

CATs Policy Brief	Young/Tauzin Response	CATs Response to Young/Tauzin
<p>"In regard to PILT and Refuge Revenue Sharing - '...the amount disbursed under the bill would be the lesser of the amount appropriated from general funds or \$200 million'."</p>	<p>"CARA creates a mechanism that should provide full funding for PILT and Refuge Revenue Sharing. CARA funds will be used to match the annual appropriation up to the statutory cap for both programs."</p>	<p>Under CARA funding for PILT and Refuge Revenue Sharing is contingent upon the amount appropriated by Congress in regular appropriations bills. If Congress appropriates no money for PILT or Refuge Revenue Sharing, then CARA would provide no funds for either program. This is sharp contrast with the mandatory funding provided for other programs under CARA.</p>
<p>"There are no private property rights protections restricting the use of funds provided to state and local governments."</p>	<p>"This may or may not be true in every state. However, it is our understanding that many, if not most, states have protections for the rights of property owners. Legislating federal dictates to local governments and states is not a Republican nor Constitutional principle."</p>	<p>There is a fundamental difference between federal mandates and restricting the use of federal funds provided to the States. The Republican Congress has repeatedly included restrictive language in grant programs. In fact CARA includes several provisions restricting the use of funds including, a cap on administrative expenses and penalties for using CARA funds for unauthorized purposes.</p> <p>CARA, however repeals two important restrictions on the use of federal funds that already exist in current law, namely: an Urban Parks and Recreation prohibition on the use of federal funds for land acquisition and a prohibition on the use of State Land and Water Conservation funds for incidental costs related to land acquisition (such as eminent domain proceedings). CARA does not contain any private property rights protections for funds provided to state and local governments.</p> <p>CARA does however, include some <i>"federal dictates to local governments and States"</i> such as the requirement that every property benefitting from assistance under CARA post a sign bearing such, and the prohibition on using Wildlife Restoration funds to encourage opposition to hunting.</p>

<p>“In the past it has been a priority of the Republican Congress to hold down spending on acquisition and redirect funds to other priorities.”</p>	<p>“That statement is not supported by the facts. Our Republican Congress has granted an average of \$160 million above the Administration’s request for LWCF land acquisitions, and average of \$402 million each year.”</p>	<p>While mathematically correct, the figures provided by the Resources Committee distort the actual funding trend. The 1997 Balanced Budget Agreement included a one-time appropriation for LWCF of \$697.7 million which inflates the average provided by the Committee. If the funds provided pursuant to the BBA agreement are excluded, the average funding for LWCF during the Republican Congress is \$263.4 million.</p> <p>During the last two years of Democrat control, LWCF was funded at \$255.6 million and \$216.8 million. During the first two years of Republican control, funding was reduced to \$138.1 million and \$159.4 million.</p> <p>Furthermore, in 1995 the Republican Congress took credit for eliminating State-Side LWCF.</p>
<p>“Regarding Conservation easements- ‘Some conservatives are concerned that this is a method of funding land acquisition by some environmental groups’.”</p>	<p>“This title (Title VII, Subtitle A) will be re-written per an agreement with the Committee on Agriculture. The new language utilizes the funding for the Farm Protection Program administered by the Secretary of Agriculture — a program supported by House Republicans.”</p>	<p>CATs will review the new language in order to ascertain whether it addresses the concerns raised in the Policy Brief.</p>
<p>“CARA contains several provisions which could significantly increase the federal governments involvement in local land use planning.”</p>	<p>“CARA does not provide the federal control the policy brief alludes to. Within Title I, the Secretary of the Interior is required to approve state plans that are consistent with CARA’s uses. While there is a plan within Title II, each state defines its own priorities and criteria.”</p>	<p>Current law regarding the development Comprehensive State Plans <i>does not</i> require a State to develop its plan in conjunction with the Federal Government. CARA, however, specifically states that plans developed under Title II <i>shall be</i> developed in conjunction with “Federal agencies.”</p> <p>As discussed in the CATs Policy Brief, CARA also expands the Secretary of the Interior’s authority to disapprove a request by a state or local government to convert property which was acquired or improved with federal funds to other purposes.</p>

<p>“Given that the government currently owns 30% of all land in the United States and that last year the Appropriations Committee identified \$15 billion in backlog maintenance requirements, some conservatives do not approve of additional land acquisition. The bill appropriates significantly more money for federal land acquisition, \$450 million, than it does for maintenance, \$200 million.”</p>	<p>“This complaint speaks to the current process - a process CARA improves. As mentioned above, CARA is near the Republican Congress average annual appropriation (\$402 million). CARA creates many property protections that do not currently exist. At the same time, CARA will provide an additional \$200 million for current maintenance efforts. This year, the administration has requested a ratio of maintenance funding to land acquisition at 3:1. The \$200 million provided by CARA will be in addition to the amount appropriated by Congress.”</p>	<p>As discussed above, once the annual funding level is adjusted for a one-time appropriation. CARA’s annual funding level of \$450 million for land acquisition would be significantly higher than the Republican Congress average of \$263.4 million.</p> <p>For every dollar CARA provides for Federal backlog maintenance, it provides \$2.50 for land acquisition.</p> <p>While Congress may provide additional appropriations for backlog maintenance, by taking nearly \$3 billion a year off-budget, CARA increases the pressure on the discretionary budget and makes even less likely that funds will be available for backlog maintenance.</p>
<p>“CARA does not provide a guaranteed level of funding for PILT, the amount provided is entirely dependent upon the amount provided in the regular discretionary appropriations.”</p>	<p>“Today, the amount of funding provided for PILT <i>is</i> ‘<i>entirely dependent upon the amount provided in the regular discretionary appropriations</i>’. With CARA, the appropriators simply continue to appropriate at historic levels and the matching CARA funds do the rest. CARA provides the <u>only</u> opportunity to fully fund PILT and Refuge Revenue Sharing.”</p>	<p>Under CARA every program except PILT and Refuge Revenue Sharing has a guaranteed level of funding.</p> <p>The bill may actually provide an incentive for the Appropriations Committee to fund PILT at half of its historic level. Using the matching funds provided under the bill, the Appropriations Committee could maintain current PILT funding levels by providing half of what they provided last year. This would free up funds under the control of the Appropriations Committee for other purposes.</p> <p>If CARA provides a guaranteed funding level for land acquisition, why should it not also provide a guaranteed funding level for PILT?</p>