

Calendar No. 709

115TH CONGRESS
2D SESSION

S. 569

To amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2017

Ms. CANTWELL (for herself, Mr. BURR, Mr. WYDEN, Mrs. FEINSTEIN, Mr. SANDERS, Mr. TESTER, Ms. STABENOW, Mr. HEINRICH, Mr. MANCHIN, Mr. FRANKEN, Mr. MARKEY, Ms. HIRONO, Mr. MERKLEY, Mr. SCHATZ, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. BENNET, Mr. CARDIN, Mr. CASEY, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. COONS, Mr. UDALL, Mr. DURBIN, Mr. ALEXANDER, Ms. HASSAN, Mr. PETERS, Ms. WARREN, Mr. BLUMENTHAL, Ms. HARRIS, Mr. VAN HOLLEN, Mr. NELSON, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. MURPHY, Mr. MENENDEZ, Mr. BOOKER, Ms. COLLINS, Mr. KAINE, Mr. KING, Mr. JONES, Ms. SMITH, Mrs. MURRAY, Mr. BROWN, Mr. GARDNER, Mr. GRAHAM, Mr. DAINES, Mr. DONNELLY, Mr. LEAHY, Mr. WARNER, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

DECEMBER 4, 2018

Reported by Ms. MURKOWSKI, with an amendment

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

A BILL

To amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the

effectiveness of the Fund for future generations, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Land and Water Con-
5 servation Authorization and Funding Act”.

6 **SEC. 2. PERMANENT AUTHORIZATION AND FULL FUNDING**
7 **OF THE LAND AND WATER CONSERVATION**
8 **FUND.**

9 (a) **AUTHORIZATION.**—Section 200302 of title 54,
10 United States Code, is amended—

11 (1) in subsection (b), in the matter preceding
12 paragraph (1), by striking “During the period end-
13 ing September 30, 2018, there” and inserting
14 “There”; and

15 (2) in subsection (c)(1), by striking “through
16 September 30, 2018”.

17 (b) **FULL FUNDING.**—

18 (1) **IN GENERAL.**—Section 200303 of title 54,
19 United States Code, is amended to read as follows:

20 **“§ 200303. Availability of funds**

21 “(a) **IN GENERAL.**—Amounts deposited in the Fund
22 under section 200302 shall be made available for expendi-
23 ture, without further appropriation or fiscal year limita-
24 tion, to carry out the purposes of the Fund (including ac-

1 counts and programs made available from the Fund under
2 the Consolidated and Further Continuing Appropriations
3 Act, 2015 (Public Law 113–235)).

4 “(b) ADDITIONAL AMOUNTS.—Amounts made avail-
5 able under subsection (a) shall be in addition to amounts
6 made available to the Fund under section 105 of the Gulf
7 of Mexico Energy Security Act of 2006 (43 U.S.C. 1331
8 note; Public Law 109–432) or otherwise appropriated
9 from the Fund.

10 “(c) ALLOCATION AUTHORITY.—

11 “(1) SUBMISSION OF COST ESTIMATES.—The
12 President shall submit to Congress detailed account,
13 program, and project allocations to be funded under
14 subsection (a) as part of the annual budget submis-
15 sion of the President.

16 “(2) ALTERNATE ALLOCATION.—

17 “(A) IN GENERAL.—Appropriations Acts
18 may provide for alternate allocation of amounts
19 made available under subsection (a), including
20 allocations by account and program.

21 “(B) ALLOCATION BY PRESIDENT.—

22 “(i) NO ALTERNATE ALLOCATIONS.—
23 If Congress has not enacted legislation es-
24 tablishing alternate allocations by the date
25 that is 120 days after the date on which

1 the applicable fiscal year begins, amounts
2 made available under subsection (a) shall
3 be allocated by the President.

4 “(ii) INSUFFICIENT ALTERNATE AL-
5 LOCATION.—If Congress enacts legislation
6 establishing alternate allocations for
7 amounts made available under subsection
8 (a) that are less than the full amount ap-
9 propriated under that subsection, the dif-
10 ference between the amount appropriated
11 and the alternate allocation shall be allo-
12 cated by the President.

13 “(3) ANNUAL REPORT.—The President shall
14 submit to Congress an annual report that describes
15 the final allocation by account, program, and project
16 of amounts made available under subsection (a), in-
17 cluding a description of the status of obligations and
18 expenditures.”

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions for chapter 2003 of title 54, United States
21 Code, is amended by striking the item relating to
22 section 200303 and inserting the following:

“200303. Availability of funds.”

23 (e) PUBLIC ACCESS.—Section 200306 of title 54,
24 United States Code, is amended by adding at the end the
25 following:

1 “(e) **PUBLIC ACCESS.**—Not less than 1.5 percent of
 2 the annual authorized funding amount shall be made
 3 available each year for projects that secure recreational
 4 public access to existing Federal public land for hunting,
 5 fishing, or other recreational purposes.”.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Land and Water Con-*
 8 *servation Authorization and Funding Act”.*

9 **SEC. 2. PERMANENT AUTHORIZATION AND FULL FUNDING**
 10 **OF THE LAND AND WATER CONSERVATION**
 11 **FUND.**

12 (a) **AUTHORIZATION.**—Section 200302 of title 54,
 13 *United States Code, is amended—*

14 (1) *in subsection (b), in the matter preceding*
 15 *paragraph (1), by striking “During the period ending*
 16 *September 30, 2018, there” and inserting “There”;*
 17 *and*

18 (2) *in subsection (c)—*

19 (A) *in paragraph (1), by striking “through*
 20 *September 30, 2018”;* and

21 (B) *by striking paragraph (3).*

22 (b) **FULL FUNDING.**—

23 (1) **IN GENERAL.**—Section 200303 of title 54,
 24 *United States Code, is amended to read as follows:*

1 **“§ 200303. Availability of funds**

2 “(a) *IN GENERAL.*—*For fiscal year 2019 and each fis-*
3 *cal year thereafter, amounts deposited in the Fund under*
4 *section 200302 shall be made available for expenditure,*
5 *without further appropriation or fiscal year limitation, to*
6 *carry out the purposes of the Fund (including accounts and*
7 *programs made available from the Fund under the Consoli-*
8 *dated and Further Continuing Appropriations Act, 2015*
9 *(Public Law 113–235)).*

10 “(b) *ADDITIONAL AMOUNTS.*—*Amounts made avail-*
11 *able under subsection (a) shall be in addition to amounts*
12 *made available to the Fund under section 105 of the Gulf*
13 *of Mexico Energy Security Act of 2006 (43 U.S.C. 1331*
14 *note; Public Law 109–432) or otherwise appropriated from*
15 *the Fund.*

16 “(c) *ALLOCATION AUTHORITY.*—

17 “(1) *SUBMISSION OF COST ESTIMATES.*—*The*
18 *President shall submit to Congress detailed account,*
19 *program, and project allocations to be funded under*
20 *subsection (a) as part of the annual budget submis-*
21 *sion of the President.*

22 “(2) *ALTERNATE ALLOCATION.*—

23 “(A) *IN GENERAL.*—*Appropriations Acts*
24 *may provide for alternate allocation of amounts*
25 *made available under subsection (a), including*
26 *allocations by account and program.*

1 “(B) ALLOCATION BY PRESIDENT.—

2 “*(i) NO ALTERNATE ALLOCATIONS.—If*
3 *Congress has not enacted legislation estab-*
4 *lishing alternate allocations by the date that*
5 *is 120 days after the date on which the ap-*
6 *plicable fiscal year begins, amounts made*
7 *available under subsection (a) shall be allo-*
8 *cated by the President.*

9 “*(ii) INSUFFICIENT ALTERNATE ALLO-*
10 *CATION.—If Congress enacts legislation es-*
11 *tablishing alternate allocations for amounts*
12 *made available under subsection (a) that*
13 *are less than the full amount appropriated*
14 *under that subsection, the difference between*
15 *the amount appropriated and the alternate*
16 *allocation shall be allocated by the Presi-*
17 *dent.*

18 “*(3) ANNUAL REPORT.—The President shall sub-*
19 *mit to Congress an annual report that describes the*
20 *final allocation by account, program, and project of*
21 *amounts made available under subsection (a), includ-*
22 *ing a description of the status of obligations and ex-*
23 *penditures.*”.

24 (2) CLERICAL AMENDMENT.—*The table of sec-*
25 *tions for chapter 2003 of title 54, United States Code,*

1 *is amended by striking the item relating to section*
2 *200303 and inserting the following:*

 “200303. *Availability of funds.*”.

3 *(c) PUBLIC ACCESS.—Section 200306 of title 54,*
4 *United States Code, is amended by adding at the end the*
5 *following:*

6 “*(c) PUBLIC ACCESS.—Not less than 1.5 percent of the*
7 *annual authorized funding amount shall be made available*
8 *each year for projects that secure recreational public access*
9 *to existing Federal public land for hunting, fishing, or other*
10 *recreational purposes.*”.

11 **SEC. 3. REPORT.**

12 *(a) REPORT.—Not later than 1 year after the date of*
13 *enactment of this Act, and every year thereafter, the Sec-*
14 *retary of the Interior and the Secretary of Agriculture shall*
15 *jointly submit to Congress a report that describes the*
16 *amounts from the Land and Water Conservation Fund es-*
17 *tablished under section 200302 of title 54, United States*
18 *Code (referred to in this section as the “Fund”), that were*
19 *expended in each State in the previous year.*

20 *(b) REQUIREMENT.—The report under subsection (a)*
21 *shall include a breakdown of all programs and activities*
22 *for which amounts were expended in a State, including—*

23 *(1) Federal land acquisitions;*

24 *(2) State grants, including competitive State*
25 *grants; and*

- 1 (3) *all other programs and activities that use*
- 2 *amounts from the Fund.*

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