

112TH CONGRESS  
1ST SESSION

# S. 901

To amend the Land and Water Conservation Fund Act of 1965 to ensure that amounts are made available for projects to provide recreational public access, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MAY 5, 2011

Mr. TESTER (for himself and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To amend the Land and Water Conservation Fund Act of 1965 to ensure that amounts are made available for projects to provide recreational public access, 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 “Making Public Lands  
5 Public Access Act”.

1 **SEC. 2. AVAILABILITY OF LAND AND WATER CONSERVA-**  
2 **TION FUND FOR RECREATIONAL PUBLIC AC-**  
3 **CESS PROJECTS.**

4 (a) IN GENERAL.—Section 3 of the Land and Water  
5 Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is  
6 amended to read as follows:

7 **“SEC. 3. AVAILABILITY OF FUNDS FOR CERTAIN PROJECTS.**

8 “(a) IN GENERAL.—Notwithstanding any other pro-  
9 vision of this Act, the Secretary of the Interior and the  
10 Secretary of Agriculture shall ensure that, of the amounts  
11 requested for the fund for each fiscal year, not less than  
12 the greater of 1.5 percent of the amounts or \$10,000,000  
13 shall be made available for projects identified on the pri-  
14 ority list developed under subsection (b).

15 “(b) PRIORITY LIST.—The Secretary of the Interior  
16 and the Secretary of Agriculture, in consultation with the  
17 head of each affected Federal agency, shall annually de-  
18 velop a priority list for the sites under the jurisdiction of  
19 the applicable Secretary.

20 “(c) CRITERIA.—Projects identified on the priority  
21 list developed under subsection (b) shall secure rec-  
22 reational public access to Federal public land in existence  
23 as of the date of enactment of this section that has signifi-  
24 cantly restricted access for hunting, fishing, and other rec-  
25 reational purposes through rights-of-way or acquisition of  
26 land (or any interest in land) from willing sellers.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) LAND AND WATER CONSERVATION FUND  
3 ACT.—The Land and Water Conservation Fund Act  
4 of 1965 (16 U.S.C. 460l–4 et seq.) is amended—

5 (A) in the proviso at the end of section  
6 2(c)(2) (16 U.S.C. 460l–5(c)(2)), by striking  
7 “notwithstanding the provisions of section 3 of  
8 this Act”;

9 (B) in the first sentence of section 9 (16  
10 U.S.C. 460l–10a), by striking “by section 3 of  
11 this Act”; and

12 (C) in the third sentence of section 10 (16  
13 U.S.C. 460l–10b), by striking “by section 3 of  
14 this Act”.

15 (2) FEDERAL LAND TRANSACTION FACILITA-  
16 TION ACT.—Section 206(f)(2) of the Federal Land  
17 Transaction Facilitation Act (43 U.S.C. 2305(f)(2))  
18 is amended by striking “section 3 of the Land and  
19 Water Conservation Fund Act (16 U.S.C. 460l–6)”  
20 and inserting “the Land and Water Conservation  
21 Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)”.

○