

Current Law as Amended by the PARC Act

[new text highlighted in yellow; text to be deleted in brackets and highlighted in blue]

Land and Water Conservation Fund (54 U.S.C. 200301 et seq.)

§200302. Establishment of Land and Water Conservation Fund

(a) Establishment.-There is established in the Treasury the Land and Water Conservation Fund.

(b) Deposits.-During the period ending September 30, [2015] 2022, there shall be deposited in the Fund the following revenues and collections:

(1) All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of the provisions of law set forth in section 572(a) or 574(a) to (c) of title 40 or under authority of any appropriation Act that appropriates an amount, to be derived from proceeds from the transfer of excess property and the disposal of surplus property, for necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property) received from any disposal of surplus real property and related personal property under chapter 5 of title 40, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this chapter shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(2) The amounts provided for in section 200310 of this title.

(c) Authorization of Appropriations.-

(1) In general.-In addition to the sum of the revenues and collections estimated by the Secretary to be deposited in the Fund pursuant to this section, there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not less than \$900,000,000 for each fiscal year through September 30, [2015] 2022.

(2) Receipts under outer continental shelf lands act.-To the extent that amounts appropriated under paragraph (1) are not sufficient to make the total annual income of the Fund equivalent to the amounts provided in paragraph (1), an amount sufficient to cover the remainder shall be credited to the Fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) Availability of deposits.-Notwithstanding section 200303 of this title, money deposited in the Fund under this subsection shall remain in the Fund until appropriated by Congress to carry out this chapter.

§200304. Statement of estimated requirements

There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Fund. [Not less than 40 percent of such appropriations shall be available for Federal purposes.]

§200305. Financial assistance to States

(a) Authority of Secretary To Make Payments. - Of the overall amount appropriated from the Fund for any fiscal year, not less than 45 percent shall be available to the States as provided in this section. The Secretary may provide financial assistance to the States from amounts

available for State purposes. Payments may be made to the States by the Secretary as provided in this section, subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this chapter, for outdoor recreation:

- (1) Planning.
- (2) Acquisition of land, water, or interests in land or water.
- (3) Development.

(b) Apportionment Among States.-Amounts appropriated and available for State purposes for each fiscal year shall be apportioned among the States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) Fifty percent shall be apportioned equally among the States.

[(1) Forty percent of the 1st \$225,000,000; 30 percent of the next \$275,000,000; and 20 percent of all additional appropriations shall be apportioned equally among the States.]

(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in the Secretary's judgment will best accomplish the purposes of this chapter. The determination of need shall include consideration of--

- (A) the proportion that the population of each State bears to the total population of the United States;
- (B) the use of outdoor recreation resources of each State by persons from outside the State; and
- (C) the Federal resources and programs in each State.

(3) Not less than 30 percent of the total allocation to each State shall be used in one or more communities with a population of greater than 20,000 (based on data from the most recent Census Bureau American Community Survey). Amounts provided to cities as grants under section 200311 of this title shall not be counted toward meeting the minimum percentage specified in this paragraph.

[(3) The total allocation to a State under paragraphs (1) and (2) shall not exceed 10 percent of the total amount allocated to all of the States in any one year.]

(4) The Secretary shall notify each State of its apportionments. The amounts shall be available for payment to the State for planning, acquisition, or development projects as prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given and for 2 fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) [without regard to the 10 percent limitation to an individual State specified in this subsection].

(5) For the purposes of paragraph (1), the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands shall be deemed to be one State, and shall receive shares of the apportionment in proportion to their populations.

(c) Matching Requirements.-Payments to any State shall cover not more than 50 percent of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with funds or services as shall be satisfactory to the Secretary.

(d) Comprehensive State Plan.-

(1) Required for consideration of financial assistance.-A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this chapter. No plan shall be approved unless the chief executive official of the State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which

criteria shall constitute the basis for the certification by the chief executive official. The plan shall contain-

(A) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this chapter;

(B) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(C) a program for the implementation of the plan; and

(D) other necessary information, as determined by the Secretary.

(2) Factors to be considered.-The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Secretary of Housing and Urban Development, any statewide outdoor recreation plan prepared for purposes of this part shall be based on the same population, growth, and other pertinent factors as are used in formulating plans financed by the Secretary of Housing and Urban Development.

(3) Provision of assistance when plan not otherwise available or to maintain plan.-The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when the plan is not otherwise available or for the maintenance of the plan.

(4) Wetlands.-A comprehensive statewide outdoor recreation plan shall specifically address wetlands within the State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921) or, if the national plan has not been completed, consistent with the provisions of that section.

(e) Projects for Land and Water Acquisition and Development of Basic Outdoor Recreation Facilities.-

(1) In general.-In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the types of projects described in paragraphs (2) and (3), or combinations of those projects, if the projects are in accordance with the State comprehensive plan.

(2) Acquisition of land or water.-

(A) In general.-Under paragraph (1), the Secretary may provide financial assistance for a project for the acquisition of land, water, or an interest in land or water, or a wetland area or an interest in a wetland area, as identified in the wetlands provisions of the comprehensive plan (other than land, water, or an interest in land or water acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(B) Retention of right of use and occupancy.-When a State provides that the owner of a single-family residence may, at the owner's option, elect to retain a right of use and occupancy for not less than 6 months after the date of acquisition of the residence and the owner elects to retain such a right-

(i) the owner shall be deemed to have waived any benefits under sections 203 to 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623 to 4626); and

(ii) for the purposes of those sections the owner shall not be deemed to be a displaced person as defined in section 101 of that Act (42 U.S.C. 4601).

(3) Development of basic outdoor recreation facilities.-Under paragraph (1), the Secretary may provide financial assistance for a project for development of basic outdoor recreation facilities to serve the general public, including the development of Federal land under lease to States for terms of 25 years or more. No assistance shall be available under this chapter to enclose or shelter a facility normally used for an outdoor recreation activity, but the Secretary may permit local funding, not to exceed 10 percent of the total amount allocated to a State in any one year, to be used for construction of a sheltered facility for a swimming pool or ice skating rink in an area where the Secretary determines that the construction is justified by the severity of climatic conditions and the increased public use made possible by the construction.

(f) Payments.-

(1) Criteria for making payments.-The Secretary may make a payment to a State only for a planning, acquisition, or development project that is approved by the Secretary. The Secretary shall not make a payment for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance shall be given under any other Federal program or activity for or on account of any project with respect to which the assistance has been given or promised under this chapter. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of a project. The approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of all of the projects, and to operate and maintain by acceptable standards, at State expense, the properties or facilities acquired or developed for public outdoor recreation use.

(2) Payment recipients.-Payments for all projects shall be made by the Secretary to the chief executive official of the State or to a State official or agency designated by the chief executive official or by State law having authority and responsibility to accept and to administer funds paid under this section for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3) Conversion to other than public outdoor recreation use.-No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use. The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(4) Reports and accounting procedures.-No payment shall be made to any State until the State has agreed to-

(A) provide such reports to the Secretary in such form and containing such information as may be reasonably necessary to enable the Secretary to perform the Secretary's duties under this chapter; and

(B) provide such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting for Federal funds paid to the State under this chapter.

(g) Records.-A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records that fully disclose-

- (1) the amount and the disposition by the recipient of the proceeds of the assistance;
- (2) the total cost of the project or undertaking in connection with which the assistance is given or used; and
- (3) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(h) Access to Records.-The Secretary, and the Comptroller General, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

(i) Prohibition of Discrimination.-With respect to property acquired or developed with assistance from the Fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

(j) Coordination With Federal Agencies.-To ensure consistency in policies and actions under this chapter with other related Federal programs and activities and to ensure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities-

- (1) the President may issue such regulations with respect thereto as the President considers desirable; and
- (2) the assistance may be provided only in accordance with the regulations.

(k) Capital Improvement and Other Projects To Reduce Crime.-

(1) Availability and purpose of funds.-In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed \$15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to-

- (A) increase lighting within or adjacent to public parks and recreation areas;
- (B) provide emergency telephone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;
- (C) increase security personnel within or adjacent to public parks and recreation areas; and
- (D) fund any other project intended to increase the security and safety of public parks and recreation areas.

(2) Eligibility.-In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall depend on a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

(3) Federal share.-Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by a State for the purposes described in this subsection.

§200306. Allocation of Fund amounts for Federal purposes

(a) Allowable Purposes and Subpurposes.-

(1) Allocation.—

(A)(i) Of the overall amount appropriated from the Fund for any fiscal year, not more than 3.5 percent shall be available for acquisition of non-Federal land, water or an interest in land or water by one or more of the following:

- (I) The National Park Service.

(II) The United States Fish and Wildlife Service.

(III) The Forest Service.

(IV) The Bureau of Land Management.

(ii) A parcel of non-Federal land, water, or an interest in land or water acquired with funds allocated under this subparagraph shall abut Federal land or water on not less than 75 percent of the parcel's border and, except as provided in paragraph (2)(B)(ii), shall not be subject to size restrictions.

(iii) Not more than 15 percent of the acreage acquired with funds allocated under this subparagraph for any fiscal year shall be located west of the 100th meridian.

(iv) Not less than 33 percent of the funds made available under this subparagraph shall be used to secure or enhance public access on existing Federal lands for hunting, recreational fishing, or recreational shooting where public access for those activities is impracticable.

(B)(i) Of the overall amount appropriated from the Fund for any fiscal year, not more than 3.5 percent shall be available for high-priority deferred maintenance needs and clean-up efforts that support recreational hunting, recreational fishing, recreational shooting, or other recreational purposes, critical infrastructure, visitor services, or a combination thereof, on Federal land or water managed by one or more of the following:

(i) The National Park Service.

(ii) The United States Fish and Wildlife Service.

(iii) The Forest Service.

(iv) The Bureau of Land Management.

(v) The Bureau of Reclamation.

(ii) Not less than 25 percent of the fund made available under this subparagraph shall be made available to non-governmental organizations to execute the activities describe in subparagraph (B). To be eligible to receive funds under this clause, a non-governmental organization shall provide non-Federal funds to execute the activities described in subparagraph (B) in an amount [sic] that is equal to or greater than the amount provided to the non-governmental organization under this clause.

(C) Of the overall amount appropriated from the Fund for any fiscal year, not more than 3.5 percent shall be available for the Forest Legacy Program established pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c), except that such amount may be used only—

(i) to create or improve vehicular, off-highway vehicle, or other access to National Forest System land or State or private forested land for hunting, recreational fishing, recreational shooting, and other recreational purposes; or

(ii) to protect from development forests where management activities occur consistent with a state-approved multiple-resource forest plan, including the production of forest products.

(D) Of the overall amount appropriated from the Fund for any fiscal year, not more than 3.5 percent shall be made available for the Cooperative Endangered Species Conservation Fund.

(E) Of the overall amount appropriated from the Fund for any fiscal year, not more than 1 percent shall be available for the American Battlefield Protection Program.

[(1) In general.-Amounts appropriated from the Fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President for the purposes and subpurposes stated in this subsection.]

(2) Acquisition of land, water, or an interest in land or water.-

(A) System units and recreation areas administered for recreation purposes.-Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within the exterior boundary of-

- (i) a System unit authorized or established; and
- (ii) an area authorized to be administered by the Secretary for outdoor recreation purposes.

(B) National forest system.-

(i) In general.-Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within inholdings within-

(I) wilderness areas of the National Forest System; and

(II) other areas of national forests as the boundaries of those forests existed on January 1, 1965, or purchase units approved by the National Forest Reservation Commission subsequent to January 1, 1965, all of which other areas are primarily of value for outdoor recreation purposes.

(ii) Adjacent land.-Land outside but adjacent to an existing national forest boundary, not to exceed 3,000 acres in the case of any one forest, that would comprise an integral part of a forest recreational management area may also be acquired with amounts appropriated from the Fund.

[(iii) Limitation.-Except for areas specifically authorized by Act of Congress, not more than 15 percent of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.]

(C) Endangered species and threatened species; fish and wildlife refuge areas; national wildlife refuge system.-Amounts shall be allotted for the acquisition of land, water, or an interest in land or water for-

(i) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973 (16 U.S.C. 1534(a));

(ii) areas authorized by section 2 of the Refuge Recreation Act (16 U.S.C. 460k-1);

(iii) national wildlife refuge areas under section 7(a)(4) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3922); and

(iv) any area authorized for the National Wildlife Refuge System by specific Acts.

(3) Payment as offset of capital costs.-Amounts shall be allotted for payment into miscellaneous receipts of the Treasury as a partial offset for capital costs, if any, of Federal water development projects authorized to be constructed by or pursuant to an Act of Congress that are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(4) Availability of appropriations.-Appropriations allotted for the acquisition of land, water, or an interest in land or water as set forth under subparagraphs (A) and (B) of paragraph (2) shall be available for those acquisitions notwithstanding any statutory ceiling on the appropriations contained in any other provision of law enacted prior to January 4, 1977, or, in the case of national recreation areas, prior to January 15, 1979, except that for any such area expenditures shall not exceed a statutory ceiling during any one fiscal year by 10 percent of the ceiling or \$1,000,000, whichever is greater.

(5) Definitions.—For this section:

(A) Hunting.—The term “hunting” means the use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping or killing of wildlife;

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) Recreational Fishing.—The term “recreational fishing” means the lawful—

(i) pursuit, capture, collection, or killing of fish; or

(ii) attempt to pursue, capture, collect, or kill fish.

(C) Recreational Shooting.—The term “recreational shooting” means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow.

(b) Acquisition Restrictions.-Appropriations from the Fund pursuant to this section shall not be used for acquisition unless the acquisition is otherwise authorized by law. Appropriations from the Fund may be used for preacquisition work where authorization is imminent and where substantial monetary savings could be realized.

§200308. Contracts for acquisition of land and water

Not more than **[\$30,000,000] \$2,000,000** of the amount authorized to be appropriated from the Fund by section 200303 of this title may be obligated by contract during each fiscal year for the acquisition of land, water, or interest in land or water within areas specified in section 200306(a)(2) of this title. The contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary. The contract shall be a contractual obligation of the United States and shall be liquidated with money appropriated from the Fund specifically for liquidation of that contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless the acquisition is otherwise authorized by Federal law.

§200311. Community Improvement through [sic] Innovation, Engagement, and Support Program

(a) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the National Park Service, shall establish and administer a competitive urban parks and recreation matching grant program to provide Federal grants to communities with a population of not less than 100,000 (based on data from the most recent Census Bureau American Community Survey) for grants described in subsection (c).

(b) FUNDING.—Of the overall amount appropriated from the Fund for any fiscal year, not less than 5 percent, to remain available until expended, shall be available for carrying out the purposes of this section.

(c) GRANTS.—

(1) AUTHORITY OF SECRETARY TO MAKE PAYMENTS.— Grants offered under this section may be made by the Secretary, acting through the Director of the National Park Service, only for projects in one or more of the following categories:

(A) REHABILITATION AND CONSTRUCTION.—Cost of rehabilitation and construction, including planning and design, of parks, open spaces or indoor or outdoor recreation facilities.

(B) ACQUISITION.—Cost of acquisition of lands and waters, and interests in lands and waters, for parks, open spaces or indoor or outdoor recreation facilities.

(2) GRANT AMOUNTS.—Grants awarded under this section shall be for not more than \$2,000,000.

(3) MATCHING REQUIREMENTS.—Grants awarded under this section shall cover not more than 50 percent of the cost of projects undertaken with those funds. The remaining share of the cost shall be borne by the grantee in a manner and with funds or services satisfactory to the Secretary.

(4) NO ADDITIONAL FEDERAL FUNDS.—The Secretary shall not make a payment under this section for any project with respect to which financial assistance has been given or promised under section 200305.

(5) PAYMENT SCHEDULE.—The Secretary may make payments in keeping with the rate of progress toward the satisfactory completion of a project.

(6) PAYMENT RECIPIENTS.—Payments for all projects shall be made by the Secretary to the mayor of the grantee city, the chief executive of a grantee special park district, or an agency of an appropriate unit of local government designated by the mayor. If consistent with an approved project, Federal funds provided under this section may be transferred by the grantee city to a political subdivision of that city or other appropriate public agency.

(7) INFORMATION AND ACCOUNTING PROCEDURES.—No payment shall be made to any grantee until the grantee has agreed to provide—

(A) information to the Secretary as may be reasonably necessary to enable the Secretary to perform the Secretary's duties under this section; and

(B) fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting for Federal funds paid to the grantee under this section.

(8) RECORDS.—A grantee receiving Federal funds under this section shall keep such records as the Secretary shall prescribe, including records that fully disclose—

(A) the amount and the disposition by the grantee of the Federal funds;

(B) the total cost of the project or undertaking for which the Federal funds are provided;

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(D) such other records as the Secretary determines necessary to facilitate an effective audit.

(9) ACCESS TO RECORDS.—As a condition of receiving Federal funds under this section, a grantee shall make available to the

Secretary, and the Comptroller General, or any duly authorized representative of those officers, access to records described under paragraph (8).

(10) PROHIBITION OF DISCRIMINATION.—With respect to property acquired or developed with Federal funds under this section, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

(11) COORDINATION WITH FEDERAL AGENCIES.—To ensure consistency in policies and actions under this section with other related Federal programs and activities and to ensure coordination of the planning, acquisition, and development assistance to cities under this section with other related Federal programs and activities—

(A) the Secretary may issue such regulations as necessary; and

(B) the grant may be provided only in accordance with those regulations.

(d) CRITERIA FOR AWARDING GRANTS.—Not later than 120 days after the date of the enactment of this section, the Secretary of the Interior shall publish in the Federal Register, for a 60-day public comment period, the criteria used in determining eligibility for receiving grants under this section. Such criteria shall consider—

(1) the number, size and location of parks, open spaces, and indoor and outdoor recreation facilities in the city per capita;

(2) the condition of such parks, open spaces, and indoor and outdoor recreation facilities;

(3) the deficiency of access to such parks, open spaces, and indoor and outdoor recreation facilities;

(4) the extent of local public commitment to parks, open spaces, and indoor and outdoor recreation facilities;

(5) the extent to which a project funded with a grant under this section would engage and provide employment opportunities to disadvantaged local youth and returning veterans;

(6) the extent to which the city or the specific area subject to the grant application is economically disadvantaged, based on Census Bureau data; are economically disadvantaged or underserved in terms of outdoor recreation; and

(7) the extent to which the project makes capital improvements and other measures to increase security and safety in urban parks and recreation areas.

(e) No NET LOSS.—No park, open space, or indoor or outdoor recreation facility or property that is rehabilitated, improved, constructed, or acquired with Federal funds made available under this section may be converted to other than public recreation purposes unless an equivalent property or facility is provided to replace it without cost to the Federal Government.

(f) STATUS AND RECOMMENDATIONS.—Beginning 3 years after the date of the enactment of this section, and each year thereafter, the Secretary, acting through the Director of the National Park Service, shall summarize accomplishments of and challenges experienced in carrying out this section, and making recommendations for any modifications to the program or authorities determined to be necessary. Such summary and recommendations shall be made available on the Department of the Interior's website.

The following is repealed:

[CHAPTER 2005-URBAN PARK AND RECREATION RECOVERY PROGRAM

Sec.

200501. Definitions.

200502. Federal assistance.

200503. Rehabilitation grants and innovation grants.

200504. Recovery action programs.

200505. State action.

200506. Non-Federal share of project costs.

200507. Conversion of recreation property.

200508. Coordination of program.

200509. Recordkeeping.

200510. Inapplicability of matching provisions.

200511. Funding limitations.

§200501. Definitions

In this chapter:

(1) At-risk youth recreation grant.—

(A) In general.—The term "at-risk youth recreation grant" means a grant in a neighborhood or community with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders.

(B) Inclusions.—The term "at-risk youth recreation grant" includes—

(i) a rehabilitation grant;

(ii) an innovation grant; and

(iii) a matching grant for continuing program support for a program of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including a grant for operating, or coordinating, a recreation program or service.

(C) Additional uses of rehabilitation grant.-In addition to the purposes specified in paragraph (8), a rehabilitation grant that serves as an at-risk youth recreation grant may be used for the provision of lighting, emergency phones, or any other capital improvement that will improve the security of an urban park.

(2) General purpose local government.-The term "general purpose local government" means-

(A) a city, county, town, township, village, or other general purpose political subdivision of a State; and

(B) the District of Columbia.

(3) Innovation grant.-The term "innovation grant" means a matching grant to a local government to cover costs of personnel, facilities, equipment, supplies, or services designed to demonstrate innovative and cost-effective ways to augment park and recreation opportunities at the neighborhood level and to address common problems related to facility operations and improved delivery of recreation service, not including routine operation and maintenance activities.

(4) Maintenance.-The term "maintenance" means all commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair and to protect them from deterioration resulting from normal wear and tear.

(5) Private, nonprofit agency.-The term "private, nonprofit agency" means a community-based, nonprofit organization, corporation, or association organized for purposes of providing recreational, conservation, and educational services directly to urban residents on a neighborhood or communitywide basis through voluntary donations, voluntary labor, or public or private grants.

(6) Recovery action program grant.-

(A) In general.-The term "recovery action program grant" means a matching grant to a local government for development of local park and recreation recovery action programs to meet the requirements of this chapter.

(B) Use.-A recovery action program grant shall be used for resource and needs assessment, coordination, citizen involvement and planning, and program development activities to-

(i) encourage public definition of goals; and

(ii) develop priorities and strategies for overall recreation system recovery.

(7) Recreation area or facility.-The term "recreation area or facility" means an indoor or outdoor park, building, site, or other facility that is dedicated to recreation purposes and administered by a public or private nonprofit agency to serve the recreation needs of community residents. Emphasis shall be on public facilities readily accessible to residential neighborhoods, including multiple-use community centers that have recreation as one of their primary purposes, but excluding major sports arenas, exhibition areas, and conference halls used primarily for commercial sports, spectator, or display activities.

(8) Rehabilitation grant.-The term "rehabilitation grant" means a matching capital grant to a local government for rebuilding, remodeling, expanding, or developing an existing outdoor or indoor recreation area or facility, including improvements in park landscapes, buildings, and support facilities, but excluding routine maintenance and upkeep activities.

(9) Special purpose local government.-

(A) In general.-The term "special purpose local government" means a local or regional special district, public-purpose corporation, or other limited political subdivision of a State.

(B) Inclusions.-The term "special purpose local government" includes-

- (i) a park authority;
- (ii) a park, conservation, water, or sanitary district; and
- (iii) a school district.

(10) State.-The term "State" means a State, an instrumentality of a State approved by the Governor of the State, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§200502. Federal assistance

(a) Eligibility Determined by Secretary.-Eligibility of general purpose local governments for assistance under this chapter shall be based on need as determined by the Secretary. The Secretary shall publish in the Federal Register a list of local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. Criteria shall be based on factors that the Secretary determines are related to deteriorated recreational facilities or systems and physical and economic distress.

(b) Additional Eligible General Purpose Local Governments.-In addition to eligible local governments established in accordance with subsection (a), the Secretary may establish eligibility, in accord with the findings and purpose of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95-625, 92 Stat. 3538), of other general purpose local governments in metropolitan statistical areas as defined by the Director of the Office of Management and Budget.

(c) Priority Criteria for Project Selection and Approval.-

(1) In general.-The Secretary shall establish priority criteria for project selection and approval that consider such factors as-

(A) population;

(B) condition of existing recreation areas and facilities;

(C) demonstrated deficiencies in access to neighborhood recreation opportunities, particularly for minority and low- and moderate-income residents;

(D) public participation in determining rehabilitation or development needs;

(E) the extent to which a project supports or complements target activities undertaken as part of a local government's overall community development and urban revitalization program;

(F) the extent to which a proposed project would provide-

(i) employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood;

(ii) for participation of neighborhood, nonprofit, or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing, or supervision of recreation areas and facilities; or

(iii) both; and

(G) the amount of State and private support for a project as evidenced by commitments of non-Federal resources to project construction or operation.

(2) At-risk youth recreation grants.-For at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

(A) Programs that are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

(B) Programs that teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

(C) Programs that offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

(D) Programs that offer services during late night or other nonschool hours.

(E) Programs that demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

(F) Programs that leverage public or private recreation investments in the form of services, materials, or cash.

(G) Programs that show the greatest potential of being continued with non-Federal funds or that can serve as models for other communities.

(d) Limitation of Funds.-Grants to discretionary applicants under subsection (b) may not be more than 15 percent of the total amount of funds appropriated under this chapter for rehabilitation grants, innovation grants, and recovery action program grants.

§200503. Rehabilitation grants and innovation grants

(a) Matching Grants.-The Secretary may provide 70 percent matching rehabilitation grants and innovation grants directly to eligible general purpose local governments on the Secretary's approval of applications for the grants by the chief executive officials of those governments.

(b) Special Considerations.-An innovation grant should be closely tied to goals, priorities, and implementation strategies expressed in local park and recreation recovery action programs, with particular regard to the special considerations listed in section 200504(c)(2) of this title.

(c) Transfer.-If consistent with an approved application, a grant recipient may transfer a rehabilitation grant or innovation grant in whole or in part to an independent special purpose local government, private nonprofit agency, or county or regional park authority if the assisted recreation area or facility owned or managed by the transferee¹ offers recreation opportunities to the general population within the jurisdictional boundaries of the grant recipient.

(d) Payments.-Payments may be made only for a rehabilitation project or innovation project that has been approved by the Secretary. Payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of the project, except that the Secretary, when appropriate, may make advance payments on an approved rehabilitation project or innovation project in an amount not to exceed 20 percent of the total project cost.

(e) Modification of Project.-The Secretary may authorize modification of an approved project only when a grant recipient adequately demonstrates that the modification is necessary because of circumstances not foreseeable at the time at which the project was proposed.

§200504. Recovery action programs

(a) Evidence of Local Commitment to Ongoing Programs.-As a requirement for project approval, local governments applying for assistance under this chapter shall submit to the Secretary evidence of their commitments to ongoing planning, rehabilitation, service, operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs that maximize coordination of all community resources, including other federally supported urban development and recreation programs. During an initial interim period to be established by regulations under this chapter, this requirement may be satisfied by local government submissions of preliminary action programs that briefly define objectives, priorities, and implementation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a 5-year action program for park and recreation recovery that satisfactorily demonstrates-

(1) systematic identification of recovery objectives, priorities, and implementation strategies;

(2) adequate planning for rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

(3) the capacity and commitment to ensure that facilities provided or improved under this chapter shall continue to be adequately maintained, protected, staffed, and supervised;

(4) the intention to maintain total local public outlays for park and recreation purposes at levels at least equal to those in the year preceding that in which grant assistance is sought except in any case where a reduction in park and recreation outlays is proportionate to a reduction in overall spending by the applicant; and

(5) the relationship of the park and recreation recovery program to overall community development and urban revitalization efforts.

(b) Continuing Planning Process.-Where appropriate, the Secretary may encourage local governments to meet action program requirements through a continuing planning process that includes periodic improvements and updates in action program submissions to eliminate identified gaps in program information and policy development.

(c) Special Considerations.-Action programs shall address, but are not limited to-

(1) rehabilitation of existing recreational areas and facilities, including-

(A) general systemwide renovation;

(B) special rehabilitation requirements for recreational areas and facilities in areas of high population concentration and economic distress; and

(C) restoration of outstanding or unique structures, landscaping, or similar features in parks of historical or architectural significance; and

(2) local commitments to innovative and cost-effective programs and projects at the neighborhood level to augment recovery of park and recreation systems, including-

(A) recycling of abandoned schools and other public buildings for recreational purposes;

(B) multiple use of operating educational and other public buildings, purchase of recreation services on a contractual basis;

(C) use of mobile facilities and recreational, cultural, and educational programs or other innovative approaches to improving access for neighborhood residents;

(D) integration of recovery program with federally assisted projects to maximize recreational opportunities through conversion of abandoned railroad and highway rights of way, waterfront, and other redevelopment efforts and such other federally assisted projects as may be appropriate;

(E) conversion of recreation use of street space, derelict land, and other public land not now designated for neighborhood recreational use; and

(F) use of various forms of compensated and uncompensated land regulation, tax inducements, or other means to encourage the private sector to provide neighborhood park and recreation facilities and programs.

(d) Publication in Federal Register.-The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs.

(e) Eligibility for At-Risk Youth Recreation Grants.-To be eligible to receive at-risk youth recreation grants a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.

(f) Matching Recovery Action Program Grants.-The Secretary may provide up to 50 percent matching recovery action program grants to eligible local governments for program development and planning specifically to meet the objectives of this chapter.

§200505. State action

(a) Additional Match.-The Secretary may increase rehabilitation grants or innovation grants authorized in section 200503 of this title by providing an additional match equal to the total match provided by a State of up to 15 percent of total project costs. The Federal matching amount shall not exceed 85 percent of total project cost.

(b) Adequate Implementation of Local Recovery Plans.-The Secretary shall encourage States to assist the Secretary in ensuring-

(1) that local recovery plans and programs are adequately implemented by cooperating with the Secretary in monitoring local park and recreation recovery plans and programs; and

(2) consistency of the plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.

§200506. Non-Federal share of project costs

(a) Sources.-

(1) Allowable sources.-The non-Federal share of project costs assisted under this chapter may be derived from general or special purpose State or local revenues, State categorical grants, special appropriations by State legislatures, donations of land, buildings, or building materials, and in-kind construction, technical, and planning services. Reasonable local costs of recovery action program development to meet the requirements of section 200504(a) of this title may be used as part of the local match only when the local government has not received a recovery action program grant.

(2) Non-allowable sources.-No amount from the Land and Water Conservation Fund or from any other Federal grant program other than the community development block grant programs shall be used to match Federal grants under this program.

(b) Encouragement of States and Private Interests.-The Secretary shall encourage States and private interests to contribute, to the maximum extent possible, to the non-Federal share of project costs.

§200507. Conversion of recreation property

No property improved or developed with assistance under this chapter shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such a conversion only if the Secretary finds it to be in accord with the then-current local park and recreation recovery action program and only on such conditions as the Secretary considers necessary to ensure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

§200508. Coordination of program

The Secretary shall-

(1) coordinate the urban park and recreation recovery program with the total urban recovery effort and cooperate to the fullest extent possible with other Federal agencies and with State agencies that administer programs and policies affecting urban areas, including programs in housing, urban development, natural resources management, employment, transportation, community services, and voluntary action;

(2) encourage maximum coordination of the program between State agencies and local applicants; and

(3) require that local applicants include provisions for participation of community and neighborhood residents and for public-private coordination in recovery planning and project selection.

§200509. Recordkeeping

(a) In General.-A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including-

(1) records that disclose-

(A) the amount and disposition of project undertakings in connection with which assistance under this chapter is given or used; and

(B) the amount and nature of the portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) Access.-The Secretary and the Comptroller General shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

§200510. Inapplicability of matching provisions

Amounts authorized for Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands are not subject to the matching provisions of this chapter, and may be subject only to such conditions, reports, plans, and agreements, if any, as the Secretary may determine.

§200511. Funding limitations

(a) Limitation of Funds.-The amount of grants made under this chapter for projects in any one State for any fiscal year shall not be more than 15 percent of the amount made available for grants to all of the States for that fiscal year.

(b) Recovery Action Program Grants.-Not more than 3 percent of the amount made available for grants under this chapter for a fiscal year shall be used for recovery action program grants.

(c) Innovation Grants.-Not more than 10 percent of the amount made available for grants under this chapter for a fiscal year shall be used for innovation grants.

(d) Program Support.-Not more than 25 percent of the amount made available under this chapter to any local government shall be used for program support.

(e) No Land Acquisition.-No funds made available under this chapter shall be used for the acquisition of land or an interest in land.]