

**2/09/01**

**CARA  
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**Memorandum**

**TO:** Ted Popely  
Ron Somerville  
**FROM:** Bill Horn *BH*  
**DATE:** October 3, 2000  
**RE:** Land Legacy Program and CARA

**VIA TELEFAX**

The Interior and Related Agencies Appropriations Conference Report (H.R. 4578) is being voted on today in the House. The bill includes Title VIII addressing "Land Conservation, Preservation and Infrastructure Improvement" which is the substitute for CARA and reflects in large measure the elements of the Clinton Administration's Land Legacy program.

Title VIII outlines a six-year program providing \$1.6 billion in year one (FY 2001) increasing to \$2.4 billion in year six (FY 2006). Most of the first year funding (\$1.2 billion) is directed to Interior agencies and the Forest Service. The remaining \$400 million goes to the Commerce Department (i.e., NOAA and NMFS). We do not have details on the Commerce money and do not know how much, if any, will be provided to coastal states.

The following chart indicates the programs and amounts covered by this Title:

(Millions of Dollars)

LWCF (Land Acquisition)

Interior	\$294
Forest Service	156
Stateside	<u>90</u>

**SUBTOTAL** \$540

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(Millions of Dollars)

**Conservation Programs**

ESA Grants	\$105
Non-Game	50
NAWCA	40
USGS (Biological Surveys)	25
Forest Legacy	60
Forest Planing/Inventory	<u>20</u>

**SUBTOTAL** \$300

**Urban/Historic Programs**

UPAR	\$30
Historic Preservation	88
Urban Forestry	36
YCC	<u>6</u>

**SUBTOTAL** \$160

**Enhanced Maintenance** \$150

**Enhanced PILT** \$50

**TOTAL** \$1,200

The land acquisition program comes with no particular sideboards, limitations, or private property protections. It is just straight out funding for federal and state agencies to buy land.

The Non-Game funding is the vestige of Title III of CARA. The CARA version would have funneled \$300 million through a new Pittman-Robertson account to State fish and wildlife agencies for general wildlife conservation. In contrast, this program is a \$50 million federal grant program in which the states must come to FWS for funds on a project-by-project basis. According to the conference report the funds must go to programs that "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." H. Rept. 106-914, Sept. 29, 2000, p. 202.

As soon as details are available on distribution of the Commerce \$400 million we will provide it to you right away.

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**MEMORANDUM**

**TO:** Ted Popely  
 Ron Somerville

**FROM:** Bill Horn *BH*  
 Tom Albert

**DATE:** December 22, 2000

**RE:** Final "CARA Lite" Legislation

**VIA TELEFAX**

The recent FY 01 Consolidated Appropriations Act (H.R. 4577, H. Rept. 106-1033), among other things, provided for the amendment and final enactment of the previously-passed conference report on the FY 01 Commerce, Justice, State appropriations bill (H.R. 4292, H. Rept. 106-1005) ("CJS bill"). Title IX of the CJS bill (Wildlife, Ocean and Coastal Conservation) essentially represents the second phase of the "CARA-Lite" legislation begun in the FY 01 Interior Appropriations Act. Specifically, Title IX authorizes and appropriates a total of \$200 million in FY 01 funding for Wildlife Conservation and Coastal Impact Assistance that is largely consistent with the purposes of the original CARA legislation, although on a smaller scale.

**Wildlife Conservation**

Section 901 of the CJS bill appropriates \$50 million in FY 01 funding for States and localities for wildlife conservation and restoration activities. These funds are to supplement, but not replace, existing funds available to States from the sport fish and wildlife restoration accounts. The \$50 million is to be apportioned among the States on the basis of land area (1/3) and on the basis of population (2/3), subject to a one percent minimum and a five percent maximum. In addition, up to 2.5 percent will be available for certain U.S. territories and possessions. As a condition for receiving a grant, each State must adopt wildlife conservation strategy and plan.

Section 902 authorizes and establishes the Wildlife Conservation and Restoration Account as a subaccount to the Pittman-Robertson fund, albeit for one year

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(FY 01) only. It also amends Sections 2 through 4 of the Pittman-Robertson Act to include the terms of the new program and account.

Funds may be used to support wildlife conservation and restoration programs and strategies, which may include conservation, conservation education and wildlife-associated recreation projects. As a condition for receiving a grant, States are required to develop and adopt comprehensive plans that include development and implementation, within five years, of a wildlife conservation strategy that analyzes and prioritizes the needs and problems of wildlife species and habitats. The federal grant may not exceed 75 percent of the cost of such program and no more than 10 percent of a State's apportionment may be used for wildlife-associated recreation. While grant funds may be used for conservation education, that may not be used for education projects or programs that promote or encourage opposition to regulated hunting or fishing. According to our rough calculations Alaska's share of the new fund should total between \$4 million and \$5 million.

**Coastal Impact Assistance**

Section 903 of the CJS bill amends the Outer Continental Shelf (OCS) Lands Act by adding a new Section 31 regarding Coastal Impact Assistance. Under the program, which is in fact, a one time \$150 million authorization (the bill explicitly says it is not to be construed as a permanent authorization), "Producing Coastal States" (i.e., within 200 miles from the center of a leased tract) shall receive impact assistance payments through the Secretary of Commerce. Sixty (60) percent of the funds are to be divided equally among all Producing Coastal States and forty (40) percent is to be allocated on the basis of OCS revenues, subject to a maximum of twenty-five (25) percent to any one State. Thirty-five (35) percent of each State's share is to be paid directly to coastal political subdivisions. This local share is to be allocated as follows: twenty-five (25) percent on the basis of population; (25) percent on the basis of coastline miles and fifty (50) percent on the basis of relative distance from any leased tract. Another portion of the bill appropriates the full \$150 million for FY 01.

In order to receive Impact Assistance funds, States are required to adopt Coastal Impact Assistance Plans, to be submitted to the Secretary of Commerce by July 1, 2001. Impact Assistance funds may be used for wetlands conservation and restoration, wildlife mitigation, implementation of approved marine, coastal or comprehensive conservation management plans, and mitigation of OCS Impacts (subject to a 23 percent cap). In addition, funds may be used for a variety of uses set forth in the Senate amendment to CARA (H.R. 701), including, among other things, National marine sanctuaries, fisheries conservation, conservation and restoration of coastal and marine

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habitats, coastal water quality improvement, watershed protection, controlling coastline erosion and management of coastal growth and development.

Attached are relevant pages from the CJS Conference Report.

Attachment

106TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
 2d Session } { 106-1005

MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF  
 COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN  
 PART AGAINST REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR  
 ENDING SEPTEMBER 30, 2001, AND FOR OTHER PURPOSES

OCTOBER 26 (legislative day, OCTOBER 25), 2000.—Ordered to be printed

Mr. ISTOOK, from the committee of conference,  
 submitted the following

CONFERENCE REPORT

[To accompany H.R. 4942]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4942) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*Section 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:*

*(1) H.R. 5547, as introduced on October 25, 2000.*

*(2) H.R. 5548, as introduced on October 25, 2000.*

*(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.*

and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: Provided further, That not to exceed \$31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: Provided further, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

**PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING  
TRANSFERS OF FUNDS)**

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$682,899,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

**COASTAL AND OCEAN ACTIVITIES**

In addition, for coastal and ocean activities, \$420,000,000, to remain available until expended, of which \$135,000,000 is for ocean, coastal and waterway conservation programs; of which \$135,000,000 is for National Oceanic and Atmospheric Administration programs; and of which \$150,000,000 is for coastal impact assistance as authorized by section 31 of the Outer Continental Shelf Lands Act as authorized by section 903 of this Act: Provided, That of the funds provided under this heading for ocean and coastal conservation programs, \$10,000,000 is available for implementation of State nonpoint pollution control plans established pursuant to sec-

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**TITLE VIII—DEBT REDUCTION**

AND OTHER MATTER

**DEPARTMENT OF THE TREASURY****BUREAU OF THE PUBLIC DEBT****GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT**

For deposit on November 1, 2000, of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, the amount equal to the difference between \$240,088,000,000 and the aggregate amount deposited into this account in other appropriation Acts for fiscal year 2001 enacted before such date.

**GENERAL PROVISION**

**SEC. 801.** Beginning on the first day of the 107th Congress, the Presiding Officer of the Senate shall apply all of the precedents of the Senate under Rule XXVIII in effect at the conclusion of the 103rd Congress. Further that there is now in effect a standing order of the Senate that the reading of conference reports, are no longer required, if the said conference report is available in the Senate.

**TITLE IX—WILDLIFE, OCEAN AND COASTAL  
CONSERVATION****SEC. 801. 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, 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 develop-

ment, 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 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) APPORTIONMENTS 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) APPORTIONMENT 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 ac-

tions 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.

"(6) 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”.

**SEC. 903. COASTAL IMPACT ASSISTANCE.**

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

**“SEC. 31. COASTAL IMPACT ASSISTANCE.**

“Nothing in this section shall be construed as a permanent authorization.

“(a) **DEFINITIONS.**—When used in this section—

“(1) The term ‘coastal political subdivision’ means a county, parish, or any equivalent subdivision of a Producing Coastal State all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)).

“(2) The term ‘coastal population’ means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State’s coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

“(3) The term ‘Coastal State’ has the same meaning as provided by subsection 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

“(4) The term ‘coastline’ has the same meaning as the term ‘coast line’ as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

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

“(6) The term ‘leased tract’ means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

“(7) The term ‘Producing Coastal State’ means a Coastal State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract within any area of the Outer Continental Shelf where a morato-

rium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

"(8) The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

"(9) The term 'Secretary' means Secretary of Commerce.

"(b) AUTHORIZATION.—For fiscal year 2001, \$150,000,000 is authorized to be appropriated for the purposes of this section.

"(c) IMPACT ASSISTANCE PAYMENTS TO STATES AND POLITICAL SUBDIVISIONS.—The Secretary shall make payments from the amounts available under this section to Producing Coastal States with an approved Coastal Impact Assistance Plan, and to coastal political subdivisions as follows:

"(1) ALLOCATIONS TO PRODUCING COASTAL STATES.—In each fiscal year, each Producing Coastal State's allocable share shall be equal to the sum of the following:

"(A) 60 percent of the amounts appropriated shall be equally divided among all Producing Coastal States;

"(B) 40 percent of the amounts appropriated for the purposes of this section shall be divided among Producing Coastal States based on Outer Continental Shelf production, except that of such amounts no Producing Coastal State may receive more than 25 percent in any fiscal year.

"(2) CALCULATION.—The amount for each Producing Coastal State under paragraph (1)(B) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the Producing Coastal State to the qualified OCS revenues generated off the coastlines of all Producing Coastal States for the period beginning on January 1, 1995 and ending on December 31, 2000. Where there is more than one Producing Coastal State within 200 miles of a leased tract, the amount of each Producing Coastal State's payment under paragraph (1)(B) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was

issued prior to the establishment of the moratorium and was in production on January 1, 2000.

**"(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.**—Thirty-five percent of each Producing Coastal State's allocable share as determined under paragraph (1) shall be paid directly to the coastal political subdivisions by the Secretary based on the following formula, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in paragraph (C) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues:

**"(A)** 25 percent shall be allocated based on the ratio of such coastal political subdivision's coastal population to the coastal population of all coastal political subdivisions in the Producing Coastal State.

**"(B)** 25 percent shall be allocated based on the ratio of such coastal political subdivision's coastline miles to the coastline miles of all coastal political subdivisions in the Producing Coastal State.

**"(C)** 50 percent shall be allocated based on the relative distance of such coastal political subdivision from any leased tract used to calculate that Producing Coastal State's allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

**"(4) FAILURE TO HAVE PLAN APPROVED.**—Any amount allocated to a Producing Coastal State or coastal political subdivision but not disbursed because of a failure to have an approved Coastal Impact Assistance Plan under this section shall be allocated equally by the Secretary among all other Producing Coastal States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold a Producing Coastal State's allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.

**"(d) COASTAL IMPACT ASSISTANCE PLAN.**—

**"(1) DEVELOPMENT AND SUBMISSION OF STATE PLANS.**—The Governor of each Producing Coastal State shall prepare, and submit to the Secretary, a Coastal Impact Assistance Plan. The

Governor shall solicit local input and shall provide for public participation in the development of the plan. The plan shall be submitted to the Secretary by July 1, 2001. Amounts received by Producing Coastal States and coastal political subdivisions may be used only for the purposes specified in the Producing Coastal State's Coastal Impact Assistance Plan.

"(2) APPROVAL.—The Secretary shall approve a plan under paragraph (1) prior to disbursement of amounts under this section. The Secretary shall approve the plan if the Secretary determines that the plan is consistent with the uses set forth in subsection (e) and if the plan contains each of the following:

"(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section.

"(B) A program for the implementation of the plan which describes how the amounts provided under this section will be used.

"(C) A contact for each political subdivision and description of how coastal political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section.

"(D) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

"(E) Measures for taking into account other relevant Federal resources and programs.

"(3) PROCEDURE.—The Secretary shall approve or disapprove each plan or amendment within 90 days of its submission.

"(4) AMENDMENT.—Any amendment to the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval.

"(e) AUTHORIZED USES.—Producing Coastal States and coastal political subdivisions shall use amounts provided under this section, including any such amounts deposited in a State or coastal political subdivision administered trust fund dedicated to uses consistent with this subsection, in compliance with Federal and State law and only for one or more of the following purposes:

"(1) uses set forth in new section 32(c)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) proposed by the amendment to H.R. 701 of the 106th Congress as reported by the Senate Committee on Energy and Natural Resources;

"(2) projects and activities for the conservation, protection or restoration of wetlands;

"(3) mitigating damage to fish, wildlife or natural resources, including such activities authorized under subtitle B of title IV of the Oil Pollution Act of 1990 (33 U.S.C. 1321(c), (d));

"(4) planning assistance and administrative costs of complying with the provisions of this section;

"(5) implementation of Federally approved marine, coastal, or comprehensive conservation management plans; and

"(6) mitigating impacts of Outer Continental Shelf activities through funding of (A) onshore infrastructure projects and (B) other public service needs intended to mitigate the environmental effects of Outer Continental Shelf activities: Provided, That funds made available under this paragraph shall not exceed 23 percent of the funds provided under this section.

"(f) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a Producing Coastal State or coastal political subdivision is not consistent with the uses authorized in subsection (e), the Secretary shall not disburse any further amounts under this section to that Producing Coastal State or coastal political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses."

## TITLE X—LOCAL TV ACT

### SECTION 1001. SHORT TITLE.

This title may be cited as the "Launching Our Communities' Access to Local Television Act of 2000".

### SEC. 1002. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in nonserved areas and underserved areas.

### SEC. 1003. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the LOCAL Television Loan Guarantee Board (in this Act referred to as the "Board").

#### (1) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(D) The Secretary of Commerce, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

#### (c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4.

#### (2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments

**Systems Acquisition.**—Of the funding provided for Polar Spacecraft and Launching, \$73,325,000 is for Polar Convergence. A total of \$290,824,000 for the Geostationary Spacecraft and Launching line is provided as requested in the budget.

**Construction.**—The funds appropriated for National Estuarine Research Reserve construction are to be distributed as follows: \$7,000,000 is for overall NERRS requirements, and \$500,000 is for the Jacques Cousteau NERRS. The funds appropriated for Alaska facilities are to be distributed as follows: \$15,000,000 is for the Juneau Lab, and \$4,000,000 is for the SeaLife Center. The conference agreement includes \$3,000,000 for architecture and engineering of a building for the University of Oklahoma. The conference agreement assumes that funding for NOAA's occupancy of the proposed building will be based on an operating lease arrangement once the building has been constructed by the University of Oklahoma and is ready for NOAA occupancy.

In addition, the conference agreement includes \$15,000,000 for NOAA's Suitland, Maryland facility. Funding is provided to cover those costs in addition to the basic building costs provided by the GSA. Bill language is included to prohibit the Department of Commerce from paying the traditional GSA building requirements for the Suitland facility.

**Fleet Replacement.**—The conference agreement includes funding for the refurbishment of the *Fairweather* in Alaska and the Navy Surplus YTT vessel, other than baseline operations, in South Carolina.

#### COASTAL AND OCEAN ACTIVITIES

In addition to the funds provided to the National Oceanic and Atmospheric Administration in the above table and narrative, the conference agreement includes an additional \$420,000,000 for special purposes. Of this amount, \$150,000,000 is for coastal impact assistance as authorized by section 31 of the Outer Continental Shelf Act for fiscal year 2001 only and does not alter the underlying authorization; \$135,000,000 is for ocean, coastal and conservation programs, and \$135,000,000 is for National Oceanic and Atmospheric Administration programs. Of the funds provided for ocean, coastal and conservation programs, \$10,000,000 is provided for implementation of State nonpoint pollution control plans pursuant to section 6217 of the Coastal Zone Act, as amended, other than non-contiguous States except Hawaii; \$30,000,000 is for competitive grants for coastal communities in the Great Lakes region; \$14,000,000 is for the University of New Hampshire marine facilities program; \$1,000,000 is for the Sea Coast Science Center; \$9,000,000 is for the Great Bay Partnership; \$1,000,000 is for the New Hampshire Department of Environmental Services Marsh Restoration initiative; \$1,000,000 is for the Mississippi Laboratories at Pascagoula, \$8,000,000 is for the ACE Basin NERRS Research Center construction, \$2,500,000 is for Winyah Bay land acquisition, \$2,000,000 is for ACE Basin Land Acquisition, \$10,000,000 is for the SeaLife Center, \$4,000,000 is for Kachameck Bay NERRS research center construction; \$1,000,000 is for the Raritan, N.J. NERRS land acquisition; \$10,000,000 is for DuPage River restoration; \$1,000,000 if for Detroit River restoration,

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## TITLE VII—RESCISSIONS

## DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION  
 DRUG DIVERSION CONTROL FEE ACCOUNT  
 (RESCISSION)

The conference agreement includes a rescission of \$8,000,000 from the amounts otherwise available for obligation in fiscal year 2001 for the "Drug Diversion Control Fee Account", as proposed in the Senate-reported amendment. The House bill did not include a rescission from this account.

## RELATED AGENCIES

## DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION  
 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT  
 (RESCISSION)

The conference agreement includes a rescission of \$7,644,000 from unobligated balances under this heading, as proposed in the House bill. The Senate-reported amendment did not include a rescission from this account.

The conference agreement does not include a title providing contingent emergency funds for a "Southwest Border Initiative" for certain Department of Justice and Federal Judiciary accounts, as proposed in the Senate-reported amendment.

These needs are instead addressed in the regular accounts for such programs in Title I and Title III of this Act.

## TITLE VIII—DEBT REDUCTION

## DEPARTMENT OF TREASURY

## BUREAU OF THE PUBLIC DEBT

## Gifts to the United States for Reduction of the Public Debt

The conference agreement includes a new title depositing an additional amount in fiscal year 2001 into the account established under 31 U.S.C. section 3113(d), to reduce the public debt.

TITLE IX—WILDLIFE, OCEAN AND COASTAL  
CONSERVATION

Secs. 901-902.—The conference agreement includes \$50,000,000 for formula grants to the States for wildlife conservation and restoration programs. Funding is provided through the U.S. Fish and Wildlife Service in the Department of Interior. This amount is in addition to funds provided for new, competitively awarded and cost-shared wildlife programs in the FY 2001 Interior Appropriations Act. This action recognizes wild life conservation as

a critical component of a nationwide strategy and supports state efforts in wildlife conservation and restoration. The conference agreement includes authorization language for this program.

Funding has been provided for the development, revision, and implementation of wildlife conservation and restoration programs and plans to address the unmet needs for a diverse array of wildlife and associated habitats. Funds provided to states or Indian Tribes may be used for planning and implementation of wildlife conservation programs and conservation strategies, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects, for new programs and projects as well as to enhance existing programs and projects.

Each state's apportionment is determined by formula which considers the total area of the state (1/3 of the formula) and the population (2/3 of the formula). No state will receive an amount that is less than one percent of the amount available or more than five percent for any fiscal year. Puerto Rico and the District of Columbia each receive a sum equal to not more than one-half of one percent and Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands each receive a sum equal to not more than one-fourth of one percent. The conference agreement requires States and other jurisdiction to have or agree to develop a wildlife conservation strategy and plan as a condition for receiving a federal grant under this program.

Sec. 903.—The conference agreement includes language authorizing a coastal impact assistance program for fiscal year 2001.

#### TITLE X

The conference agreement includes a new title X to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

#### TITLE XI

The conference agreement includes a new title XI, the Legal Immigration Family Equity Act.