

Calendar No. 692

107TH CONGRESS
2^D SESSION

H. R. 3908

[Report No. 107-304]

IN THE SENATE OF THE UNITED STATES

MAY 8, 2002

Received; read twice and referred to the Committee on Environment and
Public Works

OCTOBER 8, 2002

Reported by Mr. JEFFORDS, with amendments

[Omit the part struck through and insert the part printed in italics]

AN ACT

To reauthorize the North American Wetlands Conservation
Act, 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 “North American Wet-
5 lands Conservation Reauthorization Act”.

1 **SEC. 2. AMENDMENT OF NORTH AMERICAN WETLANDS**
 2 **CONSERVATION ACT.**

3 Except as otherwise expressly provided, whenever in
 4 this Act an amendment or repeal is expressed in terms
 5 of an amendment to, or repeal of, a section or other provi-
 6 sion, the reference shall be considered to be made to a
 7 section or other provision of the North American Wetlands
 8 Conservation Act (16 U.S.C. 4401 et seq.).

9 **SEC. 3. FINDINGS AND STATEMENT OF PURPOSE.**

10 (a) **FINDING.**—Section 2(a)(1) (16 U.S.C.
 11 4401(a)(1)) is amended by striking “and other habitats”
 12 and inserting “and associated habitats”.

13 (b) **PURPOSES.**—Section 2(b) (16 U.S.C. 4401(b)) is
 14 amended—

15 (1) in paragraph (1) by striking “and other
 16 habitats for migratory birds” and inserting “~~and as-~~
 17 ~~sociated habitats for wetland dependent migratory~~
 18 ~~birds~~ *and habitats associated with wetland eco-*
 19 *systems*”;

20 (2) in paragraph (2) by inserting “wetland ~~de-~~
 21 ~~pendent~~ *associated*” before “migratory bird”; and

22 (3) in paragraph (3)—

23 (A) by inserting “wetland ~~dependent~~ *asso-*
 24 *ciated*” before “migratory birds”; and

25 (B) by inserting “, the United States
 26 Shorebird Conservation Plan, the North Amer-

1 ican Waterbird Conservation Plan, the Partners
2 In Flight Conservation Plans,” after “North
3 American Waterfowl Management Plan”.

4 **SEC. 4. DEFINITION OF WETLANDS CONSERVATION**
5 **PROJECT.**

6 Section 3(9) (16 U.S.C. 4402(9)) is amended—

7 (1) in subparagraph (A) by inserting “of a wet-
8 land ecosystem and associated habitat” after “in-
9 cluding water rights,”; and

10 (2) in subparagraph (B) by striking “and other
11 habitat” and inserting “and associated habitat”.

12 **SEC. 5. REAUTHORIZATION.**

13 Section 7(e) (16 U.S.C. 4406(e)) is amended by strik-
14 ing “not to exceed” and all that follows and inserting “not
15 to exceed—

16 “(1) \$55,000,000 for fiscal year 2003;

17 “(2) \$60,000,000 for fiscal year 2004;

18 “(3) \$65,000,000 for fiscal year 2005;

19 “(4) \$70,000,000 for fiscal year 2006; and

20 “(5) \$75,000,000 for fiscal year 2007.”.

21 **SEC. 6. ALLOCATION.**

22 Section 8(a) (16 U.S.C. 4407(a)) is amended—

23 (1) in paragraph (1)—

24 (A) by striking “(but at least 50 per cen-
25 tum and not more than 70 per centum there-

1 of)” and inserting “~~(but at least 25 percent and~~
2 ~~not more than 50 percent thereof)~~ *(but at least*
3 *30 percent and not more than 60 percent)*”; and

4 (B) by striking “4 per centum” and insert-
5 ing “4 percent”; and

6 (2) in paragraph (2) by striking “(but at least
7 30 per centum and not more than 50 per centum
8 thereof)” and inserting “~~(but at least 50 percent~~
9 ~~and not more than 75 percent thereof)~~ *(but at least*
10 *40 percent and not more than 70 percent)*”.

11 **SEC. 7. CLARIFICATION OF NON-FEDERAL SHARE OF THE**
12 **COST OF APPROVED WETLANDS CONSERVA-**
13 **TION PROJECTS.**

14 Section 8(b) (16 U.S.C. 4407(b)) is amended by
15 striking so much as precedes the second sentence and in-
16 serting the following:

17 “(b) COST SHARING.—(1) Except as provided in
18 paragraph (2), as a condition of providing assistance
19 under this Act for any approved wetlands conservation
20 project, the Secretary shall require that the portion of the
21 costs of the project paid with amounts provided by non-
22 Federal United States sources is equal to at least the
23 amount allocated under subsection (a) that is used for the
24 project.

1 “(2) Federal moneys allocated under subsection (a)
2 may be used to pay 100 percent of the costs of such
3 projects located on Federal lands and waters, including
4 the acquisition of inholdings within such lands and waters.

5 “(3)”.

6 **SEC. 8. TECHNICAL CORRECTIONS.**

7 (a) The North American Wetlands Conservation Act
8 is amended as follows:

9 (1) In section 2(a)(10) (16 U.S.C.
10 4401(a)(10)), by inserting “of 1973” after “Species
11 Act”.

12 (2) *In section 2(a)(12) (16 U.S.C. 4401(a)(12)),*
13 *by inserting “and in 1994 by the Secretary of Sedesol*
14 *for Mexico” after “United States”.*

15 ~~(2)~~ (3) In section 3(2) (16 U.S.C. 4402(2)), by
16 striking “Committee on Merchant Marine and Fish-
17 eries of the United States House of Representatives”
18 and inserting “Committee on Resources of the
19 House of Representatives”.

20 ~~(3)~~ (4) In section 3(5) (16 U.S.C. 4402(5)), by
21 inserting “of 1973” after “Species Act”.

22 (5) *In section 3(6) (16 U.S.C. 4402(6)), by in-*
23 *serting after “1986” the following: “, and by the Sec-*
24 *retary of Sedesol for Mexico in 1994, and subsequent*
25 *dates”.*

1 ~~(4)~~ (6) In section 4(a)(1)(B) (16 U.S.C.
2 4403(a)(1)(B)), by striking “section 3(2)(B)” and
3 inserting “section 3(g)(2)(B)”.

4 ~~(5)~~ (7) In section 4(c) (16 U.S.C. 4403(c)), in
5 the matter preceding paragraph (1), by striking
6 “Commission” and inserting “Council”.

7 ~~(6)~~ (8) In section 5(a)(5) (16 U.S.C.
8 4404(a)(5)), by inserting “of 1973” after “Species
9 Act”.

10 (9) *In section 5(b) (16 U.S.C. 4404(b)), by strik-*
11 *ing “by January 1 of each year,” and inserting “each*
12 *year”.*

13 (10) *In section 5(d) (16 U.S.C. 4404(d)), by*
14 *striking “one Council member” and inserting “2*
15 *Council members”.*

16 ~~(7)~~ (11) In section 5(f) (16 U.S.C. 4404(f)), by
17 striking “subsection (d)” and inserting “subsection
18 (e)”.

19 ~~(8)~~ (12) In section 10(1)(C) (16 U.S.C.
20 4409(1)(C)), by striking “western hemisphere pursu-

21 ant to section 17 of this Act” and inserting “West-

22 ern Hemisphere pursuant to section 16”.

23 ~~(9)~~ (13) In section 10(1)(D) (16 U.S.C.
24 4409(1)(D)), by striking the period and inserting “;
25 and”.

1 ~~(10)~~ (14) In section 16(a) (16 U.S.C. 4413), by
2 striking “western hemisphere” and inserting “West-
3 ern Hemisphere”.

4 (b)(1) Section 112(1) of Public Law 101–593 (104
5 Stat. 2962) is amended by striking “and before the pe-
6 riod”.

7 (2) Paragraph (1) of this subsection shall be effective
8 on and after the effective date of section 112(1) of Public
9 Law 101–593 (104 Stat. 2962).

10 **SEC. 9. CHESAPEAKE BAY INITIATIVE.**

11 *Section 502(c) of the Chesapeake Bay Initiative Act*
12 *of 1998 (16 U.S.C. 461 note; Public Law 105–312) is*
13 *amended by striking “2003” and inserting “2008”.*

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