’ states were preparing under the Wildlife Conservation and Restoration Program would satisfy the ‘plan’ requirement under the State Wildlife Grants program.

In Fiscal Year 2002, Congress changed the State Wildlife Grants program to apportion funds on a formula basis, require states to submit wildlife conservation plans by October 2005, and provides for 75 percent federal/25 percent state match for planning and a 50 percent match for implementation. The State Wildlife Grants program has continued in this form in subsequent years. The program does not have an authorization and exists only through the appropriations process. In contrast, the Wildlife Conservation and Restoration Program remains authorized but has not received any additional funding through the appropriations process.

<b><i>1999-2000: Conservation and Reinvestment Act</i></b>	
<i>[note: this is not the complete legislative history of the Conservation and Reinvestment Act. These excerpts are highlighted to introduce the WCRP and SWG programs.]</i>	
House	Conservation and Reinvestment Act (H.R. 701) introduced on February 10, 1999 with \$350 million for apportioned funding through the Wildlife Conservation and Restoration Program.
	H.R. 701 reported by House Resources Committee on February 16, 1999 (H. Rep. 106-499).
	H.R. 701 approved by House on May 11, 2000 (roll call vote 179: 315-102).
Senate	H.R. 701 reported by Senate Energy and Natural Resources Committee on September 14, 2000 (S. Rep. 106-413).

<b><i>2000, part 1: FY 2001 State Wildlife Grants (Competitive Grants)</i></b>	
<b>FY 2001 Interior Appropriations Act</b>	
Conference	Conference Report (H. Rep. 106-914) H.R. 4578 approved by House on October 3, 2000 (roll call vote 507: 348-69) with \$50 million for competitive State Wildlife Grants.
	Conference Report (H. Rep. 106-914) approved by Senate on October 5, 2000 (roll call vote 266: 83-13)
President	H.R. 4578 signed into law on October 11, 2000 (Public Law 106-291) with \$50 million for competitive State Wildlife Grants.
<b><i>2000, part 2: FY 2001 Wildlife Conservation and Restoration Program</i></b>	
<b>FY 2001 Commerce Justice State Appropriations Act</b>	
Conference	Conference Report (H Rep. 106-1005) on H.R. 4942 approved by House on December 15, 2000 (roll call vote 603: 292-60) with \$50 million for apportioned funding through Wildlife Conservation and Restoration Program (WCRP).
	Conference Report (H Rep. 106-1005) approved by Senate on December 15 2000 (unanimous consent).
President	H.R. 4942 signed into law on December 21, 2000 (P.L. 106-553) with \$50 million for apportioned funding through WCRP.
<b><i>2001-2005: FY 2002-2006 State Wildlife Grants Program (Apportioned Grants)</i></b>	
<b>FY 2002 Interior Appropriations Act</b>	
President	President's FY 2002 Budget Request includes no funding for competitive State Wildlife Grants or the Wildlife Conservation and Restoration Program
House	H.R. 2217 reported by House Appropriations Committee on June 13, 2001 (H. Rep. 107-103) with \$100 million for apportioned State Wildlife Grants
	H.R. 2217 passed House June 21, 2001 (roll call vote 185: 376-32)
Senate	H.R. 2217 reported by Senate Appropriations Committee on June 28, 2001 (S. Rep. 107-36) with \$100 million for apportioned State Wildlife Grants
	H.R. 2217 passed Senate July 12, 2001 (voice vote)
Conference	Conference report (H. Rep 107-234) oh H.R. 2217 reported on October 11, 2001 with \$85 million for State Wildlife Grants (\$5 million allocated for competitive grants to Indian tribes).
	Conference report (H. Rep 107-234) approved by House on October 17, 2001 (roll call vote 393: 380-28).
	Conference report (H. Rep 107-234) approved by Senate on October 17, 2001 (roll call vote 304: 95-3).
Final	<i>H.R. 2217 signed into law on November 5, 2001 (P.L. 107-63) with \$85 million for State Wildlife Grants (\$5 million for grants to tribes)</i>

<b>FY 2003 Interior Appropriations Act</b>	
President	President's FY 2003 Budget Request includes \$60 million for State And Tribal Wildlife Grants (\$5 million for competitive grants to tribes)
House	H.R. 5093 reported by House Appropriations Committee on July 11, 2003 (H. Rep. 107-564) with \$100 million for State Wildlife Grants (\$5 million for tribes). H.R. 5093 passed July 17, 2002 (roll call vote 318: 377-46)
Senate	S. 2708 reported June 28, 2002 (S. Rep. 107-201) with \$60 million for State Wildlife Grants (\$5 million for tribes). S. 2708 considered in Senate without final vote (September 2002).
<i>The 107<sup>th</sup> Congress adjourned with no final resolution of the Interior bill, so Interior programs were funded at FY 02 levels through a series of continuing resolutions. The Interior bill was ultimately included in the FY 2003 Consolidated Appropriations Resolution (H.J. Res 2) at the start of the 108<sup>th</sup> Congress.</i>	
<b>FY 2003 Consolidated Appropriations Act</b>	
Conference	Conference report (H. Rep. 108-10) reported on February 13, 2002 with \$65 million for State Wildlife Grants (\$5 million for tribes). Conference report (H. Rep. 108-10) approved by House on February 13, 2003 (roll call vote 32: 338-83). Conference report (H. Rep. 108-10) approved by Senate on February 13, 2003 (roll call vote 34: 76-20).
Final	<i>FY 2003 Consolidated Appropriations Act (H.J. Res 2) signed into law February 20, 2003 (P.L. 108-7) with \$65 million for State Wildlife Grants (\$5 million for tribal grants).</i>
<b>FY 2004 Interior Appropriations Act</b>	
President	President's Budget Request included \$60 million for State and Tribal Wildlife Grants
House	H.R. 2691 reported by House Appropriations Committee on July 10, 2003 (H. Rep 108-195) with \$75 million for State and Tribal Wildlife Grants H.R. 2691 approved by House July 17, 2003 (roll call vote 389: 268-152)
Senate	S. 1391 reported July 10, 2003 (S. Rep. 108-89) with \$75 million for State and Tribal Wildlife Grants H.R. 2691 passed Senate on September 23, 2003 (voice vote)
Conference	Conference report (H. Rep. 108-330) reported on October 28, 2003 with \$70 million for State and Tribal Wildlife Grants. Conference report approved by House on October 30, 2003 (roll call vote 595: 216-205) Conference report approved by Senate November 3, 2003 (roll call vote 433: 87-2)
Final	<i>H.R. 2691 signed into law November 10, 2003 (Public Law 108-108) with \$70 million for State and Tribal Wildlife Grants (\$6 million for tribal grants).</i>

<b>FY 2005 Interior Appropriations Act</b>	
President	President's Budget Request included \$80 million for State and Tribal Wildlife Grants.
House	H.R. 4568 reported by House Appropriations Committee on June 15, 2004 (H. Rep. 108-542) with \$67.5 million for State and Tribal Wildlife Grants.
	H.R. 4568 approved by House on June 18, 2004 (roll call vote 264: 334-86)
Senate	H.R. 4568 reported by Senate Appropriations Committee on September 14, 2004 (Sen. Rep. 108-341) with \$75 million for State and Tribal Wildlife Grants.
<b>FY 2005 Consolidated Appropriations Act</b>	
Conference	Conference report to H.R. 4818 (H. Rep. 108-792) reported on November 19, 2004 with \$70 million for State and Tribal Wildlife Grants (including \$6 million for tribal grants) subject to two across-the-board cuts.
	Conference report approved by House on November 20, 2004 (roll call vote 542: 344-51)
	Conference report approved by Senate on November 20, 2004 (roll call vote 215: 65-30)
Final	<i>H.R. 4818 signed into law on December 8, 2004 (P.L. 108-447) with \$70 million for State and Tribal Wildlife Grants (including \$6 million for tribal grants) subject to two across-the-board cuts.</i>
<b>FY 2006 Interior &amp; Environment Appropriations Act</b>	
President	President's Budget Request included \$74 million for State and Tribal Wildlife Grants
House	H.R. 2361 reported by House Appropriations Committee on May 13, 2005 (H. Rep. 109-80) with \$69 million for State and Tribal Wildlife Grants (including \$6 million for tribal grants).
	H.R. 2361 approved by House of Representatives on May 19, 2005 (roll call vote 199: 329-89)
Senate	H.R. 2361 reported by Senate Appropriations Committee on June 10, 2005 (S. Rep. 109-80) with \$72 million for State and Tribal Wildlife Grants (including \$6 million for tribal grants)
	H.R. 2361 approved by Senate on June 29, 2006 (roll call vote 168: 94-0)
Conference	Conference Report to H.R. 2361 (H. Rep. 109-188) with \$68.5 million for State and Tribal Wildlife Grants (including \$6 million for tribal grants).
	Conference Report approved by House on July 28, 2005 (roll call vote 450: 410-10).
	Conference Report approved by Senate on July 29, 2005 (roll call vote 210: 99-1)
Final	<i>H.R. 2361 signed into law on August 2, 2005 (Public Law 109-54) with \$68.5 million for State and Tribal wildlife grants (including \$6 million for tribal grants).</i>

Conservation and Reinvestment Act  
(H.R. 701)  
As introduced February 10, 1999

35

1 is transferred, or until the land ceases to be included with-  
2 in designated critical habitat of the species, whichever is  
3 shorter.

4 (g) PAYMENTS.—(1) The State agency shall establish  
5 an equitable method for determining the annual payments  
6 under this section, including through the submission of  
7 bids in such manner as the Secretary may prescribe.

8 (2) The Secretary shall pay the cost of establishing  
9 management measures and practices required pursuant to  
10 the approved management plan.

11 (3) Any payments received by an owner or operator  
12 under this section shall be in addition to, and shall not  
13 affect, the total amount of payments that the owner or  
14 operator is otherwise eligible to receive under this section,  
15 or any other program administered by the Secretary or  
16 any other Federal department or agency.

17 **TITLE III—WILDLIFE CONSERVA-**  
18 **TION AND RESTORATION**

19 **SEC. 301. FINDINGS.**

20 The Congress finds and declares that—  
21 (1) a diverse array of species of fish and wild-  
22 life is of significant value to the Nation for many  
23 reasons: aesthetic, ecological, educational, cultural,  
24 recreational, economic, and scientific;

•HR 701 IH

36

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

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

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

14 (5) lands and waters which contain species clas-  
15 sified neither as game nor identified as endangered  
16 or threatened also provide opportunities for wildlife-  
17 associated recreation and education such as hunting  
18 and fishing permitted by applicable State or Federal  
19 law;

20 (6) hunters and anglers have for more than 60  
21 years willingly paid user fees in the form of Federal  
22 excise taxes on hunting and fishing equipment to  
23 support wildlife diversity and abundance, through  
24 enactment of the Federal Aid in Wildlife Restoration  
25 Act (commonly referred to as the Pittman-Robertson

•HR 701 IH

1 Act) and the Federal Aid in Sport Fish Restoration  
 2 Act (commonly referred to as the Dingell-Johnson/  
 3 Wallop-Breaux Act);

4 (7) State programs, adequately funded to con-  
 5 serve a broad array of wildlife in an individual State  
 6 and conducted in coordination with Federal, State,  
 7 tribal, and private landowners and interested organi-  
 8 zations, would continue to serve as a vital link in an  
 9 effort to restore game and nongame wildlife, and the  
 10 essential elements of such programs should include  
 11 conservation measures which manage for a diverse  
 12 variety of populations of wildlife; and  
 13 (8) it is proper for Congress to bolster and ex-  
 14 tend this highly successful program to aid game and  
 15 nongame wildlife in supporting the health and diver-  
 16 sity of habitat, as well as providing funds for con-  
 17 servation education.

18 **SEC. 302. PURPOSES.**

19 The purposes of this title are—

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

1 of wildlife within the States in recognition of the pri-  
 2 mary role of the States to conserve all wildlife;

3 (2) to assure sound conservation policies  
 4 through the development, revision and implementa-  
 5 tion of wildlife-associated recreation and wildlife-as-  
 6 sociated education and wildlife conservation law en-  
 7 forcement;

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

14 (4) to encourage State fish and wildlife agencies  
 15 to provide for public involvement in the process of  
 16 development and implementation of a wildlife con-  
 17 servation and restoration program.

18 **SEC. 303. DEFINITIONS.**

19 (a) REFERENCE TO LAW.—In this title, the term  
 20 ‘Federal Aid in Wildlife Restoration Act’ means the Act  
 21 of September 2, 1937 (16 U.S.C. 669 et seq.), commonly  
 22 referred to as the Federal Aid in Wildlife Restoration Act  
 23 or the Pittman-Robertson Act.

24 (b) WILDLIFE CONSERVATION AND RESTORATION  
 25 PROGRAM.—Section 2 of the Federal Aid in Wildlife Res-

1 toration Act (16 U.S.C. 669a) is amended by inserting  
 2 after “shall be construed” in the first place it appears the  
 3 following: “to include the wildlife conservation and res-  
 4 toration program and”.

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

9 (d) CONSERVATION.—Section 2 of the Federal Aid in  
 10 Wildlife Restoration Act (16 U.S.C. 669a) is amended by  
 11 striking the period at the end thereof, substituting a semi-  
 12 colon, and adding the following: “the term ‘conservation’  
 13 shall be construed to mean the use of methods and proce-  
 14 dures necessary or desirable to sustain healthy populations  
 15 of wildlife including all activities associated with scientific  
 16 resources management such as research, censuses, monitor-  
 17 ing of populations, acquisition, improvement and manage-  
 18 ment of habitat, live trapping and translocation, wildlife  
 19 damage management, and periodic or total protection of  
 20 a species or population as well as the taking of individuals  
 21 within wildlife stock or population if permitted by applica-  
 22 ble State and Federal law; the term ‘wildlife conservation  
 23 and restoration program’ means a program developed by  
 24 a State fish and wildlife department that the Secretary  
 25 determines meets the criteria in section 6(d), the projects

1 that constitute such a program, which may be imple-  
 2 mented in whole or part through grants and contracts by  
 3 a State to other State, Federal, or local agencies wildlife  
 4 conservation organizations and outdoor recreation and  
 5 conservation education entities from funds apportioned  
 6 under this title, and maintenance of such projects; the  
 7 term ‘wildlife’ shall be construed to mean any species of  
 8 wild, free-ranging fauna including fish, and also fauna in  
 9 captive breeding programs the object of which is to re-  
 10 introduce individuals of a depleted indigenous species into  
 11 previously occupied range; the term ‘wildlife-associated  
 12 recreation’ shall be construed to mean projects intended  
 13 to meet the demand for outdoor activities associated with  
 14 wildlife including, but not limited to, hunting and fishing;  
 15 such projects as construction or restoration of wildlife  
 16 viewing areas, observation towers, blinds, platforms, land  
 17 and water trails, water access, trail heads, and access for  
 18 such projects; and the term ‘wildlife conservation edu-  
 19 cation’ shall be construed to mean projects, including pub-  
 20 lic outreach, intended to foster responsible natural re-  
 21 source stewardship.”.

22 (e) 10 PERCENT.—Subsection 3(a) of the Federal  
 23 Aid in Wildlife Restoration Act (16 U.S.C. 669b(a)) is  
 24 amended in the first sentence by—

1 (1) inserting “(1)” after “(beginning with the  
 2 fiscal year 1975)”; and  
 3 (2) inserting after “Internal Revenue Code of  
 4 1954” the following: “, and (2) from 10 percent of  
 5 the qualified Outer Continental Shelf revenues, as  
 6 defined in section 102 of the Conservation and Reini-  
 7 vestment Act of 1999.”.

8 **SEC. 304. SUBACCOUNT AND REFUNDS.**

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

12 “(c) A subaccount shall be established in the Federal  
 13 aid to wildlife restoration fund in the Treasury to be  
 14 known as the ‘wildlife conservation and restoration ac-  
 15 count’ and the credits to such account shall be equal to  
 16 the 10 percent of Outer Continental Shelf revenues re-  
 17 ferred to in subsection (a)(2). Amounts credited to such  
 18 account (other than interest) shall be invested by the Sec-  
 19 retary of the Treasury as set forth in subsection (b) and  
 20 shall be made available without further appropriation, in  
 21 the next succeeding fiscal year, for apportionment to carry  
 22 out State wildlife conservation and restoration programs.  
 23 All interest on such amounts shall be available, without  
 24 further appropriation, for obligation or expenditure for

1 purposes of the North American Wetlands Conservation  
 2 Act of 1989 (16 U.S.C. 4401 and following).

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

16 “(e) Notwithstanding subsections (a) and (b) of this  
 17 section, with respect to the wildlife conservation and res-  
 18 toration account so much of the appropriation apportioned  
 19 to any State for any fiscal year as remains unexpended  
 20 at the close thereof is authorized to be made available for  
 21 expenditure in that State until the close of the fourth suc-  
 22 ceeding fiscal year. Any amount apportioned to any State  
 23 under this subsection that is unexpended or unobligated  
 24 at the end of the period during which it is available for



1 expenditure on any project is authorized to be reapportioned to all States during the succeeding fiscal year.

2  
3 “(f) In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues available for purposes of this Act, 10 percent of such refunds shall be paid from amounts available under subsection (a)(2).”.

9 **SEC. 305. ALLOCATION OF SUBACCOUNT RECEIPTS.**

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

13 “(e)(1) Notwithstanding subsection (a), so much, not to exceed one percent, of the revenues covered into the wildlife conservation and restoration account in each fiscal year as the Secretary of the Interior may estimate to be necessary for expenses in the administration and execution of programs carried out under the wildlife conservation and restoration account shall be deducted for that purpose, and such sum shall be available, without further appropriation, for such purposes in the next succeeding fiscal year, and within 60 days after the close of such fiscal year the Secretary of the Interior shall apportion such part thereof as remains unexpended, if any, on the same basis

1 and in the same manner as is provided under paragraphs 2 (2) and (3).

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

7 “(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than 1/2 of 1 percent thereof; and

10 “(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than 1/6 of 1 percent thereof.

14 “(3) The Secretary of the Interior, after making the deduction under paragraph (1) and the apportionment under paragraph (2), shall apportion the remaining amount in the wildlife conservation and restoration account for each year among the States in the following manner:

20 “(A) 1/3 of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

23 “(B) 2/3 of which is based on the ratio to which the population of such State bears to the total population of all such States;

1 The amounts apportioned under this paragraph shall be  
 2 adjusted equitably so that no such State shall be appor-  
 3 tioned a sum which is less than 1/2 of 1 percent of the  
 4 amount available for apportionment under this paragraph  
 5 for any fiscal year or more than 5 percent of such  
 6 amount.”.

7 “(d) WILDLIFE CONSERVATION AND RESTORATION  
 8 PROGRAMS.—Any State, through its fish and wildlife de-  
 9 partment, may apply to the Secretary for approval of a  
 10 wildlife conservation and restoration program or for funds  
 11 to develop a program, which shall—

12 “(1) contain provision for vesting in the fish  
 13 and wildlife department of overall responsibility and  
 14 accountability for development and implementation  
 15 of the program;

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

18 “(A) wildlife conservation projects which  
 19 expand and support existing wildlife programs  
 20 to meet the needs of a diverse array of wildlife  
 21 species,

22 “(B) wildlife-associated recreation projects,

23 and

24 “(C) wildlife conservation education  
 25 projects; and

1 “(3) contain provision for public participation  
 2 in the development, revision, and implementation of  
 3 projects and programs stipulated in paragraph (2) of  
 4 this subsection.

5 If the Secretary of the Interior finds that an application  
 6 for such program contains the elements specified in para-  
 7 graphs (1) and (2), the Secretary shall approve such appli-  
 8 cation and set aside from the apportionment to the State  
 9 made pursuant to section 4(c) an amount that shall not  
 10 exceed 90 percent of the estimated cost of developing and  
 11 implementing segments of the program for the first 5 fis-  
 12 cal years following enactment of this subsection and not  
 13 to exceed 75 percent thereafter. Not more than 10 percent  
 14 of the amounts apportioned to each State from this sub-  
 15 account for the State’s wildlife conservation and restora-  
 16 tion program may be used for law enforcement. Following  
 17 approval, the Secretary may make payments on a project  
 18 that is a segment of the State’s wildlife conservation and  
 19 restoration program as the project progresses but such  
 20 payments, including previous payments on the project, if  
 21 any, shall not be more than the United States pro rata  
 22 share of such project. The Secretary, under such regula-  
 23 tions as he may prescribe, may advance funds representing  
 24 the United States pro rata share of a project that is a  
 25 segment of a wildlife conservation and restoration pro-

1 gram, including funds to develop such program. For pur-  
 2 poses of this subsection, the term ‘State’ shall include the  
 3 District of Columbia, the Commonwealth of Puerto Rico,  
 4 the United States Virgin Islands, Guam, American  
 5 Samoa, and the Commonwealth of the Northern Mariana  
 6 Islands.”.

7 (b) FACA.—Coordination with State fish and wildlife  
 8 agency personnel or with personnel of other State agencies  
 9 pursuant to the Federal Aid in Wildlife Restoration Act  
 10 or the Federal Aid in Sport Fish Restoration Act shall  
 11 not be subject to the Federal Advisory Committee Act (5  
 12 U.S.C. App.) Except for the preceding sentence, the provi-  
 13 sions of this title relate solely to wildlife conservation and  
 14 restoration programs as defined in this title and shall not  
 15 be construed to affect the provisions of the Federal Aid  
 16 in Wildlife Restoration Act relating to wildlife restoration  
 17 projects or the provisions of the Federal Aid in Sport Fish  
 18 Restoration Act relating to fish restoration and manage-  
 19 ment projects.

20 **SEC. 306. LAW ENFORCEMENT AND EDUCATION.**

21 The third sentence of subsection (a) of section 8 of  
 22 the Federal Aid in Wildlife Restoration Act (16 U.S.C.  
 23 669g) is amended by inserting before the period at the  
 24 end thereof: “, except that funds available from this sub-

1 account for a State wildlife conservation and restoration  
 2 program may be used for law enforcement and education”.

3 **SEC. 307. PROHIBITION AGAINST DIVERSION.**

4 No designated State agency shall be eligible to receive  
 5 matching funds under this title if sources of revenue avail-  
 6 able to it after January 1, 1999, for conservation of wild-  
 7 life are diverted for any purpose other than the adminis-  
 8 tration of the designated State agency, it being the inten-  
 9 tion of Congress that funds available to States under this  
 10 title be added to revenues from existing State sources and  
 11 not serve as a substitute for revenues from such sources.  
 12 Such revenues shall include interest, dividends, or other  
 13 income earned on the forgoing.

○

Conservation and Reinvestment Act (H.R. 701)  
House Report (H. Rep 106-499)  
February 16, 2000

velopments, any new single development would create a negligible difference in a State's share, thus eliminating any perceived incentive.

Title II provides \$900 million to guarantee stable and annual funding for the Land and Water Conservation Fund (LWCF) at its authorized level. This dedicated funding would provide for both the State and Federal programs included in the LWCF, while protecting the rights of private property owners. H.R. 701 equally divides the \$900 million between the State and Federal programs. The State portion would be *entirely* distributed to States and U.S. insular areas via the formula set forth in H.R. 701.

Title III provides \$350 million for wildlife conservation and education, which includes funding for game and nongame species. This Title distributes the funds through the successful mechanism of the Federal Aid in Wildlife Restoration Act (commonly known as the Pittman-Robertson Act). The new source of Federal funding is nearly double the funds available through the Pittman-Robertson Act and the Federal Aid in Sportfish Restoration Act (commonly known as the Dingell-Johnson Act). Since 1937, these programs have contributed more than \$5 billion, matched by the States, to benefit conservation of wildlife and fish.

Title IV provides \$125 million to be used for Urban Park and Recreation Recovery Act of 1978 matching grants for local governments to rehabilitate recreation areas and facilities, and provides for the development of improved recreation programs, sites and facilities.

Title V provides \$100 million for the programs within the Historic Preservation Act, including grants to the States, maintaining the National Register of Historic Places, and administering numerous historic preservation programs, including support for Congressionally-authorized Heritage areas and corridors.

Title VI provides \$200 million for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

Title VII provides \$150 million for annual and dedicated funding for conservation easements and funding for landowner incentives to aid in the recovery of endangered and threatened species.

Finally, since oil and gas royalty payments are not deposited into the Federal Treasury as an end-of-year lump sum under CARA, revenue held within the "CARA Fund" accrues interest. Up to \$200 million of this annual interest will match, dollar for dollar, the amount appropriated during the appropriations process for the Payment In-Lieu of Taxes and Refuge Revenue Sharing programs. This provision is intended to fully fund these two programs.

#### COMMITTEE ACTION

H.R. 701 was introduced on February 10, 1999, by Congressman Don Young (R-AK). The bill was referred to the Committee on Resources.

On March 9 and 10, 1999, the Committee held a two-day hearing on the bill, where 28 witnesses testified on both H.R. 701 and H.R. 798, a bill authored by Congressman George Miller (D-CA). Panels included current and former Members of Congress, governors,

Conservation and Reinvestment Act (H.R. 701) House Report (H. Rep 106-499) February 16, 2000
--

elling reasons to the contrary, the States shall allocate at least 50% to local governments.

*Section 207. State planning*

This Section provides that each State will set its own priorities and criteria for selecting eligible projects, as long as the public is involved in the process and the State publishes a “State Action Agenda” within five years of enactment of CARA. The State Action Agenda should take into account Federal, regional, and local government resources and plans for similar activities and correlate State activities with these activities. Until the State Action Agenda is in place (but no later than five years from enactment of CARA), the State shall rely on its existing Comprehensive State Plan.

*Section 208. Assistance to States for other projects*

This Section amends LWCF to allow States to use funding for costs relating to acquisition, including costs incurred during land exchanges, and to provide for public safety.

*Section 209. Conversion of property to other use*

This Section amends the process for approval of conversion of State properties that no longer qualify as an outdoor conservation and recreation facility or are unsafe for such use. The Secretary must ensure that other conservation and recreation properties take the place of the converted properties.

*Section 210. Water rights*

This Section clarifies that nothing in the newly amended LWCF affects any water law or interstate compact governing water, alters any allocations of water rights, or creates any new water rights.

*Title III—Wildlife Conservation and Restoration*

*Section 301. Purposes*

This Section sets forth the purposes of this Title, which are: (1) to extend the assistance to the States under the longstanding Federal Aid in Wildlife Restoration Act (popularly called the “Pittman-Robertson Act”), including for the benefit of wildlife and habitat; (2) to promote sound conservation policies; (3) to encourage participation between the States and the Federal Government, other State agencies, and private conservation and recreation organizations; and (4) to promote public involvement in these processes.

*Section 302. Definitions*

This Section sets forth definitions of key terms which recur throughout the Title, including (a) “Federal Aid in Wildlife Restoration Act”; (b) “Wildlife Conservation and Restoration Program”; (c) “State Agencies”; and (d) “Conservation.” While the term “Conservation” does allow funds to be used for wildlife damage management, it is not intended that these funds be used for controlling wildlife damage to livestock and agricultural crops.

*Section 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund*

This Section amends the Pittman-Robertson Act to create a new subaccount within the Pittman-Robertson Act (the “wildlife conservation and restoration account”) and designates the purposes of the new funding. This new funding is a supplement, not a replacement, for existing funding.

The States shall use it to develop, revise and implement wildlife conservation and restoration programs, particularly to meet the unmet needs of a wide array of wildlife and habitats, including game and non-game species. Funding is available for new and existing programs related to conservation, conservation education, and wildlife-associated recreation. These new supplemental monies are not designated by CARA for any particular form of wildlife management or restoration efforts.

*Section 304. Apportionment of amounts transferred from Conservation and Reinvestment Act Fund*

This Section sets forth the apportionment of the CARA funds to the States, the District of Columbia, and the U.S. Territories. It sets amounts going to the District of Columbia and the Territories as a percentage of the amount transferred to the LWCF from the CARA fund, and amounts going to the individual States based upon a formula of 1/3 based upon land area and 2/3 based upon population, with upper and lower limits. This Title provides a Federal match and requires the States to provide 25 percent of the project costs.

This Section also sets forth the process by which States apply for funds, describes the circumstances under which the Secretary of the Interior approves the program and distributes the funds (including the requirement for a State plan), places limits on funding related to wildlife-associated recreation, and clarifies the inapplicability of certain other laws.

*Section 305. Education*

This Section clarifies that amounts transferred to the “wildlife conservation and restoration account” from the CARA fund are available for wildlife conservation education. This Section prohibits funds from CARA being used for programs that oppose the regulated taking of wildlife.

*Section 306. Prohibition against diversion*

It is the intent of the Committee that States fund this program, and other programs within this CARA, from new or excess funds from existing sources of revenue to leverage this new Federal contribution. Also, States that divert revenue available to it for conservation of wildlife to other purposes will not be eligible to receive matching funds under this Title.

Conservation and Reinvestment Act (H.R. 701)  
As reported in the House  
February 10, 1999

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460l–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking “State comprehensive plan” and inserting “State Action Agenda”.

(2) In paragraph (1) by striking “comprehensive plan” and inserting “State Action Agenda”.

**SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.**

Section 6(e) (16 U.S.C. 460l–8(e)) is amended—

(1) in subsection (e)(1) by striking “, but not including incidental costs relating to acquisition”; and

(2) in subsection (e)(2) by inserting before the period at the end the following: “or to enhance public safety within a designated park or recreation area”.

**SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.**

Section 6(f)(3) (16 U.S.C. 460l–8(f)(3)) is amended—

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

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

“(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.”.

**SEC. 210. WATER RIGHTS.**

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

“WATER RIGHTS

“SEC. 14. Nothing in this title—

“(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

“(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

“(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

“(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.”.

## TITLE III—WILDLIFE CONSERVATION AND RESTORATION

**SEC. 301. PURPOSES.**

The purposes of this title are—

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

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

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

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

**SEC. 302. DEFINITIONS.**

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

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

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

(d) **DEFINITIONS.**—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: “the term ‘conservation’ shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term ‘wildlife conservation and restoration program’ means a program developed by a State fish and wildlife department and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term ‘wildlife’ shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term ‘wildlife-associated recreation’ shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term ‘wildlife conservation education’ shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.”.

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

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

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

“(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the ‘wildlife conservation and restoration account’. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 1999 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.”; and

(2) by adding at the end the following:

“(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, in-



cluding species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

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

“(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 1999; or

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

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

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

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

“(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

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

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

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

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

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

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

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

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

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

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

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

“(ii) wildlife-associated recreation projects; and

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

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

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

“(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State

made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

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

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

“(5) For purposes of this subsection, the term ‘State’ shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

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

**SEC. 305. EDUCATION.**

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

**SEC. 306. PROHIBITION AGAINST DIVERSION.**

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

## **TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS**

**SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

**SEC. 402. PURPOSE.**

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

**SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.**

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

“TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT  
ACT FUND

“SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be available to the Secretary without further appropriation to carry out

1 “(b) REQUIREMENTS FOR ACQUISITION OF LANDS IN  
 2 MONTANA.—The Secretary of the Interior and the Sec-  
 3 retary of Agriculture shall jointly develop and issue a plan  
 4 for acquisition and disposal of lands in the State of Mon-  
 5 tana that will result in consolidation of private lands and  
 6 Federal public lands. The plan shall be designed to ensure  
 7 that—

8 “(1) acquisitions of lands with the Federal por-  
 9 tion consolidate Federal ownership of lands in Mon-  
 10 tana under the administrative jurisdiction of the De-  
 11 partment of the Interior and the Department of Agr-  
 12 iculture; and

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

17 **TITLE III—WILDLIFE CONSERVA-**  
 18 **TION AND RESTORATION**

19 **SEC. 301. PURPOSES.**

20 The purposes of this title are—  
 21 (1) to extend financial and technical assistance  
 22 to the States under the Federal Aid to Wildlife Res-  
 23 toration Act for the benefit of a diverse array of  
 24 wildlife and associated habitats, including species  
 25 that are not hunted or fished, to fulfill unmet needs

Conservation and Reinvestment Act (H.R. 701)  
 As passed by the House  
 May 11, 2000

1 of wildlife within the States in recognition of the pri-  
 2 mary role of the States to conserve all wildlife;  
 3 (2) to assure sound conservation policies  
 4 through the development, revision, and implementa-  
 5 tion of a comprehensive wildlife conservation and  
 6 restoration plan;

7 (3) to encourage State fish and wildlife agencies  
 8 to participate with the Federal Government, other  
 9 State agencies, wildlife conservation organizations,  
 10 Indian tribes, and in the case of Alaska, Alaska Na-  
 11 tive Corporations, and outdoor recreation and con-  
 12 servation interests through cooperative planning and  
 13 implementation of this title; and

14 (4) to encourage State fish and wildlife agencies  
 15 to provide for public involvement in the process of  
 16 development and implementation of a wildlife con-  
 17 servation and restoration program.

18 **SEC. 302. DEFINITIONS.**

19 (a) REFERENCE TO LAW.—In this title, the term  
 20 ‘Federal Aid in Wildlife Restoration Act’ means the Act  
 21 of September 2, 1937 (16 U.S.C. 669 et seq.), commonly  
 22 referred to as the Federal Aid in Wildlife Restoration Act  
 23 or the Pittman-Robertson Act.

24 (b) WILDLIFE CONSERVATION AND RESTORATION  
 25 PROGRAM.—Section 2 of the Federal Aid in Wildlife Res-

1 toration Act (16 U.S.C. 669a) is amended by inserting  
 2 after “shall be construed” the first place it appears the  
 3 following: “to include the wildlife conservation and res-  
 4 toration program and”.

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

9 (d) DEFINITIONS.—Section 2 of the Federal Aid in  
 10 Wildlife Restoration Act (16 U.S.C. 669a) is amended by  
 11 striking the period at the end thereof, substituting a semi-  
 12 colon, and adding the following: “the term ‘conservation’  
 13 shall be construed to mean the use of methods and proce-  
 14 dures necessary or desirable to sustain healthy populations  
 15 of wildlife including all activities associated with scientific  
 16 resources management such as research, census, moni-  
 17 toring of populations, acquisition, improvement and man-  
 18 agement of habitat, live trapping and transplantation,  
 19 wildlife damage management, and periodic or total protec-  
 20 tion of a species or population as well as the taking of  
 21 individuals within wildlife stock or population if permitted  
 22 by applicable State and Federal law; the term ‘wildlife  
 23 conservation and restoration program’ means a program  
 24 developed by a State fish and wildlife department and ap-  
 25 proved by the Secretary under section 4(d), the projects

1 that constitute such a program, which may be imple-  
 2 mented in whole or part through grants and contracts by  
 3 a State to other State, Federal, or local agencies (includ-  
 4 ing those that gather, evaluate, and disseminate informa-  
 5 tion on wildlife and their habitats), wildlife conservation  
 6 organizations, and outdoor recreation and conservation  
 7 education entities from funds apportioned under this title,  
 8 and maintenance of such projects; the term ‘wildlife’ shall  
 9 be construed to mean any species of wild, free-ranging  
 10 fauna including fish, and also fauna in captive breeding  
 11 programs the object of which is to reintroduce individuals  
 12 of a depleted indigenous species into previously occupied  
 13 range; the term ‘wildlife-associated recreation’ shall be  
 14 construed to mean projects intended to meet the demand  
 15 for outdoor activities associated with wildlife including,  
 16 but not limited to, hunting and fishing, wildlife observa-  
 17 tion and photography, such projects as construction or  
 18 restoration of wildlife viewing areas, observation towers,  
 19 blinds, platforms, land and water trails, water access, trail  
 20 heads, and access for such projects; and the term ‘wildlife  
 21 conservation education’ shall be construed to mean  
 22 projects, including public outreach, intended to foster re-  
 23 sponsible natural resource stewardship.”.

1 **SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
 2 **CONSERVATION AND REINVESTMENT ACT**  
 3 **FUND.**

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

6 (1) in subsection (a) by inserting “(1)” after

7 “(a)”, and by adding at the end the following:

8 “(2) There is established in the Federal aid to wildlife  
 9 restoration fund a subaccount to be known as the ‘wildlife  
 10 conservation and restoration account’. Amounts trans-  
 11 ferred to the fund for a fiscal year under section 5(b)(3)  
 12 of the Conservation and Reinvestment Act of 2000 shall  
 13 be deposited in the subaccount and shall be available with-  
 14 out further appropriation, in each fiscal year, for appor-  
 15 tionment in accordance with this Act to carry out State  
 16 wildlife conservation and restoration programs.”; and  
 17 (2) by adding at the end the following:

18 “(c) Amounts transferred to the fund from the Con-  
 19 servation and Reinvestment Act Fund and apportioned  
 20 under subsection (a)(2) shall supplement, but not replace,  
 21 existing funds available to the States from the sport fish  
 22 restoration account and wildlife restoration account and  
 23 shall be used for the development, revision, and implemen-  
 24 tation of wildlife conservation and restoration programs  
 25 and should be used to address the unmet needs for a di-  
 26 verse array of wildlife and associated habitats, including

•HR 701 EH

1 species that are not hunted or fished, for wildlife conserva-  
 2 tion, wildlife conservation education, and wildlife-associ-  
 3 ated recreation projects. Such funds may be used for new  
 4 programs and projects as well as to enhance existing pro-  
 5 grams and projects.

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

13 “(A) the fourth succeeding fiscal year, in the  
 14 case of amounts transferred in any of the first 10  
 15 fiscal years beginning after the date of the enact-  
 16 ment of the Conservation and Reinvestment Act of  
 17 2000; or

18 “(B) the second succeeding fiscal year, in the  
 19 case of amounts transferred in a fiscal year begin-  
 20 ning after the 10-fiscal year period referred to in  
 21 subparagraph (A).

22 “(2) Any amount apportioned to a State under this  
 23 subsection that is unexpended or unobligated at the end  
 24 of the period during which it is available under paragraph

•HR 701 EH

1 (1) shall be reapportioned to all States during the suc-  
 2 ceeding fiscal year.”.

3 **SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED**

4 **FROM CONSERVATION AND REINVESTMENT**

5 **ACT FUND.**

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

9 “(c) AMOUNTS TRANSFERRED FROM CONSERVATION  
 10 AND REINVESTMENT ACT FUND.—(1) The Secretary of  
 11 the Interior shall make the following apportionment from  
 12 the amount transferred to the fund from the Conservation  
 13 and Reinvestment Act Fund for each fiscal year:

14 “(A) To the District of Columbia and to the  
 15 Commonwealth of Puerto Rico, each a sum equal to  
 16 not more than one-half of 1 percent thereof.

17 “(B) To Guam, American Samoa, the Virgin Is-  
 18 lands, and the Commonwealth of the Northern Mar-  
 19 iana Islands, each a sum equal to not more than  
 20 one-sixth of 1 percent thereof.

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

•HR 701 EH

1 “(i) One-third of which is based on the ratio to  
 2 which the land area of such State bears to the total  
 3 land area of all such States.

4 “(ii) Two-thirds of which is based on the ratio  
 5 to which the population of such State bears to the  
 6 total population of all such States.

7 “(B) The amounts apportioned under this paragraph  
 8 shall be adjusted equitably so that no such State shall be  
 9 apportioned a sum which is less than one-half of 1 percent  
 10 of the amount available for apportionment under this  
 11 paragraph for any fiscal year or more than 5 percent of  
 12 such amount.

13 “(3) Amounts transferred to the fund from the Con-  
 14 servation and Reinvestment Act Fund shall not be avail-  
 15 able for any expenses incurred in the administration and  
 16 execution of programs carried out with such amounts.

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

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

•HR 701 EH

1 “(B) provisions for the development and imple-  
 2 mentation of—

3 “(i) wildlife conservation projects that ex-  
 4 pand and support existing wildlife programs,  
 5 giving appropriate consideration to all wildlife;

6 “(ii) wildlife-associated recreation projects;

7 and

8 “(iii) wildlife conservation education  
 9 projects pursuant to programs under section  
 10 8(a); and

11 “(C) provisions to ensure public participation in  
 12 the development, revision, and implementation of  
 13 projects and programs required under this para-  
 14 graph.

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

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

1 “(4)(A) Except as provided in subparagraph (B),  
 2 after the Secretary approves a State’s wildlife conservation  
 3 and restoration program, the Secretary may make pay-  
 4 ments on a project that is a segment of the State’s wildlife  
 5 conservation and restoration program as the project pro-  
 6 gresses. Such payments, including previous payments on  
 7 the project, if any, shall not be more than the United  
 8 States pro rata share of such project. The Secretary,  
 9 under such regulations as he may prescribe, may advance  
 10 funds representing the United States pro rata share of  
 11 a project that is a segment of a wildlife conservation and  
 12 restoration program, including funds to develop such pro-  
 13 gram.

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

18 “(5) For purposes of this subsection, the term ‘State’  
 19 shall include the District of Columbia, the Commonwealth  
 20 of Puerto Rico, the Virgin Islands, Guam, American  
 21 Samoa, and the Commonwealth of the Northern Mariana  
 22 Islands.’’

23 (b) FACA.—Coordination with State fish and wildlife  
 24 agency personnel or with personnel of other State agencies  
 25 pursuant to the Federal Aid in Wildlife Restoration Act

1 or the Federal Aid in Sport Fish Restoration Act shall  
 2 not be subject to the Federal Advisory Committee Act (5  
 3 U.S.C. App.). Except for the preceding sentence, the pro-  
 4 visions of this title relate solely to wildlife conservation and  
 5 restoration programs and shall not be construed to affect  
 6 the provisions of the Federal Aid in Wildlife Restoration  
 7 Act relating to wildlife restoration projects or the provi-  
 8 sions of the Federal Aid in Sport Fish Restoration Act  
 9 relating to fish restoration and management projects.

10 **SEC. 305. EDUCATION.**

11 Section 8(a) of the Federal Aid in Wildlife Restora-  
 12 tion Act (16 U.S.C. 669g(a)) is amended by adding the  
 13 following at the end thereof: “Funds available from the  
 14 amount transferred to the fund from the Conservation and  
 15 Reinvestment Act Fund may be used for a wildlife con-  
 16 servation education program, except that no such funds  
 17 may be used for education efforts, projects, or programs  
 18 that promote or encourage opposition to the regulated tak-  
 19 ing of wildlife.”

20 **SEC. 306. PROHIBITION AGAINST DIVERSION.**

21 No designated State agency shall be eligible to receive  
 22 matching funds under this title if sources of revenue avail-  
 23 able to it after January 1, 1999, for conservation of wild-  
 24 life are diverted for any purpose other than the adminis-  
 25 tration of the designated State agency, it being the inten-

•HR 701 EH

1 tion of Congress that funds available to States under this  
 2 title be added to revenues from existing State sources and  
 3 not serve as a substitute for revenues from such sources.  
 4 Such revenues shall include interest, dividends, or other  
 5 income earned on the foregoing.

6 **TITLE IV—URBAN PARK AND**  
 7 **RECREATION RECOVERY**  
 8 **PROGRAM AMENDMENTS**

9 **SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION**  
 10 **RECOVERY ACT OF 1978.**

11 Except as otherwise expressly provided, whenever in  
 12 this title an amendment or repeal is expressed in terms  
 13 of an amendment to, or repeal of, a section or other provi-  
 14 sion, the reference shall be considered to be made to a  
 15 section or other provision of the Urban Park and Recre-  
 16 ation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

17 **SEC. 402. PURPOSE.**

18 The purpose of this title is to provide a dedicated  
 19 source of funding to assist local governments in improving  
 20 their park and recreation systems.

21 **SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM**  
 22 **CONSERVATION AND REINVESTMENT ACT**  
 23 **FUND.**

24 Section 1013 (16 U.S.C. 2512) is amended to read  
 25 as follows:

•HR 701 EH



Conservation and Reinvestment Act (H.R. 701)  
Senate Report (S. Rep. 106-413)  
September 14, 2000

The Committee adopted language to require the Secretaries of the Interior and Agriculture to consult with the Governors of the States in preparing the priority list for land acquisition. The Committee has not prescribed any particular method or process for such consultation and expects that such consultation will occur on an ongoing basis at the State as well as at the local level. State and local governments can assess the potential benefits and costs of Federal land acquisition and the Federal Government should carefully consider any recommendations and suggestions. The Committee intends to carefully review the list submitted by the President and obtain the views of affected States and their representatives on areas included as well as priority lands excluded from the list. The Committee will carefully consider local concerns, including any recommendations from Governors, through advisory boards or other entities, on the extent of public needs and requests, the availability of property, alternatives to fee acquisition, effect on local tax revenue and local business, habitat benefits or costs, and public access. The Committee expects that close consultation by the Congress and the administration with the States will make the process of establishing and funding a priority list as beneficial as possible for both the objectives for which Federal areas are established and for the States and local communities where such areas are located.

The Committee-reported bill eliminates several restrictions and limitations on Federal land acquisitions projects which were included in the House-passed bill. The objective of the legislation is to provide a guaranteed funding source for Federal land acquisition projects not to alter existing law for any project. The authorizing and appropriating committees remain free to develop specific provisions for individual projects as they do currently.

*LWCF State Grant Program.*—H.R. 701, as passed by the House of Representatives, provides \$450 million for the state-side LWCF matching grant program with 30% equally divided among all States and 70% allocated based on population. The Committee also provides \$450 million for the state-side LWCF matching grant program. However, the Committee does not believe that population provides the sole indicator of the demand for State and local park and recreation programs. For example, in many western States with relatively low year-round population but significant Federal land ownership, adjacent State and local parks often experience seasonal fluctuations in visitors. Accordingly, the Committee allocates state-side funding with 60% divided among all States and 40% allocated based on population. The Committee believes this is a more equitable distribution of state-side funds throughout the country.

*Wildlife Conservation and Restoration.*—As passed by the House, H.R. 701 does not provide any guidance on how States should prioritize their use of funds from the Wildlife Conservation and Restoration Account. As reported by the Committee, H.R. 701 directs States to give priority for funding from the Wildlife Conservation and Restoration Account for species with the greatest conservation need. The Committee included this requirement in recognition of the ongoing debate between the protection of game and nongame species. The Committee did not want to make an arbitrary judgment on the relative importance of a species in any individual States. Rather, the Committee believes that a State fish and

wildlife department is in the best position to determine what species within a State have the greatest conservation need. To facilitate this determination, the Committee requires that State fish and wildlife agencies prepare a wildlife conservation strategy that uses existing available data and to conduct periodic monitoring of wildlife species and their habitats.

H.R. 701, as ordered reported, also provides that 2¼ percent of the funds in the Wildlife Conservation and Restoration Account be made available to Federally recognized Indian tribes. This figure is equivalent to the percentage of tribal trust land to total acreage of the continental United States. Currently, tribes are not eligible to share in Federal Aid in Wildlife Restoration Account funds even though tribal members pay excise taxes on fishing and hunting equipment. H.R. 701 does not change this limitation in the underlying law. However, by allowing Indian tribes to share in this new funding source, the Committee reported legislation helps address the funding shortfalls that tribes experience in managing fish and wildlife populations on their lands. Indian tribes, just like the States, would have to submit, and have approved by the Secretary of the Interior, a wildlife conservation and restoration program.

With few exceptions, the provisions of the Title 3 relate solely to wildlife conservation and restoration programs funded by the Conservation and Reinvestment Act Fund and do not affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or provisions of the Federal Aid in Sportfish Restoration Act relating to fish restoration and management projects.

*Historic Preservation Funding.*—H.R. 701, as passed by the House, provides \$100 million for National Historic Preservation Act purposes with at least one-half to be spent on preservation projects on historic properties. Further, the bill expands the use of State historic preservation moneys to allow cooperative historic preservation planning and development at national heritage areas or national heritage corridors established by the Federal Government.

As reported by the Committee, H.R. 701 provides \$150 million, the full existing authorization, for the Historic Preservation Fund. Of this total, at least one-half, or \$75 million, must be provided to State, local and tribal historic preservation programs and \$15 million is to be made available for the American Battlefield Protection Program. The remainder is available for Federal historic preservation purposes with at least one-half to be spent on preservation projects on historic properties and archaeological sites.

The Committee believes that it is important that adequate financial resources be provided for non-Federal historic preservation efforts. By providing \$75 million each year for State, local and tribal historic preservation programs, the Committee is hopeful that this funding will decrease the pressure on the Federal Government to preserve these historic sites.

Similarly, the American Battlefield Protection Program provides funding for non-Federal entities to protect threatened battlefields. The Committee amendment directs the Secretary to give priority for financial assistance for the preservation of Civil War battlefields to sites identified as Priority 1 battlefields in the "Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields" issued in 1993.

Conservation and Reinvestment Act (H.R. 701)  
As reported in the Senate  
September 14, 2000

“(b) ACQUISITION RESTRICTIONS.—(1) LIMITATION ON EXPENDITURE.—No money shall be obligated or expended for Federal land acquisition purposes under this section unless approved in an Act making appropriations.

“(2) AUTHORIZATION REQUIREMENT.—Appropriations from the funds pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law: *Provided, however,* That appropriations from the fund may be used for preacquisition work in instances where authorization is imminent and where substantial monetary savings could be realized.

“(3) WILLING SELLER.—Amounts made available for Federal land acquisition purposes under this section shall not be used to acquire property unless—

“(A) the owner of the property is willing to sell; or

“(B) the acquisition is authorized by law and is conducted in accordance therewith.”.

**TITLE III—WILDLIFE CONSERVATION AND RESTORATION**

**SEC. 301. DEFINITIONS.**

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

(b) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

**“SEC. 2. DEFINITIONS.**

“As used in this Act—

“(1) the term ‘conservation’ means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

“(2) the term ‘Secretary’ means the Secretary of the Interior,

“(3) the term ‘State fish and game department’ or ‘State fish and wildlife department’ means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

“(4) the term ‘wildlife’ means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

“(5) the term ‘wildlife-associated recreation’ means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects;

“(6) the term ‘wildlife conservation and restoration program’ means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

“(7) the term ‘wildlife conservation education’ means projects, including public outreach, intended to foster responsible natural resource stewardship; and

“(8) the term ‘wildlife-restoration project’ includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.”

**SEC. 302. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.**

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

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

“(2) There is established in the fund a subaccount to be known as the “Wildlife Conservation and Restoration Account”. Amounts transferred to the Secretary under section 2(b)(5) of the Conservation and Reinvestment Act shall be deposited in the subaccount and shall be available without further appropriation for obligation and expenditure, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.”; and

(2) by adding at the end the following—

“(c)(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species not hunted or fished.

“(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in section 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

“(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need.

“(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account from the Conservation and Reinvestment Act Fund, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.”.

**SEC. 303. STATE APPORTIONMENTS.**

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

“(c) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

(1) Notwithstanding subsection (a), the Secretary may use not more than 2 percent of the revenues deposited into the Wildlife Conservation and Restoration Account in each fiscal year as necessary for expenses in the administration and execution of programs carried out under the Wildlife Conservation and Restoration Account and such amount shall be available therefor until the expiration of the next succeeding fiscal year. Within 60 days after the close of such fiscal year, the Secretary shall apportion any portion thereof as remains unexpended, if any, on the same basis and in the same manner as is provided under paragraphs (2) and (3).

“(2) The Secretary, after deducting administrative expenses shall make the following apportionment from the Wildlife Conservation and Restoration Account:

“(A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 21 percent thereof;

“(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof; and

“(C) to Federally recognized Indian tribes, a sum equal to not more than 2 and  $\frac{1}{4}$  percent, one-third of which shall be allocated among the various tribes based on the ratio to which the trust land area of such tribe bears to the total trust land area of all such tribes and two-thirds of which shall be allocated based on the ratio to which the population of such tribe bears to the total population of all such tribes; except that no Indian tribe shall receive more than 5 percent per annum of the total annual amount made available to Indian tribes under this subsection.

“(3) The Secretary shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each year among the States in the following manner:

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

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

“(4) The amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the

amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

“(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—(1) Any State, may apply to the Secretary for approval of a wildlife conservation and restoration program or for funds from the Wildlife Conservation and Restoration Account to develop a program which shall—

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

“(B) contain provision for development and implementation of—

“(i) wildlife conservation projects that expand and support existing wildlife programs to meet the needs of a diverse array of wildlife species, including a wildlife strategy as set forth in subsection (e),

“(ii) wildlife associated recreation programs,

“(iii) wildlife conservation education projects; and

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

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

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

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

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

“(4) For purposes of this subsection, the term “State” shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and any of the Federally recognized Indian tribes with a wildlife conservation and restoration program.

“(e) WILDLIFE CONSERVATION STRATEGY.—Any State that receives an apportionment pursuant to subsection (c) shall, within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best scientific information and data available that—

“(1) integrates available information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that exemplify and are indicative of the diversity and health of a wildlife of the State;

“(2) identifies the extent and condition of habitats and community types essential to conservation of species identified under paragraph (1);

“(3) identifies the problems which may adversely affect the species identified under paragraph (1) and their habitats, and provides for research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

“(4) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

“(5) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

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

“(7) provides for coordination by the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes

that manage significant areas of land or water within the States, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.”

#### TITLE IV—URBAN PARK PROGRAM

##### SEC. 401. TREATMENT OF AMOUNTS TRANSFERRED FROM THE CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2512) is amended to read as follows:

“TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT  
ACT FUND

“SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 2(B)(6) of the Conservation and Reinvestment Act in a fiscal year shall be available for obligation and expenditure for the purpose of this section, without further appropriation and without fiscal year limitation. Any amounts that have not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reappropriated by the Secretary among grantees under this title.

“(b) ADMINISTRATIVE EXPENSES.—Not more than four percent of the amounts made available under this section in each fiscal year, may be deducted by the Secretary for expenses in the administration and execution of this Act.

“(c) LIMITATIONS ON ANNUAL GRANTS.—After making the deduction under subsection (b), of the amounts available in a fiscal year under subsection (a)—

“(1) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

“(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

“(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

“(d) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title, not to exceed 25 percent that may be used for grant and program administration.”.

##### SEC. 402. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2502) is amended by inserting “development of new recreation areas and facilities, including the acquisition of lands for such development,” after “rehabilitation of critically needed recreation areas, facilities.”.

##### SEC. 403. DEFINITIONS.

Section 1004 of the Urban Park and Recreation Recovery Act (16 U.S.C. 2503) is amended to read as follows:

(1) In paragraph (j), by striking “and” after the semicolon.

(2) In paragraph (k), by adding “Commonwealth of” after “and” and before “the” and by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

“(1) ‘development grants’ means matching capital grants to units of local government to cover costs of development and construction on existing or new neighborhood recreation site, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping but excluding routine maintenance and upkeep activities; and

“(m) ‘Secretary’ means the Secretary of the Interior.”.

##### SEC. 404. ELIGIBILITY.

Section 1005(a) of the Urban Park and Recreation Recovery Act (16 U.S.C. 2504(a)) is amended to read as follows:

“(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary and shall include, but not be limited to, the following:

“(1) All political subdivisions included in Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

“(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

“(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.”.

FY 2001 Interior Appropriations Act (H.R. 4578) Conference Report (H. Rep. 106-914) Reported September 29, 2000
---

Appropriations in consultation with the land management agencies. The final distribution will be based on programmatic needs and will be determined by the Committees during fiscal year 2001.

In making funding distributions for maintenance projects, the managers expect the agencies to address critical maintenance backlogs. These additional funds are for repair and rehabilitation of existing facilities or roads and may not be used for new and expanded facilities or roads.

The managers expect the U.S. Fish and Wildlife Service to develop a cost-shared, competitively-awarded, project-based program for the use of State wildlife grant funding and to present their proposal to the House and Senate Committees on Appropriations for review and approval prior to the use of any funds for these grants. The funds should not be distributed on a formula basis and every effort should be made to leverage Federal funding to the maximum extent possible. The managers point to the joint venture program as a good model to pursue.

The managers expect the U.S. Fish and Wildlife Service to work with the States to develop wildlife conservation plans. The managers do not object to the use of a portion of the funds provided for State wildlife grants for such required plans, subject to cost sharing by the States. Each State plan should meet requirements that are established by the Service. Each plan should provide for the conservation of the State's full array of wildlife and their habitats, with emphasis placed on those species conservation efforts that are most underfunded and have the greatest conservation need. The Service shall not provide a grant to any State unless the State has, or commits to develop by a mutually agreed date certain, the required plan.

The specific amounts for programs within each category for the Departments of the Interior and Agriculture are shown in the following table:

LAND CONSERVATION, PRESERVATION AND INFRASTRUCTURE PROGRAM

[Dollars in thousands]

Program categories	This title	Other titles	Total in this bill
Dept. of the Interior Land Acquisition .....	\$130,000	\$163,940	\$293,940
US Forest Service Land Acquisition .....	49,000	106,505	155,505
State Land Acquisition and Assistance .....	50,000	40,500	90,500
<b>Federal and State LWCF .....</b>	<b>229,000</b>	<b>310,945</b>	<b>539,945</b>
FWS—Cooperative Endangered Species Fund .....	78,000	26,925	104,925
FWS—State Wildlife Grants .....	50,000	0	50,000
FWS—N. American Wetlands Conservation .....	20,000	20,000	40,000
USGS—Science Programs .....	20,000	5,000	25,000
FS—Forest Legacy .....	30,000	30,000	60,000
FS—additional planning/inventory/monitoring .....	20,000	NA	20,000
<b>State and Other Conservation Programs .....</b>	<b>218,000</b>	<b>81,925</b>	<b>299,925</b>
NPS—Urban Parks Restoration and Recovery .....	20,000	10,000	30,000
NPS—Historic Preservation .....	15,000	73,347	88,347
FS—Urban & Community Forestry .....	4,000	31,721	35,721
Youth Conservation Corps .....	0	6,000	6,000
<b>Urban and Historic Preservation .....</b>	<b>39,000</b>	<b>121,068</b>	<b>160,068</b>

FY 2001 Interior Appropriations Act  
(H.R. 4578/P.L. 106-291)  
October 11, 2000

H. R. 4578—104

(A) was not a signatory to the 1981 or later National Bituminous Coal Wage Agreement or any “me too” agreement related to such Coal Wage Agreement;

(B) reported credit hours to the UMWA 1974 Pension Plan on fewer than ten classified mine workers in every month during its last year of operations under the National Bituminous Coal Wage Agreement of 1978 or any “me too” agreement related to such Coal Wage Agreement;

(C) has had not more than 60 beneficiaries, including eligible dependents of retired miners, assigned to it under section 9706 of the Internal Revenue Code of 1986 not including beneficiary assignments relieved by the Social Security Administration;

(D) was assessed premiums by the Combined Fund in October 1999, made payments pursuant to that assessment and has no delinquency as of September 30, 2000; and

(E) is not directly engaged in the production or sale of coal and has no related person engaged in the production of coal as of September 30, 2000.

(b) SEPARABILITY CLAUSE.—If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE VIII—LAND CONSERVATION, PRESERVATION AND  
INFRASTRUCTURE IMPROVEMENT

For activities authorized by law for the acquisition, conservation, and maintenance of Federal and non-Federal lands and resources, and for Payments in Lieu of Taxes, in addition to the amounts provided under previous titles of this Act, \$686,000,000, to remain available until expended, of which \$179,000,000 is for the acquisition of lands or interests in lands; and of which \$50,000,000 is for “National Park Service, Land Acquisition and State Assistance” for the state assistance program; and of which \$20,000,000 is for “Forest Service, National Forest System” for inventory and monitoring activities and planning; and of which \$78,000,000 is for “United States Fish and Wildlife Service, Cooperative Endangered Species Fund”; and of which \$20,000,000 is for “United States Fish and Wildlife Service, North American Wetlands Conservation Fund”; and of which \$20,000,000 is for “United States Geological Survey, Surveys, Investigations, and Research” for science and cooperative programs; and of which \$30,000,000 is for “Forest Service, State and Private Forestry” for the Forest Legacy program; and of which \$50,000,000 is for “United States Fish and Wildlife Service, State Wildlife Grants”; and of which \$20,000,000 is for “National Park Service, Urban Park and Recreation Fund”; and of which \$15,000,000 is for “National Park Service, Historic Preservation Fund” for grants to states and Indian tribes; and of which \$4,000,000 is for “Forest Service, State and Private Forestry” for urban and community forestry programs; and of which \$50,000,000 is for “Bureau of Land Management, Payments in Lieu of Taxes”; and of which \$150,000,000 is for “Federal Infrastructure Improvement” for the



deferred maintenance needs of the Federal land management agencies: *Provided*, That of the funds provided under this heading for the acquisition of lands or interests in lands, \$130,000,000 shall be available to the Department of the Interior and \$49,000,000 shall be available to the Department of Agriculture, Forest Service: *Provided further*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations provide to the Secretaries, in writing, a list of specific acquisitions to be undertaken with such funds: *Provided further*, That of the funds provided under this heading for “Federal Infrastructure Improvement” for the deferred maintenance needs of the Federal land management agencies, \$25,000,000 shall be for the Bureau of Land Management, \$25,000,000 shall be for the United States Fish and Wildlife Service, \$50,000,000 shall be for the National Park Service and \$50,000,000 shall be for the Forest Service.

SEC. 801. (a) CATEGORIES.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended—

(1) in paragraph (6), by—

(A) in subparagraph (B), by striking “and” after the semicolon;

(B) in subparagraph (C), by inserting “and” after the semicolon; and

(C) adding at the end the following:

“(D) for the conservation spending category: \$1,760,000,000, in new budget authority and \$1,232,000,000 in outlays;”;

(2) in paragraph (7), by—

(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B), by striking the period and inserting “; and”; and

(C) adding at the end the following:

“(C) for the conservation spending category: \$1,920,000,000, in new budget authority and \$1,872,000,000 in outlays;”;

(3) by inserting after paragraph (7) the following:

“(8) with respect to fiscal year 2004 for the conservation spending category: \$2,080,000,000, in new budget authority and \$2,032,000,000 in outlays;

“(9) with respect to fiscal year 2005 for the conservation spending category: \$2,240,000,000, in new budget authority and \$2,192,000,000 in outlays;

“(10) with respect to fiscal year 2006 for the conservation spending category: \$2,400,000,000, in new budget authority and \$2,352,000,000 in outlays;

“(11) with respect to each fiscal year 2002 through 2006 for the Federal and State Land and Water Conservation Fund sub-category of the conservation spending category: \$540,000,000 in new budget authority and the outlays flowing therefrom;

“(12) with respect to each fiscal year 2002 through 2006 for the State and Other Conservation sub-category of the conservation spending category: \$300,000,000 in new budget authority and the outlays flowing therefrom;

“(13) with respect to each fiscal year 2002 through 2006 for the Urban and Historic Preservation sub-category of the conservation spending category: \$160,000,000 in new budget authority and the outlays flowing therefrom;

“(14) with respect to each fiscal year 2002 through 2006 for the Payments in Lieu of Taxes sub-category of the conservation spending category: \$50,000,000 in new budget authority and the outlays flowing therefrom;

“(15) with respect to each fiscal year 2002 through 2006 for the Federal Deferred Maintenance sub-category of the conservation spending category: \$150,000,000 in new budget authority and the outlays flowing therefrom;

“(16) with respect to fiscal year 2002 for the Coastal Assistance sub-category of the conservation spending category: \$440,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2003 for the Coastal Assistance sub-category of the conservation spending category: \$480,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2004 for the Coastal Assistance sub-category of the conservation spending category: \$520,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2005 for the Coastal Assistance sub-category of the conservation spending category: \$560,000,000 in new budget authority and the outlays flowing therefrom; and with respect to fiscal year 2006 for the Coastal Assistance sub-category of the conservation spending category: \$600,000,000 in new budget authority and the outlays flowing therefrom;”.

(b) ADDITION TO DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

“(H) CONSERVATION SPENDING.—(i) If a bill or resolution making appropriations for any fiscal year appropriates an amount for the conservation spending category that is less than the limit for the conservation spending category as specified in subsection (c), then the adjustment for new budget authority and outlays for the following fiscal year for that category shall be the amount of new budget authority and outlays that equals the difference between the amount appropriated and the amount of that category specified in subsection (c).

“(ii) If a bill or resolution making appropriations for any fiscal year appropriates an amount for any conservation spending sub-category that is less than the limit for that conservation spending sub-category as specified in subsections (c)(11)–(c)(16), then the adjustment for new budget authority for the following fiscal year for that sub-category shall be the amount of new budget authority that equals the difference between the amount appropriated and the amount of that sub-category specified in subsection (c)(11)–(c)(16).

“(iii) The total amount provided for any conservation activity within the conservation spending category may not exceed any authorized ceiling for that activity.”.

(c) CATEGORIES DEFINED.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4)) is amended by adding at the end the following:

“(E) The term ‘conservation spending category’ means discretionary appropriations for conservation activities in the following budget accounts or portions thereof providing appropriations to preserve and protect lands, habitat, wildlife, and other natural resources, to provide recreational opportunities, and for related purposes:

“(i) 14–5033 Bureau of Land Management Land Acquisition.

“(ii) 14–5020 Fish and Wildlife Service Land Acquisition.

“(iii) 14–5035 National Park Service Land Acquisition and State Assistance.

“(iv) 12–9923 Forest Service Land Acquisition.

“(v) 14–5143 Fish and Wildlife Service Cooperative Endangered Species Conservation Fund.

“(vi) 14–5241 Fish and Wildlife Service North American Wetlands Conservation Fund.

“(vii) 14–1694 Fish and Wildlife Service State Wildlife Grants.

“(viii) 14–0804 United States Geological Survey Surveys, Investigations, and Research, the State Planning Partnership programs: Community/Federal Information Partnership, Urban Dynamics, and Decision Support for Resource Management.

“(ix) 12–1105 Forest Service State and Private Forestry, the Forest Legacy Program, Urban and Community Forestry, and Smart Growth Partnerships.

“(x) 14–1031 National Park Service Urban Park and Recreation Recovery program.

“(xi) 14–5140 National Park Service Historic Preservation Fund.

“(xii) Youth Conservation Corps.

“(xiii) 14–1114 Bureau of Land Management Payments in Lieu of Taxes.

“(xiv) Federal Infrastructure Improvement (as established in title VIII of the Department of the Interior and Related Agencies Appropriations Act, 2001).

“(xv) 13–1460 NOAA Procurement Acquisition and Construction, the National Marine Sanctuaries and the National Estuarine Research Reserve Systems.

“(xvi) 13–1450 NOAA Operations, Research, and Facilities, the Coastal Zone Management Act programs, the National Marine Sanctuaries, the National Estuarine Research Reserve Systems, and Coral Restoration programs.

“(xvii) 13–1451 NOAA Pacific Coastal Salmon Recovery.

“(F) The term ‘Federal and State Land and Water Conservation Fund sub-category’ means discretionary appropriations for activities in the accounts described in (E)(i)–(E)(iv) or portions thereof.

“(G) The term ‘State and Other Conservation sub-category’ means discretionary appropriations for activities in

H. R. 4578—108

the accounts described in (E)(v)–(E)(ix), with the exception of Urban and Community Forestry as described in (E)(ix), or portions thereof.

“(H) The term ‘Urban and Historic Preservation sub-category’ means discretionary appropriations for activities in the accounts described in (E)(ix)–(E)(xii), with the exception of Forest Legacy and Smart Growth Partnerships as described in (E)(ix), or portions thereof.

“(I) The term ‘Payments in Lieu of Taxes sub-category’ means discretionary appropriations for activities in the account described in (E)(xiii) or portions thereof.

“(J) The term ‘Federal Deferred Maintenance sub-category’ means discretionary appropriations for activities in the account described in (E)(xiv) or portions thereof.

“(K) The term ‘Coastal Assistance sub-category’ means discretionary appropriations for activities in the accounts described in (E)(xv)–(E)(xvii) or portions thereof.”.

TITLE IX

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$5,000,000,000.

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2001”.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

and wildlife-associated recreation projects: Provided further, That the Secretary, after deducting administrative expenses shall make the following apportionment from the Wildlife Conservation and Restoration Account: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; (B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each year among the States in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and, (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That no State, territory or other jurisdiction shall receive a grant unless it has certified to the Service that it has in place, or has agreed to develop by a mutually agreed date certain, a wildlife conservation strategy and plan.

**SEC. 902. WILDLIFE CONSERVATION AND RESTORATION.**

(a) **PURPOSES.**—The purposes of this section are—

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

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

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

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

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

(c) **DEFINITIONS.**—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

“SEC. 2. **DEFINITIONS.**  
“As used in this Act—

“(1) the term ‘conservation’ means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

“(2) the term ‘Secretary’ means the Secretary of the Interior;

“(3) the term ‘State fish and game department’ or ‘State fish and wildlife department’ means any department or division of department

of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

“(4) the term ‘wildlife’ means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

“(5) the term ‘wildlife-associated recreation’ means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

“(6) the term ‘wildlife conservation and restoration program’ means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

“(7) the term ‘wildlife conservation education’ means projects, including public outreach, intended to foster responsible natural resource stewardship; and

“(8) the term ‘wildlife-restoration project’ includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.”.

(d) **WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.**—Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

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

“(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the ‘Wildlife Conservation and Restoration Account’. There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1).”; and

(2) by adding at the end the following:

“(c)(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation

**TITLE IX—WILDLIFE, OCEAN AND COASTAL CONSERVATION**

**SEC. 901. WILDLIFE CONSERVATION AND RESTORATION PLANNING.**

For expenses necessary to support activities that supplement, but not replace, existing funding available to the States and territories from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration plans and programs, \$50,000,000, to remain available until expended: Provided, That these funds may be used by a State, territory or an Indian Tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, including wildlife conservation, wildlife conservation education,

projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

"(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year."

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

"(c) APPOINTMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

"(1) The Secretary of the Interior shall make the following apportionment from the Wildlife Conservation and Restoration Account:

"(A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof;

"(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof.

"(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each fiscal year among the States in the following manner:

"(i) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

"(ii) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States.

"(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than one percent of the amount available for apportionment under this paragraph for any fiscal year or more than five percent of such amount.

"(3) Of the amounts transferred to the Wildlife Conservation and Restoration Account, not to exceed 3 percent shall be available for any Federal expenses incurred in the administration and execution of programs carried out with such amounts.

"(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

"(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds from the Wildlife Conservation and Restoration Account, to develop a program. To apply, a State shall submit a comprehensive plan that includes—

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

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

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

"(ii) wildlife-associated recreation projects; and

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

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

"(D) WILDLIFE CONSERVATION STRATEGY.— Within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

"(i) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

"(ii) identifies the extent and condition of wildlife habitats and community types essential to conservation of species identified under paragraph (1);

"(iii) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

"(iv) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

"(v) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

"(vi) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

"(vii) provides for coordination to the extent feasible the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

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

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

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

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

"(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin

Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands."

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

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

(h) PROHIBITION AGAINST DIVERSION.—No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 2000, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the foregoing.

(i) NORTH AMERICAN WETLANDS CONSERVATION ACT.—Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "\$30,000,000" and inserting "\$50,000,000".

STATE WILDLIFE GRANTS

The State wildlife grant program provides funds for States to develop and implement wildlife management and habitat restoration for the most critical wildlife needs in each State. States are required to develop comprehensive wildlife conservation plans to be eligible for grants and to provide at least a 25 percent cost share for planning grants and at least a 50 percent cost share for implementation grants. This program is funded under the conservation spending category.

Appropriation enacted, 2001 .....	\$49,890,000
Budget estimate, 2002 .....	0
Recommended, 2002 .....	100,000,000
Comparison:	
Appropriation, 2001 .....	+50,110,000
Budget estimate, 2002 .....	+100,000,000

The Committee recommends \$100,000,000 for State wildlife grants, an increase of \$100,000,000 above the budget request and \$50,110,000 above the amount provided through the fiscal year 2001 Interior and Related Agencies Appropriations Act. The fiscal year 2002 funds are to be distributed to States and territories through a formula that is based 30 percent on land area and 70 percent on population. Each State or eligible entity must have developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan that must be approved by the Secretary of the Interior or her designee. These plans are to address the conservation of each State's or eligible entity's full array of wildlife, but are not expected to address every representative species or taxonomic group that may be present. With the preceding clarification of the "full array" requirement, the Committee believes that the plan elements identified in the Service's January 2001 Federal Register notice provide a solid scientific basis for these plans.

Each State or eligible entity has two years to enter into specific grant agreements with the Service using fiscal year 2002 funding. If funds remain unobligated at the end of fiscal year 2003, the unobligated funds will be reappportioned to all States and eligible entities, together with any new appropriations provided in fiscal year 2004.

The method for the distribution of funds, and the conditions associated thereto, consolidate the previously appropriated allocation grant program and the competitive grant program into a single allocation formula. Under the new program, States are required to comply with the planning and cost sharing requirements of the former competitive grants program but are guaranteed an allocation based on the new formula described above. The Committee is concerned that these grants result in on-the-ground improvements for wildlife as soon as possible and has included a requirement that fiscal year 2002 funds be obligated within 2 fiscal years.

Not more than 3 percent of the appropriated amount may be used for Federal administration of the program. Administrative costs for each grantee should also be held to a minimum so that the maximum amount of funding is used for on-the-ground projects.

FY 2002 Interior Appropriations Act (H.R. 2217) Senate Report (S. Rep. 107-36) Reported June 29, 2001
---

\$757,000 above the budget estimate and an increase of \$757,000 above the fiscal year 2001 enacted level. Within the amounts provided, \$1,000,000 is included for African elephants, \$1,000,000 is for Asian elephants, \$1,000,000 is for rhinoceros and tiger conservation, and \$1,000,000 is for great ape conservation.

STATE WILDLIFE GRANTS FUND  
(INCLUDING RECISSION)

Appropriations, 2001 .....	\$49,890,000
Budget estimate, 2002 .....	
House allowance .....	100,000,000
Committee recommendation .....	100,000,000

The Committee recommends \$100,000,000 for State wildlife grants, an increase of \$100,000,000 above the budget request. Additionally, the Committee recommends rescinding the \$49,890,000 in competitive State wildlife grants appropriated last fiscal year.

The fiscal year 2002 funds are to be distributed to States and territories through a formula that is based 30 percent on land area and 70 percent on population. Each State or eligible entity must have developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan that must be approved by the Secretary of the Interior or her designee. These plans are to address the conservation of each State's or eligible entity's broad range of wildlife.

Each State or eligible entity has 2 years to enter into specific grant agreements with the Service using fiscal year 2002 funding. If funds remain unobligated at the end of fiscal year 2003, the unobligated funds will be reapportioned to all States and eligible entities, together with any new appropriations provided in fiscal year 2004.

The method for the distribution of funds, and the conditions associated thereto, consolidate the previously appropriated allocation grant program and the competitive grant program into a single allocation formula. Under the new program, States are required to comply with the planning and cost sharing requirements of the former competitive grants program but are guaranteed an allocation based on the new formula described above. The Committee is concerned that these grants result in on-the-ground improvements for wildlife as soon as possible and has included a requirement that fiscal year 2002 funds be obligated within 2 fiscal years.

Not more than 3 percent of the appropriated amount may be used for Federal administration of the program. Administrative costs for each grantee should also be held to a minimum so that the maximum amount of funding is used for on-the-ground projects.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriations, 2001 .....	\$1,386,190,000
Budget estimate, 2002 .....	1,470,499,000
House allowance .....	1,480,336,000
Committee recommendation .....	1,473,128,000



interested in pursuing a RAMSAR-based wetlands science, site management and education program. The managers strongly encourage the Service to work with these groups to explore the possibility of funding such an activity through a North American Wetlands Conservation Act grant or another Service program.

The managers have agreed to bill language, as proposed by the House, limiting increased grant funding above the fiscal year 2001 level to projects in the United States. The Senate had no similar provision.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides \$3,000,000 for the neotropical migratory bird conservation program instead of \$5,000,000 as proposed by the House and no funding as proposed by the Senate. None of these funds are charged against the conservation spending category.

The managers expect the program to be administered by the division of bird habitat conservation but the Service should incorporate international program staff expertise into the oversight and administration of the program.

#### MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides \$4,000,000 for the multinational species conservation fund as proposed by both the House and the Senate.

The managers have agreed to bill language, as proposed by the House, specifying the public law citations for the Asian elephant and the rhino and tiger funds.

#### STATE WILDLIFE GRANTS

##### (INCLUDING RESCISSION OF FUNDS)

The conference agreement provides \$85,000,000 for State wildlife grants in fiscal year 2002 instead of \$100,000,000 as proposed by both the House and the Senate. Within this amount, \$5,000,000 is for a competitive grant program for Indian tribes. The agreement also provides for the rescission of \$25,000,000 from the fiscal year 2001 appropriation rather than a rescission of \$49,890,000 as proposed by the Senate and no rescission as proposed by the House.

The managers agree to the clarification of the "full array" of wildlife requirement for planning contained in the House report.

The managers have agreed to the distribution formula in bill language proposed by the Senate rather than the formula proposed by the House. The managers have also agreed to a technical change to the conservation spending category bill language proposed by the Senate.

#### TRIBAL WILDLIFE GRANTS

The conference agreement provides no funding under this heading for tribal wildlife grants; however, \$5,000,000 is earmarked under the State wildlife grant program for this purpose.

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION OF FUNDS)

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$85,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That of the amount provided herein, \$5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said \$5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

Of the amounts appropriated in title VIII of Public Law 106-291, \$25,000,000 for State Wildlife Grants are rescinded.

FY 2003 Interior Appropriations Act (H.R. 5093) House Report (H. Rep. 107-564) Reported July 11, 2002
---

qualified organizations and individuals to protect and manage critical populations of these elephants.

The Rhinoceros and Tiger Conservation Act of 1994 authorized programs to enhance compliance with the Convention on International Trade in Endangered Species (CITES) and U.S. or foreign laws prohibiting the taking or trade of rhinoceros, tigers or their habitat.

The Asian Elephant Conservation Act of 1997 authorized a grant program, similar to the African elephant program, to enable operators from regional and range country agencies and organizations to address Asian elephant conservation problems. The world's surviving populations of wild Asian elephants are found in 13 south and southeastern Asian countries.

The Great Ape Conservation Act of 2000 authorized grants to foreign government, the CITES secretariat, and non-governmental organizations for the conservation of great apes.

Appropriation enacted, 2002 .....	\$4,000,000
Budget estimate, 2003 .....	5,000,000
Recommended, 2003 .....	4,800,000
Comparison:	
Appropriation, 2002 .....	+800,000
Budget estimate, 2003 .....	-200,000

The Committee recommends \$4,800,000 for the multinational species conservation fund, an increase of \$800,000 above the fiscal year 2002 level and \$200,000 below the budget request. Changes to the budget request include a decrease of \$1,000,000 for neotropical migratory birds (which is funded in a separate account) and an increase of \$800,000, which includes \$200,000 each for African elephant conservation, rhinoceros and tiger conservation, Asian elephant conservation, and great ape conservation. The Committee expects these funds to be matched by non-Federal funding to leverage private contributions to the maximum extent possible. This program is funded under the conservation spending category.

STATE WILDLIFE GRANTS

The State wildlife grant program provides funds for States to develop and implement wildlife management and habitat restoration for the most critical wildlife needs in each State. States are required to develop comprehensive wildlife conservation plans to be eligible for grants and to provide at least a 25 percent cost share for planning grants and at least a 50 percent cost share for implementation grants. This program is funded under the conservation spending category.

Appropriation enacted, 2002 .....	\$60,000,000
Budget estimate, 2003 .....	60,000,000
Recommended, 2003 .....	100,000,000
Comparison:	
Appropriation, 2002 .....	+40,000,000
Budget estimate, 2003 .....	+40,000,000

The Committee recommends \$100,000,000 for State wildlife grants, an increase of \$40,000,000 above both the budget request and the 2002 level, after adjusting for the \$25,000,000 rescission in the 2002 Act. Within the amount provided, \$5,000,000 is for competitively awarded grants to Indian tribes.

The Committee notes that the State wildlife grants program has had numerous problems with implementation over the past two years and reminds the Service that the centerpiece to a strong program must be solid, scientifically-based State plans. These plans should address the conservation of each State's or eligible entity's full array of wildlife and stress on the ground restoration and protection of habitat for the species of greatest concern. State plans should not be approved if they do not meet the standards set by the Service.

The Committee has recommended a \$1,000,000 increase in the Service's resource management appropriation for the Service to contract with the National Academy of Sciences to ensure that the criteria established by the Service for State plans under the State wildlife grants program are appropriate and that those standards are strictly adhered to in each State plan. The Service should proceed with the distribution of funds and the implementation of the program. There should be no disruption or delay pending the Academy's review.

Each State or eligible entity has two years to enter into specific grant agreements with the Service using fiscal year 2003 funding. If funds remain unobligated at the end of fiscal year 2004, the unobligated funds will be reapportioned to all States and eligible entities, together with any new appropriations provided in fiscal year 2005.

Not more than 3 percent of the appropriated amount may be used for Federal administration of the program. Administrative costs for each grantee should also be held to a minimum so that the maximum amount of funding is used for on-the-ground projects.

#### NATIONAL PARK SERVICE

The mission of the National Park Service is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

The National Park Service, established in 1916, has stewardship responsibilities for the protection and preservation of the heritage resources of the National Park System. The system, consisting of 385 separate and distinct units, is recognized globally as a leader in park management and resource preservation. The national park system represents much of the finest the Nation has to offer in terms of scenery, historical and archeological relics, and cultural heritage. Through its varied sites, the National Park Service attempts to explain America's history, interpret its culture, preserve examples of its natural ecosystems, and provide recreational and educational opportunities for U.S. citizens and visitors from all over the world. In addition, the National Park Service provides support to tribal, local, and State governments to preserve culturally significant, ecologically important, and public recreational lands.

FY 2003 Interior Appropriations Act (S. 2708) Senate Report (S. Rep. 107-201) Reported June 28, 2002
--

MULTINATIONAL SPECIES CONSERVATION FUND

Appropriations, 2002 .....	\$4,000,000
Budget estimate, 2003 .....	5,000,000
Committee recommendation .....	5,500,000

The Committee recommends an appropriation of \$5,500,000 for the multinational species conservation fund, an increase of \$500,000 above the budget estimate. The increase is provided for rhinoceros and tiger conservation.

STATE WILDLIFE GRANTS FUND

Appropriations, 2002 .....	\$60,000,000
Budget estimate, 2003 .....	60,000,000
Committee recommendation .....	60,000,000

The Committee recommends \$60,000,000 for the State and Tribal Wildlife grant program. Of the \$60,000,000 provided, \$5,000,000 is provided for tribal grants. The Committee believes there are opportunities to develop synergies between the State and Tribal Wildlife Grants program and the State Assistance program funded through the National Park Service. The Committee has addressed this issue in the National Park Service, Land Acquisition and State Assistance section of the report.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriations, 2002 .....	\$1,487,075,000
Budget estimate, 2003 .....	1,584,565,000
Committee recommendation .....	1,585,065,000

The Committee recommends \$1,585,065,000 for operation of the national park system, an increase of \$97,990,000 above the fiscal year 2002 enacted level, and \$500,000 above the budget request. Increases above the current enacted level include \$16,466,000 in fixed costs, and an overall increase of \$20,000,000 in basic park operations. The Committee is aware of the unmet needs in many of our nation's parks and has included the additional \$20,000,000 in an effort to address those needs.

The following table shows the amounts recommended by the Committee as compared with the budget request:

	Budget estimate	Committee recommendation	Change
Park management:			
Resource stewardship .....	\$334,923,000	\$340,227,000	+ \$5,304,000
Visitor services .....	309,681,000	319,128,000	+ 9,447,000
Maintenance .....	531,428,000	537,823,000	+ 6,395,000
Park support .....	300,297,000	279,651,000	- 20,646,000
External administrative costs .....	108,236,000	108,236,000	.....
Total, Operation of the National Park System .....	1,584,565,000	1,585,065,000	+ 500,000

*Resource Stewardship.*—The Committee recommends \$340,227,000 for resource stewardship, an increase of \$21,915,000 above the fiscal year 2002 enacted level, and \$5,304,000 above the budget request. Within the amount provided, \$600,000 is for additional funding for the Vanishing Treasures program, and \$500,000

FY 2003 Interior Appropriations Act (S. 2708) Senate Report (S. Rep. 107-201) Reported June 28, 2002
--

<i>Area and State</i>	<i>Committee Recommendation</i>
State Assistance Grant Administration .....	4,000,000
Subtotal, NPS State Land Acquisition .....	144,000,000
Total, NPS Land Acquisition and State Assistance .....	238,205,000

The amount provided for the acquisition of Cat Island at the Gulf Island National Seashore is based on the latest information available to the Committee regarding the acreage and value of lands to be acquired. The Committee is aware that discussions are ongoing among the National Park Service, the landowner and third party interests, and that the amount required to complete phase two of this acquisition may change. The Service should keep the Committee informed of the status of these discussions.

The Committee recognizes the historical importance of the Elkhorn Ranch in western North Dakota, and understands that the National Park Service is issuing an Environmental Assessment (EA) concerning the purchase of this land for use as a National Preserve. The EA is currently being drafted with a target completion date of August 30, 2002. Should the NPS recommend the purchase of the Elkhorn Ranch, the Committee will consider funding for this purchase.

The Committee is aware that legislation is pending to authorize the acquisition of Pemberton's Headquarters for inclusion in Vicksburg National Military Park. Should such legislation be enacted, the Committee directs the Service to complete the acquisition using acquisition balances available at the Park, together with additional carryover balances if necessary.

The Committee has provided \$200,000 to purchase the interpretive center at Cross Plains along the Ice Age Scenic Trail. The Committee understands that this amount combined with the current unobligated balance is sufficient to complete the purchase.

The Committee authorizes the purchase of land from willing sellers under the Inholding program of the National Park Service (Units of the System authorized before fiscal year 1960) without referring the offers to the Committee for approval unless the acquisition is more than the approved appraisal and said appraised value is greater than \$500,000.

In addition to the amount provided for State Assistance, the Committee has provided significant funding for State and Tribal Wildlife Grants through the U.S. Fish and Wildlife Service. The Committee believes that these two programs can be mutually beneficial, as grants supported by the State Assistance program may be beneficial to non-game wildlife and grants supported by the State and Tribal Wildlife Grants program may have associated recreation benefits. The Committee urges the Department to work with States, tribes and other relevant stakeholders to explore opportunities to develop synergies between these two programs.

FY 2003 Consolidated Appropriations Act (H.J. Res 2)  
Conference Report (H. Rep. 108-10)  
Reported February 13, 2002

983

\$5,000,000 as proposed by the House and \$2,000,000 as proposed by the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides \$4,800,000 for the multinational species conservation fund as proposed by the House instead of \$4,200,000 as proposed by the Senate.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides \$65,000,000 for State and tribal wildlife grants instead of \$100,000,000 as proposed by the House and \$45,000,000 as proposed by the Senate. Within this amount, \$5,000,000 is for a competitive grant program for Indian tribes as proposed by the House instead of \$3,000,000 as proposed by the Senate.

The conference agreement changes the title of this account from "State Wildlife Grants" to "State and Tribal Wildlife Grants" as proposed by the Senate and includes statutory language permitting the merger of funds in the old account with funds in the new account.

The Committee has not included \$1,000,000 in the resource management account as proposed by the House for a National Academy of Sciences review of the State wildlife plans funded under this account. This issue will be revisited in the 2004 budget process.

ADMINISTRATIVE PROVISIONS

The conference agreement authorizes the use of \$500,000 in previously appropriated funds for land acquisition of the Great Salt Pond burial tract for the Narragansett Tribe as proposed by the Senate. The House had no similar provision.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides \$1,565,565,000 for the operation of the national park system instead of \$1,605,593,000 as proposed by the House and \$1,571,065,000 as proposed by the Senate.

The conference agreement provides \$344,227,000 for resource stewardship. The change to the House level is a reduction of \$2,093,000 for uncontrollable costs. Within these totals, an increase of \$600,000 is provided for Vanishing Treasures.

The conference agreement provides \$319,128,000 for visitor services. The change to the House level is a reduction of \$3,536,000 for uncontrollable costs.

The conference agreement provides \$522,823,000 for maintenance. Changes to the House level include decreases of \$3,837,000 for uncontrollable costs, \$5,000,000 for cyclic maintenance, \$2,000,000 for condition assessments, \$3,000,000 for repair and rehabilitation, and \$1,000,000 for a strategic business advisor.

The conference agreement provides \$277,151,000 for park support. Changes to the House level include decreases of \$2,562,000

FY 2003 Consolidated Appropriations Act  
(H. J. Res 2/Public Law 108-7)  
February 20, 2003

H. J. Res. 2—213

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), \$4,800,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$65,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That of the amount provided herein, \$5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said \$3,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2003 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2004, shall be reapportioned,



## H. J. Res. 2—214

together with funds appropriated in 2005, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading “State Wildlife Grants” shall be transferred to and merged with this appropriation and shall remain available until expended.

### ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That the United States Fish and Wildlife Service is authorized to grant \$500,000 appropriated in Public Law 107–63 for land acquisition to the Narragansett Indian Tribe for acquisition of the Great Salt Pond burial tract: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

### NATIONAL PARK SERVICE

#### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,565,565,000, of which \$10,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which \$85,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds

FY 2004 Interior Appropriations Act (H.R. 2691) House Report (H. Rep. 108-195) Reported July 10, 2003
---

national Trade in Endangered Species (CITES) and U.S. or foreign laws prohibiting the taking or trade of rhinoceros, tigers or their habitat.

The Asian Elephant Conservation Act of 1997 authorized a grant program, similar to the African elephant program, to enable co-operators from regional and range country agencies and organizations to address Asian elephant conservation problems. The world's surviving populations of wild Asian elephants are found in 13 south and southeastern Asian countries.

The Great Ape Conservation Act of 2000 authorized grants to foreign government, the CITES secretariat, and non-governmental organizations for the conservation of great apes.

Appropriation enacted, 2003 .....	\$4,768,000
Budget estimate, 2004 .....	7,000,000
Recommended, 2004 .....	5,000,000
Comparison:	
Appropriation, 2003 .....	+232,000
Budget estimate, 2004 .....	-2,000,000

The Committee recommends \$5,000,000 for the multinational species conservation fund, an increase of \$232,000 above the fiscal year 2003 level and \$2,000,000 below the budget request. Changes to the budget request include a decrease of \$3,000,000 for neotropical migratory birds (which is funded in a separate account) and an increase of \$1,000,000 including \$200,000 each for African elephant conservation, Asian elephant conservation, and great ape conservation and \$400,000 for rhinoceros and tiger conservation. The Committee expects these funds to be matched by non-Federal funding to leverage private contributions to the maximum extent possible.

STATE AND TRIBAL WILDLIFE GRANTS

The State and tribal wildlife grant program provides funds for States to develop and implement wildlife management and habitat restoration for the most critical wildlife needs in each State. States are required to develop comprehensive wildlife conservation plans to be eligible for grants and to provide at least a 25 percent cost share for planning grants and at least a 50 percent cost share for implementation grants.

Appropriation enacted, 2003 .....	\$64,577,000
Budget estimate, 2004 .....	59,983,000
Recommended, 2004 .....	75,000,000
Comparison:	
Appropriation, 2003 .....	+10,423,000
Budget estimate, 2004 .....	+15,017,000

The Committee recommends \$75,000,000 for State and tribal wildlife grants, an increase of \$15,017,000 above the budget request and \$10,423,000 above the fiscal year 2003 level. Within the amount provided, \$6,000,000 is for competitively awarded grants to Indian tribes.

Each State or eligible entity has two years to enter into specific grant agreements with the Service using fiscal year 2004 funding. If funds remain unobligated at the end of fiscal year 2005, the unobligated funds will be reapportioned to all States and eligible entities, together with any new appropriations provided in fiscal year 2006.

Not more than 3 percent of the appropriated amount may be used for Federal administration of the program. Administrative costs for each grantee should also be held to a minimum so that the maximum amount of funding is used for on-the-ground projects.

#### NATIONAL PARK SERVICE

The mission of the National Park Service is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

The National Park Service, established in 1916, has stewardship responsibilities for the protection and preservation of the heritage resources of the national park system. The system, consisting of 388 separate and distinct units, is recognized globally as a leader in park management and resource preservation. The national park system represents much of the finest the Nation has to offer in terms of scenery, historical and archeological relics, and cultural heritage. Through its varied sites, the National Park Service attempts to explain America's history, interpret its culture, preserve examples of its natural ecosystems, and provide recreational and educational opportunities for U.S. citizens and visitors from all over the world. In addition, the National Park Service provides support to tribal, local, and State governments to preserve culturally significant, ecologically important, and public recreational lands.

#### OPERATION OF THE NATIONAL PARK SYSTEM

Appropriation enacted, 2003 .....	\$1,564,331,000
Budget estimate, 2004 .....	1,631,882,000
Recommended, 2004 .....	1,636,882,000
Comparison:	
Appropriation, 2003 .....	+72,551,000
Budget estimate, 2004 .....	+5,000,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

FY 2004 Interior Appropriations Act (S. 1391) Senate Report (S. Rep. 108-89) Reported July 10, 2003
---

groups involved in endangered species recovery efforts on private lands.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

Appropriations, 2003 .....	\$80,473,000
Budget estimate, 2004 .....	86,614,000
Committee recommendation .....	86,614,000

The Committee recommends \$86,614,000 for the cooperative endangered species conservation fund, of which \$2,585,000 is for administration and \$50,000,000 is for habitat conservation plan land acquisition.

NATIONAL WILDLIFE REFUGE FUND

Appropriations, 2003 .....	\$14,320,000
Budget estimate, 2004 .....	14,414,000
Committee recommendation .....	14,414,000

The Committee recommends \$14,414,000 for the national wildlife refuge fund, the same as the budget request.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Appropriations, 2003 .....	\$38,309,000
Budget estimate, 2004 .....	49,560,000
Committee recommendation .....	42,982,000

The Committee recommends \$42,982,000 for the North American wetlands conservation fund, a reduction of \$6,578,000 below the budget request.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

Appropriations, 2003 .....	\$2,981,000
Budget estimate, 2004 .....	3,000,000
Committee recommendation .....	3,000,000

The Committee recommends \$3,000,000 for neotropical migratory bird conservation.

MULTINATIONAL SPECIES CONSERVATION FUND

Appropriations, 2003 .....	\$4,768,000
Budget estimate, 2004 .....	7,000,000
Committee recommendation .....	6,000,000

The Committee recommends an appropriation of \$6,000,000 for the multinational species conservation fund, a decrease of \$1,000,000 below the budget estimate. The funds for neotropical birds have been provided under a separate heading. Funds within this account shall be equally divided between the four programs (African elephant, Rhino and Tiger, Asian elephant and Great ape conservation).

STATE AND TRIBAL WILDLIFE GRANTS

Appropriations, 2003 .....	\$64,577,000
Budget estimate, 2004 .....	59,983,000
Committee recommendation .....	75,000,000

The Committee recommends \$75,000,000 for State and tribal wildlife grants. Of the amount provided, \$5,000,000 is provided for tribal grants.

In addition to the amount provided for State and Tribal Wildlife Grants, the Committee has provided significant funding for the LWCF State Assistance program through the National Park Service. The Committee believes that these two programs can be mutually beneficial, as grants supported by the State Assistance program may be beneficial to non-game wildlife and grants supported by the State and Tribal Wildlife Grants program may have associated recreation benefits. The Committee urges the Department to work with States, tribes, and other relevant stakeholders to explore opportunities to develop synergies between these two programs.

The Committee expects that funds provided under this heading shall be added to revenues from existing State sources and not serve as a substitute for revenues from such sources.

The Committee has included bill language that allows individual States to use up to 10 percent of the funds they receive under this heading to be used for wildlife conservation education efforts that contribute significantly to the conservation of wildlife species or their habitats.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriations, 2003 .....	\$1,564,331,000
Budget estimate, 2004 .....	1,631,882,000
Committee recommendation .....	1,636,299,000

The Committee recommends \$1,636,299,000 for operation of the National Park System, an increase of \$71,968,000 over the enacted level. The amount provided reflects all proposed transfers and IT savings, and includes an increase of \$20,000,000 over the budget request for park base operating budgets. Of the funds provided above the budget request for park base operating increases, \$1,000,000 should be allocated to the National Trails program.

*Resource Stewardship.*—The Committee recommends \$342,485,000 for resource stewardship, an increase of \$4,336,000 over the enacted level. Changes to the enacted level included increases of \$1,945,000 for fixed costs, \$225,000 for the Cumberland Piedmont Network Learning Center, \$750,000 to monitor chronic wasting disease, \$5,000,000 for inventory and monitoring, \$600,000 for water quality monitoring, \$750,000 for vanishing treasures, and \$6,862,000 for park operations. Decreases include \$200,000 for Greenspaces for Living as proposed in the budget request.

*Visitor Services.*—The Committee recommends \$323,965,000 for visitor services, and increase of \$8,590,000 over the enacted level. Changes to the enacted level included increases of \$3,350,000 for fixed costs, \$1,400,000 for law enforcement training, and \$6,866,000 for park operations. The recommended amount also reflects the decreases proposed in the budget request.

*Maintenance.*—The Committee recommends \$567,294,000 for maintenance, an increase of \$47,324,000 over the enacted level. Changes to the enacted level included increases of \$3,645,000 for fixed costs, \$9,315,000 for repair and rehabilitation, \$2,606,000 for

FY 2004 Interior Appropriations Act (S. 1391) Senate Report (S. Rep. 108-89) Reported July 10, 2003
---

Area and State	Committee recommendation
State Assistance Grant Administration .....	4,000,000
Total, State Assistance .....	104,000,000
TOTAL, NPS Land Acquisition and State Assistance .....	158,473,000

The Committee understands that the funds provided for Valley Forge NP, together with reprogrammed funds and carryover balances, are sufficient to complete Phase I of the Toll Brothers acquisition. The Committee further understands that reprogrammed funds are being made available for the acquisition of 15 acres recently added to Booker T. Washington NM. The amount provided for Hawaii Volcanoes NP, together with carryover balances and reprogrammed funds, are sufficient to complete the acquisition of Kahuku Ranch.

The National Park Service is currently completing an environmental assessment on expanding the boundary of Theodore Roosevelt National Park to include the Elkhorn Ranch. The Committee is aware that, while local comments overwhelmingly support the creation of a National Preserve, the Park Service has not considered this option. Given expressed local support, the Committee directs the Park Service to reevaluate study comments to consider the creation of a National Preserve. The Committee expects the Park Service to report back to the Committee on its findings within 90 days of enactment of this Act.

In addition to the amount provided for State Assistance, the Committee has provided significant funding for State and Tribal Wildlife Grants through the U.S. Fish and Wildlife Service. The Committee believes that these two programs can be mutually beneficial, as grants supported by the State Assistance program may be beneficial to non-game wildlife and grants supported by the State and Tribal Wildlife Grants may have associated recreation benefits. The Committee urges the Department to work with States, tribes and other relevant stakeholders to explore opportunities to develop synergies between these two programs.

In the absence of mitigating circumstances, the governors of the States and territories shall be officially informed of LWCF State assistance apportionments within 30 days of enactment.

**ENERGY AND MINERALS**

**U.S. GEOLOGICAL SURVEY**

**SURVEYS, INVESTIGATIONS, AND RESEARCH**

Appropriations, 2003 .....	\$919,272,000
Budget estimate, 2004 .....	895,505,000
Committee recommendation .....	928,864,000

The Committee recommends an appropriation of \$928,864,000 for the United States Geological Survey (USGS) for fiscal year 2004, an amount of \$9,592,000 above the fiscal year 2003 enacted level. The detail table at the back of the report displays the Committee's proposed distribution of funds among the Survey's activities.

STEWARDSHIP GRANTS

The conference agreement provides \$7,500,000 for stewardship grants instead of \$10,000,000 as proposed by both the House and the Senate.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides \$82,614,000 for the cooperative endangered species conservation fund instead of \$86,614,000 as proposed by both the House and the Senate. The managers have agreed to a decrease of \$4,000,000 for Section 6 grants.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides \$14,414,000 for the national wildlife refuge fund as proposed by both the House and the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides \$38,000,000 for the North American wetlands conservation fund instead of \$24,560,000 as proposed by the House and \$42,982,000 as proposed by the Senate. Increases to the House proposed level include \$12,902,000 for wetlands conservation and \$538,000 for administration.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides \$4,000,000 for Neotropical migratory bird conservation instead of \$5,000,000 as proposed by the House and \$3,000,000 as proposed by the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides \$5,600,000 for the multinational species conservation fund instead of \$5,000,000 as proposed by the House and \$6,000,000 as proposed by the Senate. Changes to the House level include an increase of \$200,000 each for the African elephant program, the Asian elephant program, and the great apes program.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides \$70,000,000 for State and tribal wildlife grants instead of \$75,000,000 as proposed by both the House and the Senate.

*Bill Language.*—The conference agreement earmarks \$6,000,000 for competitive grants with tribes as proposed by the House instead of \$5,000,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate on the use of funds for education efforts. This issue is addressed below.

The managers agree that the purpose of State and tribal wildlife grants is to restore and protect habitat. To the extent that an education component is critical to the success of a habitat restoration and preservation project, it is permissible. The managers expect that such an education component should involve a de minimus amount of funding and will not be required for many projects.

An example of an acceptable education component is on-site posting of signs explaining the purpose of a habitat restoration project and explaining why it is important to avoid trespassing on newly restored habitat. Another example is the development of an explanatory handout or simple brochure that could be distributed to interested parties. In no case should the cost of an education component exceed 10 percent of the funding for a project.

While the managers agree that there may be synergies between the State and tribal wildlife grant program and the State assistance program in the National Park Service, the managers caution the Service and the States that the mission of the State and tribal wildlife grant program is habitat restoration and preservation.

#### ADMINISTRATIVE PROVISIONS

The conference agreement includes language referring to the reprogramming guidelines in the front of the statement of the managers accompanying this Act. The House and Senate had referenced the reprogramming guidelines in earlier reports.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides \$1,629,641,000 for the operation of the national park system instead of \$1,630,882,000 as proposed by the House and \$1,636,299,000 as proposed by the Senate.

The conference agreement provides \$340,114,000 for resource stewardship. Changes to the House level include a reduction of \$1,106,000 to restore half of the fiscal year 2003 across the board reduction, an increase of \$3,102,000 for park specific increases, a reduction of \$2,924,000 for inventory and monitoring programs, an increase of \$225,000 for Cumberland Piedmont Network, and an increase of \$375,000 for Vanishing Treasures.

The conference agreement provides \$324,348,000 for Visitor Services. Changes to the House level include a decrease of \$1,031,000 to restore half of the fiscal year 2003 across the board reduction, and an increase of \$649,000 for park specific increases.

The conference agreement provides \$567,230,000 for maintenance. Changes to the House level include a reduction of \$1,701,000 to restore half of the fiscal year 2003 across the board reduction, an increase of \$1,765,000 for park specific increases, and a reduction of \$2,000,000 for facility condition assessments.

The conference agreement provides \$286,378,000 for park support. Changes to the House level include reductions of \$516,000 for park specific increases, \$500,000 for management accountability review, and \$927,000 to restore half of the fiscal year 2003 across the board reduction and increases of \$300,000 for partnership wild and scenic rivers programs and \$400,000 to expand the volunteers in parks programs.

The conference agreement provides \$114,571,000 for external administrative costs. This is a reduction of \$352,000 from the House level.

There is a general reduction of \$3,000,000.



FY 2004 Interior Appropriations Act  
(H.R. 2691/P.L. 108-108)  
November 10, 2003

H. R. 2691—8

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$70,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, \$6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said \$6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed

MULTINATIONAL SPECIES CONSERVATION FUND

This account combines funding for programs under the former rewards and operations (African elephant) account, the former rhinoceros and tiger conservation account, the Asian elephant conservation program, and the great ape conservation program.

The African Elephant Act of 1988 established a fund for assisting nations and organizations involved with conservation of African elephants. The Service provides grants to African Nations and to qualified organizations and individuals to protect and manage critical populations of these elephants.

The Rhinoceros and Tiger Conservation Act of 1994 authorized programs to enhance compliance with the Convention on International Trade in Endangered Species (CITES) and U.S. or foreign laws prohibiting the taking or trade of rhinoceros, tigers, or their habitat.

The Asian Elephant Conservation Act of 1997 authorized a grant program, similar to the African elephant program, to enable co-operators from regional and range country agencies and organizations to address Asian elephant conservation problems. The world's surviving populations of wild Asian elephants are found in 13 south and southeastern Asian countries.

The Great Ape Conservation Act of 2000 authorized grants to foreign governments, the CITES secretariat, and non-governmental organizations for the conservation of great apes.

Appropriation enacted, 2004 .....	\$5,532,000
Budget estimate, 2005 .....	9,500,000
Recommended, 2005 .....	5,900,000
Comparison:	
Appropriation, 2004 .....	+368,000
Budget estimate, 2005 .....	-3,600,000

The Committee recommends \$5,900,000 for the multinational species conservation fund, an increase of \$368,000 above the fiscal year 2004 level and \$3,600,000 below the budget request. Changes to the budget request include a decrease of \$4,000,000 for neotropical migratory birds (which is funded in a separate account) and an increase of \$100,000 each for African elephant conservation, Asian elephant conservation, great ape conservation, and rhinoceros and tiger conservation. The Committee expects these funds to be matched by non-Federal funding to leverage private contributions to the maximum extent possible.

STATE AND TRIBAL WILDLIFE GRANTS

The State and tribal wildlife grants program provides funds for States to develop and implement wildlife management and habitat restoration for the most critical wildlife needs in each State. States are required to develop comprehensive wildlife conservation plans to be eligible for grants and to provide at least a 25 percent cost share for planning grants and at least a 50 percent cost share for implementation grants.

Appropriation enacted, 2004 .....	\$69,138,000
Budget estimate, 2005 .....	80,000,000
Recommended, 2005 .....	67,500,000
Comparison:	
Appropriation, 2004 .....	-1,638,000
Budget estimate, 2005 .....	-12,500,000

The Committee recommends \$67,500,000 for State and tribal wildlife grants, a decrease of \$1,638,000 below the fiscal year 2004 level and \$12,500,000 below the budget request. Within the amount provided, \$6,000,000 is for competitively awarded grants to Indian tribes.

Each State or eligible entity has two years to enter into specific grant agreements with the Service using fiscal year 2005 funding. If funds remain unobligated at the end of fiscal year 2006, the unobligated funds will be reapportioned to all States and eligible entities, together with any new appropriations provided in fiscal year 2007.

Not more than 3 percent of the appropriated amount may be used for Federal administration of the program. Administrative costs for each grantee should also be held to a minimum so that the maximum amount of funding is used for on-the-ground projects.

Funds made available under this account should be added to revenues from existing State sources and not serve as a substitute for revenues from such sources.

Priority for the use of these funds should be placed on those species with the greatest conservation need. Funds should be used to address the life needs and habitat requirements of those species in order to preclude the need to list them as threatened or endangered under the Endangered Species Act.

The Committee expects each State and other participating entity in the formula grant program to submit its comprehensive wildlife conservation plan on time. The Service should notify each State or other entity as soon as possible after receipt of its plan if the plan is approved, conditionally approved, or disapproved. If a plan is conditionally approved, the submitting entity should be given a limited but reasonable amount of time to address the Service's concerns and submit a revised plan for approval. The Committee suggests that such extension of time should not exceed 6 months. If a plan is disapproved, the submitting entity is no longer entitled to receive funds from the program. Should an entity with a disapproved plan elect to submit a revised plan in the future, it may do so but, until a plan is approved, that entity will not be entitled to receive any funds from the program.

#### NATIONAL PARK SERVICE

The mission of the National Park Service is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

The National Park Service, established in 1916, has stewardship responsibilities for the protection and preservation of the heritage resources of the national park system. The system, consisting of 388 separate and distinct units, is recognized globally as a leader in park management and resource preservation. The national park system represents much of the finest the Nation has to offer in terms of scenery, historical and archeological relics, and cultural heritage. Through its varied sites, the National Park Service attempts to explain America's history, interpret its culture, preserve

FY 2005 Interior Appropriations Act (H.R. 4568/ S. 2804) Senate Report (S. Rep. 108-341) Reported September 14, 2004
--

NATIONAL WILDLIFE REFUGE FUND

Appropriations, 2004 .....	\$14,237,000
Budget estimate, 2005 .....	14,414,000
Committee recommendation .....	14,414,000

The Committee recommends \$14,414,000 for the national wildlife refuge fund, the same as the budget request.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Appropriations, 2004 .....	\$37,531,000
Budget estimate, 2005 .....	54,000,000
Committee recommendation .....	38,000,000

The Committee recommends \$38,000,000 for the North American wetlands conservation fund, a reduction of \$16,000,000 below the budget request.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

Appropriations, 2004 .....	\$3,951,000
Budget estimate, 2005 .....	4,000,000
Committee recommendation .....	4,000,000

The Committee recommends \$4,000,000 for neotropical migratory bird conservation. Funding for this program was proposed in the budget request within the Multinational Species Conservation Fund account.

MULTINATIONAL SPECIES CONSERVATION FUND

Appropriations, 2004 .....	\$5,532,000
Budget estimate, 2005 .....	9,500,000
Committee recommendation .....	5,700,000

The Committee recommends an appropriation of \$5,700,000 for the multinational species conservation fund. The funds for neotropical birds have been provided under a separate heading. The Rhino and Tiger conservation fund shall receive \$1,500,000, and the remaining three funds shall each receive \$1,400,000.

STATE AND TRIBAL WILDLIFE GRANTS

Appropriations, 2004 .....	\$69,138,000
Budget estimate, 2005 .....	80,000,000
Committee recommendation .....	75,000,000

The Committee recommends \$75,000,000 for State and tribal wildlife grants. Of the amount provided, \$6,000,000 is provided for tribal grants.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriations, 2004 .....	\$1,609,560,000
Budget estimate, 2005 .....	1,686,067,000
Committee recommendation .....	1,688,915,000

The Committee recommends \$1,688,915,000 for operation of the national park system, an increase of \$2,848,000 over the budget request and \$79,355,000 over the enacted level. The amount provided includes an increase of \$44,024,000 for park base operating budg-

Canaan Valley NWR (WV), Cypress Creek NWR (IL), and Red River NWR (LA) shall be funded out of the inholdings account.

2. Lands acquired for the James Campbell NWR (HI) must be within the authorized refuge boundary.

LANDOWNER INCENTIVE PROGRAM

The conference agreement provides \$22,000,000 for the landowner incentive program instead of \$15,000,000 as proposed by the House and \$29,000,000 as proposed by the Senate.

PRIVATE STEWARDSHIP GRANTS

The conference agreement provides \$7,000,000 for private stewardship grants instead of \$5,000,000 as proposed by the House and \$7,500,000 as proposed by the Senate.

Bill Language.—The conference agreement includes bill language, as proposed by the House providing for the merger of funds previously appropriated under the "Stewardship Grants" heading. The Senate had no similar provision.

COOPERATIVE ENDANGERED SPECIES FUND

The conference agreement provides \$81,596,000 for the cooperative endangered species fund as proposed by the House instead of \$82,600,000 as proposed by the Senate.

Bill Language.—The conference agreement earmarks \$32,212,000 to be derived from the Cooperative Endangered Species Fund instead of \$49,384,000 as proposed by the House and \$32,600,000 as proposed by the Senate. The amount derived from the Land and Water Conservation Fund is \$49,384,000 as proposed by the House instead of \$50,000,000 as proposed by the Senate.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides \$14,414,000 for the national wildlife refuge fund as proposed by both the House and the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides \$38,000,000 for the North American wetlands conservation fund as proposed by both the House and the Senate.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides \$4,000,000 for neotropical migratory bird conservation as proposed by the Senate instead of \$4,400,000 as proposed by the House.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides \$5,800,000 for multinational species conservation fund programs instead of \$5,900,000 as proposed by the House and \$5,700,000 as proposed by the Senate. Changes to the House recommended level include decreases of \$50,000 for African elephants, \$50,000 for rhinoceros and tigers, \$50,000 for Asian elephants, and \$50,000 for great apes, and an increase of \$100,000 to initiate the newly authorized marine turtles program. The managers expect the Service to keep the funding for marine turtles in the base budget and to increase funding, as appropriate, for this program in future budget requests.

Bill Language.—The conference agreement includes the statutory citation for the Marine Turtle Conservation Act of 2004.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides \$70,000,000 for State and tribal wildlife grants instead of \$67,500,000 as proposed by the House and \$75,000,000 as proposed by the Senate. The managers reiterate the importance of comprehensive wildlife conservation strategies toward the conservation of each State's full array of wildlife and their habitats. The strategies, produced in each State and territory plan, are expected to be complete by October 1, 2005. Emphasis should be on those

habitats and conservation actions that support the species of greatest conservation need. Program funds should be directed to those actions and habitats that will best implement the comprehensive wildlife conservation strategies and preclude the need to list many more species as threatened or endangered under the Endangered Species Act.

Bill Language.—The conference agreement includes bill language, as proposed by the House, providing for the merger of funds previously appropriated under the "State Wildlife Grants" heading. The Senate had no similar provision.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

FY 2005 Consolidated Appropriations Act (H.R. 4818) Conference Report (H. Rep. 108-792) Joint Explanatory Statement Reported November 19, 2004

... parks will have an additional \$74,666,000 in park programmatic increases for fiscal year 2005. This is the largest park base programmatic increase ever for the National Park Service and in keeping with the large increases in operating funds provided by the Congress over the past 10 years.

The Administration's budget requests for parks in recent years have not sufficiently addressed growing shortfalls in core operating programs at the parks. Recent budgets have seen increasing emphasis placed on expanding law enforcement and security, facility maintenance, information technology, and natural resource data gathering. Core park operations have also been impacted by the absorption of pay costs within budget requests. Congressionally mandated pay increases in excess of budget requests, and storm damage. New security and anti-terrorism requirements and other new mandates and responsibilities have also been assigned by the Department and the Office of Management and Budget. The managers have been supportive of these requirements and have provided significant increases for security at icon and border parks while consistently including additional park maintenance funding to ensure the maintenance backlog reduction efforts continue on track. However important these new responsibilities, the budget of the National Park Service cannot continue to be limited to a few parks and purposes while core visitor service requirements are going unmet nationwide. All parks need to remain open and accessible to visitors and basic visitor services need to be available at all parks across the system.

Of the additional amount provided for park base operations, \$40,000,000 should be distributed to all park units as an across-the-board increase in all budget subactivities within park management to help offset the impact of recent absorptions. This will provide each unit with a minimum increase of approximately 5 percent above their fiscal year 2004 level. Also, \$500,000 of the additional amount should be distributed to national trails on a priority basis. The remaining balance of \$12,154,000 for additional park operations funding shall be used solely to restore basic visitor services and address resource preservation needs in accordance with National Park Service priorities.

The conference agreement provides \$342,967,000 for resource stewardship. Changes to the House level include a reduction of \$1,000,000 for inventory and monitoring and an increase of \$500,000 for Vanishing Treasures.

The conference agreement provides \$326,856,000 for visitor services, the same as the House level.

The conference agreement provides \$573,178,000 for maintenance, the same as the House level.

The conference agreement provides \$285,946,000 for park support. Changes to the House level include an additional \$871,000 for e-government initiatives, \$250,000 for wild and scenic rivers, \$500,000 for the traditional challenge cost share program and \$94,000 for the Lewis and Clark program. The House position on the CCI challenge cost share program is adopted.

Bill language.—The conference agreement retains the House language regarding one year funding for repair and rehabilitation funds. The conference agreement earmarks \$2,000,000 for the YCC.

... age and lighting repairs at Amistad NRA; \$300,000 to continue cultural landscaping improvements at Gettysburg NMP, \$400,000 for Natchez Trace Parkway; \$325,000 for rehab of Fort Piute at Mojave National Preserve; \$400,000 for rehab of structures at Stiltsville in Biscayne NP; and \$200,000 for restoration at International Peace Garden, ND.

The conference agreement continues to earmark one-third of the challenge cost share program for the National Trails System. The managers have retained the House language concerning National Park Service travel. Foreign travel must be pre-approved by the House and Senate Committees on Appropriations.

The managers recognize the successful partnership between the National Park Service and Southeast Community College, KY, in providing important employee training. The managers encourage the Service to consider additional training opportunities with the college.

UNITED STATES PARK POLICE

The conference agreement provides \$81,204,000 for the United States Park Police as proposed by the House and the Senate.

It has been three years since the National Academy of Public Administration's comprehensive financial and management review of the U.S. Park Police. As of two months ago, NAPA reported that none of the major reforms had been implemented. The managers expect the Secretary and the Director of the National Park Service to implement fully the major reforms and be prepared to discuss those changes at the fiscal year 2006 hearings.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides \$61,832,000 for national recreation and preservation, instead of \$53,877,000 as proposed by the House and \$63,023,000 as proposed by the Senate.

The conference agreement provides \$551,000 for recreation programs, the same as the House and Senate. Also included is \$11,018,000 for natural programs. Changes to the House level include an additional \$300,000 for the rivers and trails program. The managers expect that the reforms made to the strategic plan will be closely followed. This is a technical assistance program. Direct grants are not authorized.

The conference agreement provides \$20,214,000 for cultural programs. Changes to the House level include increases of \$100,000 for the Louisiana Creole Heritage Center and \$300,000 for a National Underground Railroad Network grant program, which is authorized.

The conference agreement provides \$1,616,000 for International park affairs, the same as the House and Senate.

re-  
fol-  
lay-  
for  
ana  
at  
airs  
gn-

\$32,212,000 is to be derived from the Cooperative Endangered Species Conservation Fund and \$49,384,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

#### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$14,414,000.

**NORTH AMERICAN WETLANDS CONSERVATION FUND**  
For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, \$38,000,000, to remain available until expended.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106-247 (16 U.S.C. 6101-6109), \$4,000,000, to remain available until expended.

#### MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and the Marine Turtle Conservation Act of 2004 (Public Law 108-266; 16 U.S.C. 6601), \$5,800,000, to remain available until expended.

#### STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$70,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, \$6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said \$6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation

plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2005 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2006, shall be reapportioned, together with funds appropriated in 2007, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of nongovernmental motor vehicles, of replacement only (including use); repair of damage to and adjacent to reservation operations of the Service; optional acquisition of land at not to exceed \$1 million; and for other public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That notwithstanding any other provision of law, the Service may use up to \$2,000,000 from funds provided for contracts for employment-related legal services: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108-330.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,707,282,000, of which \$10,708,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$96,440,000 is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures,

those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

#### UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$81,204,000.

#### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$61,832,000: Provided, That \$700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Ta-

## FY 2005 Consolidated Appropriations Act (H.R. 4818) Legislative Text

strategic plan: Provided further, That notwithstanding section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-8(b)), amounts made available under this heading to the Keweenaw National Historical Park shall be matched on not less than a 1-to-1 basis by non-Federal funds.

#### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$72,750,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2006, of which \$30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: Provided, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant: Provided further, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: Provided further, That hereinafter and notwithstanding 20 U.S.C. 951 et seq. the National Endowment for the Arts may award Save America's Treasures grants based upon the recommendations of the Save America's Treasures grant selection panel convened by the President's Committee on the Arts and the Humanities and the National Park Service.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$307,362,000, to remain available until expended, of which \$500,000 for the L.Q.C. Lamar House National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: Provided further, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the

FY 2006 Interior, Environment & Related Agencies  
 Appropriations Act (H.R. 2361)  
 House Report (H. Rep. 109-80)  
 Reported May 13, 2005

The Committee recommends \$5,900,000 for the multinational species conservation fund, an increase of \$181,000 above the fiscal year 2005 level and \$2,400,000 below the budget request. Changes to the budget request include a decrease of \$4,000,000 for neotropical migratory birds (which is funded in a separate account) and increases of \$400,000 for African elephant conservation, \$400,000 for Asian elephant conservation, \$300,000 for rhinoceros and tiger conservation and \$500,000 for great ape conservation. The Committee expects these funds to be matched by non-Federal funding to leverage private contributions to the maximum extent possible.

STATE AND TRIBAL WILDLIFE GRANTS

The State and tribal wildlife grants program provides funds for States to develop and implement wildlife management and habitat restoration for the most critical wildlife needs in each State. States are required to develop comprehensive wildlife conservation plans to be eligible for grants and to provide at least a 25 percent cost share for planning grants and at least a 50 percent cost share for implementation grants.

Appropriation enacted, 2005 .....	\$69,028,000
Budget estimate, 2006 .....	74,000,000
Recommended, 2006 .....	65,000,000
Comparison:	
Appropriation, 2005 .....	-4,028,000
Budget estimate, 2006 .....	-9,000,000

The Committee recommends \$65,000,000 for State and tribal wildlife grants, a decrease of \$4,028,000 below the fiscal year 2005 level and \$9,000,000 below the budget request. Within the amount provided, \$6,000,000 is for competitively awarded grants to Indian tribes.

*Bill Language.*—Bill language is continued specifying that each State or eligible entity has two years to enter into specific grant agreements. If fiscal year 2006 funds remain unobligated at the end of fiscal year 2007, the unobligated funds will be reapportioned to all States and eligible entities, together with any new appropriations provided in fiscal year 2008. Bill language also is included providing direction on redistributing funds for States with disapproved plans.

The Committee agrees to the following:

1. Not more than 3 percent of the appropriated amount may be used for Federal administration of the program. Administrative costs for each grantee should also be held to a minimum so that the maximum amount of funding is used for on-the-ground projects.
2. Funds made available under this account should be added to revenues from existing State sources and not serve as a substitute for revenues from such sources.
3. Priority for the use of these funds should be placed on those species with the greatest conservation need. Funds should be used to address the habitat requirements of species identified in State wildlife plans/strategies in order to preclude the need to list more species as threatened or endangered under the Endangered Species Act.

The Committee reiterates its expectation that each State and other participating entity in the formula grant program will submit

its comprehensive wildlife conservation plan on time. The Service should notify each State or other entity, as soon as possible after receipt of its plan, whether the plan is approved, conditionally approved, or disapproved. If a plan is conditionally approved, the submitting entity should be given a limited but reasonable amount of time to address the Service's concerns and submit a revised plan for approval. Such extension of time should not exceed 6 months. If a plan is disapproved, the submitting entity is no longer entitled to receive funds from the program. Should an entity with a disapproved plan elect to submit a revised plan in the future, it may do so but, until a plan is approved, that entity will not be entitled to receive any funds from the program.

#### NATIONAL PARK SERVICE

The mission of the National Park Service is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

The National Park Service, established in 1916, has stewardship responsibilities for the protection and preservation of the heritage resources of the national park system. The system, consisting of 388 separate and distinct units, is recognized globally as a leader in park management and resource preservation. The national park system represents much of the finest the Nation has to offer in terms of scenery, historical and archeological relics, and cultural heritage. Through its varied sites, the National Park Service attempts to explain America's history, interpret its culture, preserve examples of its natural ecosystems, and provide recreational and educational opportunities for U.S. citizens and visitors from all over the world. In addition, the National Park Service provides support to tribal, local, and State governments to preserve culturally significant, ecologically important, and public recreational lands.

#### OPERATION OF THE NATIONAL PARK SYSTEM

Appropriation enacted, 2005 .....	\$1,683,564,000
Budget estimate, 2006 .....	1,734,053,000
Recommended, 2006 .....	1,754,199,000
Comparison:	
Appropriation, 2005 .....	+70,635,000
Budget estimate, 2006 .....	+20,146,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:



FY 2006 Interior, Environment & Related Agencies Appropriations Act (H.R. 2361) Senate Report (S. Rep. 109-80) Reported June 10, 2005
--

\$600,000 above the House recommended level. The funds for neotropical migratory birds have been provided under a separate heading. The rhino and tiger conservation fund shall receive \$1,600,000, and the remaining funds shall each receive \$1,400,000. The marine turtles program shall receive \$700,000.

STATE AND TRIBAL WILDLIFE GRANTS

Appropriations, 2005 .....	\$69,028,000
Budget estimate, 2006 .....	74,000,000
House allowance .....	65,000,000
Committee recommendation .....	72,000,000

The Committee recommends \$72,000,000 for State and tribal wildlife grants which is \$2,972,000 above the enacted level, \$2,000,000 below the budget request, and \$7,000,000 above the House recommendation. Of the recommended amount, \$6,000,000 is provided for tribal grants.

NATIONAL PARK SERVICE

Since the creation of Yellowstone National Park in 1872, the national park system has grown to encompass 388 sites spanning more than 84,000,000 acres in 49 States, the District of Columbia, American Samoa, Guam, Puerto Rico, Saipan, and the Virgin Islands. The National Park Service, created in 1916, is charged with preserving these sites "unimpaired for the enjoyment of future generations." The Service and its more than 20,000 employees also contribute to the protection of other historical, cultural and recreational resources through a variety of grant and technical assistance programs.

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriations, 2005 .....	\$1,683,564,000
Budget estimate, 2006 .....	1,734,053,000
House allowance .....	1,754,199,000
Committee recommendation .....	1,748,486,000

PROGRAM DESCRIPTION

The operation of the national park system account is the primary source of funding for the national parks, and supports the activities, programs and services essential to their day-to-day operations. It includes base funding for individual park units, as well as pooled funding administered at the national or regional level for training; repair, preservation and rehabilitation of facilities and resources; information technology; and a variety of other purposes.

COMMITTEE RECOMMENDATION

The Committee recommends \$1,748,486,000 for operation of the national park system, an increase of \$64,922,000 over the fiscal year 2005 enacted level, an increase of \$14,433,000 over the budget request, and a decrease of \$5,713,000 below the House recommended funding level.

The amount provided includes an increase over the budget request of \$20,000,000 for recurring park base operating budgets. Of

*Bill Language.*—The conference agreement includes language earmarking \$62,039,000 to be derived from the Land and Water Conservation Fund instead of \$64,239,000 as proposed by the House and \$45,653,000 as proposed by the Senate. A total of \$20,161,000 is derived from the Cooperative Endangered Species Conservation Fund as proposed by the House instead of \$34,347,000 as proposed by the Senate.

#### NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides \$14,414,000 for the national wildlife refuge fund as proposed by both the House and the Senate.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides \$40,000,000 for the North American wetlands conservation fund as proposed by the House instead of \$39,500,000 as proposed by the Senate.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides \$4,000,000 for neotropical migratory bird conservation as proposed by both the House and the Senate.

#### MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides \$6,500,000 for the multinational species conservation fund as proposed by the Senate instead of \$5,900,000 as proposed by the House. Changes to the House recommended level include increases of \$200,000 for rhinoceros and tiger conservation and \$400,000 for marine turtle conservation.

#### STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides \$68,500,000 for State and Tribal wildlife grants instead of \$65,000,000 as proposed by the House and \$72,000,000 as proposed by the Senate.

*Bill Language.*—The conference agreement includes language proposed by the House restating the October 1, 2005, deadline for completion of State comprehensive wildlife conservation plans and providing direction on distributing funds for States with disapproved plans. The Senate had no similar provisions.

#### ADMINISTRATIVE PROVISIONS

The conference agreement does not specify the number of replacement passenger motor vehicles that may be purchased by the Service.

The conference agreement includes a reference to the current reprogramming guidelines, which are contained in the front of the statement of the managers in this report.

FY 2006 Interior, Environment & Related Agencies  
Appropriations Act (H.R. 2361/Public Law 109-54)  
August 2, 2005

H. R. 2361—7

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, \$40,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106-247 (16 U.S.C. 6101-6109), \$4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and the Marine Turtle Conservation Act of 2004 (Public Law 108-266; 16 U.S.C. 6601), \$6,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$68,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That of the amount provided herein, \$6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said \$6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such

projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2006 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2007, shall be reapportioned, together with funds appropriated in 2008, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of passenger motor vehicles; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to \$2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.