

104TH CONGRESS
2D SESSION

H. R. 4236

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1996

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, 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 AND TABLE OF CONTENTS.**

4 This Act may be cited as the “Omnibus Parks and
5 Public Lands Management Act of 1996”.

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3 SEC. 101. FINDINGS.

(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

(5) as part of the Golden Gate National Recreation Area, the Presidio's significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent

1 with sound principles of land use planning and man-
2 agement, and which protects the Presidio from de-
3 velopment and uses which would destroy the scenic
4 beauty and historic and natural character of the
5 area and cultural and recreational resources;

6 (6) removal and/or replacement of some struc-
7 tures within the Presidio must be considered as a
8 management option in the administration of the Pre-
9 sidio; and

10 (7) the Presidio will be managed through an in-
11 novative public/private partnership that minimizes
12 cost to the United States Treasury and makes effi-
13 cient use of private sector resources.

14 **SEC. 102. AUTHORITY AND RESPONSIBILITY OF THE SEC-**
15 **RETARY OF THE INTERIOR.**

16 (a) INTERIM AUTHORITY.—The Secretary of the In-
17 terior (hereinafter in this title referred to as the “Sec-
18 retary”) is authorized to manage leases in existence on
19 the date of this Act for properties under the administra-
20 tive jurisdiction of the Secretary and located at the Pre-
21 sidio. Upon the expiration of any such lease, the Secretary
22 may extend such lease for a period terminating not later
23 than 6 months after the first meeting of the Presidio
24 Trust. The Secretary may not enter into any new leases
25 for property at the Presidio to be transferred to the Pre-

1 sidio Trust under this title, however, the Secretary is au-
2 thorized to enter into agreements for use and occupancy
3 of the Presidio properties which are assignable to the
4 Trust and are terminable with 30 days notice. Prior to
5 the transfer of administrative jurisdiction over any prop-
6 erty to the Presidio Trust, and notwithstanding section
7 1341 of title 31 of the United States Code, the proceeds
8 from any such lease shall be retained by the Secretary and
9 such proceeds shall be available, without further appro-
10 priation, for the preservation, restoration, operation and
11 maintenance, improvement, repair and related expenses
12 incurred with respect to Presidio properties. The Secretary
13 may adjust the rental charge on any such lease for any
14 amounts to be expended by the lessee for preservation,
15 maintenance, restoration, improvement, repair and related
16 expenses with respect to properties and infrastructure
17 within the Presidio.

18 (b) PUBLIC INFORMATION AND INTERPRETATION.—
19 The Secretary shall be responsible, in cooperation with the
20 Presidio Trust, for providing public interpretive services,
21 visitor orientation and educational programs on all lands
22 within the Presidio.

23 (c) OTHER.—Those lands and facilities within the
24 Presidio that are not transferred to the administrative ju-
25 risdiction of the Presidio Trust shall continue to be man-

1 aged by the Secretary. The Secretary and the Presidio
2 Trust shall cooperate to ensure adequate public access to
3 all portions of the Presidio. Any infrastructure and build-
4 ing improvement projects that were funded prior to the
5 enactment of this Act shall be completed by the National
6 Park Service.

7 (d) PARK SERVICE EMPLOYEES.—(1) Any career em-
8 ployee of the National Park Service, employed at the Pre-
9 sidio at the time of the transfer of lands and facilities to
10 the Presidio Trust, shall not be separated from the Service
11 by reason of such transfer, unless such employee is em-
12 ployed by the Trust, other than on detail. Notwithstanding
13 section 3503 of title 5, United States Code, the Trust shall
14 have sole discretion over whether to hire any such em-
15 ployee or request a detail of such employee.

16 (2) Any career employee of the National Park Service
17 employed at the Presidio on the date of enactment of this
18 title shall be given priority placement for any available po-
19 sition within the National Park System notwithstanding
20 any priority reemployment lists, directives, rules, regula-
21 tions or other orders from the Department of the Interior,
22 the Office of Management and Budget, or other Federal
23 agencies.

1 **SEC. 103. ESTABLISHMENT OF THE PRESIDIO TRUST.**

2 (a) ESTABLISHMENT.—There is established a wholly
3 owned government corporation to be known as the Pre-
4 sidio Trust (hereinafter in this title referred to as the
5 “Trust”).

6 (b) TRANSFER.—(1) Within 60 days after receipt of
7 a request from the Trust for the transfer of any parcel
8 within the area depicted as Area B on the map entitled
9 “Presidio Trust Number 1”, dated December 7, 1995, the
10 Secretary shall transfer such parcel to the administrative
11 jurisdiction of the Trust. Within 1 year after the first
12 meeting of the Board of Directors of the Trust, the Sec-
13 retary shall transfer to the Trust administrative jurisdic-
14 tion over all remaining parcels within Area B. Such map
15 shall be on file and available for public inspection in the
16 offices of the Trust and in the offices of the National Park
17 Service, Department of the Interior. The Trust and the
18 Secretary may jointly make technical and clerical revisions
19 in the boundary depicted on such map. The Secretary shall
20 retain jurisdiction over those portions of the building iden-
21 tified as number 102 as the Secretary deems essential for
22 use as a visitor center. The Building shall be named the
23 “William Penn Mott Visitor Center”. Any parcel of land,
24 the jurisdiction over which is transferred pursuant to this
25 subsection, shall remain within the boundary of the Gold-
26 en Gate National Recreation Area. With the consent of

1 the Secretary, the Trust may at any time transfer to the
2 administrative jurisdiction of the Secretary any other
3 properties within the Presidio which are surplus to the
4 needs of the Trust and which serve essential purposes of
5 the Golden Gate National Recreation Area. The Trust is
6 encouraged to transfer to the administrative jurisdiction
7 of the Secretary open space areas which have high public
8 use potential and are contiguous to other lands adminis-
9 trated by the Secretary.

10 (2) Within 60 days after the first meeting of the
11 Board of Directors of the Trust, the Trust and the Sec-
12 retary shall determine cooperatively which records, equip-
13 ment, and other personal property are deemed to be nec-
14 essary for the immediate administration of the properties
15 to be transferred, and the Secretary shall immediately
16 transfer such personal property to the Trust. Within 1
17 year after the first meeting of the Board of Directors of
18 the Trust, the Trust and the Secretary shall determine
19 cooperatively what, if any, additional records, equipment,
20 and other personal property used by the Secretary in the
21 administration of the properties to be transferred should
22 be transferred to the Trust.

23 (3) The Secretary shall transfer, with the transfer of
24 administrative jurisdiction over any property, the unobli-
25 gated balance of all funds appropriated to the Secretary,

1 all leases, concessions, licenses, permits, and other agree-
2 ments affecting such property.

3 (4) At the request of the Trust, the Secretary shall
4 provide funds to the Trust for preparation of the program
5 required under section 104(c) of this title, hiring of initial
6 staff and other activities deemed by the Trust as essential
7 to the establishment of the Trust prior to the transfer of
8 properties to the Trust.

9 (c) BOARD OF DIRECTORS.—

10 (1) IN GENERAL.—The powers and manage-
11 ment of the Trust shall be vested in a Board of Di-
12 rectors (hereinafter referred to as the “Board”) con-
13 sisting of the following 7 members:

14 (A) The Secretary of the Interior or the
15 Secretary’s designee.

16 (B) 6 individuals, who are not employees
17 of the Federal Government, appointed by the
18 President, who shall possess extensive knowl-
19 edge and experience in one or more of the fields
20 of city planning, finance, real estate develop-
21 ment, and resource conservation. At least one of
22 these individuals shall be a veteran of the
23 Armed Services. At least 3 of these individuals
24 shall reside in the San Francisco Bay Area.
25 The President shall make the appointments re-

1 ferred to in this subparagraph within 90 days
2 after the enactment of this Act and shall ensure
3 that the fields of city planning, finance, real es-
4 tate development, and resource conservation are
5 adequately represented. Upon establishment of
6 the Trust, the Chairman of the Board of Direc-
7 tors of the Trust shall meet with the Chairman
8 of the Energy and Natural Resources Commit-
9 tee of the United States Senate and the Chair-
10 man of the Resources Committee of the United
11 States House of Representatives.

12 (2) TERMS.—Members of the Board appointed
13 under paragraph (1)(B) shall each serve for a term
14 of 4 years, except that of the members first ap-
15 pointed, 3 shall serve for a term of 2 years. Any va-
16 cancy in the Board shall be filled in the same man-
17 ner in which the original appointment was made,
18 and any member appointed to fill a vacancy shall
19 serve for the remainder of the term for which his or
20 her predecessor was appointed. No appointed mem-
21 ber may serve more than 8 years in consecutive
22 terms.

23 (3) QUORUM.—Four members of the Board
24 shall constitute a quorum for the conduct of busi-
25 ness by the Board.

1 (4) ORGANIZATION AND COMPENSATION.—The
2 Board shall organize itself in such a manner as it
3 deems most appropriate to effectively carry out the
4 authorized activities of the Trust. Board members
5 shall serve without pay, but may be reimbursed for
6 the actual and necessary travel and subsistence ex-
7 penses incurred by them in the performance of the
8 duties of the Trust.

9 (5) LIABILITY OF DIRECTORS.—Members of the
10 Board of Directors shall not be considered Federal
11 employees by virtue of their membership on the
12 Board, except for purposes of the Federal Tort
13 Claims Act and the Ethics in Government Act, and
14 the provisions of chapter 11 of title 18, United
15 States Code.

16 (6) MEETINGS.—The Board shall meet at least
17 three times per year in San Francisco and at least
18 two of those meetings shall be open to the public.
19 Upon a majority vote, the Board may close any
20 other meetings to the public. The Board shall estab-
21 lish procedures for providing public information and
22 opportunities for public comment regarding policy,
23 planning, and design issues. The Board may estab-
24 lish procedures for providing public information and
25 opportunities for public comment regarding policy,

1 planning, and design issues through the Golden Gate
2 National Recreation Area Advisory Commission.

3 (7) STAFF.—The Trust is authorized to appoint
4 and fix the compensation and duties of an executive
5 director and such other officers and employees as it
6 deems necessary without regard to the provisions of
7 title 5, United States Code, governing appointments
8 in the competitive service, and may pay them with-
9 out regard to the provisions of chapter 51, and sub-
10 chapter III of chapter 53, title 5, United States
11 Code, relating to classification and General Schedule
12 pay rates.

13 (8) NECESSARY POWERS.—The Trust shall
14 have all necessary and proper powers for the exercise
15 of the authorities vested in it.

16 (9) TAXES.—The Trust and all properties ad-
17 ministered by the Trust shall be exempt from all
18 taxes and special assessments of every kind by the
19 State of California, and its political subdivisions, in-
20 cluding the City and County of San Francisco.

21 (10) GOVERNMENT CORPORATION.—(A) The
22 Trust shall be treated as a wholly owned Govern-
23 ment corporation subject to chapter 91 of title 31,
24 United States Code (commonly referred to as the
25 Government Corporation Control Act). Financial

1 statements of the Trust shall be audited annually in
2 accordance with section 9105 of title 31 of the
3 United States Code.

4 (B) At the end of each calendar year, the Trust
5 shall submit to the Committee on Energy and Natu-
6 ral Resources of the United States Senate and the
7 Committee on Resources of the House of Represent-
8 atives a comprehensive and detailed report of its op-
9 erations, activities, and accomplishments for the
10 prior fiscal year. The report also shall include a sec-
11 tion that describes in general terms the Trust's
12 goals for the current fiscal year.

13 **SEC. 104. DUTIES AND AUTHORITIES OF THE TRUST.**

14 (a) OVERALL REQUIREMENTS OF THE TRUST.—The
15 Trust shall manage the leasing, maintenance, rehabilita-
16 tion, repair and improvement of property within the Pre-
17 sidio under its administrative jurisdiction using the au-
18 thorities provided in this section, which shall be exercised
19 in accordance with the purposes set forth in section 1 of
20 the Act entitled “An Act to establish the Golden Gate Na-
21 tional Recreation Area in the State of California, and for
22 other purposes”, approved October 27, 1972 (Public Law
23 92–589; 86 Stat. 1299; 16 U.S.C. 460bb), and in accord-
24 ance with the general objectives of the General Manage-

1 ment Plan (hereinafter referred to as the “management
2 plan”) approved for the Presidio.

3 (b) AUTHORITIES.—The Trust may participate in the
4 development of programs and activities at the properties
5 transferred to the Trust, except that the Trust shall have
6 the authority to negotiate and enter into such agreements,
7 leases, contracts and other arrangements with any person,
8 firm, association, organization, corporation or govern-
9 mental entity, including, without limitation, entities of
10 Federal, State and local governments as are necessary and
11 appropriate to carry out its authorized activities. Any such
12 agreement may be entered into without regard to section
13 321 of the Act of June 30, 1932 (40 U.S.C. 303b). The
14 Trust shall establish procedures for lease agreements and
15 other agreements for use and occupancy of Presidio facili-
16 ties, including a requirement that in entering into such
17 agreements the Trust shall obtain reasonable competition.
18 The Trust may not dispose of or convey fee title to any
19 real property transferred to it under this title. Federal
20 laws and regulations governing procurement by Federal
21 agencies shall not apply to the Trust, with the exception
22 of laws and regulations related to Federal Government
23 contracts governing working conditions and wage rates,
24 including the provisions of sections 276a–276a–6 of title
25 40, United States Code (Davis-Bacon Act), and any civil

1 rights provisions otherwise applicable thereto. The Trust,
2 in consultation with the Administrator of Federal Procure-
3 ment Policy, shall establish and promulgate procedures
4 applicable to the Trust's procurement of goods and serv-
5 ices including, but not limited to, the award of contracts
6 on the basis of contractor qualifications, price, commer-
7 cially reasonable buying practices, and reasonable com-
8 petition.

9 (c) MANAGEMENT PROGRAM.—The Trust shall de-
10 velop a comprehensive program for management of those
11 lands and facilities within the Presidio which are trans-
12 ferred to the administrative jurisdiction of the Trust. Such
13 program shall be designed to reduce expenditures by the
14 National Park Service and increase revenues to the Fed-
15 eral Government to the maximum extent possible. In car-
16 rying out this program, the Trust shall be treated as a
17 successor in interest to the National Park Service with re-
18 spect to compliance with the National Environmental Pol-
19 icy Act and other environmental compliance statutes. Such
20 program shall consist of—

21 (1) demolition of structures which in the opin-
22 ion of the Trust, cannot be cost-effectively rehabili-
23 tated, and which are identified in the management
24 plan for demolition,

1 (2) evaluation for possible demolition or re-
2 placement those buildings identified as categories 2
3 through 5 in the Presidio of San Francisco Historic
4 Landmark District Historic American Buildings
5 Survey Report, dated 1985,

6 (3) new construction limited to replacement of
7 existing structures of similar size in existing areas of
8 development, and

9 (4) examination of a full range of reasonable
10 options for carrying out routine administrative and
11 facility management programs.

12 The Trust shall consult with the Secretary in the prepara-
13 tion of this program.

14 (d) FINANCIAL AUTHORITIES.—To augment or en-
15 courage the use of non-Federal funds to finance capital
16 improvements on Presidio properties transferred to its ju-
17 risdiction, the Trust, in addition to its other authorities,
18 shall have the following authorities subject to the Federal
19 Credit Reform Act of 1990 (2 U.S.C. 661 et seq.):

20 (1) The authority to guarantee any lender
21 against loss of principal or interest on any loan: *Pro-*
22 *vided, That—*

23 (A) the terms of the guarantee are ap-
24 proved by the Secretary of the Treasury;

1 (B) adequate subsidy budget authority is
2 provided in advance in appropriations Acts; and

3 (C) such guarantees are structured so as
4 to minimize potential cost to the Federal Gov-
5 ernment. No loan guarantee under this title
6 shall cover more than 75 percent of the unpaid
7 balance of the loan. The Trust may collect a fee
8 sufficient to cover its costs in connection with
9 each loan guaranteed under this title. The au-
10 thority to enter into any such loan guarantee
11 agreement shall expire at the end of 15 years
12 after the date of enactment of this title.

13 (2) The authority, subject to appropriations, to
14 make loans to the occupants of property managed by
15 the Trust for the preservation, restoration, mainte-
16 nance, or repair of such property.

17 (3) The authority to issue obligations to the
18 Secretary of the Treasury, but only if the Secretary
19 of the Treasury agrees to purchase such obligations
20 after determining that the projects to be funded
21 from the proceeds thereof are creditworthy and that
22 a repayment schedule is established and only to the
23 extent authorized in advance in appropriations Acts.
24 The Secretary of the Treasury is authorized to use
25 as a public debt transaction the proceeds from the

1 sale of any securities issued under chapter 31 of title
2 31, United States Code, and the purposes for which
3 securities may be issued under such chapter are ex-
4 tended to include any purchase of such notes or obli-
5 gations acquired by the Secretary of the Treasury
6 under this subsection. Obligations issued under this
7 subparagraph shall be in such forms and denomina-
8 tions, bearing such maturities, and subject to such
9 terms and conditions, as may be prescribed by the
10 Secretary of the Treasury, and shall bear interest at
11 a rate determined by the Secretary of the Treasury,
12 taking into consideration current market yields on
13 outstanding marketable obligations of the United
14 States of comparable maturities. No funds appro-
15 priated to the Trust may be used for repayment of
16 principal or interest on, or redemption of, obligations
17 issued under this paragraph.

18 (4) The aggregate amount of obligations issued
19 under this subsection which are outstanding at any
20 one time may not exceed \$50,000,000.

21 (e) DONATIONS.—The Trust may solicit and accept
22 donations of funds, property, supplies, or services from in-
23 dividuals, foundations, corporations, and other private or
24 public entities for the purpose of carrying out its duties.

1 The Trust is encouraged to maintain a liaison with the
2 Golden Gate National Park Association.

3 (f) PUBLIC AGENCY.—The Trust shall be deemed to
4 be a public agency for purposes of entering into joint exer-
5 cise of powers agreements pursuant to California govern-
6 ment code section 6500 and related provisions of that
7 code.

8 (g) PROCEEDS.—Notwithstanding section 1341 of
9 title 31 of the United States Code, all proceeds received
10 by the Trust shall be retained by the Trust, and such pro-
11 ceeds shall be available, without further appropriation, for
12 the administration, preservation, restoration, operation
13 and maintenance, improvement, repair and related ex-
14 penses incurred with respect to Presidio properties under
15 its administrative jurisdiction. The Secretary of the Treas-
16 ury shall invest excess moneys of the Trust in public debt
17 securities which shall bear interest at rates determined by
18 the Secretary of the Treasury taking into consideration
19 the current average market yield on outstanding market-
20 able obligations of the United States of comparable matu-
21 rity.

22 (h) SUITS.—The Trust may sue and be sued in its
23 own name to the same extent as the Federal Government.
24 Litigation arising out of the activities of the Trust shall
25 be conducted by the Attorney General; except that the

1 Trust may retain private attorneys to provide advice and
2 counsel. The District Court for the Northern District of
3 California shall have exclusive jurisdiction over any suit
4 filed against the Trust.

5 (i) MEMORANDUM OF AGREEMENT.—The Trust shall
6 enter into a Memorandum of Agreement with the Sec-
7 retary, acting through the Chief of the United States Park
8 Police, for the conduct of law enforcement activities and
9 services within those portions of the Presidio transferred
10 to the administrative jurisdiction of the Trust.

11 (j) BYLAWS, RULES, AND REGULATIONS.—The Trust
12 may adopt, amend, repeal, and enforce bylaws, rules and
13 regulations governing the manner in which its business
14 may be conducted and the powers vested in it may be exer-
15 cised. The Trust is authorized, in consultation with the
16 Secretary, to adopt and to enforce those rules and regula-
17 tions that are applicable to the Golden Gate National
18 Recreation Area and that may be necessary and appro-
19 priate to carry out its duties and responsibilities under
20 this title. The Trust shall give notice of the adoption of
21 such rules and regulations by publication in the Federal
22 Register.

23 (k) DIRECT NEGOTIATIONS.—For the purpose of
24 compliance with applicable laws and regulations concern-
25 ing properties transferred to the Trust by the Secretary,

1 the Trust shall negotiate directly with regulatory authori-
2 ties.

3 (l) INSURANCE.—The Trust shall require that all
4 leaseholders and contractors procure proper insurance
5 against any loss in connection with properties under lease
6 or contract, or the authorized activities granted in such
7 lease or contract, as is reasonable and customary.

8 (m) BUILDING CODE COMPLIANCE.—The Trust shall
9 bring all properties under its administrative jurisdiction
10 into compliance with Federal building codes and regula-
11 tions appropriate to use and occupancy within 10 years
12 after the enactment of this title to the extent practicable.

13 (n) LEASING.—In managing and leasing the prop-
14 erties transferred to it, the Trust shall consider the extent
15 to which prospective tenants contribute to the implementa-
16 tion of the General Management Plan for the Presidio and
17 to the reduction of cost to the Federal Government. The
18 Trust shall give priority to the following categories of ten-
19 ants: Tenants that enhance the financial viability of the
20 Presidio and tenants that facilitate the cost-effective pres-
21 ervation of historic buildings through their reuse of such
22 buildings.

23 (o) REVERSION.—If, at the expiration of 15 years,
24 the Trust has not accomplished the goals and objectives
25 of the plan required in section 105(b) of this title, then

1 all property under the administrative jurisdiction of the
2 Trust pursuant to section 103(b) of this title shall be
3 transferred to the Administrator of the General Services
4 Administration to be disposed of in accordance with the
5 procedures outlined in the Defense Authorization Act of
6 1990 (104 Stat. 1809), and any real property so trans-
7 ferred shall be deleted from the boundary of the Golden
8 Gate National Recreation Area. In the event of such trans-
9 fer, the terms and conditions of all agreements and loans
10 regarding such lands and facilities entered into by the
11 Trust shall be binding on any successor in interest.

12 **SEC. 105. LIMITATIONS ON FUNDING.**

13 (a)(1) From amounts made available to the Secretary
14 for the operation of areas within the Golden Gate National
15 Recreation Area, not more than \$25,000,000 shall be
16 available to carry out this title in each fiscal year after
17 the enactment of this title until the plan is submitted
18 under subsection (b). Such sums shall remain available
19 until expended.

20 (2) After the plan required in subsection (b) is sub-
21 mitted, and for each of the 14 fiscal years thereafter, there
22 are authorized to be appropriated to the Trust not more
23 than the amounts specified in such plan. Such sums shall
24 remain available until expended. Of such sums, not more
25 than \$3,000,000 annually shall be available through the

1 Trust for law enforcement activities and services to be pro-
2 vided by the United States Park Police at the Presidio
3 in accordance with section 104(h) of this title.

4 (b) Within 1 year after the first meeting of the Board
5 of Directors of the Trust, the Trust shall submit to Con-
6 gress a plan which includes a schedule of annual decreas-
7 ing federally appropriated funding that will achieve, at a
8 minimum, self-sufficiency for the Trust within 15 com-
9 plete fiscal years after such meeting of the Trust. No fur-
10 ther funds shall be authorized for the Trust 15 years after
11 the first meeting of the Board of Directors of the Trust.

12 (c) The Administrator of the General Services Ad-
13 ministration shall provide necessary assistance, including
14 detailees as necessary, to the Trust in the formulation and
15 submission of the annual budget request for the adminis-
16 tration, operation, and maintenance of the Presidio.

17 **SEC. 106. GENERAL ACCOUNTING OFFICE STUDY.**

18 (a) Three years after the first meeting of the Board
19 of Directors of the Trust, the General Accounting Office
20 shall conduct an interim study of the activities of the
21 Trust and shall report the results of the study to the Com-
22 mittee on Energy and Natural Resources and the Commit-
23 tee on Appropriations of the United States Senate, and
24 the Committee on Resources and Committee on Appro-
25 priations of the House of Representatives. The study shall

1 include, but shall not be limited to, details of how the
2 Trust is meeting its obligations under this title.

3 (b) In consultation with the Trust, the General Ac-
4 counting Office shall develop an interim schedule and plan
5 to reduce and replace the Federal appropriations to the
6 extent practicable for interpretive services conducted by
7 the National Park Service, and law enforcement activities
8 and services, fire and public safety programs conducted
9 by the Trust.

10 (c) Seven years after the first meeting of the Board
11 of Directors of the Trust, the General Accounting Office
12 shall conduct a comprehensive study of the activities of
13 the Trust, including the Trust's progress in meeting its
14 obligations under this title, taking into consideration the
15 results of the study described in subsection (a) and the
16 implementation of plan and schedule required in sub-
17 section (b). The General Accounting Office shall report the
18 results of the study, including any adjustments to the plan
19 and schedule, to the Committee on Energy and Natural
20 Resources and the Committee on Appropriations of the
21 United States Senate, and the Committee on Resources
22 and Committee on Appropriations of the House of Rep-
23 resentatives.

1 **TITLE II—BOUNDARY ADJUST-**
2 **MENTS AND CONVEYANCES**

3 **SEC. 201. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY**
4 **ADJUSTMENT.**

5 (a) IN GENERAL.—The boundaries of Yucca House
6 National Monument are revised to include the approxi-
7 mately 24.27 acres of land generally depicted on the map
8 entitled “Boundary—Yucca House National Monument,
9 Colorado”, numbered 318/80,001–B, and dated February
10 1990.

11 (b) MAP.—The map referred to in subsection (a)
12 shall be on file and available for public inspection in ap-
13 propriate offices of the National Park Service of the De-
14 partment of the Interior.

15 (c) ACQUISITION.—

16 (1) IN GENERAL.—Within the lands described
17 in subsection (a), the Secretary of the Interior may
18 acquire lands and interests in lands by donation.

19 (2) The Secretary of the Interior may pay ad-
20 ministrative costs arising out of any donation de-
21 scribed in paragraph (1) with appropriated funds.

22 **SEC. 202. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.**

23 (a) ACQUISITION AND BOUNDARY CHANGE.—The
24 Secretary of the Interior is authorized to acquire by ex-
25 change approximately 5.48 acres located in the SW $\frac{1}{4}$ of

1 Section 28, Township 41 South, Range 10 West, Salt
2 Lake Base and Meridian. In exchange therefor the Sec-
3 retary is authorized to convey all right, title, and interest
4 of the United States in and to approximately 5.51 acres
5 in Lot 2 of Section 5, Township 41 South, Range 11 West,
6 both parcels of land being in Washington County, Utah.
7 Upon completion of such exchange, the Secretary is au-
8 thorized to revise the boundary of Zion National Park to
9 add the 5.48 acres in section 28 to the park and to exclude
10 the 5.51 acres in section 5 from the park. Land added
11 to the park shall be administered as part of the park in
12 accordance with the laws and regulations applicable there-
13 to.

14 (b) EXPIRATION.—The authority granted by this sec-
15 tion shall expire 2 years after the date of the enactment
16 of this Act.

17 **SEC. 203. PICTURED ROCKS NATIONAL LAKESHORE**
18 **BOUNDARY ADJUSTMENT.**

19 The boundary of Pictured Rocks National Lakeshore
20 is hereby modified as depicted on the map entitled “Area
21 Proposed for Addition to Pictured Rocks National Lake-
22 shore”, numbered 625–80,043A, and dated July 1992.

1 **SEC. 204. INDEPENDENCE NATIONAL HISTORICAL PARK**
2 **BOUNDARY ADJUSTMENT.**

3 The administrative boundary between Independence
4 National Historical Park and the United States Customs
5 House along the Moravian Street Walkway in Philadel-
6 phia, Pennsylvania, is hereby modified as generally de-
7 picted on the drawing entitled “Exhibit 1, Independence
8 National Historical Park, Boundary Adjustment”, and
9 dated May 1987, which shall be on file and available for
10 public inspection in the Office of the National Park Serv-
11 ice, Department of the Interior. The Secretary of the Inte-
12 rior is authorized to accept and transfer jurisdiction over
13 property in accord with such administrative boundary, as
14 modified by this section.

15 **SEC. 205. CRATERS OF THE MOON NATIONAL MONUMENT**
16 **BOUNDARY ADJUSTMENT.**

17 (a) BOUNDARY REVISION.—The boundary of Craters
18 of the Moon National Monument, Idaho, is revised to add
19 approximately 210 acres and to delete approximately 315
20 acres as generally depicted on the map entitled “Craters
21 of the Moon National Monument, Idaho, Proposed 1987
22 Boundary Adjustment”, numbered 131–80,008, and dated
23 October 1987, which map shall be on file and available
24 for public inspection in the office of the National Park
25 Service, Department of the Interior.

1 (b) ADMINISTRATION AND ACQUISITION.—Federal
2 lands and interests therein deleted from the boundary of
3 the national monument by this section shall be adminis-
4 tered by the Secretary of the Interior through the Bureau
5 of Land Management in accordance with the Federal
6 Land Policy and Management Act of 1976 (43 U.S.C.
7 1701 et seq.), and Federal lands and interests therein
8 added to the national monument by this section shall be
9 administered by the Secretary as part of the national
10 monument, subject to the laws and regulations applicable
11 thereto. The Secretary is authorized to acquire private
12 lands and interests therein within the boundary of the na-
13 tional monument by donation, purchase with donated or
14 appropriated funds, or exchange, and when acquired they
15 shall be administered by the Secretary as part of the na-
16 tional monument, subject to the laws and regulations ap-
17 plicable thereto.

18 **SEC. 206. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT**
19 **BOUNDARY ADJUSTMENT.**

20 Section 302 of the Arizona-Idaho Conservation Act
21 of 1988 (102 Stat. 4576) is amended by adding the follow-
22 ing new subsection after subsection (c):

23 “(d) To further the purposes of the monument, the
24 Secretary is also authorized to acquire from willing sellers
25 only, by donation, purchase with donated or appropriated

1 funds, or exchange not to exceed 65 acres outside the
2 boundary depicted on the map referred to in section 301
3 and develop and operate thereon research, information, in-
4 terpretive, and administrative facilities. Lands acquired
5 and facilities developed pursuant to this subsection shall
6 be administered by the Secretary as part of the monu-
7 ment. The boundary of the monument shall be modified
8 to include the lands added under this subsection as a non-
9 contiguous parcel.”.

10 **SEC. 207. WUPATKI NATIONAL MONUMENT BOUNDARY AD-**
11 **JUSTMENT.**

12 The boundaries of the Wupatki National Monument,
13 Arizona, are hereby revised to include the lands and inter-
14 ests in lands within the area generally depicted as “Pro-
15 posed Addition 168.89 Acres” on the map entitled
16 “Boundary—Wupatki and Sunset Crater National Monu-
17 ments, Arizona”, numbered 322–80,021, and dated April
18 1989. The map shall be on file and available for public
19 inspection in the Office of the National Park Service, De-
20 partment of the Interior. Subject to valid existing rights,
21 Federal lands and interests therein within the area added
22 to the monument by this section are hereby transferred
23 without monetary consideration or reimbursement to the
24 administrative jurisdiction of the National Park Service,

1 to be administered as part of the monument in accordance
2 with the laws and regulations applicable thereto.

3 **SEC. 208. WALNUT CANYON NATIONAL MONUMENT BOUND-**
4 **ARY MODIFICATION.**

5 (a) PURPOSE.—The purpose of this section is to mod-
6 ify the boundaries of the Walnut Canyon National Monu-
7 ment (hereafter in this section referred to as the “national
8 monument”) to improve management of the national
9 monument and associated resources.

10 (b) BOUNDARY MODIFICATION.—Effective on the
11 date of enactment of this Act, the boundaries of the na-
12 tional monument shall be modified as depicted on the map
13 entitled “Boundary Proposal—Walnut Canyon National
14 Monument, Coconino County, Arizona”, numbered 360/
15 80,010, and dated September 1994. Such map shall be
16 on file and available for public inspection in the offices
17 of the Director of the National Park Service, Department
18 of the Interior. The Secretary of the Interior, in consulta-
19 tion with the Secretary of Agriculture, is authorized to
20 make technical and clerical corrections to such map.

21 (c) ACQUISITION AND TRANSFER OF PROPERTY.—
22 The Secretary of the Interior is authorized to acquire
23 lands and interest in lands within the national monument,
24 by donation, purchase with donated or appropriated funds,
25 or exchange. Federal property within the boundaries of the

1 national monument (as modified by this section) is hereby
2 transferred to the administrative jurisdiction of the Sec-
3 retary of the Interior for management as part of the na-
4 tional monument. Federal property excluded from the
5 monument pursuant to the boundary modification under
6 subsection (b) is hereby transferred to the administrative
7 jurisdiction of the Secretary of Agriculture to be managed
8 as a part of the Coconino National Forest.

9 (d) ADMINISTRATION.—The Secretary of the Inte-
10 rior, acting through the Director of the National Park
11 Service, shall manage the national monument in accord-
12 ance with this title and the provisions of law generally ap-
13 plicable to units of the National Park Service, including
14 “An Act to establish a National Park Service, and for
15 other purposes” approved August 25, 1916 (39 Stat. 535;
16 16 U.S.C. 1, 2–4).

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are hereby authorized to be appropriated such sums as
19 may be necessary to carry out this section.

20 **SEC. 209. BUTTE COUNTY, CALIFORNIA LAND CONVEY-**
21 **ANCE.**

22 (a) PURPOSE.—It is the purpose of this section to
23 authorize and direct the Secretary of Agriculture to con-
24 vey, without consideration, certain lands in Butte County,

1 California, to persons claiming to have been deprived of
2 title to such lands.

3 (b) DEFINITIONS.—For the purpose of this section:

4 (1) The term “affected lands” means those
5 Federal lands located in the Plumas National Forest
6 in Butte County, California, in sections 11, 12, 13,
7 and 14, township 21 north, range 5 East, Mount
8 Diablo Meridian, as described by the dependent re-
9 survey by the Bureau of Land Management con-
10 ducted in 1992, and subsequent Forest Service land
11 line location surveys, including all adjoining parcels
12 where the property line as identified by the 1992
13 BLM dependent resurvey and National Forest
14 boundary lines before such dependent resurvey are
15 not coincident.

16 (2) The term “claimant” means an owner of
17 real property in Butte County, California, whose real
18 property adjoins Plumas National Forest lands de-
19 scribed in paragraph (1), who claims to have been
20 deprived by the United States of title to property as
21 a result of previous erroneous surveys.

22 (3) The term “Secretary” means the Secretary
23 of Agriculture.

24 (c) CONVEYANCE OF LANDS.—Notwithstanding any
25 other provision of law, the Secretary is authorized and di-

1 rected to convey, without consideration, all right, title, and
2 interest of the United States in and to affected lands as
3 described in subsection (b)(1), to any claimant or claim-
4 ants, upon proper application from such claimant or
5 claimants, as provided in subsection (d).

6 (d) NOTIFICATION.—Not later than 2 years after the
7 date of enactment of this Act, claimants shall notify the
8 Secretary, through the Forest Supervisor of the Plumas
9 National Forest, in writing of their claim to affected lands.
10 Such claim shall be accompanied by—

- 11 (1) a description of the affected lands claimed;
- 12 (2) information relating to the claim of owner-
13 ship of such lands; and
- 14 (3) such other information as the Secretary
15 may require.

16 (e) ISSUANCE OF DEED.—(1) Upon a determination
17 by the Secretary that issuance of a deed for affected lands
18 is consistent with the purpose and requirements of this
19 section, the Secretary shall issue a quit claim deed to such
20 claimant for the parcel to be conveyed.

21 (2) Prior to the issuance of any such deed as provided
22 in paragraph (1), the Secretary shall ensure that—

- 23 (A) the parcel or parcels to be conveyed have
24 been surveyed in accordance with the Memorandum
25 of Understanding between the Forest Service and

1 the Bureau of Land Management, dated November
2 11, 1989;

3 (B) all new property lines established by such
4 surveys have been monumented and marked; and

5 (C) all terms and conditions necessary to pro-
6 tect third party and Government Rights-of-Way or
7 other interests are included in the deed.

8 (3) The Federal Government shall be responsible for
9 all surveys and property line markings necessary to imple-
10 ment this subsection.

11 (f) NOTIFICATION TO BLM.—The Secretary shall
12 submit to the Secretary of the Interior an authenticated
13 copy of each deed issued pursuant to this section no later
14 than 30 days after the date such deed is issued.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated such sums as necessary
17 to carry out the purposes of this section.

18 **SEC. 210. TAOS PUEBLO LAND TRANSFER.**

19 (a) TRANSFER.—The parcel of land described in sub-
20 section (b) is hereby transferred without consideration to
21 the Secretary of the Interior to be held in trust for the
22 Pueblo de Taos. Such parcel shall be a part of the Pueblo
23 de Taos Reservation and shall be managed in accordance
24 with section 4 of the Act of May 31, 1933 (48 Stat. 108)

1 (as amended, including as amended by Public Law 91–
2 550 (84 Stat. 1437)).

3 (b) LAND DESCRIPTION.—The parcel of land re-
4 ferred to in subsection (a) is the land that is generally
5 depicted on the map entitled “Lands transferred to the
6 Pueblo of Taos—proposed” and dated September 1994,
7 comprises 764.33 acres, and is situated within sections 25,
8 26, 35, and 36, Township 27 North, Range 14 East, New
9 Mexico Principal Meridian, within the Wheeler Peak Wil-
10 derness, Carson National Forest, Taos County, New Mex-
11 ico.

12 (c) CONFORMING BOUNDARY ADJUSTMENTS.—The
13 boundaries of the Carson National Forest and the Wheeler
14 Peak Wilderness are hereby adjusted to reflect the trans-
15 fer made by subsection (a).

16 (d) RESOLUTION OF OUTSTANDING CLAIMS.—The
17 Congress finds and declares that, as a result of the enact-
18 ment of this section, the Taos Pueblo has no unresolved
19 equitable or legal claims against the United States on the
20 lands to be held in trust and to become part of the Pueblo
21 de Taos Reservation under this section.

22 **SEC. 211. COLONIAL NATIONAL HISTORICAL PARK.**

23 (a) TRANSFER AND RIGHTS-OF-WAY.—The Sec-
24 retary of the Interior (hereinafter in this section referred
25 to as the “Secretary”) is authorized to transfer, without

1 reimbursement, to York County, Virginia, that portion of
2 the existing sewage disposal system, including related im-
3 provements and structures, owned by the United States
4 and located within the Colonial National Historical Park,
5 together with such rights-of-way as are determined by the
6 Secretary to be necessary to maintain and operate such
7 system.

8 (b) REPAIR AND REHABILITATION OF SYSTEM.—The
9 Secretary is authorized to enter into a cooperative agree-
10 ment with York County, Virginia, under which the Sec-
11 retary will pay a portion, not to exceed \$110,000, of the
12 costs of repair and rehabilitation of the sewage disposal
13 system referred to in subsection (a).

14 (c) FEES AND CHARGES.—In consideration for the
15 rights-of-way granted under subsection (a), and in rec-
16 ognition of the National Park Service's contribution au-
17 thorized under subsection (b), the cooperative agreement
18 under subsection (b) shall provide for a reduction in, or
19 the elimination of, the amounts charged to the National
20 Park Service for its sewage disposal. The cooperative
21 agreement shall also provide for minimizing the impact of
22 the sewage disposal system on the park and its resources.
23 Such system may not be enlarged or substantially altered
24 without National Park Service concurrence.

1 (d) INCLUSION OF LAND IN COLONIAL NATIONAL
2 HISTORICAL PARK.—Notwithstanding the provisions of
3 the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b
4 et seq.), limiting the average width of the Colonial Park-
5 way, the Secretary of the Interior is authorized to include
6 within the boundaries of Colonial National Historical Park
7 and to acquire by donation, exchange, or purchase with
8 donated or appropriated funds the lands or interests in
9 lands (with or without improvements) within the areas de-
10 picted on the map dated August 1993, numbered 333/
11 80031A, and entitled “Page Landing Addition to Colonial
12 National Historical Park”. Such map shall be on file and
13 available for inspection in the offices of the National Park
14 Service at Colonial National Historical Park and in Wash-
15 ington, District of Columbia.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as are nec-
18 essary to carry out this section.

19 **SEC. 212. CUPRUM, IDAHO RELIEF.**

20 (a) FINDINGS.—The Congress finds and declares
21 that:

22 (1) In 1899, the citizens of Cuprum, Idaho,
23 commissioned E.S. Hesse to conduct a survey de-
24 scribing these lands occupied by their community.

1 The purpose of this survey was to provide a basis for
2 the application for a townsite patent.

3 (2) In 1909, the Cuprum Townsite patent
4 (Number 52817) was granted, based on an aliquot
5 parts description which was intended to circumscribe
6 the Hesse survey.

7 (3) Since the day of the patent, the Hesse sur-
8 vey has been used continuously by the community of
9 Cuprum and by Adams Country, Idaho, as the offi-
10 cial townsite plat and basis for conveyance of title
11 within the townsite.

12 (4) Recent boundary surveys conducted by the
13 United States Department of Agriculture, Forest
14 Service, and the United States Department of the
15 Interior, Bureau of Land Management, discovered
16 inconsistencies between the official aliquot parts de-
17 scription of the patented Cuprum Townsite and the
18 Hesse survey. Many lots along the south and east
19 boundaries of the townsite are now known to extend
20 onto National Forest System lands outside the town-
21 site.

22 (5) It is the determination of Congress that the
23 original intent of the Cuprum Townsite application
24 was to include all the lands described by the Hesse
25 survey.

1 (b) PURPOSE.—It is the purpose of this section to
2 amend the 1909 Cuprum Townsite patent to include those
3 additional lands described by the Hesse survey in addition
4 to other lands necessary to provide an administratively ac-
5 ceptable boundary to the National Forest System.

6 (c) AMENDMENT OF PATENT.—The 1909 Cuprum
7 Townsite patent is hereby amended to include parcels 1
8 and 2, identified on the plat, marked as “Township 20
9 North, Range 3 West, Boise Meridian, Idaho, Section 10:
10 Proposed Patent Adjustment Cuprum Townsite, Idaho”
11 prepared by Payette N.F.—Land Survey Unit, drawn and
12 approved by Tom Betzold, Forest Land Surveyor, on April
13 25, 1995. Such additional lands are hereby conveyed to
14 the original patentee, Pitts Ellis, trustee, and Probate
15 Judge of Washington County, Idaho, or any successors or
16 assigns in interest in accordance with State law. The Sec-
17 retary of Agriculture may correct clerical and typo-
18 graphical errors in such plat.

19 (d) SURVEY.—The Federal Government shall survey
20 the Federal property lines and mark and post the bound-
21 aries necessary to implement this section.

22 **SEC. 213. CONVEYANCE OF CERTAIN PROPERTY TO THE**
23 **STATE OF WYOMING.**

24 (a) CONVEYANCE.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary of the Interior shall convey to the State of
4 Wyoming without reimbursement—

5 (A) all right, title, and interest of the
6 United States in and to the portion of the prop-
7 erty commonly known as “Ranch A” in Crook
8 County, Wyoming, other than the portion de-
9 scribed in subparagraph (B), consisting of ap-
10 proximately 600 acres of land (including all real
11 property, buildings, and all other improvements
12 to real property) and all personal property (in-
13 cluding art, historic light fixtures, wildlife
14 mounts, draperies, rugs, and furniture directly
15 related to the site, including personal property
16 on loan to museums and other entities at the
17 time of transfer); and

18 (B) all right, title, and interest of the
19 United States in and to all buildings and relat-
20 ed improvements and all personal property as-
21 sociated with the real property described as
22 Township 52 North, Range 61 West, Section
23 24 N¹/₂ SE¹/₄, consisting of approximately 80
24 acres of land, including a permanent right of
25 way to allow the use of the improvements and

1 personal property as provided in subsection
2 (b)(1).

3 (b) USE AND REVERSIONARY INTEREST.—

4 (1) USE.—The property conveyed to the State
5 of Wyoming under this section shall be retained in
6 public ownership and be used by the State for the
7 purposes of—

8 (A) fish and wildlife management and edu-
9 cational activities; and

10 (B) using, maintaining, displaying, and re-
11 storing, through State or local agreements, or
12 both, the museum-quality real and personal
13 property and the historical interests and signifi-
14 cance of the real and personal property, consist-
15 ent with applicable Federal and State laws.

16 (2) ACCESS BY INSTITUTIONS OF HIGHER EDU-
17 CATION.—The State of Wyoming shall provide ac-
18 cess to the property for institutions of higher edu-
19 cation at a compensation level that is agreed to by
20 the State and the institutions of higher education.

21 (3) REVERSION.—All right, title, and interest in
22 and to the property shall revert to the United States
23 if—

1 (A) the property described in subsection
2 (a) is not used by the State of Wyoming for the
3 purposes set forth in paragraph (1);

4 (B) there is any development of the prop-
5 erty (including commercial or recreational de-
6 velopment, but not including the construction of
7 small structures strictly in accordance with
8 paragraph (1)); or

9 (C) the State does not make every reason-
10 able effort to protect and maintain the quality
11 and quantity of fish and wildlife habitat on the
12 property.

13 (c) ADDITION TO THE BLACK HILLS NATIONAL FOR-
14 EST.—

15 (1) TRANSFER.—Administrative jurisdiction of
16 the real property described in subsection (a)(1)(B)
17 (excluding the improvements and personal property
18 conveyed to the State of Wyoming) is transferred to
19 the Secretary of Agriculture, to be included in and
20 managed as part of the Black Hills National Forest.

21 (2) NO HUNTING OR MINERAL DEVELOP-
22 MENT.—No hunting or mineral development shall be
23 permitted on any of the land transferred to the ad-
24 ministrative jurisdiction of the Secretary of Agri-
25 culture by paragraph (1).

1 **SEC. 214. RELINQUISHMENT OF INTEREST.**

2 (a) IN GENERAL.—The United States relinquishes all
3 right, title, and interest that the United States may have
4 in land that—

5 (1) was subject to a right-of-way that was
6 granted to the predecessor of the Chicago and
7 Northwestern Transportation Company under the
8 Act entitled “An Act granting to railroads the right
9 of way through the public lands of the United
10 States”, approved March 3, 1875 (43 U.S.C. 934 et
11 seq.), which right-of-way the Company has conveyed
12 to the city of Douglas, Wyoming; and

13 (2) is located within the boundaries of the city
14 limits of the city of Douglas, Wyoming, or between
15 the right-of-way of Interstate 25 and the city limits
16 of the city of Douglas, Wyoming,
17 as determined by the Secretary of the Interior in consulta-
18 tion with the appropriate officials of the city of Douglas,
19 Wyoming.

20 (b) CONVEYANCE.—As soon as practicable after the
21 date of enactment of this Act, the Secretary of the Interior
22 shall file for recordation in the real property records of
23 Converse County, Wyoming, a deed or other appropriate
24 form of instrument conveying to the city of Douglas, Wyo-
25 ming, all right, title, and interest in the land described
26 in subsection (a).

1 (c) CONVEYANCE OF CERTAIN PROPERTY TO THE
 2 BIG HORN COUNTY SCHOOL DISTRICT NUMBER 1, WYO-
 3 MING.—The Secretary of the Interior shall convey, by quit
 4 claim deed, to the Big Horn County School District Num-
 5 ber 1, Wyoming, all right, title, and interest of the United
 6 States in and to the following described lands in Big Horn
 7 County, Wyoming: Lots 19–24 of Block 22, all within the
 8 town of Frannie, Wyoming, in the $S^{1/2}NW^{1/4}NW^{1/4}$ and
 9 $N^{1/2}SW^{1/4}NW^{1/4}$ of section 31 of T. 58N., R. 97 W., Big
 10 Horn County.

11 **SEC. 215. MODOC NATIONAL FOREST.**

12 (a) IN GENERAL.—The boundary of the Modoc Na-
 13 tional Forest is hereby modified to include and encompass
 14 760 acres, more or less, on the following described lands:
 15 Mount Diablo Meridian, Lassen County, California, T. 38
 16 N., R. 10 E., sec. 5, $SE^{1/4}NW^{1/4}$, $E^{1/2}SW^{1/4}$; sec. 8,
 17 $E^{1/2}NE^{1/4}$, $NE^{1/4}NW^{1/4}$, $NE^{1/4}SE^{1/4}$; sec. 16, $W^{1/2}$; sec.
 18 25, Lots 13, 14 and 15 ($S^{1/2}SW^{1/4}$, $SW^{1/4}SE^{1/4}$); T. 37
 19 N., R. 11 E., sec. 20, $NW^{1/4}SE^{1/4}$.

20 (b) RULE FOR LAND AND WATER CONSERVATION
 21 FUND.—For the purposes of section 7 of the Land and
 22 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
 23 9), the boundary of the Modoc National Forest, as modi-
 24 fied by this title, shall be considered to be the boundary
 25 of that National Forest as of January 1, 1965.

1 **SEC. 216. CONVEYANCE TO CITY OF SUMPTER, OREGON.**

2 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
3 riculture shall convey, without consideration, to the city
4 of Sumpter, Oregon (in this section referred to as the
5 “City”), all right, title, and interest of the United States
6 in and to a parcel of real property of approximately 1.43
7 acres consisting of all of block 8 of the REVISED PLAN
8 OF SUMPTER TOWNSITE in the City, as shown in plat
9 recorded March 6, 1897, in Plat Book 3, page 26; includ-
10 ing the alley running through such block, vacated by Ordinance No. 1966–3, recorded December 14, 1966, in Deed
11 66–50–014.
12

13 (b) ADDITIONAL DESCRIPTION OF PROPERTY.—The
14 real property to be conveyed under subsection (a) consists
15 of the same property that was deeded to the United States
16 in the following deeds:

17 (1) Warranty Deed from Sumpter Power &
18 Water Company to the United States of America
19 dated October 12, 1949, and recorded in Vol. 152,
20 page 170 of Baker County records on December 22,
21 1949.

22 (2) Warranty Deed from Mrs. Alice Windle to
23 the United States of America dated October 11,
24 1949, and recorded in Vol. 152, page 168 of Baker
25 County records on December 22, 1949.

1 (3) Warranty Deed from Alice L. Windle
2 Charles and James M. Charles to the United States
3 of America dated August 8, 1962, and recorded in
4 Book 172, page 1331 on August 27, 1962.

5 (c) CONDITION OF CONVEYANCE.—The conveyance
6 under subsection (a) shall be subject to the condition that
7 the City use the conveyed property only for public pur-
8 poses, such as a city park, information center, or interpre-
9 tive area.

10 (d) RELEASE.—Upon making the conveyance re-
11 quired by subsection (a), the United States is relieved
12 from liability for any and all claims arising from the pres-
13 ence of materials on the conveyed property.

14 (e) REVERSIONARY INTEREST.—If the Secretary of
15 Agriculture determines that the real property conveyed
16 under subsection (a) is not being used in accordance with
17 the condition specified in subsection (c) or that the City
18 has initiated proceedings to sell, lease, exchange, or other-
19 wise dispose of all or a portion of the property, then, at
20 the option of the Secretary, the United States shall have
21 a right of reentry with regard to the property, with title
22 thereto reverting in the United States.

23 (f) AUTHORIZED SALE OF PROPERTY.—Notwith-
24 standing subsections (c) and (e), the Secretary of Agri-
25 culture may authorize the City to dispose of the real prop-

erty conveyed under subsection (a) if the proceeds from such disposal are at least equal to the fair market value of the property and are paid to the United States. The Secretary shall deposit amounts received under this subsection into the special fund in the Treasury into which funds are deposited pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), commonly known as the Sisk Act. The disposal of the conveyed property under this subsection shall be subject to such terms and conditions as the Secretary may prescribe.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of Agriculture may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 217. CUMBERLAND GAP NATIONAL HISTORICAL PARK.

(a) **AUTHORITY.**—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 10 acres of land or interests in land, which shall consist of those necessary lands for the establishment of trailheads to be located at White Rocks and Chadwell Gap.

(b) **ADMINISTRATION.**—Lands and interests in lands acquired pursuant to subsection (a) shall be added to and

1 administered as part of Cumberland Gap National Histor-
2 ical Park.

3 **SEC. 218. SHENANDOAH NATIONAL PARK.**

4 (a) IN GENERAL.—The boundary of Shenandoah Na-
5 tional Park is hereby modified to include only those lands
6 and interests therein that, on the day before the date of
7 the enactment of this Act, were in Federal ownership and
8 were administered by the Secretary of the Interior (herein-
9 after in this title referred to as the “Secretary”) as part
10 of the park. So much of the Act of May 22, 1926 (Chapter
11 363; 44 Stat. 616) as is inconsistent herewith is hereby
12 repealed.

13 (b) MINOR BOUNDARY ADJUSTMENTS.—

14 (1) MINOR BOUNDARY ADJUSTMENTS.—The
15 Secretary is authorized to make minor adjustments
16 to the boundary of Shenandoah National Park, as
17 modified by this section, to make essential improve-
18 ments to facilitate access to trailheads to the park
19 that exist on the day before the date of the enact-
20 ment of this Act. In addition, the Secretary may ac-
21 quire or accept donations of lands adjacent to the
22 park for the purposes of making minor boundary ad-
23 justments, whenever the Secretary determines such
24 lands would further the purposes of the park.

1 (2) FURTHER LIMITATIONS ON MINOR BOUND-
2 ARY ADJUSTMENTS.—

3 (A) IN GENERAL.—Except as otherwise
4 provided in this subsection, the Secretary may
5 acquire lands and interests therein under this
6 subsection only—

7 (i) by donation, or exchange; and

8 (ii) with the consent of the owner.

9 (B) ADDITIONAL RESTRICTIONS.—When
10 acting under this subsection—

11 (i) the Secretary may add to the
12 Shenandoah National Park only lands and
13 interests therein that are contiguous with
14 Federal lands administered by the Sec-
15 retary as part of the park;

16 (ii) prior to accepting title to any
17 lands or interests therein, the Secretary
18 shall hold a public meeting in the county
19 in which such lands and interests are lo-
20 cated;

21 (iii) the Secretary shall not alter the
22 primary means of access of any private
23 landowner to the lands owned by such
24 landowner; and

1 (iv) the Secretary shall not cause any
2 property owned by a private individual, or
3 any group of adjacent properties owned by
4 private individuals, to be surrounded on all
5 sides by land administered by the Sec-
6 retary as part of the park.

7 (C) PUBLIC LAND.—Lands or interests in
8 land located within the boundaries of a park
9 owned by the Commonwealth of Virginia or a
10 political subdivision of the Commonwealth of
11 Virginia may be acquired by the Secretary
12 under this section only by donation or ex-
13 change.

14 (D) NO CONDEMNATION.—Under this sec-
15 tion, the Secretary may not accept a donation
16 of land or an interest in land that was acquired
17 through condemnation.

18 (c) MITIGATION OF IMPACTS AT ACCESS POINTS.—
19 The Secretary shall take all reasonable actions to mitigate
20 the impacts associated with visitor use at trailheads
21 around the perimeter of Shenandoah National Park. The
22 Secretary shall enlist the cooperation of the State and
23 local jurisdictions, as appropriate, in carrying out this sub-
24 section.

1 (d) COMPREHENSIVE BOUNDARY STUDY.—Within 3
2 years after the date of enactment of this Act, the Sec-
3 retary shall complete a comprehensive boundary study for
4 Shenandoah National Park in accordance with the Na-
5 tional Environmental Policy Act. The Secretary shall for-
6 ward copies of such study to the appropriate congressional
7 committees.

8 **SEC. 219. TULARE CONVEYANCE.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, and subject to subsections (c), (d), and (e),
11 the following conveyance is hereby validated to the extent
12 that the conveyances would have been legal or valid if all
13 right, title, and interest of the United States had been held
14 by the Southern Pacific Transportation Company at the
15 time of such conveyance:

16 (1) Conveyance of parcels from the lands de-
17 scribed in subsection (b) made by the Southern Pa-
18 cific Transportation Company or its subsidiaries,
19 predecessors, successors, agents, or assigns, on or
20 before April 15, 1996.

21 (2) Conveyance of parcels from the lands de-
22 scribed in paragraphs (1) and (2) of subsection (b)
23 made after April 15, 1996, by the Southern Pacific
24 Transportation Company, or its successors, agents,

1 or assigns, to the Redevelopment Agency of the city
2 of Tulare.

3 (b) LANDS DESCRIBED.—The lands referred to in
4 subsection (a) are the lands that—

5 (1) formed part of a railroad right-of-way
6 granted to the Southern Pacific Railroad Company,
7 or its successors, agents, or assigns, by the Federal
8 Government; and

9 (2) are located within the boundaries of Amend-
10 ed Urban Renewal Plan for California A-8-1 (the
11 Downtown Plan) adopted by the city of Tulare, Cali-
12 fornia, generally depicted on the map entitled
13 “Amended Urban Renewal Plan for California A-8-
14 1”, dated March 7, 1989.

15 The map referred to in paragraph (2) shall be on file and
16 available for public inspection in the offices of the director
17 of the Bureau of Land Management.

18 (c) MINERALS.—(1) The United States hereby re-
19 serves any federally owned minerals that may exist in land
20 that is conveyed pursuant to this section, including the
21 right of the United States, its assignees or lessees, to enter
22 upon and utilize as much of the surface of such land as
23 is necessary to remove minerals under the laws of the
24 United States.

1 (2) Any and all minerals reserved by paragraph (1)
2 are hereby withdrawn from all forms of entry, appropria-
3 tion, and patent under the mining, mineral leasing, and
4 geothermal leasing laws of the United States.

5 (d) TAKING OF PRIVATE LAND.—If the validation of
6 any conveyance pursuant to subsection (a) would con-
7 stitute a taking of the private property within the meaning
8 of the Fifth Amendment to the United States Constitu-
9 tion, the validation of the conveyance shall be effective
10 only upon payment by the Southern Pacific Transpor-
11 tation Company (or its subsidiaries, successors, agents, or
12 assigns) to the Secretary of the Treasury of the fair mar-
13 ket value of the property taken.

14 (e) PRESERVATION OF EXISTING RIGHTS OF AC-
15 CESS.—Nothing in this section shall impair any existing
16 rights of access in favor of the public or any owner of
17 adjacent lands over, under or across the lands which are
18 referred to in subsection (a).

19 **SEC. 220. ALPINE SCHOOL DISTRICT.**

20 (a) CONVEYANCE REQUIRED.—(1) The Secretary of
21 Agriculture shall convey, without consideration, to the Al-
22 pine Elementary School District 7 of the State of Arizona
23 (in this section referred to as the “School District”), all
24 right, title, and interest of the United States in and to
25 a parcel of real property, including any improvements

1 thereon, consisting of approximately 30 acres located in
2 the Apache National Forest, Apache County, Arizona, and
3 further delineated as follows: North $\frac{1}{2}$ of Northeast $\frac{1}{4}$
4 of Southeast $\frac{1}{4}$ of section 14, Township 5 North, Range
5 30 East, Gila and Salt River meridian, and North $\frac{1}{2}$ of
6 South $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of such section.

7 (2) The exact acreage and legal description of the real
8 property to be conveyed under paragraph (1) shall be de-
9 termined by a survey satisfactory to the Secretary. The
10 cost of the survey shall be borne by the School District.

11 (b) CONDITION OF CONVEYANCE.—The conveyance
12 made under subsection (a) shall be subject to the condition
13 that the School District use the conveyed property for pub-
14 lic school facilities and related public school recreational
15 purposes.

16 (c) RIGHT OF REENTRY.—The United States shall
17 retain a right of reentry in the property to be conveyed.
18 If the Secretary determines that the conveyed property is
19 not being used in accordance with the condition in sub-
20 section (b), the United States shall have the right to reen-
21 ter the conveyed property without consideration.

22 (d) ENCUMBRANCES.—The conveyance made under
23 subsection (a) shall be subject to all encumbrances on the
24 property existing as of the date of the enactment of this
25 Act.

1 (e) ADDITIONAL TERMS AND CONDITIONS.—The
2 Secretary may require such additional terms and condi-
3 tions in connection with the conveyance under subsection
4 (a) as the Secretary considers appropriate to protect the
5 interests of the United States.

6 **SEC. 221. MERCED IRRIGATION DISTRICT LAND EXCHANGE.**

7 (a) CONVEYANCE.—(1) The Secretary of the Interior
8 may convey the Federal lands described in subsection
9 (d)(1) in exchange for the non-Federal lands described in
10 subsection (d)(2), in accordance with the provisions of this
11 Act.

12 (b) APPLICABILITY OF OTHER PROVISIONS OF
13 LAW.—The land exchange required in this section shall
14 be carried out in accordance with section 206 of the Fed-
15 eral Land Policy and Management Act of 1976 (43 U.S.C.
16 1716) and in accordance with other applicable laws.

17 (c) ACCEPTABILITY OF TITLE AND MANNER OF CON-
18 VEYANCE.—The Secretary of the Interior shall not carry
19 out an exchange described in subsection (a) unless the title
20 to the non-Federal lands to be conveyed to the United
21 States, and the form and procedures of conveyance, are
22 acceptable to the Secretary.

23 (d) LANDS TO BE EXCHANGED.—

24 (1) FEDERAL LANDS TO BE EXCHANGED.—The
25 Federal lands referred to in this section to be ex-

1 changed consist of approximately 179.4 acres in
 2 Mariposa County, California as generally depicted on
 3 the map entitled “Merced Irrigation District Ex-
 4 change—Proposed, Federal Land”, dated March 15,
 5 1995, more particularly described as follows:

6 T. 3 S., R. 15 E., MDM (Mount Diablo
 7 Meridian): sec. 35, SW $\frac{1}{4}$ SE $\frac{1}{4}$, containing ap-
 8 proximately 40 acres.

9 T. 4 S., R. 15 E., MDM (Mount Diablo
 10 Meridian):

11 Sec. 14: E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, containing
 12 approximately 20 acres.

13 Sec. 23: NE $\frac{1}{4}$ SE $\frac{1}{4}$, containing ap-
 14 proximately 40 acres.

15 T. 5 S., R. 15 E., MDM (Mount Diablo
 16 Meridian):

17 Sec. 2: Lot 1, containing approxi-
 18 mately 57.9 acres.

19 Sec. 3: Lots 7 thru 15, containing ap-
 20 proximately 21.5 acres.

21 (2) NON-FEDERAL LANDS TO BE EX-
 22 CHANGED.—The non-Federal lands referred to in
 23 this section to be exchanged consist of approximately
 24 160 acres in Mariposa County, California as gen-

1 erally depicted on the map entitled “Merced Irriga-
2 tion District Exchange—Proposed, Non-Federal
3 Land”, dated March 15, 1995, more particularly de-
4 scribed as T. 4 S., R17E MDM (Mount Diablo Me-
5 ridian): sec. 2, SE¹/₄.

6 (3) MAPS.—The maps referred to in this sub-
7 section shall be on file and available for inspection
8 in the office of the Director of the Bureau of Land
9 Management.

10 (4) PARTIAL REVOCATION OF WITHDRAWALS.—
11 The Executive order of December 31, 1912, creating
12 Powersite Reserve No. 328, and the withdrawal of
13 Federal lands for Power Project No. 2179, filed
14 February 21, 1963, in accordance with section 24 of
15 the Federal Power Act are hereby revoked insofar as
16 they affect the Federal lands described in paragraph
17 (1). Any patent issued on such Federal lands shall
18 not be subject to section 24 of said Act.

19 **SEC. 222. FATHER AULL SITE TRANSFER.**

20 (a) SHORT TITLE.—This section may be cited as the
21 “Father Aull Site Transfer Act of 1996”.

22 (b) CONVEYANCE OF PROPERTY.—Subject to valid
23 existing rights, all right, title and interest of the United
24 States in and to the land (including improvements on the
25 land), consisting of approximately 43.06 acres, located ap-

1 proximately 10 miles east of Silver City, New Mexico, and
2 described as follows: T. 17 S., R. 12 W., Section 30: Lot
3 13, and Section 31: Lot 27 (as generally depicted on the
4 map dated July 1995) is hereby conveyed by operation of
5 law to St. Vincent DePaul Parish in Silver City, New Mex-
6 ico, without consideration.

7 (c) RELEASE.—Upon the conveyance of any land or
8 interest in land identified in this section to St. Vincent
9 DePaul Parish, St. Vincent DePaul Parish shall assume
10 any liability for any claim relating to the land or interest
11 in the land arising after the date of the conveyance.

12 (d) MAP.—The map referred to in this section shall
13 be on file and available for public inspection in—

14 (1) the State of New Mexico Office of the Bu-
15 reau of Land Management, Santa Fe, New Mexico;
16 and

17 (2) the Las Cruces District Office of the Bu-
18 reau of Land Management, Las Cruces, New Mex-
19 ico.

20 **SEC. 223. COASTAL BARRIER RESOURCES SYSTEM.**

21 (a) IN GENERAL.—The Secretary of the Interior
22 shall, before the end of the 30-day period beginning on
23 the date of the enactment of this Act, make such correc-
24 tions to the maps described in subsection (b) as are nec-
25 essary to ensure that depictions of areas on those maps

1 are consistent with the depictions of areas appearing on
2 the maps entitled “Amendments to Coastal Barrier Re-
3 sources System”, dated November 1, 1995, and June 1,
4 1996, and on file with the Secretary.

5 (b) MAPS DESCRIBED.—The maps described in this
6 subsection are maps that—

7 (1) are included in a set of maps entitled
8 “Coastal Barrier Resources System”, dated October
9 24, 1990; and

10 (2) relate to the following units of the Coastal
11 Barrier Resources System: P05, P05A, P10, P11,
12 P11A, P18, P25, P32, and P32P.

13 **SEC. 224. CONVEYANCE TO DEL NORTE COUNTY UNIFIED**
14 **SCHOOL DISTRICT.**

15 (a) CONVEYANCE.—As soon as practicable after the
16 date of the enactment of this Act, the Secretary of Agri-
17 culture shall convey to the Del Norte County Unified
18 School District of Del Norte County, California, in accord-
19 ance with this section, all right, title, and interest of the
20 United States in and to the property described in sub-
21 section (b).

22 (b) PROPERTY DESCRIPTION.—The property referred
23 to in subsection (a) is that portion of Township 17 North,
24 Range 2 East, Humboldt Meridian in Del Norte County,
25 California, which is further described as follows:

1 Beginning at Angle Point No. 3 of Tract 41 as
2 resurveyed by the Bureau of Land Management
3 under survey Group No. 1013, approved August 13,
4 1990, and shown on the official plat thereof;

5 thence on the line between Angle Points No. 3
6 and No. 4 of Tract 41, North 89 degrees, 24 min-
7 utes, 20 seconds East, a distance of 345.44 feet to
8 Angle Point No. 4 of Tract 41;

9 thence on the line between Angle Points No. 4
10 and No. 5 of Tract 41, South 00 degrees, 01 min-
11 utes, 20 seconds East, a distance of 517.15 feet;

12 thence West, a distance of 135.79 feet;

13 thence North 88 degrees, 23 minutes, 01 sec-
14 onds West, a distance of 61.00 feet;

15 thence North 39 degrees, 58 minutes, 18 sec-
16 onds West, a distance of 231.37 feet to the East line
17 of Section 21, Township 17 North, Range 2 East;

18 thence along the East line of Section 21, North
19 00 degrees, 02 minutes, 20 seconds West, a distance
20 of 334.53 feet to the point of beginning.

21 (c) CONSIDERATION.—The conveyance provided for
22 in subsection (a) shall be without consideration except as
23 required by this section.

1 (d) CONDITIONS OF CONVEYANCE.—The conveyance
2 provided for in subsection (a) shall be subject to the fol-
3 lowing conditions:

4 (1) Del Norte County shall be provided, for no
5 consideration, an easement for County Road No.
6 318 which crosses the Northeast corner of the prop-
7 erty conveyed.

8 (2) The Pacific Power and Light Company shall
9 be provided, for no consideration, an easement for
10 utility equipment as necessary to maintain the level
11 of service provided by the utility equipment on the
12 property as of the date of the conveyance.

13 (3) The United States shall be provided, for no
14 consideration, an easement to provide access to the
15 United States property that is south of the property
16 conveyed.

17 (e) LIMITATIONS ON CONVEYANCE.—The conveyance
18 authorized by subsection (a) is subject to the following
19 limitations:

20 (1) ENCUMBRANCES.—Such conveyance shall
21 be subject to all encumbrances on the land existing
22 as of the date of enactment of this Act.

23 (2) RE-ENTRY RIGHT.—The United States shall
24 retain a right of re-entry in the land described for
25 conveyance in subsection (b). If the Secretary deter-

1 mines that the conveyed property is not being used
2 for public educational or related recreational pur-
3 poses, the United States shall have a right to re-
4 renter the property conveyed therein without consid-
5 eration.

6 (f) ADDITIONAL TERMS AND CONDITIONS.—The con-
7 veyance provided for in subsection (a) shall be subject to
8 such additional terms and conditions as the Secretary of
9 Agriculture and the Del Norte County Unified School Dis-
10 trict agree are necessary to protect the interests of the
11 United States.

12 **TITLE III—EXCHANGES**

13 **SEC. 301. TARGHEE NATIONAL FOREST LAND EXCHANGE.**

14 (a) CONVEYANCE.—Notwithstanding the require-
15 ments in the Act entitled “An Act to Consolidate National
16 Forest Lands”, approved March 20, 1922 (16 U.S.C.
17 485), and section 206(b) of the Federal Land Policy and
18 Management Act of 1976 (43 U.S.C. 1716(b)) that Fed-
19 eral and non-Federal lands exchanged for each other must
20 be located within the same State, the Secretary of Agri-
21 culture may convey the Federal lands described in sub-
22 section (d) in exchange for the non-Federal lands de-
23 scribed in subsection (e) in accordance with the provisions
24 of this section.

1 (b) APPLICABILITY OF OTHER PROVISIONS OF
2 LAW.—Except as otherwise provided in this section, the
3 land exchange authorized by this section shall be made
4 under the existing authorities of the Secretary.

5 (c) ACCEPTABILITY OF TITLE AND MANNER OF CON-
6 VEYANCE.—The Secretary shall not carry out the ex-
7 change described in subsection (a) unless the title to the
8 non-Federal lands to be conveyed to the United States,
9 and the form and procedures of conveyance, are acceptable
10 to the Secretary.

11 (d) FEDERAL LANDS.—The Federal lands referred to
12 in this section are located in the Targhee National Forest
13 in Idaho, are generally depicted on the map entitled
14 “Targhee Exchange, Idaho-Wyoming—Proposed, Federal
15 Land”, dated September 1994, and are known as the
16 North Fork Tract.

17 (e) NON-FEDERAL LANDS.—The non-Federal lands
18 referred to in this section are located in the Targhee Na-
19 tional Forest in Wyoming, are generally depicted on the
20 map entitled “Non-Federal land, Targhee Exchange,
21 Idaho-Wyoming—Proposed”, dated September 1994, and
22 are known as the Squirrel Meadows Tract.

23 (f) MAPS.—The maps referred to in subsections (d)
24 and (e) shall be on file and available for inspection in the

1 office of the Targhee National Forest in Idaho and in the
2 office of the Chief of the Forest Service.

3 (g) EQUALIZATION OF VALUES.—Prior to the ex-
4 change authorized by this section, the values of the Fed-
5 eral and non-Federal lands to be so exchanged shall be
6 established by appraisals of fair market value that shall
7 be subject to approval by the Secretary. The values either
8 shall be equal or shall be equalized using the following
9 methods:

10 (1) ADJUSTMENT OF LANDS.—

11 (A) PORTION OF FEDERAL LANDS.—If the
12 Federal lands are greater in value than the
13 non-Federal lands, the Secretary shall reduce
14 the acreage of the Federal lands until the val-
15 ues of the Federal lands closely approximate
16 the values of the non-Federal lands.

17 (B) ADDITIONAL FEDERALLY OWNED
18 LANDS.—If the non-Federal lands are greater
19 in value than the Federal lands, the Secretary
20 may convey additional federally owned lands
21 within the Targhee National Forest up to an
22 amount necessary to equalize the values of the
23 non-Federal lands and the lands to be trans-
24 ferred out of Federal ownership. However, such
25 additional federally owned lands shall be limited

1 to those meeting the criteria for land exchanges
2 specified in the Targhee National Forest Land
3 and Resource Management Plan.

4 (2) PAYMENT OF MONEY.—The values may be
5 equalized by the payment of money as provided in
6 section 206(b) of the Federal Land Policy and Man-
7 agement Act of 1976 (43 U.S.C. 1716 (b)).

8 (h) DEFINITIONS.—For purpose of this section:

9 (1) The term “Federal lands” means the Fed-
10 eral lands described in subsection (d).

11 (2) The term “non-Federal lands” means the
12 non-Federal lands described in subsection (e).

13 (3) The term “Secretary” means the Secretary
14 of Agriculture.

15 **SEC. 302. ANAKTUVUK PASS LAND EXCHANGE.**

16 (a) FINDINGS.—The Congress makes the following
17 findings:

18 (1) The Alaska National Interest Lands Con-
19 servation Act (94 Stat. 2371), enacted on December
20 2, 1980, established Gates of the Arctic National
21 Park and Preserve and Gates of the Arctic Wilder-
22 ness. The village of Anaktuvuk Pass, located in the
23 highlands of the central Brooks Range, is virtually
24 surrounded by these national park and wilderness
25 lands and is the only Native village located within

1 the boundary of a National Park System unit in
2 Alaska.

3 (2) Unlike most other Alaskan Native commu-
4 nities, the village of Anaktuvuk Pass is not located
5 on a major river, lake, or coastline that can be used
6 as a means of access. The residents of Anaktuvuk
7 Pass have relied increasingly on snow machines in
8 winter and all-terrain vehicles in summer as their
9 primary means of access to pursue caribou and
10 other subsistence resources.

11 (3) In a 1983 land exchange agreement, linear
12 easements were reserved by the Inupiat Eskimo peo-
13 ple for use of all-terrain vehicles across certain na-
14 tional park lands, mostly along stream and river
15 banks. These linear easements proved unsatisfactory,
16 because they provided inadequate access to subsist-
17 ence resources while causing excessive environmental
18 impact from concentrated use.

19 (4) The National Park Service and the
20 Nunamiut Corporation initiated discussions in 1985
21 to address concerns over the use of all-terrain vehi-
22 cles on park and wilderness land. These discussions
23 resulted in an agreement, originally executed in
24 1992 and thereafter amended in 1993 and 1994,
25 among the National Park Service, Nunamiut Cor-

1 poration, the City of Anaktuvuk Pass, and Arctic
2 Slope Regional Corporation. Full effectuation of this
3 agreement, as amended, by its terms requires ratifi-
4 cation by the Congress.

5 (b) RATIFICATION OF AGREEMENT.—

6 (1) RATIFICATION.—

7 (A) IN GENERAL.—The terms, conditions,
8 procedures, covenants, reservations, and other
9 provisions set forth in the document entitled
10 “Donation, Exchange of Lands and Interests in
11 Lands and Wilderness Redesignation Agree-
12 ment Among Arctic Slope Regional Corpora-
13 tion, Nunamiut Corporation, City of Anaktuvuk
14 Pass and the United States of America” (here-
15 inafter referred to in this section as “the Agree-
16 ment”), executed by the parties on December
17 17, 1992, as amended, are hereby incorporated
18 in this title, are ratified and confirmed, and set
19 forth the obligations and commitments of the
20 United States, Arctic Slope Regional Corpora-
21 tion, Nunamiut Corporation and the City of
22 Anaktuvuk Pass, as a matter of Federal law.

23 (B) LAND ACQUISITION.—Lands acquired
24 by the United States pursuant to the Agree-
25 ment shall be administered by the Secretary of

1 the Interior (hereinafter referred to as the
2 “Secretary”) as part of Gates of the Arctic Na-
3 tional Park and Preserve, subject to the laws
4 and regulations applicable thereto.

5 (2) MAPS.—The maps set forth as Exhibits C1,
6 C2, and D through I to the Agreement depict the
7 lands subject to the conveyances, retention of sur-
8 face access rights, access easements and all-terrain
9 vehicle easements. These lands are depicted in great-
10 er detail on a map entitled “Land Exchange Actions,
11 Proposed Anaktuvuk Pass Land Exchange and Wil-
12 derness Redesignation, Gates of the Arctic National
13 Park and Preserve”, Map No. 185/80,039, dated
14 April 1994, and on file at the Alaska Regional Office
15 of the National Park Service and the offices of
16 Gates of the Arctic National Park and Preserve in
17 Fairbanks, Alaska. Written legal descriptions of
18 these lands shall be prepared and made available in
19 the above offices. In case of any discrepancies, Map
20 No. 185/80,039 shall be controlling.

21 (c) NATIONAL PARK SYSTEM WILDERNESS.—

22 (1) GATES OF THE ARCTIC WILDERNESS.—

23 (A) REDESIGNATION.—Section 701(2) of
24 the Alaska National Interest Lands Conserva-
25 tion Act (94 Stat. 2371, 2417) establishing the

1 Gates of the Arctic Wilderness is hereby
2 amended with the addition of approximately
3 56,825 acres as wilderness and the rescission of
4 approximately 73,993 acres as wilderness, thus
5 revising the Gates of the Arctic Wilderness to
6 approximately 7,034,832 acres.

7 (B) MAP.—The lands redesignated by sub-
8 paragraph (A) are depicted on a map entitled
9 “Wilderness Actions, Proposed Anaktuvuk Pass
10 Land Exchange and Wilderness Redesignation,
11 Gates of the Arctic National Park and Pre-
12 serve”, Map No. 185/80,040, dated April 1994,
13 and on file at the Alaska Regional Office of the
14 National Park Service and the office of Gates
15 of the Arctic National Park and Preserve in
16 Fairbanks, Alaska.

17 (2) NOATAK NATIONAL PRESERVE.—Section
18 201(8)(a) of the Alaska National Interest Land
19 Conservation Act (94 Stat. 2380) is amended by—

20 (A) striking “approximately six million
21 four hundred and sixty thousand acres” and in-
22 serting in lieu thereof “approximately
23 6,477,168 acres”; and

24 (B) inserting “and the map entitled
25 “Noatak National Preserve and Noatak Wilder-

1 ness Addition” dated September 1994” after
2 “July 1980”.

3 (3) NOATAK WILDERNESS.—Section 701(7) of
4 the Alaska National Interest Lands Conservation
5 Act (94 Stat. 2417) is amended by striking “ap-
6 proximately five million eight hundred thousand
7 acres” and inserting in lieu thereof “approximately
8 5,817,168 acres”.

9 (d) CONFORMANCE WITH OTHER LAW.—

10 (1) ALASKA NATIVE CLAIMS SETTLEMENT
11 ACT.—All of the lands, or interests therein, conveyed
12 to and received by Arctic Slope Regional Corporation
13 or Nunamiut Corporation pursuant to the Agree-
14 ment shall be deemed conveyed and received pursu-
15 ant to exchanges under section 22(f) of the Alaska
16 Native Claims Settlement Act, as amended (43
17 U.S.C. 1601, 1621(f)). All of the lands or interests
18 in lands conveyed pursuant to the Agreement shall
19 be conveyed subject to valid existing rights.

20 (2) ALASKA NATIONAL INTEREST LANDS CON-
21 SERVATION ACT.—Except to the extent specifically
22 set forth in this section or the Agreement, nothing
23 in this section or in the Agreement shall be con-
24 strued to enlarge or diminish the rights, privileges,
25 or obligations of any person, including specifically

1 the preference for subsistence uses and access to
2 subsistence resources provided under the Alaska Na-
3 tional Interest Lands Conservation Act (16 U.S.C.
4 3101 et seq.).

5 **SEC. 303. ALASKA PENINSULA SUBSURFACE CONSOLIDA-**
6 **TION.**

7 (a) DEFINITIONS.—As used in this section:

8 (1) AGENCY.—The term “agency”—

9 (A) means any instrumentality of the Unit-
10 ed States, and any Government corporation (as
11 defined in section 9101(1) of title 31, United
12 States Code); and

13 (B) includes any element of an agency.

14 (2) ALASKA NATIVE CORPORATION.—The term
15 “Alaska Native Corporation” has the same meaning
16 as is provided for “Native Corporation” in section
17 3(m) of the Alaska Native Claims Settlement Act
18 (43 U.S.C. 1602(m)).

19 (3) FEDERAL LANDS OR INTERESTS THERE-
20 IN.—The term “Federal lands or interests therein”
21 means any lands or properties owned by the United
22 States (A) which are administered by the Secretary,
23 or (B) which are subject to a lease to third parties,
24 or (C) which have been made available to the Sec-
25 retary for exchange under this section through the

1 concurrence of the director of the agency administer-
2 ing such lands or properties: *Provided however*, That
3 excluded from such lands shall be those lands which
4 are within an existing conservation system unit as
5 defined in section 102(4) of the Alaska National In-
6 terest Lands Conservation Act (16 U.S.C. 3102(4)),
7 and those lands the mineral interest for which are
8 currently under mineral lease.

9 (4) KONIAG.—The term “Koniag” means
10 Koniag, Incorporated, which is a regional Corpora-
11 tion.

12 (5) REGIONAL CORPORATION.—The term “Re-
13 gional Corporation” has the same meaning as is pro-
14 vided in section 3(g) of the Alaska Native Claims
15 Settlement Act (43 U.S.C. 1602(g)).

16 (6) SECRETARY.—Except as otherwise provided,
17 the term “Secretary” means the Secretary of the In-
18 terior.

19 (7) SELECTION RIGHTS.—The term “selection
20 rights” means those rights granted to Koniag, pur-
21 suant to subsections (a) and (b) of section 12, and
22 section 14(h)(8), of the Alaska Native Claims Settle-
23 ment Act (43 U.S.C. 1611 and 1613(h)(8)), to re-
24 ceive title to the oil and gas rights and other inter-
25 ests in the subsurface estate of the approximately

1 275,000 acres of public lands in the State of Alaska
2 identified as “Koniag Selections” on the map enti-
3 tled “Koniag Interest Lands, Alaska Peninsula”,
4 dated May 1989.

5 (b) VALUATION OF KONIAG SELECTION RIGHTS.—

6 (1) IN GENERAL.—Pursuant to paragraph (2)
7 of this subsection, the Secretary shall value the Se-
8 lection Rights which Koniag possesses within the
9 boundaries of Aniakchak National Monument and
10 Preserve, Alaska Peninsula National Wildlife Ref-
11 uge, and Becharof National Wildlife Refuge.

12 (2) VALUE.—

13 (A) IN GENERAL.—The value of the selec-
14 tion rights shall be equal to the fair market
15 value of—

16 (i) the oil and gas interests in the
17 lands or interests in lands that are the
18 subject of the selection rights; and

19 (ii) in the case of the lands or inter-
20 ests in lands for which Koniag is to receive
21 the entire subsurface estate, the subsurface
22 estate of the lands or interests in lands
23 that are the subject of the selection rights.

24 (B) APPRAISAL.—

25 (i) SELECTION OF APPRAISER.—

1 (I) IN GENERAL.—Not later than
2 90 days after the date of enactment of
3 this section the Secretary and Koniag
4 shall meet to select a qualified ap-
5 praiser to conduct an appraisal of the
6 selection rights. Subject to subclause
7 (II), the appraiser shall be selected by
8 the mutual agreement of the Sec-
9 retary and Koniag.

10 (II) FAILURE TO AGREE.—If the
11 Secretary and Koniag fail to agree on
12 an appraiser by the date that is 60
13 days after the date of the initial meet-
14 ing referred to in subclause (I), the
15 Secretary and Koniag shall, by the
16 date that is not later than 90 days
17 after the date of the initial meeting,
18 each designate an appraiser who is
19 qualified to perform the appraisal.
20 The 2 appraisers so identified shall
21 select a third qualified appraiser who
22 shall perform the appraisal.

23 (ii) STANDARDS AND METHODOLOGY.—The appraisal shall be conducted in
24 conformity with the standards of the Ap-
25

1 praisal Foundation (as defined in section
2 1121(9) of the Financial Institutions Re-
3 form, Recovery, and Enforcement Act of
4 1989 (12 U.S.C. 3350(9)).

5 (iii) SUBMISSION OF APPRAISAL RE-
6 PORT.—Not later than 180 days after the
7 selection of an appraiser pursuant to
8 clause (i), the appraiser shall submit to the
9 Secretary and to Koniag a written ap-
10 praisal report specifying the value of the
11 selection rights and the methodology used
12 to arrive at the value.

13 (C) DETERMINATION OF VALUE.—

14 (i) DETERMINATION BY THE SEC-
15 RETARY.—Not later than 60 days after the
16 date of the receipt of the appraisal report
17 under subparagraph (B)(iii), the Secretary
18 shall determine the value of the selection
19 rights and shall notify Koniag of the deter-
20 mination.

21 (ii) ALTERNATIVE DETERMINATION
22 OF VALUE.—

23 (I) IN GENERAL.—Subject to
24 subclause (II), if Koniag does not
25 agree with the value determined by

1 the Secretary under clause (i), the
2 procedures specified in section 206(d)
3 of the Federal Land Policy and Man-
4 agement Act of 1976 (43 U.S.C. 1716
5 (d)) shall be used to establish the
6 value.

7 (II) AVERAGE VALUE LIMITA-
8 TION.—The average value per acre of
9 the selection rights shall not be less
10 than the value utilizing the risk ad-
11 justed discount cash flow methodol-
12 ogy, but in no event may exceed \$300.

13 (c) KONIAG ACCOUNT.—

14 (1) IN GENERAL.—(A) The Secretary shall
15 enter into negotiations for an agreement or agree-
16 ments to exchange Federal lands or interests therein
17 which are in the State of Alaska for the Selection
18 Rights.

19 (B) If the value of the Federal property to be
20 exchanged is less than the value of the Selection
21 Rights established in subsection (b), and if such
22 Federal property to be exchanged is not generating
23 receipts to the Federal Government in excess of
24 \$1,000,000 per year, then the Secretary may ex-
25 change the Federal property for that portion of the

1 Selection Rights having a value equal to that of the
2 Federal property. The remaining selection rights
3 shall remain available for additional exchanges.

4 (C) For the purposes of any exchange to be
5 consummated under this section, if less than all the
6 selection rights are being exchanged, then the value
7 of the selection rights being exchanged shall be equal
8 to the number of acres of selection rights being ex-
9 changed multiplied by a fraction, the numerator of
10 which is the value of all the selection rights as deter-
11 mined pursuant to subsection (b) hereof and the de-
12 nominator of which is the total number of acres of
13 selection rights.

14 (2) ADDITIONAL EXCHANGES.—If, after 10
15 years from the date of the enactment of this section,
16 the Secretary was unable to conclude such exchanges
17 as may be required to acquire all of the selection
18 rights, he shall conclude exchanges for the remaining
19 selection rights for such Federal property as may be
20 identified by Koniag, which property is available for
21 transfer to the administrative jurisdiction of the Sec-
22 retary under any provision of law and which prop-
23 erty, at the time of the proposed transfer to Koniag
24 is not generating receipts to the Federal Govern-
25 ment in excess of \$1,000,000 per year. The Sec-

1 retary shall keep Koniag advised in a timely manner
2 as to which properties may be available for such
3 transfer. Upon receipt of such identification by
4 Koniag, the Secretary shall request in a timely man-
5 ner the transfer of such identified property to the
6 administrative jurisdiction of the Department of the
7 Interior. Such property shall not be subject to the
8 geographic limitations of section 206(b) of the Fed-
9 eral Land Policy and Management Act and may be
10 retained by the Secretary solely for purposes of
11 transferring it to Koniag to complete the exchange.
12 Should the value of the property so identified by
13 Koniag be in excess of the value of the remaining
14 selection rights, then Koniag shall have the option
15 of (A) declining to proceed with the exchange and
16 identifying other property, or (B) paying the dif-
17 ference in value between the property rights.

18 (d) CERTAIN CONVEYANCES.—In establishing a Set-
19 tlement Trust under section 39 of such Act (43 U.S.C.
20 1629c), Koniag may delegate, in whole or in part, the au-
21 thority granted to Koniag under subsection (b)(2) of such
22 section to any entity that Koniag may select without af-
23 fecting the status of the trust as a Settlement Trust under
24 such section.

1 **SEC. 304. SNOWBASIN LAND EXCHANGE ACT.**

2 (a) PURPOSE AND INTENT.—The purpose of this sec-
3 tion is to authorize and direct the Secretary to exchange
4 1,320 acres of federally-owned land within the Cache Na-
5 tional Forest in the State of Utah for lands of approxi-
6 mately equal value owned by the Sun Valley Company. It
7 is the intent of Congress that this exchange be completed
8 without delay within the period specified by subsection (d).

9 (b) DEFINITIONS.—As used in this section:

10 (1) The term “Sun Valley Company” means the
11 Sun Valley Company, a division of Sinclair Oil Cor-
12 poration, a Wyoming Corporation, or its successors
13 or assigns.

14 (2) The term “Secretary” means the Secretary
15 of Agriculture.

16 (c) EXCHANGE.—

17 (1) FEDERAL SELECTED LANDS.—(A) Not later
18 than 45 days after the final determination of value
19 of the Federal selected lands, the Secretary shall,
20 subject to this section, transfer all right, title, and
21 interest of the United States in and to the lands re-
22 ferred to in subparagraph (B) to the Sun Valley
23 Company.

24 (B) The lands referred to in subparagraph (A)
25 are certain lands within the Cache National Forest
26 in the State of Utah comprising 1,320 acres, more

1 or less, as generally depicted on the map entitled
2 “Snowbasin Land Exchange—Proposed” and dated
3 October 1995.

4 (2) NON-FEDERAL OFFERED LANDS.—Upon
5 transfer of the Federal selected lands under para-
6 graph (1), and in exchange for those lands, the Sun
7 Valley Company shall simultaneously convey to the
8 Secretary all right, title and interest of the Sun Val-
9 ley Company in and to so much of the following of-
10 fered lands which have been previously identified by
11 the United States Forest Service as desirable by the
12 United States, or which are identified pursuant to
13 subparagraph (E) prior to the transfer of lands
14 under paragraph (1), as are of approximate equal
15 value to the Federal selected lands:

16 (A) Certain lands located within the exte-
17 rior boundaries of the Cache National Forest in
18 Weber County, Utah, which comprise approxi-
19 mately 640 acres and are generally depicted on
20 a map entitled “Lightning Ridge Offered
21 Lands”, dated October 1995.

22 (B) Certain lands located within the Cache
23 National Forest in Weber County, Utah, which
24 comprise approximately 635 acres and are gen-
25 erally depicted on a map entitled “Wheeler

1 Creek Watershed Offered Lands—Section 2”
2 dated October 1995.

3 (C) Certain lands located within the exte-
4 rior boundaries of the Cache National Forest in
5 Weber County, Utah, and lying immediately ad-
6 jacent to the outskirts of the City of Ogden,
7 Utah, which comprise approximately 800 acres
8 and are generally depicted on a map entitled
9 “Taylor Canyon Offered Lands”, dated October
10 1995.

11 (D) Certain lands located within the exte-
12 rior boundaries of the Cache National Forest in
13 Weber County, Utah, which comprise approxi-
14 mately 2,040 acres and are generally depicted
15 on a map entitled “North Fork Ogden River—
16 Devil’s Gate Valley”, dated October 1995.

17 (E) Such additional offered lands in the
18 State of Utah as may be necessary to make the
19 values of the lands exchanged pursuant to this
20 section approximately equal, and which are ac-
21 ceptable to the Secretary.

22 (3) SUBSTITUTION OF OFFERED LANDS.—If
23 one or more of the precise offered land parcels iden-
24 tified in subparagraphs (A) through (D) of para-
25 graph (2) is unable to be conveyed to the United

1 States due to appraisal or other reasons, or if the
2 Secretary and the Sun Valley Company mutually
3 agree and the Secretary determines that an alter-
4 native offered land package would better serve long
5 term public needs and objectives, the Sun Valley
6 Company may simultaneously convey to the United
7 States alternative offered lands in the State of Utah
8 acceptable to the Secretary in lieu of any or all of
9 the lands identified in subparagraphs (A) through
10 (D) of paragraph (2).

11 (4) VALUATION AND APPRAISALS.—(A) Values
12 of the lands to be exchanged pursuant to this section
13 shall be equal as determined by the Secretary utiliz-
14 ing nationally recognized appraisal standards and in
15 accordance with section 206 of the Federal Land
16 Policy and Management Act of 1976. The appraisal
17 reports shall be written to Federal standards as de-
18 fined in the Uniform Appraisal Standards for Fed-
19 eral Land Acquisitions. If, due to size, location, or
20 use of lands exchanged under this section, the values
21 are not exactly equal, they shall be equalized by the
22 payment of cash equalization money to the Secretary
23 or the Sun Valley Company as appropriate in ac-
24 cordance with section 206(b) of the Federal Land
25 Policy and Management Act of 1976 (43 U.S.C.

1 1716(b)). In order to expedite the consummation of
2 the exchange directed by this section, the Sun Valley
3 Company shall arrange and pay for appraisals of the
4 offered and selected lands by a qualified appraiser
5 with experience in appraising similar properties and
6 who is mutually acceptable to the Sun Valley Com-
7 pany and the Secretary. The appraisal of the Fed-
8 eral selected lands shall be completed and submitted
9 to the Secretary for technical review and approval no
10 later than 120 days after the date of enactment of
11 this Act, and the Secretary shall make a determina-
12 tion of value not later than 30 days after receipt of
13 the appraisal. In the event the Secretary and the
14 Sun Valley Company are unable to agree to the ap-
15 praised value of a certain tract or tracts of land, the
16 appraisal, appraisals, or appraisal issues in dispute
17 and a final determination of value shall be resolved
18 through a process of bargaining or submission to ar-
19 bitration in accordance with section 206(d) of the
20 Federal Land Policy and Management Act of 1976
21 (43 U.S.C. 1716(d)).

22 (B) In order to expedite the appraisal of the
23 Federal selected lands, such appraisal shall—

24 (i) value the land in its unimproved state,
25 as a single entity for its highest and best use

1 as if in private ownership and as of the date of
2 enactment of this Act;

3 (ii) consider the Federal lands as an inde-
4 pendent property as though in the private mar-
5 ketplace and suitable for development to its
6 highest and best use;

7 (iii) consider in the appraisal any encum-
8 brance on the title anticipated to be in the con-
9 veyance to Sun Valley Company and reflect its
10 effect on the fair market value of the property;
11 and

12 (iv) not reflect any enhancement in value
13 to the Federal selected lands based on the exist-
14 ence of private lands owned by the Sun Valley
15 Company in the vicinity of the Snowbasin Ski
16 Resort, and shall assume that private lands
17 owned by the Sun Valley Company are not
18 available for use in conjunction with the Fed-
19 eral selected lands.

20 (d) GENERAL PROVISIONS RELATING TO THE EX-
21 CHANGE.—

22 (1) IN GENERAL.—The exchange authorized by
23 this section shall be subject to the following terms
24 and conditions:

1 (A) RESERVED RIGHTS-OF-WAY.—In any
2 deed issued pursuant to subsection (c)(1), the
3 Secretary shall reserve in the United States a
4 right of reasonable access across the conveyed
5 property for public access and for administra-
6 tive purposes of the United States necessary to
7 manage adjacent federally-owned lands. The
8 terms of such reservation shall be prescribed by
9 the Secretary within 30 days after the date of
10 the enactment of this Act.

11 (B) RIGHT OF RESCISSION.—This section
12 shall not be binding on either the United States
13 or the Sun Valley Company if, within 30 days
14 after the final determination of value of the
15 Federal selected lands, the Sun Valley Company
16 submits to the Secretary a duly authorized and
17 executed resolution of the Company stating its
18 intention not to enter into the exchange author-
19 ized by this section.

20 (2) WITHDRAWAL.—Subject to valid existing
21 rights, effective on the date of enactment of this Act,
22 the Federal selected lands described in subsection
23 (c)(1) and all National Forest System lands cur-
24 rently under special use permit to the Sun Valley
25 Company at the Snowbasin Ski Resort are hereby

1 withdrawn from all forms of appropriation under the
2 public land laws (including the mining laws) and
3 from disposition under all laws pertaining to mineral
4 and geothermal leasing.

5 (3) DEED.—The conveyance of the offered
6 lands to the United States under this section shall
7 be by general warranty or other deed acceptable to
8 the Secretary and in conformity with applicable title
9 standards of the Attorney General of the United
10 States.

11 (4) STATUS OF LANDS.—Upon acceptance of
12 title by the Secretary, the land conveyed to the Unit-
13 ed States pursuant to this section shall become part
14 of the Wasatch or Cache National Forests as appro-
15 priate, and the boundaries of such National Forests
16 shall be adjusted to encompass such lands. Once
17 conveyed, such lands shall be managed in accordance
18 with the Act of March 1, 1911, as amended (com-
19 monly known as the “Weeks Act”), and in accord-
20 ance with the other laws, rules and regulations ap-
21 plicable to National Forest System lands. This para-
22 graph does not limit the Secretary’s authority to ad-
23 just the boundaries pursuant to section 11 of the
24 Act of March 1, 1911 (“Weeks Act”). For the pur-
25 poses of section 7 of the Land and Water Conserva-

1 tion Fund Act of 1965 (16 U.S.C. 4601–9), the
2 boundaries of the Wasatch and Cache National For-
3 ests, as adjusted by this section, shall be considered
4 to be boundaries of the forests as of January 1,
5 1965.

6 (e) PHASE FACILITY CONSTRUCTION AND OPER-
7 ATION.—

8 (1) PHASE I FACILITY FINDING AND REVIEW.—

9 (A) The Congress has reviewed the Snowbasin Ski
10 Area Master Development Plan dated October 1995
11 (hereinafter in this subsection referred to as the
12 “Master Plan”). On the basis of such review, and re-
13 view of previously completed environmental and
14 other resource studies for the Snowbasin Ski Area,
15 Congress hereby finds that the “Phase I” facilities
16 referred to in the Master Plan to be located on Na-
17 tional Forest System land after consummation of the
18 land exchange directed by this section are limited in
19 size and scope, are reasonable and necessary to ac-
20 commodate the 2002 Olympics, and in some cases
21 are required to provide for the safety of skiing com-
22 petitors and spectators.

23 (B) Within 60 days after the date of enactment
24 of this Act, the Secretary and the Sun Valley Com-
25 pany shall review the Master Plan insofar as such

1 plan pertains to Phase I facilities which are to be
2 constructed and operated wholly or partially on Na-
3 tional Forest System lands retained by the Secretary
4 after consummation of the land exchange directed by
5 this section. The Secretary may modify such Phase
6 I facilities upon mutual agreement with the Sun Val-
7 ley Company or by imposing conditions pursuant to
8 paragraph (2) of this subsection.

9 (C) Within 90 days after the date of enactment
10 of this Act, the Secretary shall submit the reviewed
11 Master Plan on the Phase I facilities, including any
12 modifications made thereto pursuant to subpara-
13 graph (B), to the Committee on Energy and Natural
14 Resources of the United States Senate and the Com-
15 mittee on Resources of the United States House of
16 Representatives for a 30-day review period. At the
17 end of the 30-day period, unless otherwise directed
18 by Act of Congress, the Secretary may issue all nec-
19 essary authorizations for construction and operation
20 of such facilities or modifications thereof in accord-
21 ance with the procedures and provisions of para-
22 graph (2) of this subsection.

23 (2) PHASE I FACILITY APPROVAL, CONDITIONS,
24 AND TIMETABLE.—Within 120 days of receipt of an
25 application by the Sun Valley Company to authorize

1 construction and operation of any particular Phase
2 I facility, facilities, or group of facilities, the Sec-
3 retary, in consultation with the Sun Valley Com-
4 pany, shall authorize construction and operation of
5 such facility, facilities, or group of facilities, subject
6 to the general policies of the Forest Service pertain-
7 ing to the construction and operation of ski area fa-
8 cilities on National Forest System lands and subject
9 to reasonable conditions to protect National Forest
10 System resources. In providing authorization to con-
11 struct and operate a facility, facilities, or group of
12 facilities, the Secretary may not impose any condi-
13 tion that would significantly change the location,
14 size, or scope of the applied for Phase I facility un-
15 less—

16 (A) the modification is mutually agreed to
17 by the Secretary and the Sun Valley Company;
18 or

19 (B) the modification is necessary to protect
20 health and safety.

21 Nothing in this subsection shall be construed to af-
22 fect the Secretary's responsibility to monitor and as-
23 sure compliance with the conditions set forth in the
24 construction and operation authorization.

1 (3) CONGRESSIONAL DIRECTIONS.—Notwith-
2 standing any other provision of law, Congress finds
3 that consummation of the land exchange directed by
4 this section and all determinations, authorizations,
5 and actions taken by the Secretary pursuant to this
6 section pertaining to Phase I facilities on National
7 Forest System lands, or any modifications thereof,
8 to be nondiscretionary actions authorized and di-
9 rected by Congress and hence to comply with all pro-
10 cedural and other requirements of the laws of the
11 United States. Such determinations, authorizations,
12 and actions shall not be subject to administrative or
13 judicial review.

14 (f) NO PRECEDENT.—Nothing in subsection
15 (c)(4)(B) of this section relating to conditions or limita-
16 tions on the appraisal of the Federal lands, or any provi-
17 sion of subsection (e), relating to the approval by the Con-
18 gress or the Forest Service of facilities on National Forest
19 System lands, shall be construed as a precedent for subse-
20 quent legislation.

21 **SEC. 305. ARKANSAS AND OKLAHOMA LAND EXCHANGE.**

22 (a) FINDINGS.—Congress finds that—

23 (1) the Weyerhaeuser Company has offered to
24 the United States Government an exchange of lands
25 under which Weyerhaeuser would receive approxi-

1 mately 48,000 acres of Federal land in Arkansas
2 and Oklahoma and all mineral interests and oil and
3 gas interests pertaining to these exchanged lands in
4 which the United States Government has an interest
5 in return for conveying to the United States lands
6 owned by Weyerhaeuser consisting of approximately
7 181,000 acres of forested wetlands and other forest
8 land of public interest in Arkansas and Oklahoma
9 and all mineral interests and all oil and gas interests
10 pertaining to 48,000 acres of these 181,000 acres of
11 exchanged lands in which Weyerhaeuser has an in-
12 terest, consisting of—

13 (A) certain lands in Arkansas (Arkansas
14 Ouachita lands) located near Poteau Mountain,
15 Caney Creek Wilderness, Lake Ouachita, Little
16 Missouri Wild and Scenic River, Flatside Wil-
17 derness and the Ouachita National Forest;

18 (B) certain lands in Oklahoma (Oklahoma
19 lands) located near the McCurtain County Wil-
20 derness, the Broken Bow Reservoir, the Glover
21 River, and the Ouachita National Forest; and

22 (C) certain lands in Arkansas (Arkansas
23 Cossatot lands) located on the Little and
24 Cossatot Rivers and identified as the “Pond
25 Creek Bottoms” in the Lower Mississippi River

1 Delta section of the North American Waterfowl
2 Management Plan;

3 (2) acquisition of the Arkansas Cossatot lands
4 by the United States will remove the lands in the
5 heart of a critical wetland ecosystem from sustained
6 timber production and other development;

7 (3) the acquisition of the Arkansas Ouachita
8 lands and the Oklahoma lands by the United States
9 for administration by the Forest Service will provide
10 an opportunity for enhancement of ecosystem man-
11 agement of the National Forest System lands and
12 resources;

13 (4) the Arkansas Ouachita lands and the Okla-
14 homa lands have outstanding wildlife habitat and
15 important recreational values and should continue to
16 be made available for activities such as public hunt-
17 ing, fishing, trapping, nature observation, enjoy-
18 ment, education, and timber management whenever
19 these activities are consistent with applicable Fed-
20 eral laws and land and resource management plans;
21 these lands, especially in the riparian zones, also
22 harbor endangered, threatened and sensitive plants
23 and animals and the conservation and restoration of
24 these areas are important to the recreational and

1 educational public uses and will represent a valuable
2 ecological resource which should be conserved;

3 (5) the private use of the lands the United
4 States will convey to Weyerhaeuser will not conflict
5 with established management objectives on adjacent
6 Federal lands;

7 (6) the lands the United States will convey to
8 Weyerhaeuser as part of the exchange described in
9 paragraph (1) do not contain comparable fish, wild-
10 life, or wetland values;

11 (7) the values of all lands, mineral interests,
12 and oil and gas interests to be exchanged between
13 the United States and Weyerhaeuser are approxi-
14 mately equal in value; and

15 (8) the exchange of lands, mineral interests,
16 and oil and gas interests between Weyerhaeuser and
17 the United States is in the public interest.

18 (b) PURPOSE.—The purpose of this section is to au-
19 thorize and direct the Secretary of the Interior and the
20 Secretary of Agriculture, subject to the terms of this title,
21 to complete, as expeditiously as possible, an exchange of
22 lands, mineral interests, and oil and gas interests with
23 Weyerhaeuser that will provide environmental, land man-
24 agement, recreational, and economic benefits to the States
25 of Arkansas and Oklahoma and to the United States.

1 (c) DEFINITIONS.—As used in this section:

2 (1) LAND.—The terms “land” or “lands” mean
3 the surface estate and any other interests therein ex-
4 cept for mineral interests and oil and gas interests.

5 (2) MINERAL INTERESTS.—The term “mineral
6 interests” means geothermal steam and heat and all
7 metals, ores, and minerals of any nature whatsoever,
8 except oil and gas interests, in or upon lands subject
9 to this title including, but not limited to, coal, lig-
10 nite, peat, rock, sand, gravel, and quartz.

11 (3) OIL AND GAS INTERESTS.—The term “oil
12 and gas interests” means all oil and gas of any na-
13 ture, including carbon dioxide, helium, and gas
14 taken from coal seams (collectively “oil and gas”).

15 (4) SECRETARIES.—The term “Secretaries”
16 means the Secretary of the Interior and the Sec-
17 retary of Agriculture.

18 (5) WEYERHAEUSER.—The term
19 “Weyerhaeuser” means Weyerhaeuser Company, a
20 company incorporated in the State of Washington.

21 (d) EXCHANGE OF LANDS AND MINERAL INTER-
22 ESTS.—

23 (1) IN GENERAL.—Subject to paragraph (2)
24 and notwithstanding any other provision of law,
25 within 90 days after the date of the enactment of

1 this Act, the Secretary of Agriculture shall convey to
2 Weyerhaeuser, subject to any valid existing rights,
3 approximately 20,000 acres of Federal lands and
4 mineral interests in the State of Arkansas and ap-
5 proximately 28,000 acres of Federal lands and min-
6 eral interests in the State of Oklahoma as depicted
7 on maps entitled “Arkansas-Oklahoma Land Ex-
8 change—Federal Arkansas and Oklahoma Lands,”
9 dated February 1996 and available for public inspec-
10 tion in appropriate offices of the Secretaries.

11 (2) OFFER AND ACCEPTANCE OF LANDS.—The
12 Secretary of Agriculture shall make the conveyance
13 to Weyerhaeuser if Weyerhaeuser conveys deeds of
14 title to the United States, subject to limitations and
15 the reservation described in subsection (e) and which
16 are acceptable to and approved by the Secretary of
17 Agriculture to the following—

18 (A) approximately 115,000 acres of lands
19 and mineral interests in the State of Oklahoma,
20 as depicted on a map entitled “Arkansas-Okla-
21 homa Land Exchange—Weyerhaeuser Okla-
22 homa Lands,” dated February 1996 and avail-
23 able for public inspection in appropriate offices
24 of the Secretaries;

1 (B) approximately 41,000 acres of lands
2 and mineral interests in the State of Arkansas,
3 as depicted on a map entitled “Arkansas-Okla-
4 homa Land Exchange—Weyerhaeuser Arkansas
5 Ouachita Lands,” dated February 1996 and
6 available for public inspection in appropriate of-
7 fices of the Secretaries; and

8 (C) approximately 25,000 acres of lands
9 and mineral interests in the State of Arkansas,
10 as depicted on a map entitled “Arkansas-Okla-
11 homa Land Exchange—Weyerhaeuser Arkansas
12 Cossatot Lands,” dated February 1996 and
13 available for public inspection in appropriate of-
14 fices of the Secretaries.

15 (e) EXCHANGE OF OIL AND GAS INTERESTS.—

16 (1) IN GENERAL.—Subject to paragraph (2)
17 and notwithstanding any other provision of law, at
18 the same time as the exchange for land and mineral
19 interests is carried out pursuant to this section, the
20 Secretary of Agriculture shall exchange all Federal
21 oil and gas interests, including existing leases and
22 other agreements, in the lands described in sub-
23 section (d)(1) for equivalent oil and gas interests, in-
24 cluding existing leases and other agreements, owned

1 by Weyerhaeuser in the lands described in sub-
2 section (d)(2).

3 (2) RESERVATION.—In addition to the ex-
4 change of oil and gas interests pursuant to para-
5 graph (1), Weyerhaeuser shall reserve oil and gas in-
6 terests in and under the lands depicted for reserva-
7 tion upon a map entitled Arkansas-Oklahoma Land
8 Exchange—Weyerhaeuser Oil and Gas Interest Res-
9 ervation Lands, dated February 1996 and available
10 for public inspection in appropriate offices of the
11 Secretaries. Such reservation shall be subject to the
12 provisions of this title and the form of such reserva-
13 tion shall comply with the jointly agreed to Memo-
14 randum of Understanding between the Forest Serv-
15 ice and Weyerhaeuser dated March 27, 1996 and on
16 file with the Office of the Chief of the Forest Service
17 in Washington, D.C. and with the Committee on En-
18 ergy and Natural Resources of the United States
19 Senate and the Committee on Resources of the Unit-
20 ed States House of Representatives.

21 (f) GENERAL PROVISIONS.—

22 (1) MAPS CONTROLLING.—The acreage cited in
23 this section is approximate. In the case of a discrep-
24 ancy between the description of lands, mineral inter-
25 ests, or oil and gas interests to be exchanged pursu-

1 ant to subsections (d) and (e) and the lands, mineral
2 interests, or oil and gas interests depicted on a map
3 referred to in such subsection, the map shall control.
4 The maps referenced in this section shall be subject
5 to such minor corrections as may be agreed upon by
6 the Secretaries and Weyerhaeuser so long as the
7 Secretary of Agriculture notifies the Committee on
8 Energy and Natural Resources of the United States
9 Senate and the Committee on Resources of the Unit-
10 ed States House of Representatives of any such
11 minor corrections.

12 (2) FINAL MAPS.—Not later than 180 days
13 after the conclusion of the exchange required by sub-
14 sections (d) and (e), the Secretaries shall transmit
15 maps accurately depicting the lands, mineral inter-
16 ests, and oil and gas interests conveyed and trans-
17 ferred pursuant to this section and the acreage and
18 boundary descriptions of such lands, mineral inter-
19 ests, and oil and gas interests to the Committees on
20 Energy and Natural Resources of the Senate and
21 the Committee on Resources of the House of Rep-
22 resentatives.

23 (3) CANCELLATION.—If, before the exchange
24 has been carried out pursuant to subsections (d) and
25 (e), Weyerhaeuser provides written notification to

1 the Secretaries that Weyerhaeuser no longer intends
2 to complete the exchange, with respect to the lands,
3 mineral interests, and oil and gas interests that
4 would otherwise be subject to the exchange, the sta-
5 tus of such lands, mineral interests, and oil and gas
6 interests shall revert to the status of such lands,
7 mineral interests, and oil and gas interests as of the
8 day before the date of enactment of this Act and
9 shall be managed in accordance with applicable law
10 and management plans.

11 (4) WITHDRAWAL.—Subject to valid existing
12 rights, the lands and interests therein depicted for
13 conveyance to Weyerhaeuser on the maps referenced
14 in subsections (d) and (e) are withdrawn from all
15 forms of entry and appropriation under the public
16 land laws (including the mining laws) and from the
17 operation of mineral leasing and geothermal steam
18 leasing laws effective upon the date of the enactment
19 of this title. Such withdrawal shall terminate 45
20 days after completion of the exchange provided for
21 in subsections (d) and (e) or on the date of notifica-
22 tion by Weyerhaeuser of a decision not to complete
23 the exchange.

24 (g) NATIONAL FOREST SYSTEM.—

1 (1) ADDITION TO THE SYSTEM.—Upon ap-
2 proval and acceptance of title by the Secretary of
3 Agriculture, the 156,000 acres of land conveyed to
4 the United States pursuant to subsection (d)(2)(A)
5 and (B) of this section shall be subject to the Act
6 of March 1, 1911 (commonly known as the Weeks
7 Law) (36 Stat. 961, as amended), and shall be ad-
8 ministered by the Secretary of Agriculture in accord-
9 ance with the laws and regulations pertaining to the
10 National Forest System.

11 (2) PLAN AMENDMENTS.—No later than 12
12 months after the completion of the exchange re-
13 quired by this section, the Secretary of Agriculture
14 shall begin the process to amend applicable land and
15 resource management plans with public involvement
16 pursuant to section 6 of the Forest and Rangeland
17 Renewable Resource Planning Act of 1974, as
18 amended by the National Forest Management Act of
19 1976 (16 U.S.C. 1604): *Provided*, That no amend-
20 ment or revision of applicable land and resource
21 management plans shall be required prior to comple-
22 tion of the amendment process required by this
23 paragraph for the Secretary of Agriculture to au-
24 thorize or undertake activities consistent with forest
25 wide standards and guidelines and all other applica-

1 ble laws and regulations on lands conveyed to the
2 United States pursuant to subsection (d)(2)(A) and
3 (B).

4 (h) OTHER.—

5 (1) ADDITION TO THE NATIONAL WILDLIFE
6 REFUGE SYSTEM.—Once acquired by the United
7 States, the 25,000 acres of land identified in sub-
8 section (d)(2)(C), the Arkansas Cossatot lands, shall
9 be managed by the Secretary of the Interior as a
10 component of the Cossatot National Wildlife Refuge
11 in accordance with the National Wildlife Refuge Sys-
12 tem Administration Act of 1966 (16 U.S.C. 668dd–
13 668ee).

14 (2) PLAN PREPARATION.—Within 24 months
15 after the completion of the exchange required by this
16 section, the Secretary of the Interior shall prepare
17 and implement a single refuge management plan for
18 the Cossatot National Wildlife Refuge, as expanded
19 by this title. Such plans shall recognize the impor-
20 tant public purposes served by the nonconsumptive
21 activities, other recreational activities, and wildlife-
22 related public use, including hunting, fishing, and
23 trapping. The plan shall permit, to the maximum ex-
24 tent practicable, compatible uses to the extent that
25 they are consistent with sound wildlife management

1 and in accordance with the National Wildlife Refuge
2 System Administration Act of 1966 (16 U.S.C.
3 668dd–668ee) and other applicable laws. Any regu-
4 lations promulgated by the Secretary of the Interior
5 with respect to hunting, fishing, and trapping on
6 those lands shall, to the extent practicable, be con-
7 sistent with State fish and wildlife laws and regula-
8 tions. In preparing the management plan and regu-
9 lations, the Secretary of the Interior shall consult
10 with the Arkansas Game and Fish Commission.

11 (3) INTERIM USE OF LANDS.—

12 (A) IN GENERAL.—Except as provided in
13 paragraph (2), during the period beginning on
14 the date of the completion of the exchange of
15 lands required by this section and ending on the
16 first date of the implementation of the plan pre-
17 pared under paragraph (2), the Secretary of the
18 Interior shall administer all lands added to the
19 Cossatot National Wildlife Refuge pursuant to
20 this title in accordance with the National Wild-
21 life Refuge System Administration Act of 1966
22 (16 U.S.C. 668dd–668ee) and other applicable
23 laws.

24 (B) HUNTING SEASONS.—During the pe-
25 riod described in subparagraph (A), the dura-

1 tion of any hunting season on the lands de-
2 scribed in paragraph (1) shall comport with the
3 applicable State law.

4 (i) OUACHITA NATIONAL FOREST BOUNDARY AD-
5 JUSTMENT.—Upon acceptance of title by the Secretary of
6 Agriculture of the lands conveyed to the United States
7 pursuant to subsection (d)(2)(A) and (B), the boundaries
8 of the Ouachita National Forest shall be adjusted to en-
9 compass those lands conveyed to the United States gen-
10 erally depicted on the appropriate maps referred to in sub-
11 section (d). Nothing in this subsection shall limit the au-
12 thority of the Secretary of Agriculture to adjust the
13 boundary pursuant to section 11 of the Weeks Law of
14 March 1, 1911. For the purposes of section 7 of the Land
15 and Water Conservation Fund Act of 1965 (16 U.S.C.
16 4601–9), the boundaries of the Ouachita National Forest,
17 as adjusted by this section, shall be considered to be the
18 boundaries of the Forest as of January 1, 1965.

19 (j) MAPS AND BOUNDARY DESCRIPTIONS.—Not later
20 than 180 days after the date of enactment of this title,
21 the Secretary of Agriculture shall prepare a boundary de-
22 scription of the lands depicted on the map(s) referred to
23 in subsection (d)(2)(A) and (B). Such map(s) and bound-
24 ary description shall have the same force and effect as if

1 included in this Act, except that the Secretary of Agri-
2 culture may correct clerical and typographical errors.

3 **SEC. 306. BIG THICKET NATIONAL PRESERVE.**

4 (a) EXTENSION.—The last sentence of subsection (d)
5 of the first section of the Act entitled “An Act to authorize
6 the establishment of the Big Thicket National Preserve
7 in the State of Texas, and for other purposes”, approved
8 October 11, 1974 (16 U.S.C. 698(d)), is amended by
9 striking out “two years after date of enactment” and in-
10 serting “five years after the date of enactment”.

11 (b) INDEPENDENT APPRAISAL.—Subsection (d) of
12 the first section of such Act (16 U.S.C. 698(d)) is further
13 amended by adding at the end the following: “The Sec-
14 retary, in considering the values of the private lands to
15 be exchanged under this subsection, shall consider inde-
16 pendent appraisals submitted by the owners of the private
17 lands.”.

18 (c) LIMITATION.—Subsection (d) of the first section
19 of such Act (16 U.S.C. 698(d)), as amended by subsection
20 (b), is further amended by adding at the end the following:
21 “The authority to exchange lands under this subsection
22 shall expire on July 1, 1998.”.

23 (d) REPORTING REQUIREMENT.—Not later than 6
24 months after the date of the enactment of this Act and
25 every 6 months thereafter until the earlier of the con-

1 summation of the exchange or July 1, 1998, the Secretary
2 of the Interior and the Secretary of Agriculture shall each
3 submit a report to the Committee on Resources of the
4 House of Representatives and the Committee on Energy
5 and Natural Resources of the Senate concerning the
6 progress in consummating the land exchange authorized
7 by the amendments made by Big Thicket National Pre-
8 serve Addition Act of 1993 (Public Law 103–46).

9 (e) LAND EXCHANGE IN LIBERTY COUNTY,
10 TEXAS.—If, within one year after the date of the enact-
11 ment of this Act—

12 (1) the owners of the private lands described in
13 subsection (f)(1) offer to transfer all their right,
14 title, and interest in and to such lands to the Sec-
15 retary of the Interior, and

16 (2) Liberty County, Texas, agrees to accept the
17 transfer of the Federal lands described in subsection
18 (f)(2),

19 the Secretary shall accept such offer of private lands and,
20 in exchange and without additional consideration, transfer
21 to Liberty County, Texas, all right, title, and interest of
22 the United States in and to the Federal lands described
23 in subsection (f)(2).

24 (f) LANDS DESCRIBED.—

1 (1) PRIVATE LANDS.—The private lands de-
 2 scribed in this paragraph are approximately 3.76
 3 acres of lands located in Liberty County, Texas, as
 4 generally depicted on the map entitled “Big Thicket
 5 Lake Estates Access—Proposed”.

6 (2) FEDERAL LANDS.—The Federal lands de-
 7 scribed in this paragraph are approximately 2.38
 8 acres of lands located in Menard Creek Corridor
 9 Unit of the Big Thicket National Preserve, as gen-
 10 erally depicted on the map referred to in paragraph
 11 (1).

12 (g) ADMINISTRATION OF LANDS ACQUIRED BY THE
 13 UNITED STATES.—The lands acquired by the Secretary
 14 under subsection (e) shall be added to and administered
 15 as part of the Menard Creek Corridor Unit of the Big
 16 Thicket National Preserve.

17 **SEC. 307. LOST CREEK LAND EXCHANGE.**

18 (a) LAND EXCHANGE.—

19 (1) IN GENERAL.—Notwithstanding any other
 20 provision of law, the Secretary of Agriculture (re-
 21 ferred to in this section as the “Secretary”) shall—

22 (A) acquire by exchange certain land and
 23 interests in land owned by R-Y Timber, Inc.,
 24 and its affiliates, successors, and assigns (re-
 25 ferred to in this section as the “Corporation”),

1 located in the Lost Creek and Twin Lakes
2 areas of the Beaverhead-Deerlodge National
3 Forest, Montana; and

4 (B)(i) convey certain land and interests in
5 land owned by the United States and located in
6 the Beaverhead-Deerlodge National Forest and
7 the Gallatin National Forest, Montana, to the
8 Corporation; and

9 (ii) grant the right to harvest timber on
10 land in the Beaverhead-Deerlodge National
11 Forest and the Gallatin National Forest as
12 specified in the document under paragraph (4).

13 (2) OFFER AND ACCEPTANCE OF LAND.—

14 (A) NON-FEDERAL LAND.—If the Corpora-
15 tion offers to convey to the United States fee
16 title that is acceptable to the Secretary to ap-
17 proximately 17,567 acres of land owned by the
18 Corporation and available for exchange, as de-
19 picted on the map entitled “R-Y/Forest Service
20 Land Exchange Proposal”, dated June, 1996,
21 and described in the document under paragraph
22 (4), the Secretary shall accept a warranty deed
23 to the land.

24 (B) FEDERAL LAND.—

1 (i) CONVEYANCE.—On acceptance of
2 title to the Corporation's land under sub-
3 paragraph (A) and on the effective date of
4 the document under paragraph (4), the
5 Secretary shall—

6 (I) convey to the Corporation,
7 subject to valid existing rights, by ex-
8 change deed, fee title to approximately
9 7,185 acres in the Beaverhead-
10 Deerlodge National Forest; and

11 (II) grant to the Corporation the
12 right to harvest approximately
13 6,200,000 board feet of timber on cer-
14 tain land in the Beaverhead-Deerlodge
15 National Forest and approximately
16 4,000,000 board feet of timber on cer-
17 tain land in the Gallatin National
18 Forest, collectively referred to as the
19 harvest volume, as depicted on the
20 map described in subparagraph (A)
21 and subject to the terms and condi-
22 tions stated in the document under
23 paragraph (4).

24 (3) TIMBER HARVESTING.—

1 (A) IN GENERAL.—The timber harvest vol-
2 ume described in paragraph (2)(B)(i)(II) is in
3 addition to, and is not intended as an offset
4 against, the present or future planned timber
5 sale program for the Beaverhead-Deerlodge Na-
6 tional Forest or the Gallatin National Forest,
7 so long as the allowable sale quantity for each
8 national forest, respectively, is not exceeded for
9 the planning period.

10 (B) SBA SHARE.—The Forest Service
11 shall not reduce its Small Business Administra-
12 tion share of timber sale set-aside offerings in
13 the Beaverhead-Deerlodge National Forest or
14 the Gallatin National Forest by reason of the
15 land exchange under this subsection.

16 (C) MINIMUM AND MAXIMUM ANNUAL
17 HARVESTS.—

18 (i) IN GENERAL.—Subject to clause

19 (ii)—

20 (I) not less than 20 nor more
21 than 30 percent of the timber de-
22 scribed in paragraph (2)(B)(i)(II)
23 shall be made available by the end of
24 each fiscal year over a 4- or 5-year
25 period beginning with the first fiscal

1 year that begins after the date of en-
2 actment of this Act; and

3 (II) the Corporation shall be al-
4 lowed at least 3 years after the end of
5 each fiscal year in which to complete
6 the harvest of timber made available
7 for that fiscal year.

8 (ii) EXCEPTIONAL CIRCUMSTANCES.—

9 The timber harvest volumes specified in
10 clause (i) shall not be required in the case
11 of the occurrence of exceptional cir-
12 cumstances identified in the agreement
13 under paragraph (4). In the case of such
14 an occurrence that results in the making
15 available of less than 20 percent of the
16 timber for any fiscal year, the Secretary
17 shall provide compensation of equal value
18 to the Corporation in a form provided for
19 in the agreement under paragraph (4).

20 (4) LAND EXCHANGE SPECIFICATION AGREE-
21 MENT.—

22 (A) IN GENERAL.—Notwithstanding any
23 other provision of law, a document entitled “R-
24 Y/Forest Service Land Exchange Specifica-

tions” shall be jointly developed and agreed to by the Corporation and the Secretary.

(B) DESCRIPTIONS OF LANDS TO BE EXCHANGED.—The document under subparagraph (A) shall define the non-Federal and Federal lands and interests in land to be exchanged and include legal descriptions of the lands and interests in land and an agreement to harvest timber on National Forest System land in accordance with the standard timber contract specifications, section 251.14 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), and any other pertinent conditions.

(C) SUBMISSION TO CONGRESS.—The document under subparagraph (A)—

(i) upon its completion shall be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives; and

(ii) shall not take effect until 45 days after the date of submission to both committees.

(D) DESIGN AND LAYOUT.—

1 (i) IN GENERAL.—The Forest Service
2 shall determine the timber sale design and
3 layout in consultation with the Corpora-
4 tion.

5 (ii) HARVEST VOLUME.—Identifica-
6 tion of the timber harvest volume shall be
7 determined in accordance with Department
8 of Agriculture standards.

9 (iii) MONITORING.—The Forest Serv-
10 ice shall monitor harvest and post-harvest
11 activities to ensure compliance with the
12 terms and conditions of the document
13 under subparagraph (A).

14 (5) CONFLICT.—In case of conflict between the
15 map described in paragraph (2)(A) and the docu-
16 ment under paragraph (4), the map shall control.

17 (b) TITLE.—

18 (1) REVIEW OF TITLE.—Not later than 60 days
19 after receipt of title documents from the Corpora-
20 tion, the Secretary shall review the title for the non-
21 Federal land described in subsection (a)(2)(A) and
22 determine whether—

23 (A) title standards of the Department of
24 Justice applicable to Federal land acquisition

1 have been satisfied or the quality of title is oth-
2 erwise acceptable to the Secretary;

3 (B) all draft conveyances and closing docu-
4 ments have been received and approved;

5 (C) a current title commitment verifying
6 compliance with applicable title standards has
7 been issued to the Secretary; and

8 (D) the Corporation has complied with the
9 conditions imposed by this section.

10 (2) UNACCEPTABLE QUALITY OF TITLE.—If the
11 quality of title does not meet Federal standards and
12 is not otherwise acceptable to the Secretary, the Sec-
13 retary shall advise the Corporation regarding correc-
14 tive actions necessary to make an affirmative deter-
15 mination.

16 (3) CONVEYANCE OF TITLE.—The Secretary
17 shall accept the conveyance of land described in sub-
18 section (a)(2)(A) not later than 60 days after the
19 Secretary has made an affirmative determination of
20 quality of title.

21 (c) GENERAL PROVISIONS.—

22 (1) MAPS AND DOCUMENTS.—

23 (A) IN GENERAL.—The map described in
24 subsection (a)(2)(A) and the document under
25 subsection (a)(4) shall be subject to such minor

1 corrections as may be agreed upon by the Sec-
2 retary and the Corporation.

3 (B) PUBLIC AVAILABILITY.—The map de-
4 scribed in subsection (a)(2)(A) and the docu-
5 ment under subsection (a)(4) shall be on file
6 and available for public inspection in the appro-
7 priate offices of the Forest Service.

8 (2) NATIONAL FOREST SYSTEM LAND.—

9 (A) IN GENERAL.—All land conveyed to
10 the United States under this section shall be
11 added to and administered as part of the Bea-
12 verhead-Deerlodge National Forest and shall be
13 administered by the Secretary in accordance
14 with the laws (including regulations) pertaining
15 to the National Forest System.

16 (B) WILDERNESS STUDY AREA ACQUISI-
17 TIONS.—Land acquired under this section that
18 is located within the boundary of a wilderness
19 area in existence on the date of enactment of
20 this Act shall be included within the National
21 Wilderness Preservation System.

22 (3) VALUATION.—The values of the lands and
23 interests in land to be exchanged under this section
24 are deemed to be equal.

1 (4) LIABILITY FOR HAZARDOUS SUBSTANCES.—

2 The United States (including the departments, agen-
3 cies, and employees of the United States) shall not
4 be liable under the Comprehensive Environmental
5 Response, Compensation, and Liability Act of 1980
6 (42 U.S.C. 9601 et seq.), the Federal Water Pollu-
7 tion Control Act (33 U.S.C. 1251 et seq.), or any
8 other Federal, State, or local law solely as a result
9 of the acquisition of an interest in the land described
10 in subsection (a)(2)(A) or because of circumstances
11 or events occurring before the acquisition, including
12 any release or threat of release of a hazardous sub-
13 stance.

14 (5) RELEASE FROM STUDY.—The land compris-
15 ing approximately 1,320 acres in the Beaverhead-
16 Deerlodge National Forest, as generally depicted on
17 the map entitled “West Pioneer Study Deletion—
18 Proposed”, dated 1994, is released from study under
19 section 2(a)(1) of the Montana Wilderness Study
20 Act of 1977 (91 Stat. 1243).

21 **SEC. 308. CLEVELAND NATIONAL FOREST LAND EXCHANGE.**

22 (a) CONVEYANCE BY THE SECRETARY OF AGRI-
23 CULTURE.—

24 (1) CONVEYANCE.—In exchange for the convey-
25 ance described in subsection (b), the Secretary of

1 Agriculture (hereinafter referred to as the “Sec-
2 retary”) shall convey to the Orange County Council
3 of the Boy Scouts of America all right, title, and in-
4 terest of the United States in and to the parcel of
5 land described in paragraph (2) located in the Cleve-
6 land National Forest. The parcel conveyed by the
7 Secretary shall be subject to valid existing rights
8 and to any easements that the Secretary considers
9 necessary for public and administrative access.

10 (2) DESCRIPTION OF PARCEL.—The parcel of
11 land referred to in paragraph (1) consists of not
12 more than 60 acres of land in Section 28, Township
13 9 South, Range 4 East, San Bernardino Meridian,
14 in the unincorporated territory of San Diego County,
15 California.

16 (b) CONVEYANCE BY THE BOY SCOUTS OF AMER-
17 ICA.—

18 (1) CONVEYANCE.—In exchange for the convey-
19 ance described in subsection (a), the Orange County
20 Council of the Boy Scouts of America shall convey
21 to the United States all right, title, and interest to
22 the parcel of land described in paragraph (2). The
23 parcel conveyed under this subsection shall be sub-
24 ject to such valid existing rights of record as may be
25 acceptable to the Secretary, and the title to the par-

1 cel shall conform with the title approval standards
2 applicable to Federal land acquisitions.

3 (2) DESCRIPTION OF PARCEL.—The parcel of
4 land referred to in paragraph (1) shall be approxi-
5 mately equal in value to the lands described in sub-
6 section (a)(2) and shall be at least the Southerly 94
7 acres of the Westerly $\frac{1}{2}$ of Section 34, Township 9
8 South, Range 4 East, San Bernardino Meridian, in
9 the unincorporated territory of San Diego County,
10 California.

11 (c) BOUNDARY ADJUSTMENT.—Upon the completion
12 of the land exchange authorized under this section, the
13 Secretary shall adjust the boundaries of the Cleveland Na-
14 tional Forest to exclude the parcel conveyed by the Sec-
15 retary under subsection (a) and to include the parcel ob-
16 tained by the Secretary under subsection (b). For pur-
17 poses of section 7 of the Land and Water Conservation
18 Fund Act of 1964 (16 U.S.C. 4601–9), the boundary of
19 the Cleveland National Forest, as modified by this title,
20 shall be considered the boundary of the forest as of Janu-
21 ary 1, 1965.

22 (d) INCORPORATION INTO CLEVELAND NATIONAL
23 FOREST.—Upon acceptance of title by the Secretary, the
24 parcel obtained by the Secretary under subsection (b) shall

1 become part of the Cleveland National Forest and shall
2 be subject to all laws applicable to such national forest.

3 **SEC. 309. SAND HOLLOW LAND EXCHANGE.**

4 (a) DEFINITIONS.—As used in this section:

5 (1) DISTRICT.—The term “District” means the
6 Water Conservancy District of Washington County,
7 Utah.

8 (2) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (3) BULLOCH SITE.—The term “Bulloch Site”
11 means the lands located in Kane County, Utah, ad-
12 jacent to Zion National Park, comprised of approxi-
13 mately 550 acres, as generally depicted on a map
14 entitled “Washington County Water Conservancy
15 District Exchange Proposal” and dated May 30,
16 1996.

17 (4) SAND HOLLOW SITE.—The term “Sand
18 Hollow Site” means the lands located in Washington
19 County, Utah, comprised of approximately 3,000
20 acres, as generally depicted on a map entitled
21 “Washington County Water Conservancy District
22 Exchange Proposal” and dated May 30, 1996.

23 (5) QUAIL CREEK PIPELINE.—The term “Quail
24 Creek Pipeline” means the lands located in Wash-
25 ington County, Utah, comprised of approximately 40

1 acres, as generally depicted on a map entitled
2 “Washington County Water Conservancy District
3 Exchange Proposal” and dated May 30, 1996.

4 (6) QUAIL CREEK RESERVOIR.—The term
5 “Quail Creek Reservoir” means the lands located in
6 Washington County, Utah, comprised of approxi-
7 mately 480.5 acres, as generally depicted on a map
8 entitled “Washington County Water Conservancy
9 District Exchange Proposal” and dated May 30,
10 1996.

11 (7) SMITH PROPERTY.—The term “Smith Prop-
12 erty” means the lands located in Washington Coun-
13 ty, Utah, comprised of approximately 1,550 acres, as
14 generally depicted on a map entitled “Washington
15 County Water Conservancy District Exchange Pro-
16 posal” and dated May 30, 1996.

17 (b) EXCHANGE.—

18 (1) IN GENERAL.—Subject to the provisions of
19 this section, if within 18 months after the date of
20 the enactment of this Act, the Water Conservancy
21 District of Washington County, Utah, offers to
22 transfer to the United States all right, title, and in-
23 terest of the District in and to the Bulloch Site, the
24 Secretary of the Interior shall, in exchange, transfer
25 to the District all right, title, and interest of the

1 United States in and to the San Hollow Site, the
2 Quail Creek Pipeline and Quail Creek Reservoir,
3 subject to valid existing rights.

4 (2) WATER RIGHTS ASSOCIATED WITH THE
5 BULLOCH SITE.—The water rights associated with
6 the Bulloch Site shall be transferred to the United
7 States pursuant to Utah State law.

8 (3) WITHDRAWAL OF MINERAL INTERESTS.—
9 Subject to valid existing rights, the mineral interests
10 underlying the Sand Hollow Site, the Quail Creek
11 Reservoir, and the Quail Creek Pipeline are hereby
12 withdrawn from disposition under the public land
13 laws and from location, entry, and patent under the
14 mining laws of the United States, from the operation
15 of the mineral leasing laws of the United States,
16 from the operation of the Geothermal Steam Act of
17 1970, and from the operation of the Act of July 31,
18 1947, commonly known as the “Materials Act of
19 1947” (30 U.S.C. 601 et seq.).

20 (4) GRAZING.—The exchange of lands under
21 paragraph (1) shall be subject to agreement by the
22 District to continue to permit the grazing of domes-
23 tic livestock on the Sand Hollow Site under the
24 terms and conditions of existing Federal grazing
25 leases or permits, except that the District, upon ter-

1 minating any such lease or permit, shall fully com-
2 pensate the holder of the terminated lease or permit.

3 (c) EQUALIZATION OF VALUES.—The value of the
4 lands transferred out of Federal ownership under sub-
5 section (b) either shall be equal to the value of the lands
6 received by the Secretary under that section or, if not,
7 shall be equalized by—

8 (1) to the extent possible, transfer of all right,
9 title, and interest of the District in and to lands in
10 Washington County, Utah, and water rights of the
11 District associated thereto, which are within the
12 area providing habitat for the desert tortoise, as de-
13 termined by the Director of the Bureau of Land
14 Management;

15 (2) transfer of all right, title, and interest of
16 the District in and to lands in the Smith Site and
17 water rights of the District associated thereto; and

18 (3) the payment of money to the Secretary, to
19 the extent that lands and rights transferred under
20 paragraphs (1) and (2) are not sufficient to equalize
21 the values of the lands exchanged under subsection
22 (b)(1).

23 (d) MANAGEMENT OF LANDS ACQUIRED BY THE
24 UNITED STATES.—Lands acquired by the Secretary under
25 this section shall be administered by the Secretary, acting

1 through the Director of the Bureau of Land Management,
2 in accordance with the provisions of law generally applica-
3 ble to the public lands, including the Federal Land Policy
4 and Management Act of 1976 (43 U.S.C. 1701 et seq.).

5 (e) NATIONAL ENVIRONMENTAL POLICY ACT OF
6 1976.—The exchange of lands under this section is not
7 subject to section 102 of the National Environmental Pol-
8 icy Act of 1969 (42 U.S.C. 4322).

9 (f) VALUATION OF LANDS TO BE ACQUIRED BY THE
10 UNITED STATES IN WASHINGTON COUNTY, UTAH.—In
11 acquiring any lands and any interests in lands in Washing-
12 ton County, Utah, by purchase, exchange, donation or
13 other transfers of interest, the Secretary of the Interior
14 shall appraise, value, and offer to acquire such lands and
15 interests without regard to the presence of a species listed
16 as threatened or endangered or any proposed or actual
17 designation of such property as critical habitat for a spe-
18 cies listed as threatened or endangered pursuant to the
19 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

20 **SEC. 310. BUREAU OF LAND MANAGEMENT AUTHORIZA-**
21 **TION FOR FISCAL YEARS 1997 THROUGH 2002.**

22 Section 318(a) of the Federal Land Policy and Man-
23 agement Act of 1976 (43 U.S.C. 1748(a)) is amended by
24 striking out “October 1, 1978” and by inserting in lieu
25 thereof “October 1, 2002”.

1 **SEC. 311. LAND EXCHANGE WITH CITY OF GREELEY, COLO-**
2 **RADO, AND THE WATER SUPPLY AND STOR-**
3 **AGE COMPANY.**

4 (a) LAND EXCHANGE.—

5 (1) IN GENERAL.—If the city of Greeley, Colo-
6 rado, and The Water Supply and Storage Company,
7 a Colorado mutual ditch company, offer to transfer
8 all their right, title, and interest in and to the Rock-
9 well Ranch property and Timberline Lake property,
10 and The Water Supply and Storage Company des-
11 ignated lands, all described in paragraph (2), the
12 Secretary of Agriculture shall, in exchange for such
13 property, transfer to the city and to the company, as
14 they each shall designate, all right, title, and interest
15 of the United States, including the mineral estate, in
16 and to the Federal lands described in paragraph (3)
17 within 12 months of the date of the city's and com-
18 pany's offer.

19 (2) CITY AND COMPANY LANDS.—

20 (A) The city and company lands to be ex-
21 changed under this subsection are these lands
22 depicted on maps entitled “Rockwell Ranch
23 Property Land Exchange” and “Timberline
24 Lake Property” and “Cameron Pass Lands”
25 dated July 26, 1996.

1 (B) The Rockwell Ranch property is com-
2 prised of 4 parcels containing approximately
3 520 acres of lands.

4 (C) The Timberline Lake Property is a
5 parcel of approximately 10 acres located in the
6 Comanche Peak Wilderness which shall be con-
7 veyed by quit claim deed for the purposes of
8 eliminating any future title conflict between the
9 city of Greeley and the United States in regard
10 to the property.

11 (D) The Cameron Pass Lands consist of 2
12 parcels totaling approximately 178 acres owned
13 by The Water Supply and Storage Company.

14 (3) FEDERAL LANDS TO BE EXCHANGED.—The
15 Federal lands to be exchanged under this subsection
16 are those lands depicted on the maps referred to in
17 paragraph (2) as “Federal Exchange Lands”. The
18 total area of Federal lands to be exchanged is ap-
19 proximately 1,176 acres, including approximately
20 447 acres occupied by the city and the company
21 under perpetual easements of the United States De-
22 partment of the Interior, Numbers D–028135 and
23 D–029149. The Federal lands to be exchanged in-
24 clude the following:

1 (A) All Federal land within the high water
2 contour lines of the following existing res-
3 ervoirs: Barnes Meadow, Chambers Lake, Co-
4 manche, Hourglass, Long Draw, Milton Sea-
5 man, Peterson Lake, and Twin Lakes, together
6 with their dams and structures. The high water
7 line is defined as the elevation at the dam crest
8 of each reservoir.

9 (B) A surcharge and operational access
10 area around each reservoir consisting of an av-
11 erage 50 foot horizontal projection from the
12 high water line and an average 100 foot hori-
13 zontal projection from the outer perimeter of all
14 dams and appurtenant structures, including but
15 not limited to, outlets, measuring devices, spill-
16 ways, wasteways, toe drains, canals, abutments,
17 and the Peterson Lake operations cabin, as
18 generally depicted on such map. The access
19 area to the east of Long Draw Reservoir will be
20 limited to the extent necessary to convey only
21 those lands within the boundary of the National
22 Forest.

23 (C) Those Federal lands which would be
24 occupied by an enlargement of Seaman Res-
25 ervoir to an approximate capacity of 43,000

1 acre feet (but not to exceed 50,000 acre feet),
2 including an average 50 foot horizontally pro-
3 jected buffer zone around the enlarged water
4 line and structures, and an 80-acre parcel of
5 Federal land south of Seaman Reservoir poten-
6 tially required for a downstream damsite on the
7 North Fork of the Cache la Poudre River, as
8 generally depicted on such map.

9 (b) TERMS AND CONDITIONS RELATING TO LAND
10 EXCHANGE.—The land exchange under subsection (a)
11 shall be processed in accordance with Forest Service Land
12 Exchange Regulations in part 254 of title 36, Code of
13 Federal Regulations, subpart A subject to the direction
14 in subsection (a) and the following terms and conditions:

15 (1) The United States shall grant perpetual ac-
16 cess easements to the city of Greeley and to The
17 Water Supply and Storage Company to the lands
18 conveyed by the United States under subsection (a)
19 as part of the consideration of this exchange. The
20 United States shall reserve easements for all des-
21 ignated roads and trails crossing any Federal lands
22 to be conveyed that are necessary to assure public
23 access to adjoining National Forest lands.

24 (2) The city of Greeley, Colorado, and The
25 Water Supply and Storage Company shall continue

1 to make the following facilities accessible to visitors
2 to the Roosevelt National Forest: Chambers, Long
3 Draw, Peterson, Barnes Meadow, Comanche, Sea-
4 man and Twin Lakes Reservoirs, under rules and re-
5 strictions as determined by the city and the com-
6 pany.

7 (3)(A) All special use permits and/or easements
8 or other instruments authorizing occupancy of the
9 Federal lands identified in subsection (a)(3) are re-
10 scinded upon completion of the exchange.

11 (B) The conditions specified in the December
12 28, 1994, and the January 4, 1995, easements for
13 Long Draw, Peterson Lake and Barnes Meadow
14 Reservoirs requiring a joint operations plan provid-
15 ing instream winter flows to the mainstream of the
16 Cache La Poudre River from Chambers Lake and
17 Barnes Meadow shall continue to be fulfilled regard-
18 less of land ownership unless mutually agreed other-
19 wise.

20 (C) No further consultation with the United
21 States Fish and Wildlife Service shall be required
22 for completion of this land exchange.

23 (D) No additional conditions, including
24 instream or bypass flow requirements, shall be re-
25 quired as a condition of this land exchange.

1 (4) The exchange under subsection (a) does not
2 include any water right owned by the city of Greeley,
3 Colorado, or The Water Supply and Storage Com-
4 pany, except as provided in paragraph (5).

5 (5) The city of Greeley's one-half interest in the
6 following rights associated with the Rockwell Ranch
7 property, to wit: Rockwell Ditches No. 1 in the vol-
8 ume of 1.2 c.f.s., No. 2 in the volume of 1.7 c.f.s.,
9 No. 3 in the volume of 2.68 c.f.s., No. 4 in the vol-
10 ume of 1.87 c.f.s., No. 5 in the volume of 1.95 c.f.s.
11 and No. 6 in the volume of 2.5 c.f.s., diverting from
12 the South Fork of the Cache la Poudre River, and
13 its tributaries, Little Beaver Creek and the North
14 Fork of Little Beaver Creek, and all with the appro-
15 priation date of December 31, 1888, shall be dedi-
16 cated to the Colorado Water Conservation Board in
17 perpetuity for the instream flow program of the
18 State of Colorado upon completion of the exchange
19 in accordance with substantive and procedural re-
20 quirements of the laws of Colorado.

21 (6) The Federal Exchange Lands to be ex-
22 changed under subsection (a) shall be conveyed to
23 the city of Greeley and to The Water Supply and
24 Storage Company by means of a land exchange deed
25 issued by an authorized officer of the United States

1 Department of Agriculture, Forest Service, and not-
2 withstanding any other requirements of law, the Sec-
3 retary of Agriculture is authorized to conduct and
4 approve all cadastral surveys necessary for comple-
5 tion of the exchange.

6 (7) Values of the respective lands exchanged be-
7 tween the United States and the city of Greeley and
8 The Water Supply and Storage Company pursuant
9 to subsection (a) are deemed to be of approximately
10 equal value, without any need for cash equalization,
11 as based on statements of value prepared by a quali-
12 fied Forest Service Review Appraiser.

13 (8) It is recognized that some Federal lands to
14 be conveyed to the city of Greeley and The Water
15 Supply and Storage Company will create new hold-
16 ings in otherwise consolidated areas of Federal own-
17 ership. If the city or the company decide to perma-
18 nently discontinue reservoir operations on any of the
19 properties acquired through this exchange, the Unit-
20 ed States Forest Service, Arapaho-Roosevelt Na-
21 tional Forest Supervisor shall be advised of the in-
22 tent to perform nonreconstructive breaching of the
23 dam for purposes of permanently terminating res-
24 ervoir operations. Upon such notification, the United
25 States Forest Service will be afforded the oppor-

1 tunity to reacquire property at fair market value or
2 exchange or upon such other terms and conditions
3 as the parties may agree for a period of time not to
4 exceed one year.

5 (9) The Federal lands to be exchanged under
6 subsection (a), with the exception of the Seaman
7 Reservoir enlargement area and potential new
8 damsite below Seaman Reservoir on the North Fork
9 of the Cache la Poudre River, are already fully de-
10 veloped and authorized for occupancy by the city of
11 Greeley and The Water Supply and Storage Com-
12 pany. Therefore, this land exchange may be com-
13 pleted without further inventory or consultation
14 under the National Historic Preservation Act.
15 Should the city of Greeley seek enlargement of Sea-
16 man Reservoir or construction of a new dam on the
17 North Fork of the Poudre River below Seaman Res-
18 ervoir for a Seaman Reservoir Enlargement, the site
19 will be subject to all Federal statutes and regula-
20 tions applicable at the time of proposed construction.

21 (10) The Forest Service shall grant a 20-year
22 easement to the city of Greeley for use of the exist-
23 ing cabin in the north half of the southwest quarter
24 of Section 30, Township 8 North, Range 72 West.
25 The easement shall allow the use of the cabin, other

1 improvements, and access to the forest lands nearby.
2 The access road shall be available for city employees
3 to access the cabin for recreational purposes and to
4 the United States Forest Service for administrative
5 purposes.

6 (11) The Forest Service shall grant a 20-year
7 easement to the city of Greeley for use of approxi-
8 mately 1 acre of land under the existing cabin in the
9 vicinity of Jacks Gulch Campground on Pingree
10 Road as depicted on the attached map. The ease-
11 ment shall include the administrative use of the ac-
12 cess road to the cabin and the reservation of the use
13 of the cabin to those permitted under the existing
14 special use permit.

15 (c) ADMINISTRATION OF LANDS ACQUIRED BY THE
16 UNITED STATES.—The Rockwell Ranch, Timberline
17 Lake, and Cameron Pass Lands acquired by the United
18 States under this section shall be added to and adminis-
19 tered as part of the Roosevelt National Forest. Those por-
20 tions of such property located within a wilderness area
21 shall be added to and administered as part of the wilder-
22 ness area.

23 (d) BOUNDARY MODIFICATION OF THE ARAPAHO
24 NATIONAL FOREST AND ROOSEVELT NATIONAL FOR-
25 EST.—

1 (1) IN GENERAL.—In order to provide for more
2 efficient administration of certain Federal lands ad-
3 joining the Arapaho National Forest and Roosevelt
4 National Forest, the exterior boundary of the Arap-
5 aho Forest is hereby modified as shown on Depart-
6 ment of Agriculture, Forest Service map entitled
7 “Boundary Modification, Arapaho National Forest”
8 dated December 22, 1991, and the exterior bound-
9 ary of the Roosevelt Forest is hereby modified as
10 shown on Department of Agriculture, Forest Service
11 map entitled “Boundary Modification, Roosevelt Na-
12 tional Forest”, dated August 15, 1995. The maps
13 and a legal description of the boundary changes
14 shall be on file and available for public inspection
15 in the offices of the Chief of the Forest Service and
16 appropriate field offices.

17 (2) ADMINISTRATION.—All Federal lands
18 brought within the boundary of the Arapaho Na-
19 tional Forest and Roosevelt National Forest by this
20 section are hereby added to the Arapaho National
21 Forest and Roosevelt National Forest, respectively,
22 and shall be administered in accordance with the
23 laws, rules, and regulations applicable to the Na-
24 tional Forest System.

1 (3) AVAILABILITY OF CERTAIN LANDS.—For
2 the purpose of section 7 of the Land and Water
3 Conservation Act of 1965 (16 U.S.C. 460l–9), the
4 boundary of the Arapaho National Forest and Roo-
5 sevelt National Forest, as modified by this sub-
6 section, shall be treated as if it were the boundary
7 of that forest as of January 1, 1965.

8 **SEC. 312. GATES OF THE ARCTIC NATIONAL PARK AND PRE-**
9 **SERVE LAND EXCHANGE AND BOUNDARY AD-**
10 **JUSTMENT.**

11 (a) ACQUISITION AND EXCHANGE AUTHORITY:
12 KILLIK RIVER ECOSYSTEM.—(1) The Secretary of the In-
13 terior (hereinafter in this section referred to as the “Sec-
14 retary”) is authorized to acquire by exchange certain lands
15 which have been or may hereafter be conveyed to the Arc-
16 tic Slope Regional Corporation pursuant to the provisions
17 of the Alaska Native Claims Settlement Act and the State
18 of Alaska pursuant to the Alaska Statehood Act. These
19 lands consist of—

20 (A) approximately 1,270,000 acres of Arctic
21 Slope Regional Corporation lands and are depicted
22 on a map entitled “Arctic Slope Regional Corpora-
23 tion Killik River Ecosystem Lands”, dated July
24 1996, appended to which is a legal description of
25 such lands; and

1 (B) up to 1,270,000 acres selected by the State
2 of Alaska pursuant to the Alaska Statehood Act,
3 consisting of—

4 (i) approximately 750,000 acres of State of
5 Alaska lands in the Killik River Ecosystem
6 which are depicted on a map entitled “Study of
7 Potential Addition of State of Alaska and Other
8 Lands, by Exchange, to the Gates of the Arctic
9 Park”; and

10 (ii) the remainder being other State of
11 Alaska lands which are acceptable to the Sec-
12 retary.

13 The Killik River Ecosystem map and the Study of
14 Potential Addition map are on file at the Alaska Re-
15 gional Office of the National Park Service and the
16 offices of the Gates of the Arctic National Park and
17 Preserve in Fairbanks, Alaska.

18 (2) The private lands described in subparagraphs (A)
19 and (B)(i) of paragraph (1) may be acquired for addition
20 to the Gates of the Arctic National Preserve with the con-
21 sent of the owners, the Arctic Slope Regional Corporation,
22 or the State of Alaska, respectively. Upon acquisition by
23 the Secretary, such lands shall become, and be adminis-
24 tered as, a part of Gates of the Arctic National Preserve
25 to the same extent as if the lands were included within

1 the boundaries of the Preserve by the provisions of section
2 201(4) of the Alaska National Interest Lands Conserva-
3 tion Act (16 U.S.C. 3101 et seq.).

4 (b) ACQUISITION AND EXCHANGE AUTHORITY:
5 OGOTORUK CREEK LANDS CONTAMINATED BY UNDIS-
6 CLOSED NUCLEAR TESTING.—(1) The Secretary of the
7 Interior is authorized to acquire by exchange certain addi-
8 tional lands which have been or may hereafter be conveyed
9 to the Arctic Slope Regional Corporation pursuant to the
10 provisions of the Alaska Native Claims Settlement Act.
11 These lands consist of approximately 204,860 acres and
12 are depicted on a map entitled “Arctic Slope Regional Cor-
13 poration Ogotoruk Creek Lands Contaminated by Undis-
14 closed Nuclear Testing”, dated July 1996, appended to
15 which is a legal description of such lands. The Ogotoruk
16 Creek Lands map is on file at the Alaska State Office
17 of the Bureau of Land Management.

18 (2) The lands described in paragraph (1) were se-
19 lected by the Arctic Slope Regional Corporation under the
20 Alaska Native Claims Settlement Act for use as a trans-
21 portation corridor, without any disclosure by the Depart-
22 ment of the Interior that the southern portion of these
23 lands had been the subject of nuclear tests conducted by
24 the United States prior to selection by the Arctic Slope
25 Regional Corporation. The Arctic Slope Regional Corpora-

tion selected these lands with no knowledge of the nuclear tests that had been conducted on these lands, and the Inupiat Eskimo shareholders of the Arctic Slope Regional Corporation believe that the radiation tests have caused physical injury to some of the shareholders, and therefore desire to exchange these lands. The private lands described in paragraph (1) may be acquired by the Secretary with the consent of the Arctic Slope Regional Corporation. Upon acquisition by the Secretary, such lands shall become public lands except that, to the extent such lands are located within the exterior boundaries of the Alaska Maritime National Wildlife Refuge—Chukchi Sea Unit, such lands shall become, and be administered by the Secretary as, a part of such unit of the National Wildlife Refuge System.

(c) OTHER LANDS.—To facilitate the exchanges authorized by this section, the Secretary is authorized to make available to the Arctic Slope Regional Corporation and to the State of Alaska lands, or interests therein, from public lands within the 23,000,000 acre National Petroleum Reserve-Alaska. The Arctic Slope Regional Corporation was precluded from making land selections, under the terms of the Alaska Native Claims Settlement Act, from the National Petroleum Reserve-Alaska. The State of Alaska was precluded from making land selections, under

1 the terms of the Alaska Statehood Act, from the National
2 Petroleum Reserve-Alaska. Since 1980, the Federal policy
3 with respect to the National Petroleum Reserve-Alaska
4 has been changed, and this area has been opened to oil
5 and gas leasing.

6 (d) WITHDRAWAL.—(1) To facilitate the land ex-
7 changes authorized by this section, the Secretary is au-
8 thorized to withdraw, subject to valid existing rights, from
9 all forms of appropriation under the public land laws, in-
10 cluding the mining and mineral leasing laws, lands identi-
11 fied for acquisition through an exchange under this section
12 by written notices submitted no later than 120 days after
13 enactment of this Act, to the Secretary by the Arctic Slope
14 Regional Corporation and the State of Alaska.

15 (2) The Arctic Slope Regional Corporation is author-
16 ized to identify by notice for withdrawal pursuant to para-
17 graph (1) not more than twice the number of acres of pri-
18 vate land identified for exchange in subsections (a) and
19 (b).

20 (3) The State of Alaska is authorized to identify by
21 notice for withdrawal pursuant to paragraph (1) not more
22 than twice the number of acres of State of Alaska land
23 identified for exchange in subsection (a).

24 (4) In the event of any overlap of lands identified for
25 withdrawal and potential acquisition by the Arctic Slope

1 Regional Corporation and the State of Alaska, the Sec-
2 retary shall request an identification by the Arctic Slope
3 Regional Corporation of one township of land (23,040
4 acres) within the area of overlap and such township shall
5 be available only for acquisition by the Arctic Slope Re-
6 gional Corporation. Thereafter, the Secretary shall request
7 an identification by the State of Alaska of one township
8 of land within the area of overlap and such township shall
9 be available only for acquisition by the State of Alaska.
10 Thereafter, the Secretary shall request alternating identi-
11 fications by the Arctic Slope Regional Corporation and by
12 the State of Alaska of one township of land within the
13 area of overlap until all lands within the area of overlap
14 shall have been identified by either the Arctic Slope Re-
15 gional Corporation or the State of Alaska.

16 (5) The withdrawal of lands required pursuant to
17 paragraph (1) shall terminate either upon the consumma-
18 tion of land exchanges with the Arctic Slope Regional Cor-
19 poration and the State of Alaska or upon the expiration
20 of a period of 3 years from the date of the withdrawal,
21 whichever first occurs: *Provided*, That the Secretary may
22 terminate the withdrawal of any lands withdrawn under
23 this subsection whenever the Secretary and the party iden-
24 tifying such lands for withdrawal mutually agree to ex-
25 clude such lands from further consideration for exchange

1 under this section; and: *Provided further*, That the Sec-
2 retary may conduct activities preparatory to leasing oil
3 and gas on lands withdrawn pursuant to this subsection.

4 (e) OTHER LAWS.—Land exchanges authorized
5 under this section shall be consummated in accordance
6 with the provisions of this section, section 22(f) of the
7 Alaska Native Claims Settlement Act (43 U.S.C. 1601,
8 1621(f)), and section 1302(h) of the Alaska National In-
9 terest Lands Conservation Act, and all of the lands, or
10 interests therein, conveyed to and received by the Arctic
11 Slope Regional Corporation pursuant to an exchange au-
12 thorized by subsections (a) and (b) of this section shall
13 be deemed conveyed and received pursuant to an exchange
14 under section 22(f) of the Alaska Native Claims Settle-
15 ment Act (43 U.S.C. 1601, 1621(f)).

16 (f) OTHER USES.—Subsistence, cultural, traditional,
17 and other uses of the Arctic Slope Regional Corporation's
18 shareholders and local residents on the lands to be ac-
19 quired under subsections (a) and (b) shall continue to be
20 permitted.

21 (g) AUTHORIZATION.—There are hereby authorized
22 to be appropriated such sums as are necessary to carry
23 out the purposes of this section.

1 **SEC. 313. KENAI NATIVES ASSOCIATION LAND EXCHANGE.**

2 (a) PURPOSE.—The purpose of this section is to au-
3 thorize and direct the Secretary, at the election of the
4 Kenai Natives Association, to complete the conveyances
5 provided for in this section.

6 (b) DEFINITIONS.—For purposes of this section—

7 (1) the term “ANCSA” means the Alaska Na-
8 tive Claims Settlement Act of 1971 (43 U.S.C. 1601
9 et seq.);

10 (2) the term “ANILCA” means the Alaska Na-
11 tional Interest Lands Conservation Act (Public Law
12 96–487; 94 Stat. 2371 et seq.);

13 (3) the term “conservation system unit” has
14 the same meaning as in section 102(4) of ANILCA
15 (16 U.S.C. 3102 (4));

16 (4) the term “CIRI” means Cook Inlet Region,
17 Inc., a Native Regional Corporation incorporated in
18 the State of Alaska pursuant to the terms of
19 ANCSA;

20 (5) the term “EVOS” means the Exxon Valdez
21 oil spill;

22 (6) the term “KNA” means the Kenai Natives
23 Association, Inc., an urban corporation incorporated
24 in the State of Alaska pursuant to the terms of
25 ANCSA;

1 (7) the term “lands” means any lands, waters,
2 or interests therein;

3 (8) the term “Refuge” means the Kenai Na-
4 tional Wildlife Refuge;

5 (9) the term “Secretary” means the Secretary
6 of the Interior;

7 (10) the term “Service” means the United
8 States Fish and Wildlife Service; and

9 (11) the term “Terms and Conditions” means
10 the Terms and Conditions for Land Consolidation
11 and Management in the Cook Inlet Area, as clarified
12 on August 31, 1976, ratified by section 12 of Public
13 Law 94–204 (43 U.S.C. 1611 note).

14 (c) ACQUISITION OF LANDS.—

15 (1) OFFER TO KNA.—

16 (A) IN GENERAL.—Subject to the availabil-
17 ity of funds identified in paragraph (2)(C), no
18 later than 90 days after the date of enactment
19 of this Act, the Secretary shall offer to convey
20 to KNA the interests in land and rights set
21 forth in paragraph (2)(B), subject to valid ex-
22 isting rights, in turn for the conveyance by
23 KNA to the United States of the interests in
24 land or relinquishment of ANCSA selections set
25 forth in paragraph (2)(A). Payment for the

lands conveyed to the United States by KNA is contingent upon KNA's acceptance of the entire conveyance outlined herein.

(B) LIMITATION.—The Secretary may not convey any lands or make payment to KNA under this section unless title to the lands to be conveyed by KNA under this section has been found by the United States to be sufficient in accordance with the provisions of section 355 of the Revised Statutes (40 U.S.C. 255).

(2) ACQUISITION LANDS.—

(A) LANDS TO BE CONVEYED TO THE UNITED STATES.—The lands to be conveyed by KNA to the United States, or the valid selection rights under ANCSA to be relinquished, all situated within the boundary of the Refuge, are the following:

(i) The conveyance of approximately 803 acres located along and on islands within the Kenai River, known as the Stephanka Tract.

(ii) The conveyance of approximately 1,243 acres located along the Moose River, known as the Moose River Patented Lands Tract.

1 (iii) The relinquishment of—

2 (I) KNA's selection known as the
3 Moose River Selected Tract, contain-
4 ing approximately 753 acres located
5 along the Moose River;

6 (II) KNA's remaining ANCSA
7 entitlement of approximately 454
8 acres; and

9 (III) all KNA's remaining over
10 selections.

11 Upon completion of all relinquishments
12 specified in this paragraph, all KNA's enti-
13 tlement shall be deemed to be extinguished
14 and the completion of this acquisition shall
15 satisfy all KNA's ANCSA acreage entitle-
16 ment.

17 (iv) The conveyance of an access ease-
18 ment providing the United States and its
19 assigns access across KNA's surface estate
20 in SW¹/₄ of section 21, T.6N., R.9W., Sew-
21 ard Meridian, Alaska.

22 (v) The conveyance of approximately
23 100 acres within the Beaver Creek Pat-
24 ented Tract, which is contiguous to lands
25 being retained by the United States contig-

uous to the Beaver Creek Patented Tract,
in exchange for 280 acres of Service lands
currently situated within the Beaver Creek
Selected Tract.

(B) LANDS TO BE CONVEYED TO KNA.—

The rights provided or lands to be conveyed by
the United States to KNA, are the following:

(i) The surface and subsurface estate
to approximately 5 acres, subject to res-
ervations of easements for existing roads
and utilities, located within the City of
Kenai, Alaska, identified as United States
Survey 1435, withdrawn by Executive
Order 2934, and known as the old Fish
and Wildlife Service Headquarters site.

(ii) The remaining subsurface estate
held by the United States to approximately
13,811 acres, including portions of the
Beaver Creek Selected Tract, and portions
of the Swanson River Road West Tract
and the Swanson River Road East Tract,
where the surface was previously or will be
conveyed to KNA pursuant to this section.
The conveyance of these subsurface inter-
ests shall be subject to the rights and obli-

1 gations of CIRI to the coal, oil, and gas,
2 and to all rights and obligations of CIRI,
3 its successors, and assigns would have
4 under paragraph 1(B) of the Terms and
5 Conditions, including the right to sand and
6 gravel, to construct facilities, to have
7 rights-of-way, and to otherwise develop its
8 subsurface interests.

9 (iii)(I) The nonexclusive right to use
10 sand and gravel which is reasonably nec-
11 essary for on-site development without
12 compensation or permit on those portions
13 of the Swanson River Road East Tract,
14 comprising approximately 1,738.04 acres;
15 where the entire subsurface of the land is
16 presently owned by the United States. The
17 United States shall retain the ownership of
18 all other sand and gravel located within the
19 subsurface and KNA shall not sell or dis-
20 pose of such sand and gravel.

21 (II) The right to excavate within the
22 subsurface estate as reasonably necessary
23 for structures, utilities, transportation sys-
24 tems, and other development of the surface
25 estate.

1 (iv) The nonexclusive right to excavate
2 within the subsurface estate as reasonably
3 necessary for structures, utilities, transpor-
4 tation systems, and other development of
5 the surface estate on the SW¹/₄ section 21,
6 T.6N., R.9W., Seward Meridian, Alaska,
7 where the entire subsurface of the land is
8 owned by the United States and which
9 public lands shall continue to be withdrawn
10 from mining following their removal from
11 the Refuge boundary under subsection
12 (d)(1)(A). The United States shall retain
13 the ownership of all other sand and gravel
14 located within the subsurface of this par-
15 cel.

16 (v) The surface estate of approxi-
17 mately 280 acres known as the Beaver
18 Creek Selected Tract. This tract shall be
19 conveyed to KNA in exchange for lands
20 conveyed to the United States as described
21 in paragraph (2)(A)(ii).

22 (C) PAYMENT.—The United States shall
23 make a total cash payment to KNA for the
24 above-described lands described in subpara-
25 graph (B) of \$4,443,000, contingent upon the

1 appropriate approvals of the Federal or State of
2 Alaska EVOS Trustees (or both) necessary for
3 any expenditure of the EVOS settlement funds.

4 (D) NATIONAL REGISTER OF HISTORIC
5 PLACES.—Upon completion of the acquisition
6 authorized in paragraph (1)(A), the Secretary
7 shall, at no cost to KNA, in coordination with
8 KNA, promptly undertake to nominate the
9 Stephanka Tract to the National Register of
10 Historic Places, in recognition of the archae-
11 ological artifacts from the original Dena'ina
12 Settlement. If the Department of the Interior
13 establishes a historical, cultural, or archaeologi-
14 cal interpretive site, KNA shall have the exclu-
15 sive right to operate a Dena'ina interpretive site
16 on the Stephanka Tract under the regulations
17 and policies of the department. If KNA declines
18 to operate such a site, the Department may do
19 so under its existing authorities. Prior to the
20 Department undertaking any archaeological ac-
21 tivities whatsoever on the Stephanka Tract,
22 KNA shall be consulted.

23 (d) GENERAL PROVISIONS.—

24 (1) REMOVAL OF KNA LANDS FROM THE NA-
25 TIONAL WILDLIFE REFUGE SYSTEM.—

1 (A) IN GENERAL.—Effective on the date of
2 closing for the Acquisition Lands identified in
3 subsection (c)(2)(B), all lands retained by or
4 conveyed to KNA pursuant to this section, and
5 the subsurface interests of CIRI underlying
6 such lands shall be automatically removed from
7 the National Wildlife Refuge System and shall
8 neither be considered as part of the Refuge nor
9 subject to any laws pertaining solely to lands
10 within the boundaries of the Refuge. The con-
11 veyance restrictions imposed by section 22(g) of
12 ANCSA (i) shall then be ineffective and cease
13 to apply to such interests of KNA and CIRI,
14 and (ii) shall not be applicable to the interests
15 received by KNA in accordance with subsection
16 (b)(2)(B) or to the CIRI interests underlying
17 them. The Secretary shall adjust the boundaries
18 of the Refuge so as to exclude all interests in
19 lands retained or received in exchange by KNA
20 in accordance with this section, including both
21 surface and subsurface, and shall also exclude
22 all interests currently held by CIRI. On lands
23 within the Swanson River Road East Tract, the
24 boundary adjustment shall only include the sur-

1 face estate where the subsurface estate is re-
2 tained by the United States.

3 (B) AGREEMENT.—(i) The Secretary,
4 KNA, and CIRI shall execute an agreement
5 within 45 days of the date of enactment of this
6 section which preserves CIRI's rights under
7 paragraph 1(B)(1) of the Terms and Condi-
8 tions, addresses CIRI's obligations under such
9 paragraph, and adequately addresses manage-
10 ment issues associated with the boundary ad-
11 justment set forth in this section and with the
12 differing interests in land resulting from enact-
13 ment of this section.

14 (ii) In the event that no agreement is exe-
15 cuted as provided for in clause (i), solely for the
16 purposes of administering CIRI's rights and ob-
17 ligations under paragraph 1(B)(1) of the Terms
18 and Conditions, the Secretary and CIRI shall
19 be deemed to have retained their respective
20 rights and obligations with respect to CIRI's
21 subsurface interests under the requirements of
22 the terms and Conditions in effect on June 18,
23 1996. Notwithstanding the boundary adjust-
24 ments made pursuant to this section, convey-
25 ances to KNA shall be deemed to remain sub-

1 ject to the Secretary's and CIRI's rights and
2 obligations under paragraph 1(B)(1) of the
3 Terms and Conditions.

4 (C) AUTHORIZATION.—The Secretary is
5 authorized to acquire by purchase or exchange,
6 on a willing seller basis only, any lands retained
7 by or conveyed to KNA. In the event that any
8 lands owned by KNA are subsequently acquired
9 by the United States, they shall be automati-
10 cally included in the Refuge System. The laws
11 and regulations applicable to Refuge lands shall
12 then apply to these lands and the Secretary
13 shall then adjust the boundaries accordingly.

14 (D) CERTAIN CIRI AND KNA RIGHTS.—
15 Nothing in this section is intended to enlarge or
16 diminish the authorities, rights, duties, obliga-
17 tions, or the property rights held by CIRI under
18 the Terms and Conditions, or otherwise except
19 as set forth in this section. In the event of the
20 purchase by the United States of any lands
21 from KNA in accordance with subsection
22 (c)(1)(C), the United States shall reassume
23 from KNA the rights it previously held under
24 the Terms and Conditions and the provisions in

1 any patent implementing section 22(g) of
2 ANCSA will again apply.

3 (E) CERTAIN IN-LIEU SUBSURFACE ENTI-
4 TLEMENT.—By virtue of implementation of this
5 section, CIRI is deemed entitled to 1,207 acres
6 of in-lieu subsurface entitlement under section
7 12(a)(1) of ANCSA. Such entitlement shall be
8 fulfilled in accordance with paragraph
9 1(B)(2)(A) of the Terms and Conditions.

10 (e) MAPS AND LEGAL DESCRIPTIONS.—Maps and a
11 legal description of the lands described above in subsection
12 (c)(2) shall be on file and available for public inspection
13 in the appropriate offices of the United States Department
14 of the Interior, and the Secretary shall, no later than 90
15 days after enactment of this section, prepare a legal de-
16 scription of the lands described in subsection (c)(2)(A)(v).
17 Such maps and legal description shall have the same force
18 and effect as if included in this section, except that the
19 Secretary may correct clerical and typographical errors.

20 (f) ACCEPTANCE.—KNA may accept the offer made
21 in this section by notifying the Secretary in writing of its
22 decision within 180 days of receipt of the offer. In the
23 event the offer is rejected, the Secretary shall notify the
24 Committee on Resources of the House of Representatives
25 and the Committee on Energy and Natural Resources and

1 the Committee on Environment and Public Works of the
2 Senate.

3 (g) FINAL MAPS.—Not later than 120 days after the
4 conclusion of the acquisition authorized by subsection (c),
5 the Secretary shall transmit a final report and maps accu-
6 rately depicting the lands transferred and conveyed pursu-
7 ant to this section and the acreage and legal descriptions
8 of such lands to the Committee on Resources of the House
9 of Representatives and the Committee on Energy and
10 Natural Resources and the Committee on Environment
11 and Public Works of the Senate.

12 (h) ADJUSTMENTS TO NATIONAL WILDERNESS SYS-
13 TEM.—Upon acquisition of lands by the United States
14 pursuant to subsection (c)(2)(A), that portion of the
15 Stephanka Tract lying south and west of the Kenai River,
16 consisting of approximately 592 acres, shall be included
17 in and managed in accordance with the applicable provi-
18 sions of the Wilderness Act and ANILCA.

19 (i) DESIGNATION OF LAKE TODATONEN SPECIAL
20 MANAGEMENT AREA.—To offset the removal of KNA
21 lands from the Refuge System, the Secretary is hereby au-
22 thorized to withdraw, subject to valid existing rights, and
23 to create as a special management unit for uses other than
24 Wilderness, including the protection of fish, wildlife, and
25 habitat, certain unappropriated and unreserved public

1 lands, totaling approximately 15,500 acres adjacent to the
2 west boundary of the Kanuti National Wildlife Refuge to
3 be known as the “Lake Todatonten Special Management
4 Area”, from the 37,000 acres as depicted on the map enti-
5 tled Proposed: Lake Todatonten Special Management
6 Area, dated June 13, 1996, and to be managed by the
7 Bureau of Land Management. Such withdrawal shall not
8 include any validly selected land by the State of Alaska
9 or Alaska Native Corporation or any lands that the Sec-
10 retary determines has mineral potential based on surveys
11 conducted or to be conducted by the United States Geo-
12 logical Survey. Such withdrawals shall not occur, however,
13 until the Secretary has complied with the requirements of
14 subparagraphs (1) through (12) of paragraph 204(c)(2)
15 of FLPMA. The Secretary may study the remaining lands
16 within the area depicted on the map for future potential
17 withdrawal pursuant to section 204 of FLPMA.

18 (j) MANAGEMENT.—

19 (1) Such designation is subject to all valid ex-
20 isting rights including R.S. 2477 Rights-of-Way, as
21 well as the subsistence preferences provided under
22 title VIII of ANILCA.

23 (2)(A) The BLM shall establish the Lake
24 Todatonten Special Management Area Committee.

1 The membership of the Committee shall consist of
2 11 members as follows:

3 (i) Two residents each from the villages of
4 Alatna, Allakaket, Hughes, and Tanana.

5 (ii) One representative from each of Doyon
6 Corporation, the Tanana Chiefs Conference,
7 and the State of Alaska.

8 (B) Members of the Committee shall serve with-
9 out pay.

10 (C) The BLM shall hold meetings of the Lake
11 Todatonten Special Management Area Committee at
12 least once per year to discuss management issues
13 within the Special Management Area. The BLM
14 shall not allow any new type of activity in the Spe-
15 cial Management Area without first conferring with
16 the Committee in a timely manner.

17 (k) ACCESS.—The Secretary shall allow the following:

18 (1) Private access for any purpose, including
19 economic development, to lands within the bound-
20 aries of the Special Management Area which are
21 owned by third parties or are held in trust by the
22 Secretary for third parties pursuant to the Alaska
23 Native Allotment Act (25 U.S.C. 336). Such rights
24 may be subject to restrictions issued by the BLM to

1 protect subsistence uses of Special Management
2 Area.

3 (2) Section 1110 of ANILCA shall apply to the
4 Special Management Area.

5 (l) SECRETARIAL ORDER AND MAPS.—The Secretary
6 shall file with the Committee on Resources of the United
7 States House of Representatives and the Committee and
8 Energy and Natural Resources of the United States Sen-
9 ate, the Secretarial Order and maps setting forth the
10 boundaries of the Area within 90 days of the completion
11 of the acquisition authorized by this section. Once estab-
12 lished, this Order may only be amended or revoked by Act
13 of Congress.

14 (m) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as may be
16 necessary to carry out the purposes of this section.

17 **TITLE IV—RIVERS AND TRAILS**

18 **SEC. 401. CACHE LA POUDE CORRIDOR.**

19 (a) PURPOSE.—The purpose of this section is to des-
20 ignate the Cache La Poudre Corridor within the Cache
21 La Poudre River Basin and to provide for the interpreta-
22 tion, for the educational and inspirational benefit of
23 present and future generations, of the unique and signifi-
24 cant contributions to our national heritage of cultural and

1 historical lands, waterways, and structures within the
2 Area.

3 (b) DEFINITIONS.—As used in this section:

4 (1) COMMISSION.—The term “Commission”
5 means the Cache La Poudre Corridor Commission
6 established by subsection (f)(1).

7 (2) CORRIDOR.—The term “Corridor” means
8 the Cache La Poudre Corridor established by section
9 401(c).

10 (3) GOVERNOR.—The term “Governor” means
11 the Governor of the State of Colorado.

12 (4) PLAN.—The term “Plan” means the inter-
13 pretation plan prepared by the Commission pursuant
14 to subsection (j)(1).

15 (5) POLITICAL SUBDIVISION OF THE STATE.—
16 The term “political subdivision of the State” means
17 a political subdivision of the State of Colorado, any
18 part of which is located in or adjacent to the Cor-
19 ridor, including a county, city, town, water conser-
20 vancy district, or special district.

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (c) ESTABLISHMENT.—There is established in the
24 State of Colorado the Cache La Poudre Corridor.

1 (d) BOUNDARIES.—The boundaries of this Corridor
2 shall include those lands within the 100–year flood plain
3 of the Cache La Poudre River Basin, beginning at a point
4 where the Cache La Poudre River flows out of the Roo-
5 sevelt National Forest and continuing east along said
6 floodplain to a point one quarter of one mile west of the
7 confluence of the Cache La Poudre River and the South
8 Platte Rivers in Weld County, Colorado, comprising less
9 than 35,000 acres, and generally depicted as the 100–year
10 flood boundary on the Federal Flood Insurance maps list-
11 ed below:

12 (1) FLOOD INSURANCE RATE MAP, LARIMER
13 COUNTY, COLORADO.—Community-Panel No.
14 080101 0146B, April 2, 1979. United States De-
15 partment of Housing and Urban Development, Fed-
16 eral Insurance Administration.

17 (2) FLOOD INSURANCE RATE MAP, LARIMER
18 COUNTY, COLORADO.—Community-Panel No.
19 080101 0147B, April 2, 1979. United States De-
20 partment of Housing and Urban Development, Fed-
21 eral Insurance Administration.

22 (3) FLOOD INSURANCE RATE MAP, LARIMER
23 COUNTY, COLORADO.—Community-Panel No.
24 080101 0162B, April 2, 1979. United States De-

1 partment of Housing and Urban Development, Fed-
2 eral Insurance Administration.

3 (4) FLOOD INSURANCE RATE MAP, LARIMER
4 COUNTY, COLORADO.—Community-Panel No.
5 080101 0163C, March 18, 1986. Federal Emer-
6 gency Management Agency, Federal Insurance Ad-
7 ministration.

8 (5) FLOOD INSURANCE RATE MAP, LARIMER
9 COUNTY, COLORADO.—Community-Panel No.
10 080101 0178C, March 18, 1986. Federal Emer-
11 gency Management Agency, Federal Insurance Ad-
12 ministration.

13 (6) FLOOD INSURANCE RATE MAP, LARIMER
14 COUNTY, COLORADO.—Community-Panel No.
15 080102 0002B, February 15, 1984. Federal Emer-
16 gency Management Agency, Federal Insurance Ad-
17 ministration.

18 (7) FLOOD INSURANCE RATE MAP, LARIMER
19 COUNTY, COLORADO.—Community-Panel No.
20 080101 0179C, March 18, 1986. Federal Emer-
21 gency Management Agency, Federal Insurance Ad-
22 ministration.

23 (8) FLOOD INSURANCE RATE MAP, LARIMER
24 COUNTY, COLORADO.—Community-Panel No.
25 080101 0193D, November 17, 1993. Federal Emer-

1 agency Management Agency, Federal Insurance Ad-
2 ministration.

3 (9) FLOOD INSURANCE RATE MAP, LARIMER
4 COUNTY, COLORADO.—Community-Panel No.
5 080101 0194D, November 17, 1993. Federal Emer-
6 gency Management Agency, Federal Insurance Ad-
7 ministration.

8 (10) FLOOD INSURANCE RATE MAP, LARIMER
9 COUNTY, COLORADO.—Community-Panel No.
10 080101 0208C, November 17, 1993. Federal Emer-
11 gency Management Agency, Federal Insurance Ad-
12 ministration.

13 (11) FLOOD INSURANCE RATE MAP, LARIMER
14 COUNTY, COLORADO.—Community-Panel No.
15 080101 0221C, November 17, 1993. Federal Emer-
16 gency Management Agency, Federal Insurance Ad-
17 ministration.

18 (12) FLOOD INSURANCE RATE MAP, LARIMER
19 COUNTY, COLORADO.—Community-Panel No.
20 080266 0605D, September 27, 1991. Federal Emer-
21 gency Management Agency, Federal Insurance Ad-
22 ministration.

23 (13) FLOOD INSURANCE RATE MAP, LARIMER
24 COUNTY, COLORADO.—Community-Panel No.
25 080264 0005A, September 27, 1991. Federal Emer-

1 agency Management Agency, Federal Insurance Ad-
2 ministration.

3 (14) FLOOD INSURANCE RATE MAP, LARIMER
4 COUNTY, COLORADO.—Community-Panel No.
5 080266 0608D, September 27, 1991. Federal Emer-
6 gency Management Agency, Federal Insurance Ad-
7 ministration.

8 (15) FLOOD INSURANCE RATE MAP, LARIMER
9 COUNTY, COLORADO.—Community-Panel No.
10 080266 0609C, September 28, 1982. Federal Emer-
11 gency Management Agency, Federal Insurance Ad-
12 ministration.

13 (16) FLOOD INSURANCE RATE MAP, LARIMER
14 COUNTY, COLORADO.—Community-Panel No.
15 080266 0628C, September 28, 1982. Federal Emer-
16 gency Management Agency, Federal Insurance Ad-
17 ministration.

18 (17) FLOOD INSURANCE RATE MAP, LARIMER
19 COUNTY, COLORADO.—Community-Panel No.
20 080184 0002B, July 16, 1979. United States De-
21 partment of Housing and Urban Development, Fed-
22 eral Insurance Administration.

23 (18) FLOOD INSURANCE RATE MAP, LARIMER
24 COUNTY, COLORADO.—Community-Panel No.
25 080266 0636C, September 28, 1982. Federal Emer-

1 agency Management Agency, Federal Insurance Ad-
2 ministration.

3 (19) FLOOD INSURANCE RATE MAP, LARIMER
4 COUNTY, COLORADO.—Community-Panel No.
5 080266 0637C, September 28, 1982. Federal Emer-
6 gency Management Agency, Federal Insurance Ad-
7 ministration.

8 As soon as practicable after the date of enactment of this
9 Act, the Secretary shall publish in the Federal Register
10 a detailed description and map of the boundaries of the
11 Corridor.

12 (e) PUBLIC ACCESS TO MAPS.—The maps shall be
13 on file and available for public inspection in—

14 (1) the offices of the Department of the Inte-
15 rior in Washington, District of Columbia, and Den-
16 ver, Colorado; and

17 (2) local offices of the city of Fort Collins,
18 Larimer County, the city of Greeley, and Weld
19 County.

20 (f) ESTABLISHMENT OF THE CACHE LA POUFRE
21 CORRIDOR COMMISSION.—

22 (1) ESTABLISHMENT.—

23 (A) IN GENERAL.—There is established the
24 Cache La Poudre Corridor Commission.

1 (B) FUNCTION.—The Commission, in con-
2 sultation with appropriate Federal, State, and
3 local authorities, shall develop and implement
4 an integrated plan to interpret elements of the
5 history of water development within the Cor-
6 ridor.

7 (2) MEMBERSHIP.—The Commission shall be
8 composed of 15 members appointed not later than 6
9 months after the date of enactment of this title. Of
10 these 15 members—

11 (A) 1 member shall be a representative of
12 the Secretary of the Interior which member
13 shall be an ex officio member;

14 (B) 1 member shall be a representative of
15 the Forest Service, appointed by the Secretary
16 of Agriculture, which member shall be an ex
17 officio member;

18 (C) 3 members shall be recommended by
19 the Governor and appointed by the Secretary,
20 of whom—

21 (i) 1 member shall represent the
22 State;

23 (ii) 1 member shall represent Colo-
24 rado State University in Fort Collins; and

1 (iii) 1 member shall represent the
2 Northern Colorado Water Conservancy
3 District;

4 (iv) 6 members shall be representa-
5 tives of local governments who are rec-
6 ommended by the Governor and appointed
7 by the Secretary, of whom—

8 (I) 1 member shall represent the
9 city of Fort Collins;

10 (II) 2 members shall represent
11 Larimer County, 1 of which shall rep-
12 resent agriculture or irrigated water
13 interests;

14 (III) 1 member shall represent
15 the city of Greeley;

16 (IV) 2 members shall represent
17 Weld County, 1 of which shall rep-
18 resent agricultural or irrigated water
19 interests; and

20 (V) 1 member shall represent the
21 city of Loveland; and

22 (v) 3 members shall be recommended
23 by the Governor and appointed by the Sec-
24 retary, and shall—

25 (I) represent the general public;

1 (II) be citizens of the State; and
2 (III) reside within the Area.

3 (3) CHAIRPERSON.—The chairperson of the
4 Commission shall be elected by the members of the
5 Commission from among members appointed under
6 clauses (iii), (iv), or (v) of subparagraph (A). The
7 chairperson shall be elected for a 2-year term.

8 (4) VACANCIES.—A vacancy on the Commission
9 shall be filled in the same manner in which the origi-
10 nal appointment was made.

11 (5) TERMS OF SERVICE.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraphs (B) and (C), each member of
14 the Commission shall be appointed for a term
15 of 3 years and may be reappointed.

16 (B) INITIAL MEMBERS.—The initial mem-
17 bers of the Commission first appointed under
18 paragraph (2)(A) shall be appointed as follows:

19 (i) 3-YEAR TERMS.—The following
20 initial members shall serve for a 3-year
21 term:

22 (I) The representative of the Sec-
23 retary of the Interior.

24 (II) 1 representative of Weld
25 County.

1 (III) 1 representative of Larimer
2 County.

3 (IV) 1 representative of the city
4 of Loveland.

5 (V) 1 representative of the gen-
6 eral public.

7 (ii) 2-YEAR TERMS.—The following
8 initial members shall serve for a 2-year
9 term:

10 (I) The representative of the
11 Forest Service.

12 (II) The representative of the
13 State.

14 (III) The representative of Colo-
15 rado State University.

16 (IV) The representative of the
17 Northern Colorado Water Conser-
18 vancy District.

19 (iii) 1-YEAR TERMS.—The following
20 initial members shall serve for a 1-year
21 term:

22 (I) 1 representative of the city of
23 Fort Collins.

24 (II) 1 representative of Larimer
25 County.

1 (III) 1 representative of the city
2 of Greeley.

3 (IV) 1 representative of Weld
4 County.

5 (V) 1 representative of the gen-
6 eral public.

7 (C) PARTIAL TERMS.—

8 (i) FILLING VACANCIES.—A member
9 of the Commission appointed to fill a va-
10 cancy occurring before the expiration of
11 the term for which a predecessor was ap-
12 pointed shall be appointed only for the re-
13 mainder of their term.

14 (ii) EXTENDED SERVICE.—A member
15 of the Commission may serve after the ex-
16 piration of that member's term until a suc-
17 cessor has taken office.

18 (6) COMPENSATION.—Members of the Commis-
19 sion shall receive no compensation for their service
20 on the Commission.

21 (7) TRAVEL EXPENSES.—While away from
22 their homes or regular places of business in the per-
23 formance of services for the Commission, members
24 shall be allowed travel expenses, including per diem
25 in lieu of subsistence, in the same manner as per-

1 sons employed intermittently in the Government
2 service are allowed expenses under section 5703 of
3 title 5, United States Code.

4 (g) STAFF OF THE COMMISSION.—

5 (1) STAFF.—The Commission shall have the
6 power to appoint and fix the compensation of such
7 staff as may be necessary to carry out the duties of
8 the Commission.

9 (A) APPOINTMENT AND COMPENSATION.—

10 Staff appointed by the Commission—

11 (i) shall be appointed without regard
12 to the civil service laws and regulations;
13 and

14 (ii) shall be compensated without re-
15 gard to the provisions of chapter 51 and
16 subchapter III of chapter 53 of title 5,
17 United States Code, relating to classifica-
18 tion of positions and General Schedule pay
19 rates.

20 (2) EXPERTS AND CONSULTANTS.—Subject to
21 such rules as may be adopted by the Commission,
22 the Commission may procure temporary and inter-
23 mittent services to the same extent as is authorized
24 by section 3109(b) of title 5, United States Code, at
25 rates for individuals that do not exceed the daily

1 equivalent of the annual rate of basic pay prescribed
2 for level V of the Executive Schedule under section
3 5316 of such title.

4 (3) STAFF OF OTHER AGENCIES.—

5 (A) FEDERAL.—Upon request of the Com-
6 mission, the head of a Federal agency may de-
7 tail, on a reimbursement basis, any of the per-
8 sonnel of the agency to the Commission to as-
9 sist the Commission in carrying out the Com-
10 mission's duties. The detail shall be without
11 interruption or loss of civil service status or
12 privilege.

13 (B) ADMINISTRATIVE SUPPORT SERV-
14 ICES.—The Administrator of the General Serv-
15 ices Administration shall provide to the Com-
16 mission, on a reimbursable basis, such adminis-
17 trative support services as the Commission may
18 request.

19 (C) STATE.—The Commission may—

20 (i) accept the service of personnel de-
21 tailed from the State, State agencies, and
22 political subdivisions of the State; and

23 (ii) reimburse the State, State agency,
24 or political subdivision of the State for
25 such services.

1 (h) POWERS OF THE COMMISSION.—

2 (1) HEARINGS.—

3 (A) IN GENERAL.—The Commission may
4 hold such hearings, sit and act at such times
5 and places, take such testimony, and receive
6 such evidence as the Commission considers nec-
7 essary to carry out this title.

8 (B) SUBPOENAS.—The Commission may
9 not issue subpoenas or exercise any subpoena
10 authority.

11 (2) MAILS.—The Commission may use the
12 United States mails in the same manner and under
13 the same conditions as other departments and agen-
14 cies of the Federal Government.

15 (3) MATCHING FUNDS.—The Commission may
16 use its funds to obtain money from any source under
17 a program or law requiring the recipient of the
18 money to make a contribution in order to receive the
19 money.

20 (4) GIFTS.—

21 (A) IN GENERAL.—Except as provided in
22 subsection (e)(3), the Commission may, for the
23 purpose of carrying out its duties, seek, accept,
24 and dispose of gifts, bequests, or donations of

1 money, personal property, or services received
2 from any source.

3 (5) REAL PROPERTY.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the Commission may not ac-
6 quire real property or an interest in real prop-
7 erty.

8 (B) EXCEPTION.—Subject to subpara-
9 graph (C), the Commission may acquire real
10 property in the Corridor, and interests in real
11 property in the Corridor—

12 (i) by gift or device;

13 (ii) by purchase from a willing seller
14 with money that was given or bequeathed
15 to the Commission; or

16 (iii) by exchange.

17 (C) CONVEYANCE TO PUBLIC AGENCIES.—

18 Any real property or interest in real property
19 acquired by the Commission under subpara-
20 graph (B) shall be conveyed by the Commission
21 to an appropriate non-Federal public agency, as
22 determined by the Commission. The conveyance
23 shall be made—

24 (i) as soon as practicable after acqui-
25 sition;

1 (ii) without consideration; and

2 (iii) on the condition that the real
3 property or interest in real property so
4 conveyed is used in furtherance of the pur-
5 pose for which the Area is established.

6 (6) COOPERATIVE AGREEMENTS.—For the pur-
7 pose of carrying out the Plan, the Commission may
8 enter into cooperative agreements with Federal
9 agencies, State agencies, political subdivisions of the
10 State, and persons. Any such cooperative agreement
11 shall, at a minimum, establish procedures for provid-
12 ing notice to the Commission of any action that may
13 affect the implementation of the Plan.

14 (7) ADVISORY GROUPS.—The Commission may
15 establish such advisory groups as it considers nec-
16 essary to ensure open communication with, and as-
17 sistance from Federal agencies, State agencies, polit-
18 ical subdivisions of the State, and interested per-
19 sons.

20 (8) MODIFICATION OF PLANS.—

21 (A) IN GENERAL.—The Commission may
22 modify the Plan if the Commission determines
23 that such modification is necessary to carry out
24 this section.

1 (B) NOTICE.—No modification shall take
2 effect until—

3 (i) any Federal agency, State agency,
4 or political subdivision of the State that
5 may be affected by the modification re-
6 ceives adequate notice of, and an oppor-
7 tunity to comment on, the modification;

8 (ii) if the modification is significant,
9 as determined by the Commission, the
10 Commission has—

11 (I) provided adequate notice of
12 the modification by publication in the
13 area of the Corridor; and

14 (II) conducted a public hearing
15 with respect to the modification; and

16 (III) the Governor has approved
17 the modification.

18 (i) DUTIES OF THE COMMISSION.—

19 (1) PLAN.—The Commission shall prepare, ob-
20 tain approval for, implement, and support the Plan
21 in accordance with subsection (j).

22 (2) MEETINGS.—

23 (A) TIMING.—

24 (i) INITIAL MEETING.—The Commis-
25 sion shall hold its first meeting not later

1 than 90 days after the date on which its
2 last initial member is appointed.

3 (ii) SUBSEQUENT MEETINGS.—After
4 the initial meeting, the Commission shall
5 meet at the call of the chairperson or 7 of
6 its members, except that the Commission
7 shall meet at least quarterly .

8 (B) QUORUM.—Ten members of the Com-
9 mission shall constitute a quorum, but a lesser
10 number of members may hold hearings.

11 (C) BUDGET.—The affirmative vote of not
12 less than 10 members of the Commission shall
13 be required to approve the budget of the Com-
14 mission.

15 (3) ANNUAL REPORTS.—Not later than May 15
16 of each year, following the year in which the mem-
17 bers of the Commission have been appointed, the
18 Commission shall publish and submit to the Sec-
19 retary and to the Governor, an annual report con-
20 cerning the Commission's activities.

21 (j) PREPARATION, REVIEW, AND IMPLEMENTATION
22 OF THE PLAN.—

23 (1) PREPARATION OF PLAN.—

24 (A) IN GENERAL.—Not later than 2 years
25 after the Commission conducts its first meeting,

1 the Commission shall submit to the Governor
2 an Interpretation Plan.

3 (B) DEVELOPMENT.—In developing the
4 Plan, the Commission shall—

5 (i) consult on a regular basis with ap-
6 propriate officials of any Federal or State
7 agency, political subdivision of the State,
8 and local government that has jurisdiction
9 over or an ownership interest in land,
10 water, or water rights within the Area; and

11 (ii) conduct public hearings within the
12 Area for the purpose of providing inter-
13 ested persons the opportunity to testify
14 about matters to be addressed by the Plan.

15 (C) RELATIONSHIP TO EXISTING PLANS.—
16 The Plan—

17 (i) shall recognize any existing Fed-
18 eral, State, and local plans;

19 (ii) shall not interfere with the imple-
20 mentation, administration, or amendment
21 of such plans; and

22 (iii) to the extent feasible, shall seek
23 to coordinate the plans and present a uni-
24 fied interpretation plan for the Corridor.

25 (2) REVIEW OF PLAN.—

1 (A) IN GENERAL.—The Commission shall
2 submit the Plan to the Governor for his review.

3 (B) GOVERNOR.—The Governor may re-
4 view the Plan and if he concurs in the Plan,
5 may submit the Plan to the Secretary, together
6 with any recommendations.

7 (C) SECRETARY.—The Secretary shall ap-
8 prove or disapprove the Plan within 90 days. In
9 reviewing the Plan, the Secretary shall consider
10 the adequacy of—

11 (i) public participation; and

12 (ii) the Plan in interpreting, for the
13 educational and inspirational benefit of
14 present and future generations, the unique
15 and significant contributions to our na-
16 tional heritage of cultural and historical
17 lands, waterways, and structures within
18 the Corridor.

19 (3) DISAPPROVAL OF PLAN.—

20 (A) NOTIFICATION BY SECRETARY.—If the
21 Secretary disapproves the Plan, the Secretary
22 shall, not later than 60 days after the date of
23 disapproval, advise the Governor and the Com-
24 mission of the reasons for disapproval, together
25 with recommendations for revision.

1 (B) REVISION AND RESUBMISSION TO GOV-
2 ERNOR.—Not later than 90 days after receipt
3 of the notice of disapproval, the Commission
4 shall revise and resubmit the Plan to the Gov-
5 ernor for review.

6 (C) RESUBMISSION TO SECRETARY.—If
7 the Governor concurs in the revised Plan, he
8 may submit the revised Plan to the Secretary
9 who shall approve or disapprove the revision
10 within 60 days. If the Governor does not concur
11 in the revised Plan, he may resubmit it to the
12 Commission together with his recommendations
13 for further consideration and modification.

14 (4) IMPLEMENTATION OF PLAN.—After ap-
15 proval by the Secretary, the Commission shall imple-
16 ment and support the Plan as follows:

17 (A) CULTURAL RESOURCES.—

18 (i) IN GENERAL.—The Commission
19 shall assist Federal agencies, State agen-
20 cies, political subdivisions of the State, and
21 nonprofit organizations in the conservation
22 and interpretation of cultural resources
23 within the Corridor.

24 (ii) EXCEPTION.—In providing the as-
25 sistance, the Commission shall in no way

1 infringe upon the authorities and policies
2 of a Federal agency, State agency, or polit-
3 ical subdivision of the State concerning the
4 administration and management of prop-
5 erty, water, or water rights held by such
6 agency, political subdivision, or private per-
7 sons or entities, or affect the jurisdiction
8 of the State of Colorado over any property,
9 water, or water rights within the Corridor.

10 (B) PUBLIC AWARENESS.—The Commis-
11 sion shall assist in the enhancement of public
12 awareness of, and appreciation for, the histori-
13 cal, recreational, architectural, and engineering
14 structures in the Area, and the archaeological,
15 geological, and cultural resources and sites in
16 the Corridor—

17 (i) by encouraging private owners of
18 identified structures, sites, and resources
19 to adopt voluntary measures for the pres-
20 ervation of the identified structure, site, or
21 resource; and

22 (ii) by cooperating with Federal agen-
23 cies, State agencies, and political subdivi-
24 sions of the State in acquiring, on a willing
25 seller basis, any identified structure, site,

1 or resource which the Commission, with
2 the concurrence of the Governor, deter-
3 mines should be acquired and held by an
4 agency of the State.

5 (C) RESTORATION.—The Commission may
6 assist Federal agencies, State agencies, political
7 subdivisions of the State, and nonprofit organi-
8 zations in the restoration of any identified
9 structure or site in the Corridor with consent of
10 the owner. The assistance may include provid-
11 ing technical assistance for historic preserva-
12 tion, revitalization, and enhancement efforts.

13 (D) INTERPRETATION.—The Commission
14 shall assist in the interpretation of the histori-
15 cal, present, and future uses of the Corridor—

16 (i) by consulting with the Secretary
17 with respect to the implementation of the
18 Secretary's duties under subsection (l);

19 (ii) by assisting the State and political
20 subdivisions of the State in establishing
21 and maintaining visitor orientation centers
22 and other interpretive exhibits within the
23 Corridor;

24 (iii) by encouraging voluntary co-
25 operation and coordination, with respect to

1 ongoing interpretive services in the Cor-
2 ridor, among Federal agencies, State agen-
3 cies, political subdivisions of the State,
4 nonprofit organizations, and private citi-
5 zens; and

6 (iv) by encouraging Federal agencies,
7 State agencies, political subdivisions of the
8 State, and nonprofit organizations to un-
9 dertake new interpretive initiatives with re-
10 spect to the Corridor.

11 (E) RECOGNITION.—The Commission shall
12 assist in establishing recognition for the Cor-
13 ridor by actively promoting the cultural, histori-
14 cal, natural, and recreational resources of the
15 Corridor on a community, regional, statewide,
16 national, and international basis.

17 (F) LAND EXCHANGES.—The Commission
18 shall assist in identifying and implementing
19 land exchanges within the State of Colorado by
20 Federal and State agencies that will expand
21 open space and recreational opportunities with-
22 in the flood plain of the Corridor.

23 (k) TERMINATION OF TRAVEL EXPENSES PROVI-
24 SION.—Effective on the date that is 5 years after the date
25 on which the Secretary approves the Plan, members of the

1 Commission may no longer receive reimbursement for
2 travel expenses.

3 (l) DUTIES OF THE SECRETARY.—

4 (1) ACQUISITION OF LAND.—The Secretary
5 may acquire land and interests in land within the
6 Corridor that have been specifically identified by the
7 Commission for acquisition by the Federal Govern-
8 ment and that have been approved for such acquisi-
9 tion by the Governor and the political subdivision of
10 the State where the land is located by donation, pur-
11 chase with donated or appropriated funds, or ex-
12 change. Acquisition authority may only be used if
13 such lands cannot be acquired by donation or ex-
14 change. No land or interest in land may be acquired
15 without the consent of the owner.

16 (2) TECHNICAL ASSISTANCE.—The Secretary
17 shall, upon the request of the Commission, provide
18 technical assistance to the Commission in the prepa-
19 ration and implementation of the Plan pursuant to
20 subsection (j).

21 (3) DETAIL.—Each fiscal year during the exist-
22 ence of the Commission, the Secretary shall detail to
23 the Commission, on a nonreimbursable basis, 2 em-
24 ployees of the Department of the Interior to enable

1 the Commission to carry out the Commission's du-
2 ties under subsection (i).

3 (m) OTHER FEDERAL ENTITIES.—

4 (1) DUTIES.—Subject to subsection (a), a Fed-
5 eral entity conducting or supporting activities di-
6 rectly affecting the flow of the Cache La Poudre
7 River through the Corridor, or the natural resources
8 of the Corridor shall consult with the Commission
9 with respect to such activities;

10 (2) AUTHORIZATION.—

11 (A) IN GENERAL.—The Secretary or Ad-
12 ministrator of a Federal agency may acquire
13 land in the flood plain of the Corridor by ex-
14 change for other lands within such agency's ju-
15 risdiction within the State of Colorado, based
16 on fair market value: *Provided*, That such lands
17 have been identified by the Commission for ac-
18 quisition by a Federal agency and the Governor
19 and the political subdivision of the State or the
20 owner where the lands are located concur in the
21 exchange. Land so acquired shall be used to ful-
22 fill the purpose for which the Corridor is estab-
23 lished.

24 (B) AUTHORIZATION TO CONVEY PROP-
25 erty.—The Federal Property and Administra-

1 tive Services Act of 1949 shall not apply to any
2 property within the State of Colorado for the
3 Cache La Poudre Corridor.”.

4 (n) EFFECT ON ENVIRONMENTAL AND OTHER
5 STANDARDS, RESTRICTIONS, AND SAVINGS PROVI-
6 SIONS.—

7 (1) EFFECT ON ENVIRONMENTAL AND OTHER
8 STANDARDS.—

9 (A) VOLUNTARY COOPERATION.—In carry-
10 ing out this section, the Commission and Sec-
11 retary shall emphasize voluntary cooperation.

12 (B) RULES, REGULATIONS, STANDARDS,
13 AND PERMIT PROCESSES.—Nothing in this sec-
14 tion shall be considered to impose or form the
15 basis for imposition of any environmental, occu-
16 pational, safety, or other rule, regulation,
17 standard, or permit process that is different
18 from those that would be applicable had the
19 Corridor not been established.

20 (C) ENVIRONMENTAL QUALITY STAND-
21 ARDS.—Nothing in this section shall be consid-
22 ered to impose the application or administration
23 of any Federal or State environmental quality
24 standard that is different from those that will

1 be applicable had the Corridor not been estab-
2 lished.

3 (D) WATER STANDARDS.—Nothing in this
4 section shall be considered to impose any Fed-
5 eral or State water use designation or water
6 quality standard upon uses of, or discharges to,
7 waters of the State or waters of the United
8 States, within or adjacent to the Corridor, that
9 is more restrictive than those that would be ap-
10 plicable had the Corridor not been established.

11 (E) PERMITTING OF FACILITIES.—Nothing
12 in the establishment of the Corridor shall
13 abridge, restrict, or alter any applicable rule,
14 regulation, standard, or review procedure for
15 permitting of facilities within or adjacent to the
16 Corridor.

17 (F) WATER FACILITIES.—Nothing in the
18 establishment of the Corridor shall affect the
19 continuing use and operation, repair, rehabilita-
20 tion, expansion, or new construction of water
21 supply facilities, water and wastewater treat-
22 ment facilities, stormwater facilities, public util-
23 ities, and common carriers.

24 (G) WATER AND WATER RIGHTS.—Noth-
25 ing in the establishment of the Corridor shall be

1 considered to authorize or imply the reservation
2 or appropriation of water or water rights for
3 any purpose.

4 (2) RESTRICTIONS ON COMMISSION AND SEC-
5 RETARY.—Nothing in this section shall be construed
6 to vest in the Commission or the Secretary the au-
7 thority to—

8 (A) require a Federal agency, State agen-
9 cy, political subdivision of the State, or private
10 person (including an owner of private property)
11 to participate in a project or program carried
12 out by the Commission or the Secretary under
13 the title;

14 (B) intervene as a party in an administra-
15 tive or judicial proceeding concerning the appli-
16 cation or enforcement of a regulatory authority
17 of a Federal agency, State agency, or political
18 subdivision of the State, including, but not lim-
19 ited to, authority relating to land use regula-
20 tion; environmental quality; licensing; permit-
21 ting; easements; private land development; or
22 other occupational or access issue;

23 (C) establish or modify a regulatory au-
24 thority of a Federal agency, State agency, or

1 political subdivision of the State, including au-
2 thority relating to—

3 (i) land use regulation;

4 (ii) environmental quality; or

5 (iii) pipeline or utility crossings;

6 (D) modify a policy of a Federal agency,
7 State agency, or political subdivision of the
8 State;

9 (E) attest in any manner the authority and
10 jurisdiction of the State with respect to the ac-
11 quisition of lands or water, or interest in lands
12 or water;

13 (F) vest authority to reserve or appro-
14 priate water or water rights in any entity for
15 any purpose;

16 (G) deny, condition, or restrict the con-
17 struction, repair, rehabilitation, or expansion of
18 water facilities, including stormwater, water,
19 and wastewater treatment facilities; or

20 (H) deny, condition, or restrict the exercise
21 of water rights in accordance with the sub-
22 stantive and procedural requirements of the
23 laws of the State.

24 (3) SAVINGS PROVISION.—Nothing in this sec-
25 tion shall diminish, enlarge, or modify a right of a

1 Federal agency, State agency, or political subdivision
2 of the State—

3 (A) to exercise civil and criminal jurisdic-
4 tion within the Corridor; or

5 (B) to tax persons, corporations, fran-
6 chises, or property, including minerals and
7 other interests in or on lands or waters within
8 the urban river corridor portions of the Cor-
9 ridor.

10 (4) ACCESS TO PRIVATE PROPERTY.—Nothing
11 in this section requires an owner of private property
12 to allow access to the property by the public.

13 (o) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be
15 appropriated not to exceed \$50,000 to the Commis-
16 sion to carry out this section.

17 (2) MATCHING FUNDS.—Funds may be made
18 available pursuant to this subsection only to the ex-
19 tent they are matched by equivalent funds or in-kind
20 contributions of services or materials from non-Fed-
21 eral sources.

22 **SEC. 402. RIO PUERCO WATERSHED.**

23 (a) MANAGEMENT PROGRAM.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior, acting through the Director of the Bureau of
3 Land Management shall—

4 (A) in consultation with the Rio Puerco
5 Management Committee established by sub-
6 section (b)—

7 (i) establish a clearinghouse for re-
8 search and information on management
9 within the area identified as the Rio
10 Puerco Drainage Basin, as depicted on the
11 map entitled “the Rio Puerco Watershed”
12 dated June 1994, including—

13 (I) current and historical natural
14 resource conditions; and

15 (II) data concerning the extent
16 and causes of watershed impairment;
17 and

18 (ii) establish an inventory of best
19 management practices and related mon-
20 itoring activities that have been or may be
21 implemented within the area identified as
22 the Rio Puerco Watershed Project, as de-
23 picted on the map entitled “the Rio Puerco
24 Watershed” dated June 1994; and

1 (B) provide support to the Rio Puerco
2 Management Committee to identify objectives,
3 monitor results of ongoing projects, and develop
4 alternative watershed management plans for the
5 Rio Puerco Drainage Basin, based on best man-
6 agement practices.

7 (2) RIO PUERCO MANAGEMENT REPORT.—

8 (A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this Act, the Sec-
10 retary of the Interior, in consultation with the
11 Rio Puerco Management Committee, shall pre-
12 pare a report for the improvement of watershed
13 conditions in the Rio Puerco Drainage Basin
14 described in paragraph (1)(A).

15 (B) CONTENTS.—The report under sub-
16 paragraph (A) shall—

17 (i) identify reasonable and appropriate
18 goals and objectives for landowners and
19 managers in the Rio Puerco watershed;

20 (ii) describe potential alternative ac-
21 tions to meet the goals and objectives, in-
22 cluding proven best management practices
23 and costs associated with implementing the
24 actions;

1 (iii) recommend voluntary implemen-
2 tation of appropriate best management
3 practices on public and private lands;

4 (iv) provide for cooperative develop-
5 ment of management guidelines for main-
6 taining and improving the ecological, cul-
7 tural, and economic conditions on public
8 and private lands;

9 (v) provide for the development of
10 public participation and community out-
11 reach programs that would include propos-
12 als for—

13 (I) cooperative efforts with pri-
14 vate landowners to encourage imple-
15 mentation of best management prac-
16 tices within the watershed; and

17 (II) Involvement of private citi-
18 zens in restoring the watershed;

19 (vi) provide for the development of
20 proposals for voluntary cooperative pro-
21 grams among the members of the Rio
22 Puerco Management Committee to imple-
23 ment best management practices in a co-
24 ordinated, consistent, and cost-effective
25 manner;

1 (vii) provide for the encouragement of,
2 and support implementation of, best man-
3 agement practices on private lands; and

4 (viii) provide for the development of
5 proposals for a monitoring system that—

6 (I) builds on existing data avail-
7 able from private, Federal, and State
8 sources;

9 (II) provides for the coordinated
10 collection, evaluation, and interpreta-
11 tion of additional data as needed or
12 collected; and

13 (III) will provide information to
14 assess existing resource and socio-
15 economic conditions; identify priority
16 implementation actions; and assess
17 the effectiveness of actions taken.

18 (b) RIO PUERCO MANAGEMENT COMMITTEE.—

19 (1) ESTABLISHMENT.—There is established the
20 Rio Puerco Management Committee (referred to in
21 this section as the “Committee”).

22 (2) MEMBERSHIP.—The Committee shall be
23 convened by a representative of the Bureau of Land
24 Management and shall include representatives
25 from—

- 1 (A) the Rio Puerco Watershed Committee;
- 2 (B) affected tribes and pueblos;
- 3 (C) the National Forest Service of the De-
- 4 partment of Agriculture;
- 5 (D) the Bureau of Reclamation;
- 6 (E) the United States Geological Survey;
- 7 (F) the Bureau of Indian Affairs;
- 8 (G) the United States Fish and Wildlife
- 9 Service;
- 10 (H) the Army Corps of Engineers;
- 11 (I) the Natural Resources Conservation
- 12 Service of the Department of Agriculture;
- 13 (J) the State of New Mexico, including the
- 14 New Mexico Environment Department of the
- 15 State Engineer;
- 16 (K) affected local soil and water conserva-
- 17 tion districts;
- 18 (L) the Elephant Butte Irrigation District;
- 19 (M) private landowners; and
- 20 (N) other interested citizens.

21 (3) DUTIES.—The Rio Puerco Management
22 Committee shall—

- 23 (A) advise the Secretary of the Interior,
- 24 acting through the Director of the Bureau of
- 25 Land Management, on the development and im-

1 plementation of the Rio Puerco Management
2 Program described in subsection (a); and

3 (B) serve as a forum for information about
4 activities that may affect or further the develop-
5 ment and implementation of the best manage-
6 ment practices described in subsection (a)

7 (4) TERMINATION.—The Committee shall ter-
8 minate on the date that is 10 years after the date
9 of enactment of this Act.

10 (c) REPORT.—Not later than the date that is 2 years
11 after the date of enactment of this Act, and biennially
12 thereafter, the Secretary of the Interior, in consultation
13 with the Rio Puerco Management Committee, shall trans-
14 mit to the Committee on Energy and Natural Resources
15 of the Senate and to the Committee on Resources of the
16 House of Representatives a report containing—

17 (1) a summary of activities of the management
18 program under subsection (a); and

19 (2) proposals for joint implementation efforts,
20 including funding recommendations.

21 (d) LOWER RIO GRANDE HABITAT STUDY.—

22 (1) IN GENERAL.—The Secretary of the Inte-
23 rior, in cooperation with appropriate State agencies,
24 shall conduct a study of the Rio Grande that—

1 (A) shall cover the distance from Caballo
2 Lake to Sunland Park, New Mexico; and

3 (B) may cover a greater distance.

4 (2) CONTENTS.—The study under paragraph
5 (1) shall include—

6 (A) a survey of the current habitat condi-
7 tions of the river and its riparian environment;

8 (B) identification of the changes in vegeta-
9 tion and habitat over the past 400 years and
10 the effect of the changes on the river and ripar-
11 ian area; and

12 (C) an assessment of the feasibility, bene-
13 fits, and problems associated with activities to
14 prevent further habitat loss and to restore habi-
15 tat through reintroduction or establishment of
16 appropriate native plant species.

17 (3) TRANSMITTAL.—Not later than 3 years
18 after the date on which funds are made available to
19 carry out this section, the Secretary of the Interior
20 shall transmit the study under paragraph (1) to the
21 Committee on Energy and Natural Resources of the
22 Senate and to the Committee on Resources of the
23 House of Representatives.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section a

1 total of \$7,500,000 for the 10 fiscal years beginning after
2 the date of enactment of this Act.

3 **SEC. 403. OLD SPANISH TRAIL.**

4 Section 5(c) of the National Trails System Act (16
5 U.S.C. 1244(c)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “() The Old Spanish Trail, beginning in Santa Fe,
8 New Mexico, proceeding through Colorado and Utah, and
9 ending in Los Angeles, California, and the Northern
10 Branch of the Old Spanish Trail, beginning near
11 Espanola, New Mexico, proceeding through Colorado, and
12 ending near Crescent Junction, Utah.”.

13 **SEC. 404. GREAT WESTERN SCENIC TRAIL.**

14 Section 5(c) of the National Trails System Act (16
15 U.S.C. 1244(c)) is amended by adding at the end the fol-
16 lowing new paragraph:

17 “() The Great Western Scenic Trail, a system of
18 trails to accommodate a variety of travel users in a cor-
19 ridor of approximately 3,100 miles in length extending
20 from the Arizona-Mexico border to the Idaho-Montana-
21 Canada border, following the approximate route depicted
22 on the map identified as ‘Great Western Trail Corridor,
23 1988’, which shall be on file and available for public in-
24 spection in the Office of the Chief of the Forest Service,
25 United States Department of Agriculture. The trail study

1 shall be conducted by the Secretary of Agriculture, in con-
 2 sultation with the Secretary of the Interior, in accordance
 3 with subsection (b) and shall include—

4 “(A) the current status of land ownership and
 5 current and potential use along the designated route;

6 “(B) the estimated cost of acquisition of lands
 7 or interests in lands, if any; and

8 “(C) an examination of the appropriateness of
 9 motorized trail use along the trail.”.

10 **SEC. 405. RS 2477.**

11 No final rule or regulation of any agency of the Fed-
 12 eral Government pertaining to the recognition, manage-
 13 ment, or validity of a right-of-way pursuant to Revised
 14 Statute 2477 (43 U.S.C. 932) shall take effect unless ex-
 15 pressly authorized by an Act of Congress subsequent to
 16 the date of enactment of this Act.

17 **SEC. 406. HANFORD REACH PRESERVATION.**

18 Section 2 of Public Law 100–605 is amended as fol-
 19 lows:

20 (1) By striking “**INTERIM**” in the section
 21 heading.

22 (2) By striking “For a period of eight years
 23 after” and inserting “After” in subsection (a).

1 (3) By striking in subsection (b) “During the
2 eight year interim protection period, provided by this
3 section, all” and inserting “All”.

4 **SEC. 407. LAMPREY WILD AND SCENIC RIVER.**

5 (a) DESIGNATION.—Section 3(a) of the Wild and
6 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
7 ing the following new paragraph at the end thereof:

8 “(157) LAMPREY RIVER, NEW HAMPSHIRE.—The
9 11.5-mile segment extending from the southern Lee town
10 line to the confluence with the Piscassic River in the vicin-
11 ity of the Durham-Newmarket town line (hereinafter in
12 this paragraph referred to as the ‘segment’) as a rec-
13 reational river. The segment shall be administered by the
14 Secretary of the Interior through cooperative agreements
15 between the Secretary and the State of New Hampshire
16 and its relevant political subdivisions, namely the towns
17 of Durham, Lee, and Newmarket, pursuant to section
18 10(e) of this Act. The segment shall be managed in ac-
19 cordance with the Lamprey River Management Plan dated
20 January 10, 1995, and such amendments thereto as the
21 Secretary of the Interior determines are consistent with
22 this Act. Such plan shall be deemed to satisfy the require-
23 ments for a comprehensive management plan pursuant to
24 section 3(d) of this Act.”.

25 (b) MANAGEMENT.—

1 (1) COMMITTEE.—The Secretary of the Interior
2 shall coordinate his management responsibilities
3 under this Act with respect to the segment des-
4 ignated by subsection (a) with the Lamprey River
5 Advisory Committee established pursuant to New
6 Hampshire RSA 483.

7 (2) LAND MANAGEMENT.—The zoning ordi-
8 nances duly adopted by the towns of Durham, Lee,
9 and Newmarket, New Hampshire, including provi-
10 sions for conservation of shorelands, floodplains, and
11 wetlands associated with the segment, shall be
12 deemed to satisfy the standards and requirements of
13 section 6(c) of the Wild and Scenic Rivers Act, and
14 the provisions of that section, which prohibit Federal
15 acquisition of lands by condemnation, shall apply to
16 the segment designated by subsection (a). The au-
17 thority of the Secretary to acquire lands for the pur-
18 poses of this paragraph shall be limited to acquisi-
19 tion by donation or acquisition with the consent of
20 the owner thereof, and shall be subject to the addi-
21 tional criteria set forth in the Lamprey River Man-
22 agement Plan.

23 (c) UPSTREAM SEGMENT.—Upon request by the
24 town of Epping, which abuts an additional 12 miles of
25 river found eligible for designation as a recreational river,

1 the Secretary of the Interior shall offer assistance regard-
2 ing continued involvement of the town of Epping in the
3 implementation of the Lamprey River Management Plan
4 and in consideration of potential future addition of that
5 portion of the river within Epping as a component of the
6 Wild and Scenic Rivers System.

7 **SEC. 408. WEST VIRGINIA NATIONAL RIVERS AMENDMENTS**
8 **OF 1996.**

9 (a) AMENDMENTS PERTAINING TO THE NEW RIVER
10 GORGE NATIONAL RIVER.—

11 (1) BOUNDARIES.—Section 1101 of the Na-
12 tional Parks and Recreation Act of 1978 (16 U.S.C.
13 460m–15) is amended by striking out “NERI–
14 80,023, dated January 1987” and inserting
15 “NERI–80,028A, dated March 1996”.

16 (2) FISH AND WILDLIFE MANAGEMENT.—Sec-
17 tion 1106 of the National Parks and Recreation Act
18 of 1978 (16 U.S.C. 460m–20) is amended by adding
19 the following at the end thereof: “The Secretary
20 shall permit the State of West Virginia to undertake
21 fish stocking activities carried out by the State, in
22 consultation with the Secretary, on waters within the
23 boundaries of the national river. Nothing in this Act
24 shall be construed as affecting the jurisdiction of the

1 State of West Virginia with respect to fish and wild-
2 life.”.

3 (3) CONFORMING AMENDMENTS.—Title XI of
4 the National Parks and Recreation Act of 1978 (16
5 U.S.C. 460m–15 and following) is amended by add-
6 ing the following new section at the end thereof:

7 **“SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.**

8 “(a) COOPERATIVE AGREEMENTS.—The provisions
9 of section 202(e)(1) of the West Virginia National Interest
10 River Conservation Act of 1987 (16 U.S.C. 460ww–
11 1(e)(1)) shall apply to the New River Gorge National
12 River in the same manner and to the same extent as such
13 provisions apply to the Gauley River National Recreation
14 Area.

15 “(b) REMNANT LANDS.—The provisions of the sec-
16 ond sentence of section 203(a) of the West Virginia Na-
17 tional Interest River Conservation Act of 1987 (16 U.S.C.
18 460ww–2(a)) shall apply to tracts of land partially within
19 the boundaries of the New River Gorge National River in
20 the same manner and to the same extent as such provi-
21 sions apply to tracts of land only partially within the
22 Gauley River National Recreation Area.”.

23 (b) VISITOR CENTER.—The Secretary of the Interior
24 is authorized to construct a visitor center and such other
25 related facilities as may be deemed necessary to facilitate

1 visitor understanding and enjoyment of the New River
2 Gorge National River and the Gauley River National
3 Recreation Area in the vicinity of the confluence of the
4 New and Gauley Rivers. Such center and related facilities
5 are authorized to be constructed at a site outside of the
6 boundary of the New River Gorge National River or
7 Gauley River National Recreation Area unless a suitable
8 site is available within the boundaries of either unit.

9 (c) AMENDMENTS PERTAINING TO THE GAULEY
10 RIVER NATIONAL RECREATION AREA.—

11 (1) TECHNICAL AMENDMENT.—Section 205(c)
12 of the West Virginia National Interest River Con-
13 servation Act of 1987 (16 U.S.C. 460ww–4(c)) is
14 amended by adding the following at the end thereof:
15 “If project construction is not commenced within the
16 time required in such license, or if such license is
17 surrendered at any time, such boundary modification
18 shall cease to have any force and effect.”.

19 (2) GAULEY ACCESS.—Section 202(e) of the
20 West Virginia National Interest River Conservation
21 Act of 1987 (16 U.S.C. 460ww–1(e)) is amended by
22 adding the following new paragraph at the end
23 thereof:

24 “(4) ACCESS TO RIVER.—(A) In order to facili-
25 tate public safety, use, and enjoyment of the recre-

1 ation area, and to protect, to the maximum extent
2 feasible, the scenic and natural resources of the
3 area, the Secretary is authorized and directed to ac-
4 quire such lands or interests in lands and to take
5 such actions as are necessary to provide access by
6 noncommercial entities on the north side of the
7 Gauley River at the area known as Woods Ferry uti-
8 lizing existing roads and rights-of-way. Such actions
9 by the Secretary shall include the construction of
10 parking and related facilities in the vicinity of
11 Woods Ferry for noncommercial use on lands ac-
12 quired pursuant to paragraph (3) or on lands ac-
13 quired with the consent of the owner thereof within
14 the boundaries of the recreation area.

15 “(B) If necessary, in the discretion of the Sec-
16 retary, in order to minimize environmental impacts,
17 including visual impacts, within portions of the
18 recreation area immediately adjacent to the river,
19 the Secretary may, by contract or otherwise, provide
20 transportation services for noncommercial visitors,
21 at reasonable cost, between such parking facilities
22 and the river.

23 “(C) Nothing in subparagraph (A) shall affect
24 the rights of any person to continue to utilize, pur-
25 suant to a lease in effect on April 1, 1993, any right

1 of way acquired pursuant to such lease which au-
2 thorizes such person to use an existing road referred
3 to in subparagraph (A). Except as provided under
4 paragraph (2) relating to access immediately down-
5 stream of the Summersville project, until there is
6 compliance with this paragraph the Secretary is pro-
7 hibited from acquiring or developing any other river
8 access points within the recreation area.”.

9 (d) AMENDMENTS PERTAINING TO THE BLUESTONE
10 NATIONAL SCENIC RIVER.—

11 (1) BOUNDARIES.—Section 3(a)(65) of the
12 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65))
13 is amended by striking out “WSR–BLU/20,000, and
14 dated January 1987” and inserting “BLUE–80,005,
15 dated May 1996”.

16 (2) PUBLIC ACCESS.—Section 3(a)(65) of the
17 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65))
18 is amended by adding the following at the end there-
19 of: “In order to provide reasonable public access and
20 vehicle parking for public use and enjoyment of the
21 river designated by this paragraph, consistent with
22 the preservation and enhancement of the natural
23 and scenic values of such river, the Secretary may,
24 with the consent of the owner thereof, negotiate a
25 memorandum of understanding or cooperative agree-

1 ment, or acquire not more than 10 acres of lands or
 2 interests in such lands, or both, as may be necessary
 3 to allow public access to the Bluestone River and to
 4 provide, outside the boundary of the scenic river,
 5 parking and related facilities in the vicinity of the
 6 area known as Eads Mill.”.

7 **SEC. 409. TECHNICAL AMENDMENT TO THE WILD AND**
 8 **SCENIC RIVERS ACT.**

9 (a) NUMBERING OF PARAGRAPHS.—The unnumbered
 10 paragraphs in section 3(a) of the Wild and Scenic Rivers
 11 Act (16 U.S.C. 1274(a)), relating to each of the following
 12 river segments, are each amended by numbering such
 13 paragraphs as follows:

River:	Paragraph Number
East Fork of Jemez, New Mexico	(109)
Pecos River, New Mexico	(110)
Smith River, California	(111)
Middle Fork Smith River, California	(112)
North Fork Smith River, California	(113)
Siskiyou Fork Smith River, California	(114)
South Fork Smith River, California	(115)
Clarks Fork, Wyoming	(116)
Niobrara, Nebraska	(117)
Missouri River, Nebraska and South Dakota	(118)
Bear Creek, Michigan	(119)
Black, Michigan	(120)
Carp, Michigan	(121)
Indian, Michigan	(122)
Manistee, Michigan	(123)
Ontonagon, Michigan	(124)
Paint, Michigan	(125)
Pine, Michigan	(126)
Presque Isle, Michigan	(127)
Sturgeon, Hiawatha National Forest, Michigan	(128)
Sturgeon, Ottawa National Forest, Michigan	(129)
East Branch of the Tahquamenon, Michigan	(130)
Whitefish, Michigan	(131)
Yellow Dog, Michigan	(132)
Allegheny, Pennsylvania	(133)
Big Piney Creek, Arkansas	(134)

Buffalo River, Arkansas	(135)
Cossatot River, Arkansas	(136)
Hurricane Creek, Arkansas	(137)
Little Missouri River, Arkansas	(138)
Mulberry River, Arkansas	(139)
North Sylamore Creek, Arkansas	(140)
Richland Creek, Arkansas	(141)
Sespe Creek, California	(142)
Sisquoc River, California	(143)
Big Sur River, California	(144)
Great Egg Harbor River, New Jersey	(145)
The Maurice River, Middle Segment	(146)
The Maurice River, Middle Segment	(147)
The Maurice River, Upper Segment	(148)
The Menantico Creek, Lower Segment	(149)
The Menantico Creek, Upper Segment	(150)
Manumuskin River, Lower Segment	(151)
Manumuskin River, Upper Segment	(152)
Muskee Creek, New Jersey	(153)
Red River, Kentucky	(154)
Rio Grande, New Mexico	(155)
Farmington River, Connecticut	(156)

1 (b) STUDY RIVERS.—Section 5(a) of such Act is

2 amended as follows:

3 (1) Paragraph (106), relating to St. Mary's,
4 Florida, is renumbered as paragraph (108).

5 (2) Paragraph (112), relating to White Clay
6 Creek, Delaware and Pennsylvania, is renumbered
7 as paragraph (113).

8 (3) The unnumbered paragraphs, relating to
9 each of the following rivers, are amended by num-
10 bering such paragraphs as follows:

River:	Paragraph Number
Mills River, North Carolina	(109)
Sudbury, Assabet, and Concord, Massachusetts	(110)
Niobrara, Nebraska	(111)
Lamprey, New Hampshire	(112)
Brule, Michigan and Wisconsin	(114)
Carp, Michigan	(115)
Little Manistee, Michigan	(116)
White, Michigan	(117)
Ontonagon, Michigan	(118)

Paint, Michigan	(119)
Presque Isle, Michigan	(120)
Sturgeon, Ottawa National Forest, Michigan	(121)
Sturgeon, Hiawatha National Forest, Michigan	(122)
Tahquamenon, Michigan	(123)
Whitefish, Michigan	(124)
Clarion, Pennsylvania	(125)
Mill Creek, Jefferson and Clarion Counties, Pennsylvania	(126)
Piru Creek, California	(127)
Little Sur River, California	(128)
Matilija Creek, California	(129)
Lopez Creek, California	(130)
Sespe Creek, California	(131)
North Fork Merced, California	(132)
Delaware River, Pennsylvania and New Jersey	(133)
New River, West Virginia and Virginia	(134)
Rio Grande, New Mexico	(135)

1 **SEC. 410. PROTECTION OF NORTH ST. VRAIN CREEK, COLO-**
2 **RADO.**

3 (a) NORTH ST. VRAIN CREEK AND ADJACENT
4 LANDS.—The Act of January 26, 1915, establishing
5 Rocky Mountain National Park (38 Stat. 798; 16 U.S.C.
6 191 and following), is amended by adding the following
7 new section at the end thereof:

8 **“SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.**

9 “Neither the Secretary of the Interior nor any other
10 Federal agency or officer may approve or issue any permit
11 for, or provide any assistance for, the construction of any
12 new dam, reservoir, or impoundment on any segment of
13 North St. Vrain Creek or its tributaries within the bound-
14 aries of Rocky Mountain National Park or on the main
15 stem of North St. Vrain Creek downstream to the point
16 at which the creek crosses the elevation 6,550 feet above
17 mean sea level. Nothing in this section shall be construed

1 to prevent the issuance of any permit for the construction
2 of a new water gaging station on North St. Vrain Creek
3 at the point of its confluence with Coulson Gulch.”.

4 (b) ENCOURAGEMENT OF EXCHANGES.—

5 (1) LANDS INSIDE ROCKY MOUNTAIN NATIONAL
6 PARK.—Promptly following enactment of this Act,
7 the Secretary of the Interior shall seek to acquire by
8 donation or exchange those lands within the bound-
9 aries of Rocky Mountain National Park owned by
10 the city of Longmont, Colorado, that are referred to
11 in section 111(d) of the Act commonly referred to as
12 the “Colorado Wilderness Act of 1980” (Public Law
13 96–560; 94 Stat. 3272; 16 U.S.C. 192b–9(d)).

14 (2) OTHER LANDS.—The Secretary of Agri-
15 culture shall immediately and actively pursue nego-
16 tiations with the city of Longmont, Colorado, con-
17 cerning the city’s proposed exchange of lands owned
18 by the city and located in and near Coulson Gulch
19 for other lands owned by the United States. The
20 Secretary shall report to Congress 2 calendar years
21 after the date of enactment of this Act, and every
22 2 years thereafter on the progress of such negotia-
23 tions until negotiations are complete.

1 **TITLE V—HISTORIC AREAS AND**
2 **CIVIL RIGHTS**

3 **SEC. 501. THE SELMA TO MONTGOMERY NATIONAL HIS-**
4 **TORIC TRAIL.**

5 Section 5(a) of the National Trails System Act (16
6 U.S.C. 1244(a)) is amended by adding at the end thereof
7 the following new paragraph:

8 “() The Selma to Montgomery National Historic
9 Trail, consisting of 54 miles of city streets and United
10 States Highway 80 from Brown Chapel A.M.E. Church
11 in Selma to the State Capitol Building in Montgomery,
12 Alabama, traveled by voting rights advocates during
13 March 1965 to dramatize the need for voting rights legis-
14 lation, as generally described in the report of the Secretary
15 of the Interior prepared pursuant to subsection (b) of this
16 section entitled “Selma to Montgomery” and dated April
17 1993. Maps depicting the route shall be on file and avail-
18 able for public inspection in the Office of the National
19 Park Service, Department of the Interior. The trail shall
20 be administered in accordance with this Act, including sec-
21 tion 7(h). The Secretary of the Interior, acting through
22 the National Park Service, which shall be the lead Federal
23 agency, shall cooperate with other Federal, State and local
24 authorities to preserve historic sites along the route, in-

cluding (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.”.

SEC. 502. VANCOUVER NATIONAL HISTORIC RESERVE.

(a) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this section as the “Reserve”), consisting of the area described in the report entitled “Vancouver National Historic Reserve Feasibility Study and Environmental Assessment” published by the Vancouver Historical Study Commission and dated April 1993 as authorized by Public Law 101–523 (referred to in this section as the “Vancouver Historic Reserve Report”).

(b) ADMINISTRATION.—(1) The Reserve shall be administered through a general management plan developed in accordance with this section, and approved by the Secretary of the Interior and the Secretary of the Army.

(2) Not later than three years after the date of enactment of this Act, the National Park Service shall submit to the Secretaries a general management plan for the administration of the Reserve.

(3) The general management plan shall be developed by a Partnership comprised of a representative from the National Park Service, a representative of the Historic Preservation Office of the State of Washington, a rep-

1 representative of the Department of the Army, and a rep-
2 resentative of the City of Vancouver, Washington.

3 (4) The general management plan shall be developed
4 in accordance with the specific findings and recommenda-
5 tions of the Vancouver Historic Reserve Report, along
6 with any other considerations not otherwise in conflict
7 with the Report, and shall include at a minimum a state-
8 ment of purpose, an interpretive plan, and a economic plan
9 for Pearson Field.

10 (5) The Reserve shall not be deemed to be a new unit
11 of the National Park System.

12 (c) NO LIMITATION ON FAA AUTHORITY.—The es-
13 tablishment of the Reserve shall not limit—

14 (1) the authority of the Federal Aviation Ad-
15 ministration over air traffic control, or aviation ac-
16 tivities at Pearson Airpark; or

17 (2) limit operations and airspace in the vicinity
18 of Portland International Airport.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated \$400,000 per year for
21 operational costs for each fiscal year following enactment
22 of this Act and \$5,000,000 for development costs.

1 **SEC. 503. EXTENSION OF KALOKO-HONOKOHAU ADVISORY**
2 **COMMISSION.**

3 (a) KALOKO-HONOKOHAU NATIONAL HISTORICAL
4 PARK.—Notwithstanding section 505(f)(7) of Public Law
5 95–625 (16 U.S.C. 396d(f)(7)), the Na Hoa Pili O
6 Kaloko-Honokohau, the Advisory Commission for Kaloko-
7 Honokohau National Historical Park, is hereby re-estab-
8 lished in accordance with section 505(f), as amended by
9 paragraph (2) of this subsection.

10 (b) CONFORMING AMENDMENT.—Section 505(f)(7)
11 of Public Law 95–625 (16 U.S.C. 396d(7)), is amended
12 by striking “this Act” and inserting in lieu thereof, “the
13 Na Hoa Pili Kaloko-Honokohau Re-establishment Act of
14 1996”.

15 **SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORIC**
16 **PARK ACT.**

17 Section 3(b) of the Boston National Historical Park
18 Act of 1974 (16 U.S.C. 410z–1(b)) is amended by insert-
19 ing “(1)” before the first sentence thereof and by adding
20 the following at the end thereof:

21 “(2) The Secretary of the Interior is authorized to
22 enter into a cooperative agreement with the Boston Public
23 Library to provide for the distribution of informational
24 and interpretive materials relating to the park and to the
25 Freedom Trail.”.

1 **SEC. 505. WOMEN’S RIGHTS NATIONAL HISTORICAL PARK.**

2 (a) INCLUSION OF OTHER PROPERTIES.—Section
3 1601(c) of Public Law 96–607 (16 U.S.C. 410ll) is
4 amended to read as follows:

5 “(c) ESTABLISHMENT.—To carry out the purposes of
6 this section there is hereby established the Women’s
7 Rights National Historical Park (hereinafter in this sec-
8 tion referred to as the “park”). The park shall consist of
9 the following designated sites in Seneca Falls and Water-
10 loo, New York:

11 “(1) Stanton House, 32 Washington Street,
12 Seneca Falls;

13 “(2) dwelling, 30 Washington Street, Seneca
14 Falls;

15 “(3) dwelling, 34 Washington Street, Seneca
16 Falls;

17 “(4) lot, 26–28 Washington Street, Seneca
18 Falls;

19 “(5) former Wesleyan Chapel, 126 Fall Street,
20 Seneca Falls;

21 “(6) theater, 128 Fall Street, Seneca Falls;

22 “(7) McClintock House, 16 East Williams
23 Street, Waterloo;

24 “(8) Hunt House, 401 East Williams Street,
25 Waterloo;

1 “(9) not to exceed 1 acre, plus improvements,
2 as determined by the Secretary, in Seneca Falls for
3 development of a maintenance facility;

4 “(10) dwelling, 1 Seneca Street, Seneca Falls;

5 “(11) dwelling, 10 Seneca Street, Seneca Falls;

6 “(12) parcels adjacent to Wesleyan Chapel
7 Block, including Clinton Street, Fall Street, and
8 Mynderse Street, Seneca Falls; and

9 “(13) dwelling, 12 East Williams Street, Water-
10 loo.”.

11 (b) MISCELLANEOUS AMENDMENTS.—Section 1601
12 of Public Law 96–607 (16 U.S.C. 4101l) is amended by
13 redesignating subsection (i) as “(i)(1)” and inserting at
14 the end thereof the following new paragraph:

15 “(2) In addition to those sums appropriated prior to
16 the date of enactment of this paragraph for land acqui-
17 sition and development, there is hereby authorized to be ap-
18 propriated an additional \$2,000,000.”.

19 **SEC. 506. BLACK PATRIOTS MEMORIAL EXTENSION.**

20 The legislative authority for the Black Revolutionary
21 War Patriots Foundation to establish a commemorative
22 work (as defined by the Commemorative Works Act (40
23 U.S.C. 1001 et seq.)) shall expire October 27, 1998, not-
24 withstanding the time period limitation specified in section
25 10(b) of that Act (40 U.S.C. 1010(b)).

1 **SEC. 507. HISTORICALLY BLACK COLLEGES AND UNIVER-**
2 **SITIES HISTORIC BUILDING RESTORATION**
3 **AND PRESERVATION.**

4 (a) **AUTHORITY TO MAKE GRANTS.**—From the
5 amounts made available to carry out the National Historic
6 Preservation Act, the Secretary of the Interior shall make
7 grants in accordance with this section to eligible histori-
8 cally black colleges and universities for the preservation
9 and restoration of historic buildings and structures on the
10 campus of these institutions.

11 (b) **GRANT CONDITIONS.**—Grants made under sub-
12 section (a) shall be subject to the condition that the grant-
13 ee covenants, for the period of time specified by the Sec-
14 retary, that—

15 (1) no alteration will be made in the property
16 with respect to which the grant is made without the
17 concurrence of the Secretary; and

18 (2) reasonable public access to the property
19 with respect to which the grant is made will be per-
20 mitted by the grantee for interpretive and edu-
21 cational purposes.

22 (c) **MATCHING REQUIREMENT FOR BUILDINGS AND**
23 **STRUCTURES LISTED ON THE NATIONAL REGISTER OF**
24 **HISTORIC PLACES.**—(1) Except as provided by paragraph
25 (2), the Secretary may obligate funds made available
26 under this section for a grant with respect to a building

1 or structure listed on, or eligible for listing on, the Na-
2 tional Register of Historic Places only if the grantee
3 agrees to match, from funds derived from non-Federal
4 sources, the amount of the grant with an amount that is
5 equal or greater than the grant.

6 (2) The Secretary may waive paragraph (1) with re-
7 spect to a grant if the Secretary determines from cir-
8 cumstances that an extreme emergency exists or that such
9 a waiver is in the public interest to assure the preservation
10 of historically significant resources.

11 (d) FUNDING PROVISION.—Pursuant to section 108
12 of the National Historic Preservation Act, \$29,000,000
13 shall be made available to carry out the purposes of this
14 section. Of amounts made available pursuant to this sec-
15 tion, \$5,000,000 shall be available for grants to Fisk Uni-
16 versity, \$2,500,000 shall be available for grants to Knox-
17 ville College, \$2,000,000 shall be available for grants to
18 Miles College, Alabama, \$1,500,000 shall be available for
19 grants to Talladega College, Alabama, \$1,550,000 shall
20 be available for grants to Selma University, Alabama,
21 \$250,000 shall be available for grants to Stillman College,
22 Alabama, \$200,000 shall be available for grants to
23 Concordia College, Alabama, \$2,900,000 shall be available
24 for grants to Allen University, South Carolina, \$1,000,000
25 shall be available for grants to Claflin College, South

1 Carolina, \$2,000,000 shall be available for grants to Voor-
2 hees College, South Carolina, \$1,000,000 shall be avail-
3 able for grants to Rust College, Mississippi, and
4 \$3,000,000 shall be available for grants to Tougaloo Col-
5 lege, Mississippi.

6 (e) REGULATIONS.—The Secretary shall develop such
7 guidelines as may be necessary to carry out this section.

8 (f) DEFINITIONS.—For the purposes of this section:

9 (1) HISTORICALLY BLACK COLLEGES.—The
10 term “historically black colleges and universities”
11 has the same meaning given the term “part B insti-
12 tution” by section 322 of the Higher Education Act
13 of 1965 (20 U.S.C. 1061).

14 (2) HISTORIC BUILDING AND STRUCTURES.—
15 The term “historic building and structures” means
16 a building or structure listed on, or eligible for list-
17 ing on, the National Register of Historic Places or
18 designated a National Historic Landmark.

19 **SEC. 508. MEMORIAL TO MARTIN LUTHER KING, JR.**

20 (a) IN GENERAL.—The Secretary of the Interior is
21 authorized to permit the Alpha Phi Alpha Fraternity to
22 establish a memorial on lands under the administrative ju-
23 risdiction of the Secretary in the District of Columbia or
24 its environs to honor Martin Luther King, Jr., pursuant
25 to the Commemorative Works Act of 1986.

1 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-
2 RATIVE WORKS.—The establishment of the memorial shall
3 be in accordance with the Act entitled “An Act to provide
4 standards for placement of commemorative works on cer-
5 tain Federal lands in the District of Columbia and its en-
6 virons, and for other purposes” approved November 14,
7 1986 (40 U.S.C. 1001, et seq.).

8 (c) PAYMENT OF EXPENSES.—The Alpha Phi Alpha
9 Fraternity shall be solely responsible for acceptance of
10 contributions for, and payment of the expenses of, the es-
11 tablishment of the memorial. No Federal funds may be
12 used to pay any expense of the establishment of the memo-
13 rial.

14 (d) DEPOSIT OF EXCESS FUNDS.—If, upon payment
15 of all expenses of the establishment of the memorial (in-
16 cluding the maintenance and preservation amount pro-
17 vided for in section 8(b) of the Act referred to in section
18 4401(b)), or upon expiration of the authority for the me-
19 morial under section 10(b) of that Act, there remains a
20 balance of funds received for the establishment of the me-
21 morial, the Alpha Phi Alpha Fraternity shall transmit the
22 amount of the balance to the Secretary of the Treasury
23 for deposit in the account provided for in section 8(b)(1)
24 of that Act.

1 **SEC. 509. ADVISORY COUNCIL ON HISTORIC PRESERVA-**
2 **TION REAUTHORIZATION.**

3 (a) REAUTHORIZATION.—The last sentence of section
4 212(a) of the National Historic Preservation Act (16
5 U.S.C. 470 and following) is amended to read as follows:
6 “There are authorized to be appropriated for the purposes
7 of this title not to exceed \$4,000,000 in each fiscal year
8 1997 through 2000.”.

9 (b) REPORTING REQUIREMENTS.—Within 18 months
10 after the date of enactment of this Act, the Advisory
11 Council on Historic Preservation shall submit a report to
12 the appropriate congressional committees containing an
13 analysis of alternatives for modifying the regulatory proc-
14 ess for addressing impacts of Federal actions on nationally
15 significant historic properties, as well as alternatives for
16 future promulgation and oversight of regulations for im-
17 plementation of section 106 of the National Historic Pres-
18 ervation Act.

19 (c) TECHNICAL AMENDMENTS.—Title II of the Na-
20 tional Historic Preservation Act (16 U.S.C. 470 and fol-
21 lowing) is amended as follows:

22 (1) By striking “appointed” in section
23 201(a)(4) and inserting “designated”.

24 (2) By striking “and 10” in section 201(c) and
25 inserting “through (11)”.

1 (3) By adding the following new section after
2 section 214:

3 “SEC. 215. Subject to applicable conflict of interest
4 laws, the Council may receive reimbursements from State
5 and local agencies and others pursuant to agreements exe-
6 cuted in furtherance of the purposes of this Act.”.

7 (4) By amending subsection (g) of section 205
8 to read as follows:

9 “(g) Any Federal agency may provide the Council,
10 with or without reimbursement as may be agreed upon by
11 the Chairman and the agency, with such funds, personnel,
12 facilities, and services under its jurisdiction and control
13 as may be needed by the Council to carry out its duties,
14 to the extent that such funds, personnel, facilities, and
15 services are requested by the Council and are otherwise
16 available for that purpose. Any funds provided to the
17 Council pursuant to this subsection must be expended by
18 the end of the fiscal year following the fiscal year in which
19 the funds are received by the Council. To the extent of
20 available appropriations, the Council may obtain by pur-
21 chase, rental, donation, or otherwise, such additional prop-
22 erty, facilities, and services as may be needed to carry out
23 its duties and may also receive donations of moneys for
24 such purpose, and the Executive Director is authorized,

1 in his discretion, to accept, hold, use, expend, and admin-
2 ister the same for the purposes of this Act.”.

3 **SEC. 510. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.**

4 (a) PURPOSES.—The purposes of this section are—

5 (1) to preserve and interpret, for the edu-
6 cational and inspirational benefit of the public, the
7 contribution to our national heritage of certain his-
8 toric and cultural lands and edifices of the Great
9 Falls Historic District, with emphasis on harnessing
10 this unique urban environment for its educational
11 and recreational value; and

12 (2) to enhance economic and cultural redevelop-
13 ment within the District.

14 (b) DEFINITIONS.—In this section:

15 (1) DISTRICT.—The term “District” means the
16 Great Falls Historic District established by sub-
17 section (c).

18 (2) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (3) HISTORIC INFRASTRUCTURE.—The term
21 “historic infrastructure” means the District’s his-
22 toric raceway system, all four stories of the original
23 Colt Gun Mill, including belltower, and any other
24 structure that the Secretary determines to be eligible
25 for the National Register of Historic Places.

1 (c) GREAT FALLS HISTORIC DISTRICT.—

2 (1) ESTABLISHMENT.—There is established the
3 Great Falls Historic District in the city of Paterson,
4 in Passaic County, New Jersey.

5 (2) BOUNDARIES.—The boundaries of the Dis-
6 trict shall be the boundaries specified for the Great
7 Falls Historic District listed on the National Reg-
8 ister of Historic Places.

9 (d) DEVELOPMENT PLAN.—The Secretary may make
10 grants and enter into cooperative agreements with the
11 State of New Jersey, local governments, and private non-
12 profit entities under which the Secretary agrees to pay not
13 more than 50 percent of the costs of—

14 (1) preparation of a plan for the development of
15 historic, architectural, natural, cultural, and inter-
16 pretive resources within the District;

17 (2) implementation of projects approved by the
18 Secretary under the development plan; and

19 (3) a market analysis assessing the economic
20 development potential of the District and rec-
21 ommending steps to be taken to encourage economic
22 development and revitalization in a manner consist-
23 ent with the District's historic character.

24 (e) RESTORATION, PRESERVATION, AND INTERPRE-
25 TATION OF PROPERTIES.—

1 (1) COOPERATIVE AGREEMENTS.—The Sec-
2 retary may enter into cooperative agreements with
3 the State of New Jersey, local governments and non-
4 profit entities owning property within the District
5 under which the Secretary may—

6 (A) pay not more than 50 percent of the
7 cost of restoring, repairing, rehabilitating, and
8 improving historic infrastructure within the
9 District;

10 (B) provide technical assistance with re-
11 spect to the preservation and interpretation of
12 properties within the District; and

13 (C) mark and provide interpretation of
14 properties within the District.

15 (2) PROVISIONS.—A cooperative agreement
16 under paragraph (1) shall provide that—

17 (A) the Secretary shall have the right of
18 access at reasonable times to public portions of
19 the property for interpretive and other pur-
20 poses;

21 (B) no change or alteration may be made
22 in the property except with the agreement of
23 the property owner, the Secretary, and any
24 Federal agency that may have regulatory juris-
25 diction over the property; and

1 (C) any construction grant made under
2 this section shall be subject to an agreement
3 that provides that conversion, use, or disposal
4 of the project so assisted for purposes contrary
5 to the purposes of this section shall result in a
6 right of the United States to compensation
7 from the beneficiary of the grant, and that pro-
8 vides for a schedule for such compensation
9 based on the level of Federal investment and
10 the anticipated useful life of the project.

11 (3) APPLICATIONS.—

12 (A) IN GENERAL.—A property owner that
13 desires to enter into a cooperative agreement
14 under paragraph (1) shall submit to the Sec-
15 retary an application describing how the project
16 proposed to be funded will further the purposes
17 of the District.

18 (B) CONSIDERATION.—In making such
19 funds available under this subsection, the Sec-
20 retary shall give consideration to projects that
21 provide a greater leverage of Federal funds.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated from the Historic Pres-
24 ervation Fund authorized under the National Historic

1 Preservation Act to the Secretary to carry out this sec-
2 tion—

3 (1) \$250,000 for grants and cooperative agree-
4 ments for the development plan under subsection
5 (d); and

6 (2) \$50,000 for the provision of technical as-
7 sistance and \$3,000,000 for the provision of other
8 assistance under cooperative agreements under sub-
9 section (e).

10 **SEC. 511. NEW BEDFORD NATIONAL HISTORIC LANDMARK**
11 **DISTRICT.**

12 (a) FINDINGS AND PURPOSES.—

13 (1) FINDINGS.—The Congress finds that—

14 (A) the New Bedford National Historic
15 Landmark District and associated historic sites
16 as described in subsection (c)(2), including the
17 Schooner Ernestina, are National Historic
18 Landmarks and are listed on the National Reg-
19 ister of Historic Places as historic sites associ-
20 ated with the history of whaling in the United
21 States;

22 (B) the city of New Bedford was the 19th
23 century capital of the world's whaling industry
24 and retains significant architectural features,

1 archival materials, and museum collections il-
2 lustrative of this period;

3 (C) New Bedford's historic resources pro-
4 vide unique opportunities for illustrating and
5 interpreting the whaling industry's contribution
6 to the economic, social, and environmental his-
7 tory of the United States and provide opportu-
8 nities for public use and enjoyment; and

9 (D) during the nineteenth century, over
10 two thousand whaling voyages sailed out of
11 New Bedford to the Arctic region of Alaska,
12 and joined Alaska Natives from Barrow, Alaska
13 and other areas in the Arctic region in subsist-
14 ence whaling activities; and

15 (E) the National Park System presently
16 contains no sites commemorating whaling and
17 its contribution to American history.

18 (2) PURPOSES.—The purposes of this section
19 are—

20 (A) to help preserve, protect, and interpret
21 the resources within the areas described in sub-
22 section (c)(2), including architecture, setting,
23 and associated archival and museum collections;

24 (B) to collaborate with the city of New
25 Bedford and with associated historical, cultural,

1 and preservation organizations to further the
2 purposes of the park established under this sec-
3 tion; and

4 (C) to provide opportunities for the inspi-
5 rational benefit and education of the American
6 people.

7 (b) DEFINITIONS.—For the purposes of this sec-
8 tion—

9 (1) the term “park” means the New Bedford
10 Whaling National Historical Park established by
11 subsection (c); and

12 (2) the term “Secretary” means the Secretary
13 of the Interior.

14 (c) NEW BEDFORD WHALING NATIONAL HISTORI-
15 CAL PARK.—

16 (1) ESTABLISHMENT.—In order to preserve for
17 the benefit and inspiration of the people of the Unit-
18 ed States as a national historical park certain dis-
19 tricts, structures, and relics located in New Bedford,
20 Massachusetts, and associated with the history of
21 whaling and related social and economic themes in
22 America, there is established the New Bedford
23 Whaling National Historical Park.

24 (2) BOUNDARIES.—(A) The boundaries of the
25 park shall be those generally depicted on the map

1 numbered NAR–P49–80000–4 and dated June
2 1994. Such map shall be on file and available for
3 public inspection in the appropriate offices of the
4 National Park Service. In case of any conflict be-
5 tween the descriptions set forth in clauses (i)
6 through (iv) and such map, such map shall govern.
7 The park shall include the following:

8 (i) The area included within the New Bed-
9 ford National Historic Landmark District,
10 known as the Bedford Landing Waterfront His-
11 toric District, as listed within the National Reg-
12 ister of Historic Places and in the Massachu-
13 setts State Register of Historic Places.

14 (ii) The National Historic Landmark
15 Schooner Ernestina, with its home port in New
16 Bedford.

17 (iii) The land along the eastern boundary
18 of the New Bedford National Historic Land-
19 mark District over to the east side of Mac-
20 Arthur Drive from the Route 6 overpass on the
21 north to an extension of School Street on the
22 south.

23 (iv) The land north of Elm Street in New
24 Bedford, bounded by Acushnet Avenue on the

1 west, Route 6 (ramps) on the north, MacArthur
2 Drive on the east, and Elm Street on the south.

3 (B) In addition to the sites, areas and relics re-
4 ferred to in subparagraph (A), the Secretary may
5 assist in the interpretation and preservation of each
6 of the following:

7 (i) The southwest corner of the State Pier.

8 (ii) Waterfront Park, immediately south of
9 land adjacent to the State Pier.

10 (iii) The Rotch-Jones-Duff House and
11 Garden Museum, located at 396 County Street.

12 (iv) The Wharfinger Building, located on
13 Piers 3 and 4.

14 (v) The Bourne Counting House, located
15 on Merrill's Wharf.

16 (d) RELATED FACILITIES.—To ensure that the con-
17 tribution of Alaska Natives to the history of whaling in
18 the United States is fully recognized, the Secretary shall
19 provide—

20 (1) financial and other assistance to establish
21 links between the New Bedford Whaling National
22 Historical Park and the North Slope Borough Cul-
23 tural Center, located in Barrow, Alaska; and

24 (2) other appropriate assistance and funding
25 for the North Slope Borough Cultural Center.

1 (e) ADMINISTRATION OF PARK.—

2 (1) IN GENERAL.—The park shall be adminis-
3 tered by the Secretary in accordance with this sec-
4 tion and the provisions of law generally applicable to
5 units of the National Park System, including the Act
6 entitled “An Act to establish a National Park Serv-
7 ice, and for other purposes”, approved August 25,
8 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and
9 the Act of August 21, 1935 (49 Stat. 666; 16
10 U.S.C. 461–467).

11 (2) COOPERATIVE AGREEMENTS.—(A) The Sec-
12 retary may consult and enter into cooperative agree-
13 ments with interested entities and individuals to pro-
14 vide for the preservation, development, interpreta-
15 tion, and use of the park.

16 (B) Any payment made by the Secretary pursu-
17 ant to a cooperative agreement under this paragraph
18 shall be subject to an agreement that conversion,
19 use, or disposal of the project so assisted for pur-
20 poses contrary to the purposes of this section, as de-
21 termined by the Secretary, shall result in a right of
22 the United States to reimbursement of all funds
23 made available to such project or the proportion of
24 the increased value of the project attributable to

1 such funds as determined at the time of such con-
2 version, use, or disposal, whichever is greater.

3 (3) NON-FEDERAL MATCHING REQUIRE-
4 MENTS.—(A) Funds authorized to be appropriated
5 to the Secretary for the purposes of—

6 (i) cooperative agreements under para-
7 graph (2) shall be expended in the ratio of one
8 dollar of Federal funds for each four dollars of
9 funds contributed by non-Federal sources; and

10 (ii) construction, restoration, and rehabili-
11 tation of visitor and interpretive facilities (other
12 than annual operation and maintenance costs)
13 shall be expended in the ratio of one dollar of
14 Federal funds for each one dollar of funds con-
15 tributed by non-Federal sources.

16 (B) For the purposes of this paragraph, the
17 Secretary is authorized to accept from non-Federal
18 sources, and to utilize for purposes of this section,
19 any money so contributed. With the approval of the
20 Secretary, any donation of property, services, or
21 goods from a non-Federal source may be considered
22 as a contribution of funds from a non-Federal
23 source for the purposes of this paragraph.

24 (4) ACQUISITION OF REAL PROPERTY.—For the
25 purposes of the park, the Secretary may acquire only

1 by donation such lands, interests in lands, and im-
2 provements thereon within the park as are needed
3 for essential visitor contact and interpretive facili-
4 ties.

5 (5) OTHER PROPERTY, FUNDS, AND SERV-
6 ICES.—The Secretary may accept donated funds,
7 property, and services to carry out this section.

8 (e) GENERAL MANAGEMENT PLAN.—Not later than
9 the end of the second fiscal year beginning after the date
10 of enactment of this Act, the Secretary shall submit to
11 the Committee on Resources of the House of Representa-
12 tives and the Committee on Energy and Natural Re-
13 sources of the Senate a general management plan for the
14 park and shall implement such plan as soon as practically
15 possible. The plan shall be prepared in accordance with
16 section 12(b) of the Act of August 18, 1970 (16 U.S.C.
17 1a–7(b)) and other applicable law.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), there are authorized to be appropriated
21 such sums as may be necessary to carry out annual
22 operations and maintenance with respect to the park
23 and to carry out the activities under section 3(D).

24 (2) EXCEPTIONS.—In carrying out this sec-
25 tion—

1 (A) not more than \$2,000,000 may be ap-
2 propriated for construction, restoration, and re-
3 habilitation of visitor and interpretive facilities,
4 and directional and visitor orientation signage;

5 (B) none of the funds authorized to be ap-
6 propriated by this section may be used for the
7 operation or maintenance of the Schooner
8 Ernestina; and

9 (C) not more than \$50,000 annually of
10 Federal funds may be used for interpretive and
11 educational programs for the Schooner
12 Ernestina pursuant to cooperative grants under
13 subsection (d)(2).

14 **SEC. 512. NICODEMUS NATIONAL HISTORIC SITE.**

15 (a) FINDINGS AND PURPOSES.—

16 (1) FINDINGS.—Congress finds that—

17 (A) the Town of Nicodemus, in Kansas,
18 has national significance as the only remaining
19 western town established by African-Americans
20 during the Reconstruction period following the
21 Civil War;

22 (B) the town of Nicodemus is symbolic of
23 the pioneer spirit of African-Americans who
24 dared to leave the only region they had been fa-
25 miliar with to seek personal freedom and the

1 opportunity to develop their talents and capa-
2 bilities; and

3 (C) the town of Nicodemus continues to be
4 a valuable African-American community.

5 (2) PURPOSES.—The purposes of this section
6 are—

7 (A) to preserve, protect, and interpret for
8 the benefit and enjoyment of present and future
9 generations, the remaining structures and loca-
10 tions that represent the history (including the
11 settlement and growth) of the town of
12 Nicodemus, Kansas; and

13 (B) to interpret the historical role of the
14 town of Nicodemus in the Reconstruction period
15 in the context of the experience of westward ex-
16 pansion in the United States.

17 (b) DEFINITIONS.—In this section:

18 (1) HISTORIC SITE.—The term “historic site”
19 means the Nicodemus National Historic Site estab-
20 lished by subsection (c).

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (c) ESTABLISHMENT OF NICODEMUS NATIONAL HIS-
24 TORIC SITE.—

1 (1) ESTABLISHMENT.—There is established the
2 Nicodemus National Historic Site in Nicodemus,
3 Kansas.

4 (2) DESCRIPTION.—

5 (A) IN GENERAL.—The historic site shall
6 consist of the First Baptist Church, the St.
7 Francis Hotel, the Nicodemus School District
8 Number 1, the African Methodist Episcopal
9 Church, and the Township Hall located within
10 the approximately 161.35 acres designated as
11 the Nicodemus National Landmark in the
12 Township of Nicodemus, Graham County, Kan-
13 sas, as registered on the National Register of
14 Historic Places pursuant to section 101 of the
15 National Historic Preservation Act (16 U.S.C.
16 470a), and depicted on a map entitled
17 “Nicodemus National Historic Site”, numbered
18 80,000 and dated August 1994.

19 (B) MAP AND BOUNDARY DESCRIPTION.—
20 The map referred to in subparagraph (A) and
21 an accompanying boundary description shall be
22 on file and available for public inspection in the
23 office of the Director of the National Park
24 Service and any other office of the National
25 Park Service that the Secretary determines to

1 be an appropriate location for filing the map
2 and boundary description.

3 (d) ADMINISTRATION OF THE HISTORIC SITE.—

4 (1) IN GENERAL.—The Secretary shall admin-
5 ister the historic site in accordance with this section
6 and the provisions of law generally applicable to
7 units of the National Park System, including the Act
8 entitled “An Act to establish a National Park Serv-
9 ice, and for other purposes”, approved August 25,
10 1916 (16 U.S.C. 1 et seq.), and the Act of August
11 21, 1935 (49 Stat. 666, Chapter 593; 16 U.S.C.
12 461 et seq.).

13 (2) COOPERATIVE AGREEMENTS.—To further
14 the purposes of this section, the Secretary may enter
15 into a cooperative agreement with any interested in-
16 dividual, public or private agency, organization, or
17 institution.

18 (3) TECHNICAL AND PRESERVATION ASSIST-
19 ANCE.—

20 (A) IN GENERAL.—The Secretary may
21 provide to any eligible person described in sub-
22 paragraph (B) technical assistance for the pres-
23 ervation of historic structures of, the mainte-
24 nance of the cultural landscape of, and local
25 preservation planning for, the historic site.

1 (B) ELIGIBLE PERSONS.—The eligible per-
2 sons described in this subparagraph are—

3 (i) an owner of real property within
4 the boundary of the historic site, as de-
5 scribed in subsection (c)(2); and

6 (ii) any interested individual, agency,
7 organization, or institution that has en-
8 tered into an agreement with the Secretary
9 pursuant to paragraph (2).

10 (e) ACQUISITION OF REAL PROPERTY.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the Secretary is authorized to acquire by donation,
13 exchange, or purchase with funds made available by
14 donation or appropriation, such lands or interests in
15 lands as may be necessary to allow for the interpre-
16 tation, preservation, or restoration of the First Bap-
17 tist Church, the St. Francis Hotel, the Nicodemus
18 School District Number 1, the African Methodist
19 Episcopal Church, or the Township Hall, as de-
20 scribed in subsection (c)(2)(A), or any combination
21 thereof.

22 (2) LIMITATIONS.—

23 (A) ACQUISITION OF PROPERTY OWNED BY
24 THE STATE OF KANSAS.—Real property that is
25 owned by the State of Kansas or a political sub-

1 division of the State of Kansas that is acquired
2 pursuant to paragraph (1) may only be ac-
3 quired by donation.

4 (B) CONSENT OF OWNER REQUIRED.—No
5 real property may be acquired under this sub-
6 section without the consent of the owner of the
7 real property.

8 (f) GENERAL MANAGEMENT PLAN.—

9 (1) IN GENERAL.—Not Later than the last day
10 of the third full fiscal year beginning after the date
11 of enactment of this Act, the Secretary shall, in con-
12 sultation with the officials described in paragraph
13 (2), prepare a general management plan for the his-
14 toric site.

15 (2) CONSULTATION.—In preparing the general
16 management plan, the Secretary shall consult with
17 an appropriate official of each of the following:

18 (A) The Nicodemus Historical Society.

19 (B) The Kansas Historical Society.

20 (C) Appropriate political subdivisions of
21 the State of Kansas that have jurisdiction over
22 all or a portion of the historic site.

23 (3) SUBMISSION OF PLAN TO CONGRESS.—

24 Upon the completion of the general management
25 plan, the Secretary shall submit a copy of the plan

1 to the Committee on Energy and Natural Resources
2 of the Senate and the Committee on Resources of
3 the House of Representatives.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Department of
6 the Interior such sums as are necessary to carry out this
7 section.

8 **SEC. 513. UNALASKA.**

9 (a) SHORT TITLE.—This section may be cited as the
10 “Aleutian World War II National Historic Areas Act of
11 1996”.

12 (b) PURPOSE.—The purpose of this section is to des-
13 ignate and preserve the Aleutian World War II National
14 Historic Area within lands owned by the Ounalaska Cor-
15 poration on the island of Amaknak, Alaska and to provide
16 for the interpretation, for the educational and inspira-
17 tional benefit of present and future generations, of the
18 unique and significant circumstances involving the history
19 of the Aleut people, and the role of the Aleut people and
20 the Aleutian Islands in the defense of the United States
21 in World War II.

22 (c) BOUNDARIES.—The Aleutian World War II Na-
23 tional Historic Area shall be comprised of areas on
24 Amaknak Island depicted on the map entitled “Aleutian
25 World War II National Historic Area”.

1 (d) TERMS AND CONDITIONS.—Nothing in this sec-
2 tion shall—

3 (1) authorize the conveyance of lands between
4 the Ounalaska Corporation and the United States
5 Department of the Interior, nor remove land or
6 structures appurtenant to the land from the exclu-
7 sive control of the Ounalaska Corporation; or

8 (2) provide authority for the Department of the
9 Interior to assume the duties associated with the
10 daily operation of the historic area or any of its fa-
11 cilities or structures.

12 (e) TECHNICAL ASSISTANCE.—The Secretary of the
13 Interior may award grants and provide technical assist-
14 ance to the Ounalaska Corporation and the city of Un-
15 alaska to assist with the planning, development, and his-
16 toric preservation from any program funds authorized by
17 law for technical assistance, land use planning or historic
18 preservation.

19 **SEC. 514. JAPANESE AMERICAN PATRIOTISM MEMORIAL.**

20 (a) PURPOSE.—It is the purpose of this section—

21 (1) to assist in the effort to timely establish
22 within the District of Columbia a national memorial
23 to Japanese American patriotism in World War II;
24 and

1 (2) to improve management of certain parcels
2 of Federal real property located within the District
3 of Columbia,
4 by transferring jurisdiction over such parcels to the Archi-
5 tect of the Capitol, the Secretary of the Interior, and the
6 Government of the District of Columbia.

7 (b) TRANSFERS OF JURISDICTION.—

8 (1) IN GENERAL.—Effective on the date of the
9 enactment of this Act and notwithstanding any other
10 provision of law, jurisdiction over the parcels of Fed-
11 eral real property described in paragraph (2) is
12 transferred without additional consideration as pro-
13 vided by paragraph (2).

14 (2) SPECIFIC TRANSFERS.—

15 (A) TRANSFERS TO SECRETARY OF THE
16 INTERIOR.—

17 (i) IN GENERAL.—Jurisdiction over
18 the following parcels is transferred to the
19 Secretary of the Interior:

20 (I) That triangle of Federal land,
21 including any contiguous sidewalks
22 and tree space, that is part of the
23 United States Capitol Grounds under
24 the jurisdiction of the Architect of the
25 Capitol bound by D Street, N.W.,

1 New Jersey Avenue, N.W., and Lou-
2 isiana Avenue, N.W., in Square W632
3 in the District of Columbia, as shown
4 on the Map Showing Properties
5 Under Jurisdiction of the Architect of
6 the Capitol, dated November 8, 1994.

7 (II) That triangle of Federal
8 land, including any contiguous side-
9 walks and tree space, that is part of
10 the United States Capitol Grounds
11 under the jurisdiction of the Architect
12 of the Capitol bound by C Street,
13 N.W., First Street, N.W., and Louisi-
14 ana Avenue, N.W., in the District of
15 Columbia, as shown on the Map
16 Showing Properties Under Jurisdic-
17 tion of the Architect of the Capitol,
18 dated November 8, 1994.

19 (ii) LIMITATION.—The parcels trans-
20 ferred by clause (i) shall not include those
21 contiguous sidewalks abutting Louisiana
22 Avenue, N.W., which shall remain part of
23 the United States Capitol Grounds under
24 the jurisdiction of the Architect of the
25 Capitol.

1 (iii) CONSIDERATION AS MEMORIAL
2 SITE.—The parcels transferred by
3 sibelaue (I) of clause (i) may be consid-
4 ered as a site for a national memorial to
5 Japanese American patriotism in World
6 War II.

7 (B) TRANSFERS TO ARCHITECT OF THE
8 CAPITOL.—Jurisdiction over the following par-
9 cels is transferred to the Architect of the Cap-
10 itol:

11 (i) That portion of the triangle of
12 Federal land in Reservation No. 204 in the
13 District of Columbia under the jurisdiction
14 of the Secretary of the Interior, including
15 any contiguous sidewalks, bound by Con-
16 stitution Avenue, N.E., on the north, the
17 branch of Maryland Avenue, N.E., running
18 in a northeast direction on the west, the
19 major portion of Maryland Avenue, N.E.,
20 on the south, and 2nd Street, N.E., on the
21 east, including the contiguous sidewalks.

22 (ii) That irregular area of Federal
23 land in Reservation No. 204 in the District
24 of Columbia under the jurisdiction of the
25 Secretary of the Interior, including any

1 contiguous sidewalks, northeast of the real
2 property described in clause (i) bound by
3 Constitution Avenue, N.E., on the north,
4 the branch of Maryland Avenue, N.E., run-
5 ning to the northeast on the south, and the
6 private property on the west known as lot
7 7 in square 726.

8 (iii) The two irregularly shaped medi-
9 ans lying north and east of the property
10 described in clause (i), located between the
11 north and south curbs of Constitution Ave-
12 nue, N.E., west of its intersection with
13 Second Street, N.E., all as shown in Land
14 Record No. 268, dated November 22,
15 1957, in the Office of the Surveyor, Dis-
16 trict of Columbia, in Book 138, Page 58.

17 (iv) All sidewalks under the jurisdic-
18 tion of the District of Columbia abutting
19 on and contiguous to the land described in
20 clauses (i), (ii), and (iii).

21 (C) TRANSFERS TO DISTRICT OF COLUM-
22 BIA.—Jurisdiction over the following parcels is
23 transferred to the Government of the District of
24 Columbia:

1 (i) That portion of New Jersey Ave-
2 nue, N.W., between the northernmost point
3 of the intersection of New Jersey Avenue,
4 N.W., and D Street, N.W., and the north-
5 ernmost point of the intersection of New
6 Jersey Avenue, N.W., and Louisiana Ave-
7 nue, N.W., between squares 631 and
8 W632, which remains Federal property.

9 (ii) That portion of D Street, N.W.,
10 between its intersection with New Jersey
11 Avenue, N.W., and its intersection with
12 Louisiana Avenue, N.W., between Squares
13 630 and W632, which remains Federal
14 property.

15 (c) MISCELLANEOUS.—

16 (1) COMPLIANCE WITH OTHER LAWS.—Compli-
17 ance with this section shall be deemed to satisfy the
18 requirements of all laws otherwise applicable to
19 transfers of jurisdiction over parcels of Federal real
20 property.

21 (2) LAW ENFORCEMENT RESPONSIBILITY.—
22 Law enforcement responsibility for the parcels of
23 Federal real property for which jurisdiction is trans-
24 ferred by subsection (b) shall be assumed by the per-
25 son acquiring such jurisdiction.

1 (3) UNITED STATES CAPITOL GROUNDS.—

2 (A) DEFINITION.—The first section of the
3 Act entitled “An Act to define the United
4 States Capitol Grounds, to regulate the use
5 thereof, and for other purposes”, approved July
6 31, 1946 (40 U.S.C. 193a), is amended to in-
7 clude within the definition of the United States
8 Capitol Grounds the parcels of Federal real
9 property described in subsection (b)(2)(B).

10 (B) JURISDICTION OF CAPITOL POLICE.—
11 The United States Capitol Police shall have ju-
12 risdiction over the parcels of Federal real prop-
13 erty described in subsection (b)(2)(B) in ac-
14 cordance with section 9 of such Act of July 31,
15 1946 (40 U.S.C. 212a).

16 (4) EFFECT OF TRANSFERS.—A person relin-
17 quishing jurisdiction over a parcel of Federal real
18 property transferred by subsection (b) shall not re-
19 tain any interest in the parcel except as specifically
20 provided by this section.

21 **SEC. 515. MANZANAR NATIONAL HISTORIC SITE.**

22 (a) TERMINATION OF WITHDRAWALS.—

23 (1) UNAVAILABILITY OF CERTAIN LANDS.—The
24 Congress, by enacting the Act entitled “An Act to
25 establish the Manzanar National Historic Site in the

1 State of California, and for other purposes”, ap-
2 proved March 3, 1992 (106 Stat. 40; Public Law
3 102–248), (1) provided for the protection and inter-
4 pretation of the historical, cultural, and natural re-
5 sources associated with the relocation of Japanese-
6 Americans during World War II and established the
7 Manzanar National Historic Site in the State of
8 California, and (2) authorized the Secretary of the
9 Interior to acquire lands or interests therein within
10 the boundary of the Historic Site by donation, pur-
11 chase with donated or appropriated funds, or by ex-
12 change. The public lands identified for disposal in
13 the Bureau of Land Management’s Bishop Resource
14 Area Resource Management Plan that could be
15 made available for exchange in support of acquiring
16 lands within the boundary of the Historic Site are
17 currently unavailable for this purpose because they
18 are withdrawn by an Act of Congress.

19 (2) TERMINATION OF WITHDRAWAL.—To pro-
20 vide a land base with which to allow land exchanges
21 in support of acquiring lands within the boundary of
22 the Manzanar National Historic Site, the withdrawal
23 of the following described lands is terminated and
24 such lands shall not be subject to the Act of March
25 4, 1931 (chap. 517; 46 Stat. 1530):

1 MOUNT DIABLO MERIDIAN

2 Township 2 North, Range 26 East

3 Section 7:

4 North half south half of lot 1 of southwest
5 quarter, north half south half of lot 2 of southwest
6 quarter, north half south half southeast quarter.

7 Township 4 South, Range 33 East

8 Section 31:

9 Lot 1 of southwest quarter, northwest quarter
10 northeast quarter, southeast quarter;

11 Section 32:

12 Southeast quarter northwest quarter, northeast
13 quarter southwest quarter, southwest quarter south-
14 east quarter.

15 Township 5 South, Range 33 East

16 Section 4:

17 West half of lot 1 of northwest quarter, west
18 half of lot 2 of northwest quarter.

19 Section 5:

20 East half of lot 1 of northeast quarter, east half
21 of lot 2 of northeast quarter.

22 Section 9:

23 Northwest quarter southwest quarter northeast
24 quarter.

25 Section 17:

1 Southeast quarter northwest quarter, northwest
 2 quarter southeast quarter.

3 Section 22:

4 Lot 1 and 2.

5 Section 27:

6 Lot 2, west half northeast quarter, southeast
 7 quarter northwest quarter, northeast quarter south-
 8 west quarter, northwest quarter southeast quarter.

9 Section 34:

10 Northeast quarter, northwest quarter, southeast
 11 quarter.

12 Township 6 South, Range 31 East

13 Section 19:

14 East half northeast quarter southeast quarter.

15 Township 6 South, Range 33 East

16 Section 10:

17 East half southeast quarter.

18 Section 11:

19 Lot 1 and 2, west half northeast quarter, north-
 20 west quarter, west half southwest quarter, northeast
 21 quarter southwest quarter.

22 Section 14:

23 Lots 1 through 4, west half northeast quarter,
 24 southeast quarter northwest quarter, northeast quar-

1 ter southwest quarter, northwest quarter southeast
2 quarter.

3 Township 7 South, Range 32 East

4 Section 23:

5 South half southwest quarter.

6 Section 25:

7 Lot 2, northeast quarter northwest quarter.

8 Township 7 South, Range 33 East

9 Section 30:

10 South half of lot 2 of northwest quarter, lot 1
11 and 2 of southwest quarter.

12 Section 31:

13 North half of lot 2 of northwest quarter, south-
14 east quarter northeast quarter, northeast quarter
15 southeast quarter.

16 Township 8 South, Range 33 East

17 Section 5:

18 Northwest quarter southwest quarter.

19 Township 13 South, Range 34 East

20 Section 1:

21 Lots 43, 46, and 49 thru 51.

22 Section 2:

23 North half northwest quarter southeast quarter
24 southeast quarter.

1 Township 11 South, Range 35 East

2 Section 30:

3 Lots 1 and 2, east half northwest quarter, east
4 half southwest quarter, and west half southwest
5 quarter southeast quarter.

6 Section 31:

7 Lot 8, west half west half northeast quarter,
8 east half northwest quarter, and west half southeast
9 quarter.

10 Township 13, South, Range 35 East

11 Section 18:

12 South half of lot 2 of northwest quarter, lot 1
13 and 2 of southwest quarter, southwest quarter
14 northeast quarter, northwest quarter southeast quar-
15 ter.

16 Section 29:

17 Southeast quarter northeast quarter, northeast
18 quarter southeast quarter.

19 Township 13 South, Range 36 East

20 Section 17:

21 Southwest quarter northwest quarter, southwest
22 quarter.

23 Section 18:

1 South half of lot 1 of northwest quarter, lot 1
2 of southwest quarter, northeast quarter, southeast
3 quarter.

4 Section 19:

5 North half of lot 1 of northwest quarter, east
6 half northeast quarter, northwest quarter northeast
7 quarter.

8 Section 20:

9 Southwest quarter northeast quarter, northwest
10 quarter, northeast quarter southwest quarter, south-
11 east quarter.

12 Section 28:

13 Southwest quarter southwest quarter.

14 Section 29:

15 East half northeast quarter.

16 Section 33:

17 Northwest quarter northwest quarter, southeast
18 quarter northwest quarter.

19 Township 14 South, Range 36 East

20 Section 31:

21 Lot 1 and 2 of southwest quarter, southwest
22 quarter southeast quarter.

23 aggregating 5,630 acres, more or less.

24 (b) AVAILABILITY OF LANDS.—Upon enactment of
25 this Act, the lands specified in subsection (a) shall be open

1 to operation of the public land laws, including the mining
2 and mineral leasing laws, only after the Secretary of the
3 Interior has published a notice in the Federal Register
4 opening such lands.

5 (c) ADDITIONAL AREA.—Section 101 of Public Law
6 102–248 is amended by inserting in subsection (b) after
7 the second sentence “The site shall also include an addi-
8 tional area of approximately 300 acres as demarcated as
9 the new proposed boundaries in the map dated March 8,
10 1996, entitled ‘Manzanar National Historic Site Archae-
11 ological Base Map’.”

12 **SEC. 516. RECOGNITION AND DESIGNATION OF THE AIDS**
13 **MEMORIAL GROVE AS NATIONAL MEMORIAL.**

14 (a) RECOGNITION OF SIGNIFICANCE OF THE AIDS
15 MEMORIAL GROVE.—The Congress hereby recognizes the
16 significance of the AIDS Memorial Grove, located in Gold-
17 en Gate Park in San Francisco, California, as a memo-
18 rial—

19 (1) dedicated to individuals who have died as a
20 result of acquired immune deficiency syndrome; and
21 (2) in support of individuals who are living with
22 acquired immune deficiency syndrome and their
23 loved ones and caregivers.

24 (b) DESIGNATION AS NATIONAL MEMORIAL.—Not
25 later than 90 days after the date of enactment of this Act,

1 the Secretary of the Interior shall designate the AIDS Me-
2 morial Grove as a national memorial.

3 **TITLE VI—CIVIL AND**
4 **REVOLUTIONARY WAR SITES**

5 **SEC. 601. UNITED STATES CIVIL WAR CENTER.**

6 (a) DESIGNATION.—The Civil War Center, located on
7 Raphael Semmes Drive at Louisiana State University in
8 Baton Rouge, Louisiana (hereinafter in this section re-
9 ferred to as the “center”) shall be known and designated
10 as the “United States Civil War Center”.

11 (b) LEGAL REFERENCES.—Any reference in any law,
12 regulation, paper, record, map, or any other document of
13 the United States to the center referred to in subsection
14 (b) shall be deemed to be a reference to the “United States
15 Civil War Center”.

16 (c) FLAGSHIP INSTITUTIONS.—The center and the
17 Civil War Institute of Gettysburg College, located at 233
18 North Washington Street in Gettysburg, Pennsylvania,
19 shall be the flagship institutions for planning the sesqui-
20 centennial commemoration of the Civil War.

21 **SEC. 602. CORINTH, MISSISSIPPI, BATTLEFIELD ACT.**

22 (a) PURPOSE.—The purpose of this section is to pro-
23 vide for a center for the interpretation of the Siege and
24 Battle of Corinth and other Civil War actions in the Re-
25 gion and to enhance public understanding of the signifi-

1 cance of the Corinth Campaign in the Civil War relative
2 to the Western theater of operations, in cooperation with
3 State or local governmental entities and private organiza-
4 tions and individuals.

5 (b) ACQUISITION OF PROPERTY AT CORINTH, MIS-
6 SISSIPPI.—The Secretary of the Interior (referred to in
7 this title as the “Secretary”) shall acquire by donation,
8 purchase with donated or appropriated funds, or ex-
9 change, such land and interests in land in the vicinity of
10 the Corinth Battlefield, in the State of Mississippi, as the
11 Secretary determines to be necessary for the construction
12 of an interpretive center to commemorate and interpret
13 the 1862 Civil War Siege and Battle of Corinth.

14 (c) PUBLICLY OWNED LAND.—Land and interests in
15 land owned by the State of Mississippi or a political sub-
16 division of the State of Mississippi may be acquired only
17 by donation.

18 (d) INTERPRETIVE CENTER AND MARKING.—

19 (1) INTERPRETIVE CENTER.— The Secretary
20 shall construct, operate, and maintain on the prop-
21 erty acquired under subsection (b) a center for the
22 interpretation of the Siege and Battle of Corinth
23 and associated historical events for the benefit of the
24 public.

1 (2) MARKING.—The Secretary may mark sites
2 associated with the Siege and Battle of Corinth Na-
3 tional Historic Landmark, as designated on May 6,
4 1991, if the sites are determined by the Secretary to
5 be protected by State or local governmental agencies.

6 (3) ADMINISTRATION.—The land and interests
7 in land acquired, and the facilities constructed and
8 maintained pursuant to this section, shall be admin-
9 istered by the Secretary as a part of Shiloh National
10 Military Park, subject to the appropriate laws (in-
11 cluding regulations) applicable to the Park, the Act
12 entitled “An Act to establish a National Park Serv-
13 ice, and for other purposes”, approved August 25,
14 1916 (16 U.S.C. 1 et seq.), and the Act entitled “An
15 Act to provide for the preservation of historic Amer-
16 ican sites, buildings, objects, and antiquities of na-
17 tional significance, and for other purposes”, ap-
18 proved August 21, 1935 (16 U.S.C. 461 et seq.).

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated \$6,000,000 for develop-
21 ment to carry out this section.

22 **SEC. 603. RICHMOND NATIONAL BATTLEFIELD PARK.**

23 (a) FINDINGS AND PURPOSE.—Section 1 of the Act
24 of March 2, 1936 (chapter 113, 49 Stat. 1155; 16 U.S.C.
25 423j), is amended to read as follows:

1 **“SECTION 1. FINDINGS AND PURPOSE.**

2 “(a) FINDINGS.—In 1996 the Congress finds that:

3 “(1) In 1936 the Congress established the
4 Richmond National Battlefield Park in and around
5 the city of Richmond, Virginia. The park’s boundary
6 was established to permit the inclusion of all mili-
7 tary battlefield areas related to the battles fought
8 during the Civil War in defense of and against the
9 city of Richmond. The park originally included the
10 area then known as the Richmond Battlefield State
11 Park.

12 “(2) The total acreage of the area identified in
13 1936 for consideration for inclusion in the Richmond
14 National Battlefield Park encompasses approxi-
15 mately 225,000 acres in and around the city of
16 Richmond, Virginia. A study undertaken by the con-
17 gressionally authorized Civil War Sites Advisory
18 Committee determined that within those 225,000
19 acres, the historically significant areas in and
20 around Richmond relating to the campaigns against
21 and in defense of Richmond encompass approxi-
22 mately 38,000 acres. The National Park Service,
23 through its general management planning process
24 for Richmond National Battlefield Park, has identi-
25 fied approximately 7,121 acres which satisfy the Na-
26 tional Park Service criteria of significance, integrity,

1 feasibility, and suitability for inclusion in Richmond
2 National Battlefield Park.

3 “(3) There is national interest in protecting
4 and preserving sites of historic significance associ-
5 ated with the Civil War and Richmond.

6 “(4) The Commonwealth of Virginia and its
7 local units of government have authority to prevent
8 or minimize adverse uses of these historic resources
9 and can play a significant role in the protection of
10 the historic resources related to the battles of Rich-
11 mond.

12 “(b) PURPOSES.—Therefore, it is the purpose of this
13 Act—

14 “(1) to establish a revised boundary for the
15 Richmond National Battlefield Park based on the
16 findings of the Civil War Sites Advisory Committee
17 and the National Park Service; and

18 “(2) to direct the Secretary of the Interior to
19 work in cooperation with the Commonwealth of Vir-
20 ginia, the city of Richmond, and other political sub-
21 divisions of the Commonwealth, other public entities,
22 and the private sector in the management, protec-
23 tion, and interpretation of the resources associated
24 with the Civil War and the Battles of Richmond in
25 and around the city of Richmond, Virginia.”.

1 (b) MODIFICATION OF BOUNDARY.—Section 2 of the
2 Act of March 2, 1936 (chapter 113, 49 Stat. 1155; 16
3 U.S.C. 423k), is amended to read as follows:

4 **“SEC. 2. BOUNDARY.**

5 “The boundary of the Richmond National Battlefield
6 Park (hereinafter in this Act referred to as the ‘park’)
7 is hereby modified to comprise the lands, waters, and in-
8 terests in lands therein that, on the day before the date
9 of the enactment of this Act, were in Federal ownership
10 and were administered by the Secretary of the Interior as
11 part of the park.”.

12 (c) LAND ACQUISITION.—The Act of March 2, 1936
13 (chapter 113, 49 Stat. 1155; 16 U.S.C. 423j and follow-
14 ing), is amended by adding the following new section after
15 section 3:

16 **“SEC. 4. LAND ACQUISITION.**

17 “(a) The Secretary is authorized to acquire any lands
18 and interests in lands identified in the general manage-
19 ment plan for the park approved June 7, 1996, and de-
20 picted within the area delineated as ‘Park Boundary’ on
21 the map entitled ‘Richmond National Battlefield Park
22 Boundary Map’, as numbered 367–NEFA 80026 and
23 dated August 1996, which shall be on file and available
24 for inspection in the Office of the Director of the National
25 Park Service, Department of the Interior.

1 “(b) The Secretary is authorized to acquire the lands
2 identified in subsection (a) by donation, purchase with do-
3 nated or appropriated funds, exchange, or otherwise. Pri-
4 vately owned lands or the interest therein may be acquired
5 only with the consent of the property owner. In acquiring
6 lands and interest in lands under this Act, the Secretary
7 shall acquire the minimum Federal interests necessary to
8 achieve the objectives of the park.

9 “(c) Upon acquisition by the Secretary of any lands
10 and interests in lands identified in subsection (a), the Sec-
11 retary shall revise the boundary of the park to include
12 those lands within the boundary of the park and shall
13 manage them as part of the park and consistent with the
14 purposes of the Act.”.

15 (d) PARK MANAGEMENT AND ADMINISTRATION.—
16 The Act of March 2, 1936 (chapter 113; 49 Stat. 1155;
17 16 U.S.C. 423j and following), is amended by adding the
18 following new section after section 4:

19 **“SEC. 5. PARK MANAGEMENT AND ADMINISTRATION.**

20 “(a) In administering the park, the Secretary shall
21 interpret, for the benefit of visitors to the park and the
22 general public, the Battles of Richmond in the larger con-
23 text of the Civil War and American history, including the
24 causes and consequences of the Civil War and the effects
25 of the war on all the American people.

1 “(b) The Secretary is directed to work with the Com-
2 monwealth of Virginia, its political subdivisions, including
3 the city of Richmond, private property owners, and the
4 private sector to develop mechanisms to protect and inter-
5 pret the resources identified within the boundary as de-
6 picted on the map identified in section 2 of this Act. In
7 order to carry out this section, the Secretary is authorized
8 to enter into cooperative agreements with the public and
9 private sectors to carry out the purposes of this Act, and
10 to find means of protecting and interpreting the historic
11 resources for the benefit of present and future generations
12 in a manner that would allow for continued private owner-
13 ship and use where compatible with the purposes of the
14 park. The Secretary is also authorized to provide technical
15 assistance to governmental entities, nonprofit organiza-
16 tions, and private property owners in the development of
17 comprehensive plans, land use guidelines, and other activi-
18 ties which are consistent with conserving the historic, cul-
19 tural, natural, and scenic resources found within the park
20 boundary.

21 “(c) The Secretary is authorized to provide technical
22 assistance to the Commonwealth of Virginia, its political
23 subdivisions, nonprofit entities, and private property own-
24 ers engaged in the protection, interpretation, or com-
25 memoration of historically significant Civil War resources

1 located outside of the park boundary. Such technical as-
 2 sistance does not authorize the Secretary to own or man-
 3 age any of the resources outside the park boundary.”.

4 (e) TECHNICAL AMENDMENT.—Section 3 of the Act
 5 of March 2, 1936 (chapter 113, 49 Stat. 1156; 16 U.S.C.
 6 423l) is amended by striking the period and inserting “,
 7 and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C.
 8 461–467).”.

9 **SEC. 604. REVOLUTIONARY WAR AND WAR OF 1812 HIS-**
 10 **TORIC PRESERVATION STUDY.**

11 (a) SHORT TITLE.—This section may be cited as the
 12 “Revolutionary War and War of 1812 Historic Preserva-
 13 tion Study Act of 1996”.

14 (b) FINDINGS.—The Congress finds that—

15 (1) Revolutionary War sites and War of 1812
 16 sites provide a means for Americans to understand
 17 and interpret the periods in American history during
 18 which the Revolutionary War and War of 1812 were
 19 fought;

20 (2) the historical integrity of many Revolution-
 21 ary War sites and War of 1812 sites is at risk be-
 22 cause many of the sites are located in regions that
 23 are undergoing rapid urban or suburban develop-
 24 ment; and

1 (3) it is important, for the benefit of the United
2 States, to obtain current information on the signifi-
3 cance of, threats to the integrity of, and alternatives
4 for the preservation and interpretation of Revolu-
5 tionary War sites and War of 1812 sites.

6 (c) DEFINITIONS.—In this section:

7 (1) DIRECTOR.—The term “Director” means
8 the Director of the National Park Service.

9 (2) REVOLUTIONARY WAR SITE.—The term
10 “Revolutionary War site” means a site or structure
11 situated in the United States that is thematically
12 tied with the nationally significant events that oc-
13 curred during the Revolutionary War.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (4) WAR OF 1812 SITE.—The term “War of
17 1812 site” means a site or structure situated in the
18 United States that is thematically tied with the na-
19 tionally significant events that occurred during the
20 War of 1812.

21 (d) STUDY.—

22 (1) PREPARATION.—The Secretary, acting
23 through the Director, shall prepare a study of Revolu-
24 tionary War sites and War of 1812 sites.

1 (2) MATTERS TO BE ADDRESSED.—The study
2 under subsection (b) shall—

3 (A) identify Revolutionary War sites and
4 War of 1812 sites, including sites within units
5 of the National Park System in existence on the
6 date of enactment of this Act;

7 (B) determine the relative significance of
8 the sites;

9 (C) assess short- and long-term threats to
10 the integrity of the sites;

11 (D) provide alternatives for the preserva-
12 tion and interpretation of the sites by Federal,
13 State, and local governments, or other public or
14 private entities, including designation of the
15 sites as units of the National Park System; and

16 (E) research and propose land preservation
17 techniques.

18 (3) CONSULTATION.—During the preparation
19 of the study under paragraph (1), the Director shall
20 consult with—

21 (A) the Governor of each affected States;

22 (B) each affected unit of local government;

23 (C) State and local historic preservation
24 organizations;

25 (D) scholarly organizations; and

1 (E) such other interested parties as the
2 Secretary considers advisable.

3 (4) TRANSMITTAL TO CONGRESS.—Not later
4 than 2 years after the date on which funds are made
5 available to carry out the study under paragraph
6 (1), the Director shall transmit a report describing
7 the results of the study to the Committee on Re-
8 sources of the House of Representatives and the
9 Committee on Energy and Natural Resources of the
10 State.

11 (5) REPORT.—If the Director submits a report
12 on the study to the Director of the Office of Man-
13 agement and Budget, the Secretary shall concu-
14 rently transmit copies of the report to the Commit-
15 tee on Resources of the House of Representatives
16 and the Committee on Energy and Natural Re-
17 sources of the Senate.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 \$750,000, to remain available until expended.

21 **SEC. 605. AMERICAN BATTLEFIELD PROTECTION PRO-**
22 **GRAM.**

23 (a) SHORT TITLE.—This section may be cited as the
24 “American Battlefield Protection Act of 1996”.

1 (b) PURPOSE.—The purpose of this section is to as-
2 sist citizens, public and private institutions, and govern-
3 ments at all levels in planning, interpreting, and protect-
4 ing sites where historic battles were fought on American
5 soil during the armed conflicts that shaped the growth and
6 development of the United States, in order that present
7 and future generations may learn and gain inspiration
8 from the ground where Americans made their ultimate
9 sacrifice.

10 (c) PRESERVATION ASSISTANCE.—

11 (1) IN GENERAL.—Using the established na-
12 tional historic preservation program to the extent
13 practicable, the Secretary of the Interior, acting
14 through the American Battlefield Protection Pro-
15 gram, shall encourage, support, assist, recognize,
16 and work in partnership with citizens, Federal,
17 State, local, and tribal governments, other public en-
18 tities, educational institutions, and private nonprofit
19 organizations in identifying, researching, evaluating,
20 interpreting, and protecting historic battlefields and
21 associated sites on a National, State, and local level.

22 (2) FINANCIAL ASSISTANCE.—To carry out
23 paragraph (1), the Secretary may use a cooperative
24 agreement, grant, contract, or other generally adopt-
25 ed means of providing financial assistance.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$3,000,000 annually to
3 carry out this section, to remain available until expended.

4 (e) REPEAL.—

5 (1) IN GENERAL.—This section is repealed as
6 of the date that is 10 years after the date of enact-
7 ment of this section.

8 (2) NO EFFECT ON GENERAL AUTHORITY.—
9 The Secretary may continue to conduct battlefield
10 studies in accordance with other authorities available
11 to the Secretary.

12 (3) UNOBLIGATED FUNDS.—Any funds made
13 available under this section that remain unobligated
14 shall be credited to the general fund of the Treas-
15 ury.

16 **SEC. 606. CHICKAMAUGA AND CHATTANOOGA NATIONAL**
17 **MILITARY PARKS.**

18 Section 1(c) of the Act entitled “An Act to authorize
19 and direct the National Park Service to assist the State
20 of Georgia in relocating a highway affecting the Chicka-
21 mauga and Chattanooga National Military Park in Geor-
22 gia”, approved December 24, 1987 (101 Stat. 1442), is
23 amended by striking “\$30,000,000” and inserting
24 “\$51,900,000”.

1 **SEC. 607. SHENANDOAH VALLEY BATTLEFIELDS.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Shenandoah Valley Battlefields National Historic Dis-
4 trict and Commission Act of 1996”.

5 (b) CONGRESSIONAL FINDINGS.—The Congress finds
6 that—

7 (1) there are situated in the Shenandoah Valley
8 in the Commonwealth of Virginia the sites of several
9 key Civil War battles;

10 (2) certain sites, battlefields, structures, and
11 districts in the Shenandoah Valley are collectively of
12 national significance in the history of the Civil War;

13 (3) in 1992, the Secretary of the Interior issued
14 a comprehensive study of significant sites and struc-
15 tures associated with Civil War battles in the Shen-
16 andoah Valley, and found that many of the sites
17 within the Shenandoah Valley possess national sig-
18 nificance and retain a high degree of historical in-
19 tegrity;

20 (4) the preservation and interpretation of these
21 sites will make a vital contribution to the under-
22 standing of the heritage of the United States;

23 (5) the preservation of Civil War sites within a
24 regional framework requires cooperation among local
25 property owners and Federal, State, and local gov-
26 ernment entities; and

1 (6) partnerships between Federal, State, and
2 local governments, the regional entities of such gov-
3 ernments, and the private sector offer the most ef-
4 fective opportunities for the enhancement and man-
5 agement of the Civil War battlefields and related
6 sites in the Shenandoah Valley.

7 (c) STATEMENT OF PURPOSE.—The purposes of this
8 section are to—

9 (1) preserve, conserve, and interpret the legacy
10 of the Civil War in the Shenandoah Valley;

11 (2) recognize and interpret important events
12 and geographic locations representing key Civil War
13 battles in the Shenandoah Valley, including those
14 battlefields associated with the Thomas J. (Stone-
15 wall) Jackson campaign of 1862 and the decisive
16 campaigns of 1864;

17 (3) recognize and interpret the effect of the
18 Civil War on the civilian population of the Shen-
19 andoah Valley during the war and postwar recon-
20 struction period; and

21 (4) create partnerships among Federal, State,
22 and local governments, the regional entities of such
23 governments, and the private sector to preserve, con-
24 serve, enhance, and interpret the nationally signifi-

1 cant battlefields and related sites associated with the
2 Civil War in the Shenandoah Valley.

3 (d) DEFINITIONS.—As used in this section:

4 (1) The term “District” means the Shenandoah
5 Valley Battlefields National Historic District estab-
6 lished by section 5.

7 (2) The term “Commission” means the Shen-
8 andoah Valley Battlefields National Historic District
9 Commission established by section 9.

10 (3) The term “plan” means the Shenandoah
11 Valley Battlefields National Historic District Com-
12 mission plan approved by the Secretary under sec-
13 tion 6.

14 (4) The term “management entity” means a
15 unit of government or nonprofit organization des-
16 ignated by the plan to manage and administer the
17 District.

18 (5) The term “Secretary” means the Secretary
19 of the Interior.

20 (6) The term “Shenandoah Valley” means the
21 Shenandoah Valley in the Commonwealth of Vir-
22 ginia.

23 (e) SHENANDOAH VALLEY BATTLEFIELDS NA-
24 TIONAL HISTORIC DISTRICT.—

1 (1) ESTABLISHMENT.—To carry out the pur-
2 poses of this section, there is hereby established the
3 Shenandoah Valley Battlefields National Historic
4 District in the Commonwealth of Virginia.

5 (2) BOUNDARIES.—(A) The corridor shall con-
6 sist of lands and interests therein as generally de-
7 picted on the map entitled “Shenandoah Valley Na-
8 tional Battlefields”, numbered SHVA/80,000, and
9 dated April 1994.

10 (B) The District shall consist of historic trans-
11 portation routes linking the units depicted on the
12 map referred to in subparagraph (A).

13 (C) The map referred to in subparagraph (A)
14 shall be on file and available for public inspection in
15 the offices of the Commission, the management en-
16 tity, and in the appropriate offices of the National
17 Park Service.

18 (f) SHENANDOAH VALLEY BATTLEFIELDS NATIONAL
19 HISTORIC DISTRICT PLAN.—

20 (1) IN GENERAL.—The District shall be man-
21 aged and administered by the Commission and the
22 management entity in accordance with the purposes
23 of this Act and the Shenandoah Valley Battlefields
24 National Historic District Plan developed by the

1 Commission and approved by the Secretary, as pro-
2 vided in this subsection.

3 (2) SPECIFIC PROVISIONS.—The plan shall in-
4 clude—

5 (A) an inventory which includes any prop-
6 erty in the District which should be preserved,
7 restored, managed, maintained, or acquired be-
8 cause of its national historic significance;

9 (B) provisions for the protection and inter-
10 pretation of the natural, cultural, and historic
11 resources of the District consistent with the
12 purposes of this section;

13 (C) provisions for the establishment of a
14 management entity which shall be a unit of gov-
15 ernment or a private nonprofit organization
16 that administers and manages the District con-
17 sistent with the plan, and possesses the legal
18 ability to—

19 (i) receive Federal funds and funds
20 from other units of government or other
21 organizations for use in preparing and im-
22 plementing the management plan;

23 (ii) disburse Federal funds to other
24 units of government or other nonprofit or-

1 organizations for use in preparing and imple-
2 menting the plan;

3 (iii) enter into agreements with the
4 Federal, State, or other units of govern-
5 ment and nonprofit organizations;

6 (iv) acquire lands or interests therein
7 by gift or devise, or by purchase from a
8 willing seller using donated or appropriated
9 funds, or by donation and no lands or in-
10 terests therein may be acquired by con-
11 demnation; and

12 (v) make such reasonable and nec-
13 essary modifications to the plan which
14 shall be approved by the Secretary;

15 (D) recommendations to the Common-
16 wealth of Virginia (and political subdivisions
17 thereof) for the management, protection, and
18 interpretation of the natural, cultural, and his-
19 torical resources of the District;

20 (E) identification of appropriate partner-
21 ships between the Federal, State, and local gov-
22 ernments and regional entities, and the private
23 sector, in furtherance of the purposes of this
24 section;

1 (F) locations for visitor contact and major
2 interpretive facilities;

3 (G) provisions for implementing a continu-
4 ing program of interpretation and visitor edu-
5 cation concerning the resources and values of
6 the District;

7 (H) provisions for a uniform historical
8 marker and wayside exhibit program in the Dis-
9 trict, including a provision for marking, with
10 the consent of the owner, historic structures
11 and properties that are contained within the
12 historic core areas and contribute to the under-
13 standing of the District;

14 (I) recommendations for means of ensuring
15 continued local involvement and participation in
16 the management, protection, and development
17 of the District; and

18 (J) provisions for appropriate living history
19 demonstrations and battlefield reenactments.

20 (3) PREPARATION OF DRAFT PLAN.—(A) Not
21 later than 3 years after the date on which the Com-
22 mission conducts its first meeting, the Commission
23 shall submit to the Secretary a draft plan that meets
24 the requirements of paragraph (2).

1 (B) Prior to submitting the draft plan to
2 the Secretary, the Commission shall ensure
3 that—

4 (i) the Commonwealth of Virginia,
5 and any political subdivision thereof that
6 would be affected by the plan, receives a
7 copy of the draft plan;

8 (ii) adequate notice of the availability
9 of the draft plan is provided through publi-
10 cation in appropriate local newspapers in
11 the area of the District; and

12 (iii) at least one public hearing in the
13 vicinity of the District is conducted by the
14 Commission with respect to the draft plan.

15 (4) REVIEW OF THE PLAN BY THE SEC-
16 RETARY.—The Secretary shall review the draft plan
17 submitted under paragraph (3) and, not later than
18 90 days after the date on which the draft plan is
19 submitted, shall either—

20 (A) approve the draft plan as the plan if
21 the Secretary finds that the plan, when imple-
22 mented, would adequately protect the signifi-
23 cant historical and cultural resources of the
24 District; or

1 (B) reject the draft plan and advise the
2 Commission in writing of the reasons therefore
3 and indicate any recommendations for revisions
4 that would make the draft plan acceptable.

5 (g) DUTIES OF THE SECRETARY.—

6 (1) IN GENERAL.—(A) The Secretary may
7 award grants, provide technical assistance and enter
8 into cooperative agreements with the Commission,
9 management entity, other units of government, or
10 other persons to provide for the preservation and in-
11 terpretation of the natural, cultural, and historical
12 resources within the District.

13 (2) TECHNICAL ASSISTANCE.—The Secretary
14 may make grants, provide technical assistance, and
15 enter into cooperative agreements for—

16 (A) the preparation and implementation of
17 the plan pursuant to subsection (f);

18 (B) interpretive and educational programs;

19 (C) acquiring lands or interests in lands
20 from willing sellers;

21 (D) capital projects and improvements un-
22 dertaken pursuant to the plan; and

23 (E) facilitating public access to historic re-
24 sources within the District.

1 (3) EARLY ACTIONS.—After enactment of this
2 Act but prior to approval of the plan, the Secretary
3 may provide technical and financial assistance for
4 early actions which are important to the purposes of
5 this Act and which protect and preserve resources in
6 imminent danger of irreversible damage but for the
7 fact of such early action.

8 (4) ACQUISITION OF LAND.—The Secretary
9 may acquire land and interests in lands from a will-
10 ing seller or donee within the District that have been
11 specifically identified by the Commission for acquisi-
12 tion by the Federal Government. No lands or inter-
13 ests therein may be acquired by condemnation.

14 (5) DETAIL.—Each fiscal year during the exist-
15 ence of the Commission and upon request of the
16 Commission, the Secretary shall detail to the Com-
17 mission, on a nonreimbursable basis, 2 employees of
18 the Department of the Interior to enable the Com-
19 mission to carry out the Commission's duties under
20 section 9. Such detail shall be without interruption
21 or loss of civil service status, benefits, or privileges.

22 (6) REPORT.—Not later than 2 years after ap-
23 proval of the plan, the Secretary shall submit to
24 Congress a report recommending whether the Dis-

1 trict or components thereof meet the criteria for des-
2 ignation as a unit of the National Park Service.

3 (7) OTHER ASSISTANCE.—Nothing in this sec-
4 tion shall be deemed to prohibit the Secretary or
5 units of government from providing technical or fi-
6 nancial assistance under any other provision of law.

7 (h) SHENANDOAH VALLEY BATTLEFIELDS NA-
8 TIONAL HISTORIC DISTRICT COMMISSION.—

9 (1) ESTABLISHMENT.—There is hereby estab-
10 lished the Shenandoah Valley Battlefields National
11 Historic District Commission.

12 (2) MEMBERSHIP.—The Commission shall be
13 composed of 19 members, to be appointed by the
14 Secretary as follows:

15 (A) 5 members representing local govern-
16 ments of communities in the vicinity of the Dis-
17 trict, appointed after the Secretary considers
18 recommendations made by appropriate local
19 governing bodies.

20 (B) 10 members representing property
21 owners within the District (1 member within
22 each unit of the battlefields).

23 (C) 1 member with demonstrated expertise
24 in historic preservation.

1 (D) 1 member who is a recognized histo-
2 rian with expertise in Civil War history.

3 (E) The Governor of Virginia, or a des-
4 ignee of the Governor, ex officio.

5 (F) The Director of the National Park
6 Service, or a designee of the Director, ex officio.

7 (3) APPOINTMENTS.—Members of the Commis-
8 sion shall be appointed for terms of 3 years. Any
9 member of the Commission appointed for a definite
10 term may serve after the expiration of the term until
11 the successor of the members is appointed.

12 (4) ELECTION OF OFFICERS.—The Commission
13 shall elect 1 of its members as Chairperson and 1
14 as Vice Chairperson. The Vice Chairperson shall
15 serve as Chairperson in the absence of the Chair-
16 person.

17 (5) VACANCY.—Any vacancy on the Commis-
18 sion shall be filled in the same manner in which the
19 original appointment was made, except that the Sec-
20 retary shall fill any vacancy within 30 days after the
21 vacancy occurs.

22 (6) QUORUM.—Any majority of the Commission
23 shall constitute a quorum.

24 (7) MEETINGS.—The Commission shall meet at
25 the call of the Chairperson or a majority of the

1 members of the Commission, but not less than quar-
2 terly. Notice of the Commission meetings and agen-
3 das for the meetings shall be published in local
4 newspapers that have a distribution throughout the
5 Shenandoah Valley. Meetings of the Commission
6 shall be subject to section 552b of title 5, United
7 States Code (relating to open meetings).

8 (8) STAFF OF THE COMMISSION.—The Commis-
9 sion shall have the power to appoint and fix the
10 compensation of such staff as may be necessary to
11 carry out its duties.

12 (9) ADMINISTRATIVE SUPPORT SERVICES.—The
13 Administrator of the General Services Administra-
14 tion shall provide to the Commission, without reim-
15 bursement, such administrative support services as
16 the Commission may request.

17 (10) FEDERAL AGENCIES.—Upon request of
18 the Commission, the head of any Federal agency
19 may detail to the Commission or management entity,
20 without reimbursement, personnel of the agency to
21 assist the Commission or management entity in car-
22 rying out its duties and such detail shall be without
23 interruption or loss of civil service status, benefits,
24 or privileges.

1 (11) SUBPOENAS.—The Commission may not
2 issue subpoenas or exercise any subpoena authority.

3 (12) EXPENSES.—Members of the Commission
4 shall serve without compensation, but the Secretary
5 may reimburse members for expenses reasonably in-
6 curred in carrying out the responsibilities of the
7 Commission under this Act.

8 (13) MAILS.—The Commission may use the
9 United States mails in the same manner and under
10 the same conditions as other departments and agen-
11 cies of the United States.

12 (14) GIFTS.—The Commission may, for pur-
13 poses of carrying out the duties of the Commission,
14 seek, accept, and dispose of gifts, bequests, or dona-
15 tions of money, personal or real property, or services
16 received from any source.

17 (15) TERMINATION.—The Commission shall
18 terminate at the expiration of the 45-day period be-
19 ginning on the date on which the Secretary approves
20 the plan under subsection (f)(4).

21 (i) DUTIES OF THE COMMISSION.—

22 (1) IN GENERAL.—The Commission shall—

23 (A) develop the plan and draft plan re-
24 ferred to in subsection (f), in consultation with
25 the Secretary;

1 (B) assist the Commonwealth of Virginia,
2 and any political subdivision thereof, in the
3 management, protection, and interpretation of
4 the natural, cultural, and historical resources
5 within the District, except that the Commission
6 shall in no way infringe upon the authorities
7 and policies of the Commonwealth of Virginia
8 or any political subdivision; and

9 (C) take appropriate action to encourage
10 protection of the natural, cultural, and historic
11 resources within the District by landowners,
12 local governments, organizations, and busi-
13 nesses.

14 (j) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—From the amounts made
16 available to carry out the National Historic Preser-
17 vation Act, there are authorized to be appropriated
18 to the Commission not more than \$250,000 annually
19 to remain available until expended.

20 (2) ASSISTANCE.—(A) From the amounts made
21 available to carry out the National Historic Preser-
22 vation Act, there are authorized to be appropriated
23 to the Secretary for grants and technical assistance
24 pursuant to subsections (g)(1), (2), and (3) not

1 more than \$2,000,000 annually to remain available
2 until expended.

3 (B) The Federal share of any funds awarded
4 under subsection (g)(2) may not exceed the amount
5 of non-Federal funds provided for the preservation,
6 interpretation, planning, development, or implemen-
7 tation with respect to which the grant is awarded.

8 (3) LAND ACQUISITION.—From the amounts
9 made available to carry out the National Historic
10 Preservation Act, there are authorized to be appro-
11 priated for land acquisition pursuant to subsection
12 (g)(4) not more than \$2,000,000 annually to remain
13 available until expended.

14 (4) MANAGEMENT ENTITY.—From the amounts
15 made available to carry out the National Historic
16 Preservation Act, there are authorized to be appro-
17 priated to the management entity not more than
18 \$500,000 annually to remain available until ex-
19 pended.

20 **SEC. 608. WASHITA BATTLEFIELD.**

21 (a) FINDINGS AND PURPOSES.—

22 (1) FINDINGS.—The Congress finds that—

23 (A) the Battle of the Washita, November
24 27, 1868, was one of the largest engagements
25 between Plains tribes and the United States

1 Army on the Southern Great Plains. The site is
2 a registered National Historic Landmark;

3 (B) Lt. Col. George A. Custer, leading the
4 7th United States Cavalry, attacked the sleep-
5 ing Cheyenne village of peace chief Black Ket-
6 tle. Custer's attack resulted in more than 150
7 Indian casualties, many of them women and
8 children;

9 (C) the Battle of the Washita symbolizes
10 the struggle of the Southern Great Plains tribes
11 to maintain their traditional lifeways and not to
12 submit to reservation confinement; and

13 (D) the Washita battle site possesses a
14 high degree of integrity and the cultural land-
15 scape is essentially intact. The Cheyenne village
16 site has not been altered substantially except by
17 periodic flooding of the Washita River.

18 (2) PURPOSES.—The purposes of this section
19 are to—

20 (A) recognize the importance of the Battle
21 of the Washita as a nationally significant ele-
22 ment of frontier military history and as a sym-
23 bol of the struggles of the Southern Great
24 Plains tribes to maintain control of their tradi-
25 tional use areas; and

1 (B) establish the site of the Battle of the
2 Washita as a national historic site and provide
3 opportunities for American Indian groups in-
4 cluding the Cheyenne-Arapaho Tribe to be in-
5 volved in the formulation of plans and edu-
6 cational programs for the national historic site.

7 (b) ESTABLISHMENT.—

8 (1) IN GENERAL.—In order to provide for the
9 preservation and interpretation of the Battle of the
10 Washita, there is hereby established the Washita
11 Battlefield National Historic Site in the State of
12 Oklahoma (hereafter in this section referred to as
13 the “national historic site”).

14 (2) BOUNDARY.—

15 (A) IN GENERAL.—The national historic
16 site shall consist of—

17 (i) approximately 326 acres, as gen-
18 erally depicted on the map entitled
19 “Washita Battlefield National Historic
20 Site”, numbered 22,000A and dated 12/95;
21 and

22 (ii) the private lands subject to con-
23 servation easements referred to in sub-
24 section (d)(2).

1 (B) MAP.—The map referred to in sub-
2 paragraph (A)(i) shall be on file in the offices
3 of the Director of the National Park Service,
4 Department of the Interior, and other appro-
5 priate offices of the National Park Service. The
6 Secretary of the Interior (hereafter in this sec-
7 tion referred to as the “Secretary”) may, from
8 time to time, make minor revisions in the
9 boundary of the national historic site in accord-
10 ance with section 7(c) of the Land and Water
11 Conservation Act of 1965 (16 U.S.C. 460l–4
12 and following).

13 (c) ADMINISTRATION.—

14 (1) IN GENERAL.—The Secretary, acting
15 through the Director of the National Park Service,
16 shall manage the national historic site in accordance
17 with this section and the provisions of law generally
18 applicable to units of the National Park System, in-
19 cluding “An Act to establish a National Park Serv-
20 ice, and for other purposes”, approved August 25,
21 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act
22 of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–
23 467).

1 (2) MANAGEMENT PURPOSES.—The Secretary
2 shall manage the national historic site for the follow-
3 ing purposes, among others:

4 (A) To protect and preserve the national
5 historic site, including the topographic features
6 important to the battle site, artifacts and other
7 physical remains of the battle, and the visual
8 scene as closely as possible as it was at the time
9 of the battle.

10 (B) To interpret the cultural and natural
11 resources of the historic site, providing for pub-
12 lic understanding and appreciation of the area
13 in such manner as to perpetuate these qualities
14 and values for future generations.

15 (3) CONSULTATION AND TRAINING.—The Sec-
16 retary, acting through the Director of the National
17 Park Service, shall consult regularly with the Chey-
18 enne-Arapaho Tribe on the formulation of the man-
19 agement plan provisions referred to in subsection
20 (e)(5) and on preparation of educational programs
21 provided to the public. The Secretary is authorized
22 to enter into cooperative agreements with the Chey-
23 enne-Arapaho Tribe, its subordinate boards, commit-
24 tees, enterprises, and traditional leaders to further
25 the purposes of this Act.

1 (d) ACQUISITION OF PROPERTY.—

2 (1) PARK BOUNDARIES.—Within the bound-
3 aries of the national historic site, the Secretary is
4 authorized to acquire lands and interest in lands by
5 donation, purchase with donated or appropriated
6 funds, or exchange, except that—

7 (A) no lands or interest in lands within the
8 historic site may be acquired without the con-
9 sent of the owner thereof, and

10 (B) lands and interests in lands owned by
11 the State of Oklahoma or any political subdivi-
12 sion thereof may be acquired only by donation.

13 (2) CONSERVATION EASEMENTS.—The Con-
14 gress finds that the State of Oklahoma, acting
15 through the Oklahoma Historical Society, will work
16 with local land owners to acquire and hold in per-
17 petuity conservation easements in the vicinity of the
18 national historic site as deemed necessary for the
19 visual and interpretive integrity of the site. The in-
20 tent of the easements will be to keep occupancy of
21 the land in private ownership and use of the land in
22 general agriculture.

23 (e) MANAGEMENT PLAN.—Within 5 years after the
24 date funds are made available for purposes of this section,
25 the Secretary, acting through the Director of the National

1 Park Service, shall prepare a general management plan
2 for the national historic site. The plan shall address, but
3 not be limited to, each of the following:

4 (1) A resource protection program.

5 (2) A visitor use plan including programs and
6 facilities that will be provided for public use, includ-
7 ing the location and cost of public facilities.

8 (3) A research and curation plan.

9 (4) A highway signing program.

10 (5) Involvement by the Cheyenne-Arapaho
11 Tribe in the formulation of educational programs for
12 the national historic site.

13 (6) Involvement by the State of Oklahoma and
14 other local and national entities willing to share in
15 the responsibilities of developing and supporting the
16 national historic site.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 for land acquisition and development not more than
20 \$5,000,000.

21 **TITLE VII—FEES**

22 **SEC. 701. SKI AREA PERMIT RENTAL CHARGE.**

23 (a) The Secretary of Agriculture shall charge a rental
24 charge for all ski area permits issued pursuant to section
25 3 of the National Forest Ski Area Permit Act of 1986

1 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat.
2 1101, chapter 144; 16 U.S.C. 497), or the 9th through
3 20th paragraphs under the heading “SURVEYING THE
4 PUBLIC LANDS” under the heading “UNDER THE
5 DEPARTMENT OF THE INTERIOR” in the Act of
6 June 4, 1897 (30 Stat. 34, chapter 2), on National Forest
7 System lands. Permit rental charges for permits issued
8 pursuant to the National Forest Ski Area Permit Act of
9 1986 shall be calculated as set forth in subsection (b).
10 Permit rental charges for existing ski area permits issued
11 pursuant to the Act of March 4, 1915, and the Act of
12 June 4, 1897, shall be calculated in accordance with those
13 existing permits: *Provided*, That a permittee may, at the
14 permittee’s option, use the calculation method set forth
15 in subsection (b).

16 (b)(1) The ski area permit rental charge (SAPRC)
17 shall be calculated by adding the permittee’s gross reve-
18 nues from lift ticket/year-round ski area use pass sales
19 plus revenue from ski school operations (LT+SS) and
20 multiplying such total by the slope transport feet percent-
21 age (STFP) on National Forest System land. That
22 amount shall be increased by the gross year-round revenue
23 from ancillary facilities (GRAF) physically located on na-
24 tional forest land, including all permittee or subpermittee
25 lodging, food service, rental shops, parking and other an-

1 cillary operations, to determine the adjusted gross revenue
 2 (AGR) subject to the permit rental charge. The final rent-
 3 al charge shall be calculated by multiplying the AGR by
 4 the following percentages for each revenue bracket and
 5 adding the total for each revenue bracket:

6 (A) 1.5 percent of all adjusted gross revenue
 7 below \$3,000,000;

8 (B) 2.5 percent for adjusted gross revenue be-
 9 tween \$3,000,000 and \$15,000,000;

10 (C) 2.75 percent for adjusted gross revenue be-
 11 tween \$15,000,000 and \$50,000,000; and

12 (D) 4.0 percent for the amount of adjusted
 13 gross revenue that exceeds \$50,000,000.

14 Utilizing the abbreviations indicated in this subsection the
 15 ski area permit fee (SAPF) formula can be simply illus-
 16 trated as:

$$\text{SAPF} = ((\text{LT} + \text{SS}) \times \text{STFP}) + \text{GRAF} = \text{AGR}; \text{AGR} \times \% \text{ BRACKETS}$$

17 (2) In cases where ski areas are only partially located
 18 on national forest lands, the slope transport feet percent-
 19 age on national forest land referred to in subsection (b)
 20 shall be calculated as generally described in the Forest
 21 Service Manual in effect as of January 1, 1992. Revenues
 22 from Nordic ski operations shall be included or excluded
 23 from the rental charge calculation according to the per-
 24 centage of trails physically located on national forest land.

1 (3) In order to ensure that the rental charge remains
2 fair and equitable to both the United States and the ski
3 area permittees, the adjusted gross revenue figures for
4 each revenue bracket in paragraph (1) shall be adjusted
5 annually by the percent increase or decrease in the na-
6 tional Consumer Price Index for the preceding calendar
7 year. No later than 3 years after the date of enactment
8 of this Act and every 5 years thereafter the Secretary shall
9 submit to the Committee on Energy and Natural Re-
10 sources of the United States Senate and the Committee
11 on Resources of the United States House of Representa-
12 tives a report analyzing whether the ski area permit rental
13 charge legislated by this Act is returning a fair market
14 value rental to the United States together with any rec-
15 ommendations the Secretary may have for modifications
16 of the system.

17 (c) The rental charge set forth in subsection (b) shall
18 be due on June 1 of each year and shall be paid or pre-
19 paid by the permittee on a monthly, quarterly, annual or
20 other schedule as determined appropriate by the Secretary
21 in consultation with the permittee. Unless mutually agreed
22 otherwise by the Secretary and the permittee, the payment
23 or prepayment schedule shall conform to the permittee's
24 schedule in effect prior to enactment of this Act. To re-
25 duce costs to the permittee and the Forest Service, the

1 Secretary shall each year provide the permittee with a
2 standardized form and worksheets (including annual rent-
3 al charge calculation brackets and rates) to be used for
4 rental charge calculation and submitted with the rental
5 charge payment. Information provided on such forms shall
6 be compiled by the Secretary annually and kept in the Of-
7 fice of the Chief, United States Forest Service.

8 (d) The ski area permit rental charge set forth in this
9 section shall become effective on June 1, 1996 and cover
10 receipts retroactive to June 1, 1995: *Provided however,*
11 That if a permittee has paid rental charges for the period
12 June 1, 1995, to June 1, 1996, under the graduated rate
13 rental charge system formula in effect prior to the date
14 of enactment of this Act, such rental charges shall be cred-
15 ited toward the new rental charge due on June 1, 1996.
16 In order to ensure increasing rental charge receipt levels
17 to the United States during transition from the graduated
18 rate rental charge system formula to the formula of this
19 Act, the rental charge paid by any individual permittee
20 shall be—

21 (1) for the 1995–1996 permit year, either the
22 rental charge paid for the preceding 1994–1995
23 base year or the rental charge calculated pursuant
24 to this Act, whichever is higher;

1 (2) for the 1996–1997 permit year, either the
2 rental charge paid for the 1994–1995 base year or
3 the rental charge calculated pursuant to this Act,
4 whichever is higher; and

5 (3) for the 1997–1998 permit year, either the
6 rental charge for the 1994–1995 base year or the
7 rental charge calculated pursuant to this Act, which-
8 ever is higher.

9 If an individual permittee’s adjusted gross revenue for the
10 1995–1996, 1996–1997, or 1997–1998 permit years falls
11 more than 10 percent below the 1994–1995 base year, the
12 rental charge paid shall be the rental charge calculated
13 pursuant to this Act.

14 (e) Under no circumstances shall revenue, or sub-
15 permittee revenue (other than lift ticket, area use pass,
16 or ski school sales) obtained from operations physically lo-
17 cated on non-national forest land be included in the ski
18 area permit rental charge calculation.

19 (f) To reduce administrative costs of ski area permit-
20 tees and the Forest Service the terms “revenue” and
21 “sales”, as used in this section, shall mean actual income
22 from sales and shall not include sales of operating equip-
23 ment, refunds, rent paid to the permittee by sublessees,
24 sponsor contributions to special events or any amounts at-
25 tributable to employee gratuities or employee lift tickets,

1 discounts, or other goods or services (except for bartered
2 goods and complimentary lift tickets) for which the per-
3 mittee does not receive money.

4 (g) In cases where an area of national forest land
5 is under a ski area permit but the permittee does not have
6 revenue or sales qualifying for rental charge payment pur-
7 suant to subsection (a), the permittee shall pay an annual
8 minimum rental charge of \$2 for each national forest acre
9 under permit or a percentage of appraised land value, as
10 determined appropriate by the Secretary.

11 (h) Where the new rental charge provided for in sub-
12 section (b)(1) results in an increase in permit rental
13 charge greater than one-half of 1 percent of the permit-
14 tee's adjusted gross revenue as determined under sub-
15 section (b)(1), the new rental charge shall be phased in
16 over a five year period in a manner providing for increases
17 of approximately equal increments.

18 (i) To reduce Federal costs in administering the pro-
19 visions of this Act, the reissuance of a ski area permit
20 to provide activities similar in nature and amount to the
21 activities provided under the previous permit shall not con-
22 stitute a major Federal action for the purposes of the Na-
23 tional Environmental Policy Act of 1969 (42 U.S.C. 4331
24 et seq.).

1 (j) Subject to valid existing rights, all lands located
2 within the boundaries of ski area permits issued prior to,
3 on or after the date of enactment of this Act pursuant
4 to authority of the Act of March 4, 1915 (38 Stat. 1101,
5 chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897,
6 or the National Forest Ski Area Permit Act of 1986 (16
7 U.S.C. 497b) are hereby and henceforth automatically
8 withdrawn from all forms of appropriation under the min-
9 ing laws and from disposition under all laws pertaining
10 to mineral and geothermal leasing and all amendments
11 thereto. Such withdrawal shall continue for the full term
12 of the permit and any modification, reissuance, or renewal
13 thereof. Unless the Secretary requests otherwise of the
14 Secretary of the Interior, such withdrawal shall be can-
15 celed automatically upon expiration or other termination
16 of the permit and the land automatically restored to all
17 appropriation not otherwise restricted under the public
18 land laws.

19 **SEC. 702. DELAWARE WATER GAP.**

20 (a) IN GENERAL.—Effective at noon on September
21 30, 2005, the use of Highway 209 within Delaware Water
22 Gap National Recreation Area by commercial vehicles,
23 when such use is not connected with the operation of the
24 recreation area, is prohibited, except as provided in sub-
25 section (b).

1 (b) LOCAL BUSINESS USE PROTECTED.—Subsection
2 (a) does not apply with respect to the use of commercial
3 vehicles to serve businesses located within or in the vicinity
4 of the recreation area, as determined by the Secretary.

5 (c) CONFORMING PROVISIONS.—

6 (1) Paragraphs (1) through (3) of the third un-
7 designated paragraph under the heading “ADMIN-
8 ISTRATIVE PROVISIONS” in chapter VII of title
9 I of Public Law 98–63 (97 Stat. 329) are repealed,
10 effective September 30, 2005.

11 (2) Prior to noon on September 30, 2005, the
12 Secretary shall collect and utilize a commercial use
13 fee from commercial vehicles in accordance with
14 paragraphs (1) through (3) of such third undesig-
15 nated paragraph. Such fee shall not exceed \$25 per
16 trip.

17 **SEC. 703. VISITOR SERVICES.**

18 (a) SHORT TITLE.—This section may be cited as the
19 “Visitor Services Improvement and Outdoor Legacy Act
20 of 1996”.

21 (b) PURPOSE.—The purpose of this section is to im-
22 prove the overall quality of the visitor recreation experi-
23 ence on Federal lands through increased funding provided
24 by an innovative and incentive-based recreation fee pro-
25 gram combined with an appropriation targeted to meet the

1 increasing demand for recreational use of the Federal
2 lands.

3 (c) REPEAL OF EXISTING RECREATION FEE PRO-
4 GRAM AND ESTABLISHMENT OF NEW RECREATION FEE
5 PROGRAM.—Section 4 of the Land and Water Conserva-
6 tion Fund Act of 1965 (16 U.S.C. 460l–6a) is amended
7 to read as follows:

8 “RECREATION FEE PROGRAM

9 “SEC. 4. (a) PROGRAM GOALS AND POLICIES.—

10 “(1) CONGRESSIONAL GOALS.—It is the policy
11 of Congress that the Federal land management
12 agencies develop and implement high quality recre-
13 ation programs adequate to meet the needs of the
14 American people and to fund a portion of the cost
15 of providing recreation services through recreation
16 fees.

17 “(2) ADMINISTRATIVE POLICIES.—The admin-
18 istering Secretaries shall jointly issue an integrated
19 policy for the establishment and collection of recre-
20 ation fees under this section. Such policy shall—

21 “(A) permit flexibility with regard to the
22 amounts charged;

23 “(B) provide for maximization of the num-
24 ber of persons who pay fees to ensure that fees
25 remain at the lowest possible level;

1 “(C) provide that comparable fees be
2 charged by the several Federal agencies for
3 similar services and facilities;

4 “(D) provide for the establishment of fees
5 in a manner which is equitable among user
6 groups and which accounts for any other fees,
7 such as commercial tour fees and concession
8 fees, which are paid by user groups and used on
9 Federal lands for recreational purposes;

10 “(E) define administrative overhead and
11 specify accounting procedures to ensure that
12 administrative overhead is not included in the
13 cost of visitor services provided;

14 “(F) provide for a uniform procedure for
15 accounting for fees collected under this section;
16 and

17 “(G) recognize the importance of the con-
18 venience of the public by avoiding fee programs
19 which are overly complex or which would re-
20 quire the payment of numerous fees at a par-
21 ticular area.

22 “(b) DEFINITIONS.—For the purposes of this section:

23 “(1) ADMINISTERING SECRETARIES.—The term
24 ‘administering Secretaries’ means—

1 “(A) the Secretary of Agriculture with re-
2 spect to the Forest Service; and

3 “(B) the Secretary of the Interior with re-
4 spect to the National Park Service and Bureau
5 of Land Management.

6 “(2) AGENCY.—The term ‘agency’ means an
7 agency referred to in paragraph (1) (A) or (B).

8 “(3) AREA.—The term ‘area’ means an admin-
9 istrative area managed by an agency, such as a unit
10 of the National Park System or a national forest.

11 “(4) AREA OF CONCENTRATED PUBLIC USE.—
12 The term ‘area of concentrated public use’ means an
13 area or portion of an area which—

14 “(A) provides developed facilities or serv-
15 ices necessary to accommodate public use main-
16 tained at Federal expense;

17 “(B) contains at least one major visitor at-
18 traction, including (but not limited to) a lake,
19 river, historical or cultural site, or geologic fea-
20 ture; and

21 “(C) provides public access such that ad-
22 mission fees can be cost-effectively collected.

23 “(5) RECREATION FEES.—The term ‘recreation
24 fees’ means admission fees, recreation use fees, and

1 fees granted to Federal agencies from States wheth-
2 er collected by agency personnel or others.

3 “(6) ADMISSION FEES.—The term ‘admission
4 fees’ means fees charged for entry into any area des-
5 ignated by the administering Secretary.

6 “(7) RECREATION USE FEES.—The term ‘recre-
7 ation use fees’ means the charge for specialized
8 recreation services or facilities furnished at Federal
9 Government expense, including (but not limited to)
10 campgrounds, boat ramps, and back country camp-
11 ing by permit.

12 “(8) VISITOR SERVICES.—The term ‘visitor
13 services’ means services and costs directly associated
14 with management of recreation visitors to Federal
15 lands, including (but not limited to) such programs
16 as maintenance of facilities which serve primarily
17 visitor recreation use (such as campgrounds, scenic
18 roads, trails, visitor centers and picnic areas), public
19 information and interpretation, resource protection
20 directly related to public use (such as stream im-
21 provement to improve fishing or mitigation of im-
22 pacts to resources resulting from visitor use), and
23 other activities of personnel assigned predominantly
24 to management of visitors or public safety programs,
25 but not including costs of regional and Washington

1 headquarters offices or any administrative services
2 such as personnel, budget and finance, and procure-
3 ment.

4 “(9) CONCESSION FEES.—The term ‘concession
5 fees’ means fees paid to the United States pursuant
6 to provisions of law other than this section for the
7 privilege of providing concession services, fees paid
8 for the lease of government-owned facilities, and
9 non-Federal amounts paid for construction of visitor
10 facilities.

11 “(c) ESTABLISHMENT.—

12 “(1) IN GENERAL.—In order to improve the
13 quality of the visitor experience on Federal lands,
14 the administering Secretaries shall establish and im-
15 plement a fee program in accordance with this sec-
16 tion which provides for partial recovery of the costs
17 of visitor services provided through admission fees,
18 recreation use fees, and concession fees. In carrying
19 out such program, the administering Secretaries are
20 authorized and directed to collect admission fees in
21 accordance with this section at areas administered
22 by the National Park Service and areas of con-
23 centrated public use. In addition, the administering
24 Secretaries shall collect recreation use fees at areas
25 under their administration.

1 “(2) FACTORS IN ESTABLISHING AND ADJUST-
2 ING AMOUNT OF FEES.—(A) All fees established
3 pursuant to this section shall be fair and equitable,
4 taking into consideration the cost to the Federal
5 Government, the benefits to the recipient, the public
6 policy or interest served, the comparable recreation
7 fees charged by other public and private entities, the
8 economic and administrative feasibility of fee collec-
9 tion, convenience to the recreation user, and other
10 pertinent factors.

11 “(B) Any adjustments in fees shall take into
12 account the factors specified in subparagraph (A).
13 Any increases in fees shall be on an incremental
14 basis over time.

15 “(3) PUBLIC COMMENT AND FEDERAL REG-
16 ISTER NOTICE ON ADMISSION AND COMMERCIAL
17 TOUR FEES.—(A) In the case of public admission
18 fees, the administering Secretaries shall publish in
19 the Federal Register, for a 30-day comment period,
20 a proposed schedule of all changes to such fees not
21 later than six months prior to such fee changes.

22 “(B) In the case of changes to commercial tour
23 fees or initiating a new commercial tour fee, the ad-
24 ministering Secretaries shall publish in the Federal
25 Register—

1 “(i) for a 30-day comment period, a pro-
2 posed schedule of all changes in such fees not
3 later than 14 months prior to such fee change
4 or initiation; and

5 “(ii) a final schedule not later than 12
6 months prior to such fee change or initiation.

7 “(4) CONTINUATION OF FEE AUTHORITY.—
8 Until an admission or commercial tour fee is initi-
9 ated and in effect under this section, the admission
10 or commercial tour fee at an area administered by
11 the agencies shall be determined in accordance with
12 the applicable laws in effect on the day before the
13 date of enactment of the Visitor Services Improve-
14 ment and Outdoor Legacy Act of 1996.

15 “(5) NOTICE OF FEES.—Clear notice that a fee
16 has been established pursuant to this section, and
17 the amount thereof, shall be prominently posted at
18 appropriate locations in each area and shall be in-
19 cluded in agency publications distributed with re-
20 spect to such areas.

21 “(6) FEE COLLECTION PERSONNEL.—Personnel
22 exclusively assigned to fee collection duties, which
23 are over and above the number of such personnel as-
24 signed exclusively to fee collection duties on the day
25 prior to enactment of the Visitor Services Improve-

1 ment and Outdoor Legacy Act of 1996, shall not be
2 counted against any full-time equivalent ceiling es-
3 tablished for that agency.

4 “(d) RECREATION FEES.—

5 “(1) ADMISSION FEES.—Reasonable admission
6 fees for a single visit to any designated area shall be
7 established by the administering Secretary. A ‘single
8 visit’ means a more or less continuous stay within a
9 designated area. Payment of a single visit admission
10 fee shall authorize exits from and reentries to a sin-
11 gle designated area for a period of from one to fif-
12 teen days, such period to be defined for each des-
13 ignated area by the administering Secretary based
14 on a determination of the period of time reasonably
15 and ordinarily necessary for such a single visit. The
16 entrance fee for private parties and commercial
17 tours shall be set in accordance with this section by
18 the administering Secretaries and may be adjusted,
19 taking into account the factors specified in sub-
20 section (c)(2). The Secretaries shall ensure that
21 where appropriate the admission fee schedule devel-
22 oped provides economic incentives for use of alter-
23 native modes of transportation, including mass
24 transportation, at areas experiencing high levels of
25 automobile traffic. The administering Secretaries are

1 authorized to implement admission fee practices
2 which vary by day of the week, season, expedite
3 entry and reduce congestion. The fee for single ad-
4 mission visits shall be no greater than \$10 per per-
5 son or \$25 per vehicle.

6 “(2) ANNUAL ADMISSION PERMITS: GOLDEN
7 EAGLE PASSPORT.—

8 “(A) GOLDEN EAGLE PASSPORT.—For ad-
9 mission into any area at which admission fees
10 are charged pursuant to this section, an admis-
11 sion permit, to be known as the ‘Golden Eagle
12 Passport’, valid for a 12-month period, shall be
13 available. The fee for the passport shall be set
14 jointly by the administering Secretaries, taking
15 into account the factors specified in subsection
16 (c)(2). The permittee and all persons accom-
17 panying the permittee in a single, private, non-
18 commercial vehicle or, alternatively, the permit-
19 tee and the permittee’s spouse, children, and
20 parents accompanying the permittee shall be
21 entitled to general admission into any area des-
22 ignated pursuant to this section. The permit
23 shall be nontransferable, and the unlawful use
24 thereof shall be punishable in accordance with
25 regulations established pursuant to subsection

1 (g). The permit shall be available for purchase
2 at any such designated area. The fee for a
3 Golden Eagle Passport shall be no greater than
4 \$50.

5 “(B) NON-FEDERAL SALE.—The admin-
6 istering Secretaries may authorize units of
7 State or local government, organizations, busi-
8 nesses, and nonprofit entities to sell and collect
9 admission fees, including the Golden Eagle
10 Passport, subject to such conditions as the Sec-
11 retaries may jointly prescribe. The Secretaries
12 shall develop detailed guidelines for promotional
13 advertising of non-Federal passport sales and
14 monitor compliance with those guidelines. The
15 Secretaries may authorize the seller or sellers to
16 maintain an inventory of Golden Eagle Pass-
17 ports for periods not to exceed six months and
18 to withhold amounts up to, but not exceeding,
19 eight percent of the gross fees collected from
20 Golden Eagle Passport sales as reimbursement
21 for actual expenses of the sales.

22 “(C) DISCOUNT FOR PERSONS 62 YEARS
23 OF AGE OR OLDER.—The administering Sec-
24 retaries shall provide for the sale of the Golden
25 Eagle Passport to persons 62 years of age or

1 older at a rate which is no more than 50 per-
2 cent of the established rate for the Golden
3 Eagle Passport. Such passport shall provide the
4 same privileges as any other passport issued
5 pursuant to this subsection, except that such
6 passport shall cover admission only for the pur-
7 chaser and one accompanying individual.

8 “(3) ANNUAL GEOGRAPHIC ADMISSION PER-
9 MITS.—For admission into a specific designated area
10 or into several specific areas located in a particular
11 geographic region at which admission fees are
12 charged pursuant to this section, the administering
13 Secretary or Secretaries are authorized to make
14 available an annual admission permit. The permit
15 shall convey the privileges of, and shall be subject to
16 the same terms and conditions as, the Golden Eagle
17 Passport, except that it shall be valid only for ad-
18 mission into the specific area or areas indicated at
19 the time of purchase. The fee for an annual geo-
20 graphic admission permit shall be no greater than
21 \$25.

22 “(4) GOLDEN ACCESS PASSPORT.—The Sec-
23 retary of the Interior and the Secretary of Agri-
24 culture shall establish procedures providing for the
25 issuance of a lifetime admission permit to any citi-

1 zen of, or person legally domiciled in, the United
2 States, if such citizen or person applies for such per-
3 mit and is permanently disabled. Such procedures
4 shall ensure that a lifetime admission permit shall be
5 issued only to persons who have been medically de-
6 termined to be permanently disabled. A lifetime ad-
7 mission permit shall be nontransferable, shall be is-
8 sued without charge, and shall entitle the permittee
9 and one accompanying individual to general admis-
10 sion into any area designated pursuant to this sec-
11 tion, notwithstanding the method of travel.

12 “(5) RECREATION USE FEES.—Each agency de-
13 veloping, administering, providing, or furnishing at
14 Federal expense services for such activities as camp-
15 ing at campgrounds with basic sanitation and public
16 safety services, back country camping under permit,
17 developed swimming sites, boat launch facilities,
18 group activities including picnic sites, managed
19 parking lots, motorized recreation use and other
20 recreation uses, shall in accordance with this section
21 provide for the collection of recreation use fees at
22 the place of use or any reasonably convenient loca-
23 tion. The administering Secretary may establish
24 both daily and annual recreation use fees. Fees may
25 not be charged by any such agency for the use, ei-

1 ther singly or in any combination, of drinking water,
2 wayside exhibits, overlook sites, toilet facilities, pic-
3 nic tables, or visitor centers for areas where admis-
4 sion fees are charged.

5 “(6) COMMERCIAL TOUR USE FEE.—(A) For
6 each area for which an admission fee is charged
7 under this section, the administering Secretary shall
8 charge an admission fee for each vehicle entering the
9 area for the purpose of providing commercial tour
10 services. Such admission fees shall be charged on a
11 per vehicle basis and shall be deposited into the spe-
12 cial account established under subsection (e).

13 “(B) The administering Secretary shall estab-
14 lish fees per commercial tour entry as follows:

15 “(i) \$25 per vehicle with a passenger ca-
16 pacity of 25 persons or less; and

17 “(ii) \$50 per vehicle with a passenger ca-
18 pacity of 26 or more persons

19 “(C) The administering Secretary may periodi-
20 cally make adjustments to such fees in accordance
21 with subsection (c)(3)(B).

22 “(D) At Grand Canyon, Hawaii Volcanoes, and
23 Haleakala National Parks only, the Secretary of the
24 Interior is authorized to charge a fee for aircraft
25 providing scenic tours of these areas. Fees for such

1 aircraft use shall be in accordance with subpara-
2 graph (B), except as provided in subparagraph (E).

3 “(E) Within 12 months after the date of enact-
4 ment of the Visitor Services Improvement and Out-
5 door Legacy Act of 1996, the Secretary of the Inte-
6 rior and the Secretary of Transportation shall jointly
7 submit a report to the appropriate committees of
8 Congress outlining revisions to the commercial tour
9 fee schedule for aircraft which encourages the use of
10 quiet aircraft technology.

11 “(7) TRANSPORTATION PROVIDED BY THE SEC-
12 RETARY.—Where the administering Secretary pro-
13 vides transportation to visit all or a portion of any
14 area, he may impose a charge for such service in lieu
15 of an admission fee. Collection of such fees may
16 occur at the transportation staging area or any rea-
17 sonably convenient location, whether inside or out-
18 side of the area boundary. The administering Sec-
19 retary may enter into arrangements with qualified
20 public or private entities pursuant to which such en-
21 tities may collect such fees. Such funds collected
22 shall be retained at the area where the service was
23 provided and expended for costs associated with the
24 transportation system. The charge imposed under

1 this paragraph shall not exceed the limits established
2 in subsection (d)(1).

3 “(8) ACCESS PROVIDED BY CONCESSIONER.—
4 Where the primary public access to an area at which
5 an admission fee is charged is provided by a conces-
6 sioner, the administering Secretary may not charge
7 an admission fee.

8 “(9) FREE ADMISSION FOR PERSONS 12 YEARS
9 OF AGE OR UNDER.—A person who is 12 years of
10 age or under shall be charged no admission fee at
11 any area at which admission fees are charged.

12 “(e) ESTABLISHMENT OF ACCOUNTS AND DEPOSIT
13 OF RECREATION FEES.—

14 “(1) ESTABLISHMENT.—The Secretary of the
15 Treasury shall establish a special account in the
16 Treasury for each agency which collects recreation
17 fees under this section. Within each such account,
18 the administering Secretary shall separately account
19 for receipts and disbursements of funds for each
20 area.

21 “(2) DEPOSITS.—(A) The administering Sec-
22 retary shall deposit in each agency account all re-
23 ceipts from fees collected pursuant to this section by
24 any Federal agency (or by any public or private en-
25 tity under contract with a Federal agency).

1 “(B) All funds from the sale of the Golden
2 Eagle Passport shall be divided among the agencies
3 based on a formula which the administering Sec-
4 retaries shall devise and which considers total recre-
5 ation admission fees collected by the agency and
6 total recreation use at designated admission fee
7 areas provided by the agency. Funds from the sale
8 of the Golden Eagle Passport shall be deposited as
9 recreation fees collected into the appropriate agency
10 account.

11 “(C) All funds from the sale of geographic ad-
12 mission permits under subsection (d)(3) shall be di-
13 vided among the areas for which such permits were
14 issued on the basis of visitor use, length of stay, and
15 other pertinent factors as determined by the admin-
16 istering Secretaries and shall be deposited as recre-
17 ation fees collected from those areas into the appro-
18 priate agency account.

19 “(3) FEE COLLECTION COSTS.—Notwithstand-
20 ing any other provision of law, the administering
21 Secretary may, in any fiscal year, withdraw from the
22 special account established under paragraph (1) an
23 amount up to 15 percent of all receipts collected
24 under this section in the preceding fiscal year. The
25 amounts so withdrawn shall be retained by the ad-

1 ministering Secretaries, and shall be available, with-
2 out further appropriation, for expenditure by the
3 Secretary concerned to cover fee collection costs, and
4 shall remain available until expended. For the pur-
5 poses of this paragraph, for any fiscal year, the term
6 ‘fee collection costs’ means those costs for personnel
7 and infrastructure directly associated with the collec-
8 tion of fees imposed under this section.

9 “(4) USE OF SPECIAL ACCOUNTS.—Amounts
10 covered into the special account for each agency dur-
11 ing each fiscal year shall be available after the end
12 of such fiscal year for appropriation for visitor serv-
13 ices, except as provided in paragraphs (3) and (5).
14 Funds credited to the special account shall remain
15 available until expended.

16 “(5) AVAILABILITY OF RECREATION FEES.—(A)
17 Of amounts deposited in special accounts (as estab-
18 lished in paragraph (1)) in the Treasury for the Na-
19 tional Park Service, beginning in fiscal year 1998,
20 100 percent of the amounts earned in the previous
21 year in excess of the following amounts (except for
22 amounts made available for fee collection costs
23 under paragraph (3)) shall be made available to the
24 National Park Service without further appropriation
25 as follows:

Amount	Fiscal year
\$85,000,000	1998
88,000,000	1999
91,000,000	2000
94,000,000	2001
97,000,000	2002
100,000,000	2003
103,000,000	2004
106,000,000	2005
109,000,000	2006.

1 “(B) Of the funds deposited in special accounts
2 (as established in paragraph (1)) in the Treasury for
3 the Forest Service and the Bureau of Land Manage-
4 ment, beginning in fiscal year 1998 and extending
5 through fiscal year 2006, 100 percent of the
6 amounts earned in the previous year in excess of
7 \$10,000,000 and \$4,000,000 respectively (except for
8 amounts made available for fee collection costs
9 under paragraph (3)) shall be made available with-
10 out further appropriations.

11 “(C) Beginning in fiscal year 2007, and each
12 fiscal year thereafter, the amount which shall be
13 available without further appropriation for each
14 agency shall be the amount in excess of the amounts
15 specified for deposit in the Treasury in fiscal year
16 2006 under subparagraph (A) or (B), as the case
17 may be.

18 “(6) USE OF RECREATION FEES.—Of the
19 amounts made available without appropriation under
20 paragraph (5), after the application of paragraph

1 (3), 75 percent shall be allocated among the areas
2 of each agency in the same proportion as fees col-
3 lected from that specific area bear to the total
4 amount of fees collected from all areas of that agen-
5 cy for the fiscal year. The remainder of the fees col-
6 lected pursuant to this section shall be allocated
7 among each agency's areas on the basis of need as
8 determined by the Secretary. All such funds shall re-
9 main available until expended. Funds deposited into
10 accounts under this paragraph may only be used (A)
11 to fund visitor services on Federal lands, (B) for re-
12 pair, rehabilitation, or replacement of visitor use fa-
13 cilities, and (C) for construction of new facilities as
14 necessary to establish a recreation fee program at
15 any area.

16 “(f) ENFORCEMENT OF FEE COLLECTION POLI-
17 CIES.—In accordance with the provisions of this section,
18 the administering Secretaries may prescribe rules and reg-
19 ulations for areas under their administration for the col-
20 lection of any fee established pursuant to this section. Per-
21 sons authorized by the administering Secretaries to en-
22 force any such rules or regulations issued under this sec-
23 tion may, within areas under the administration or author-
24 ity of such administering Secretary and with or, if the of-
25 fense is committed in his presence, without a warrant, ar-

1 rest any person who violates such rules and regulations.
2 Any person so arrested may be tried and sentenced by the
3 United States magistrate specifically designated for that
4 purpose by the court by which he was appointed, in the
5 same manner and subject to the same conditions as pro-
6 vided in subsections (b), (c), (d), and (e) of section 3401
7 of title 18, United States Code. Any violations of the rules
8 and regulations issued under this subsection shall be pun-
9 ishable by a fine as provided by law.

10 “(g) NON-FEDERAL RESERVATIONS.—The admin-
11 istering Secretary, under such terms and conditions as he
12 deems appropriate, may contract with any public or pri-
13 vate entity to provide visitor reservation services. Any such
14 contract may provide that the contractor shall be per-
15 mitted to deduct a commission to be fixed by the agency
16 head from the amount charged the public for providing
17 such services and to remit the net proceeds therefrom to
18 the contracting agency.

19 “(h) USE OF VOLUNTEERS FOR FEE COLLECTION.—
20 When authorized by the administering Secretary, volun-
21 teers at designated areas may collect fees authorized or
22 established pursuant to this section. The administering
23 Secretary shall ensure that such volunteers have adequate
24 training for this purpose. The administering Secretary
25 may require a surety bond for any such volunteer perform-

1 ing services under this subsection. Funds available to the
2 collecting agency may be used to cover the cost of any
3 such surety bond.

4 “(i) MITIGATION OF ANY IMPACTS OF REC-
5 REATIONAL FEES ON LOW-INCOME INDIVIDUALS.—In
6 carrying out this section, the administering Secretaries
7 shall implement such programs as are necessary to ensure
8 any impacts of recreational fees on low-income persons are
9 minimized. The administering Secretaries shall determine
10 any effects on low-income individuals of recreation use and
11 admission fees and shall jointly submit recommendations
12 to the Congress regarding actions to be taken to resolve
13 such impacts.

14 “(j) LIMITATIONS ON FEES.—

15 “(1) ACTIVITIES NOT SUBJECT TO FEES.—

16 Nothing in this section shall be construed to—

17 “(A) authorize Federal hunting or fishing
18 licenses or fees;

19 “(B) affect any rights or authority of the
20 States with respect to fish and wildlife;

21 “(C) authorize the collection of fees from
22 any person who has a right of access for hunt-
23 ing or fishing privileges under a specific provi-
24 sion of law or treaty;

1 “(D) authorize charges for commercial or
2 other activities not related to recreation; or

3 “(E) authorize an admission fee or a com-
4 mercial tour fee at any area for organized
5 school groups on outings conducted for edu-
6 cational purposes.

7 “(2) THROUGH TRAVEL.—No admission fee
8 shall be charged for travel by private, noncommercial
9 vehicle or commercial tour vehicle over any national
10 parkway or any road or highway established as a
11 part of the National Federal Aid System, as defined
12 in section 101, title 23, United States Code, which
13 is commonly used by the public as a means of travel
14 between two places either or both of which are out-
15 side the area. Nor shall any fee be charged for travel
16 by private, noncommercial vehicle over any road or
17 highway to any land in which such person has any
18 property right if such land is within any such des-
19 ignated area.

20 “(3) PERSONS CONDUCTING GOVERNMENTAL
21 BUSINESS.—No admission fee shall be charged to
22 persons engaged in the conduct of official Federal,
23 State or local government business or to others au-
24 thorized by the administering Secretary to conduct
25 administrative duties within the area.

1 “(4) LIFETIME ADMISSION PERMITS.—No ad-
2 mission fee shall be charged under this section to
3 any person who possesses a lifetime admission per-
4 mit issued under section 4(a)(4) of this Act as in ef-
5 fect on the day before the date of the enactment of
6 the Visitor Services Improvement and Outdoor Leg-
7 acy Act of 1996.

8 “(k) ANNUAL REPORTING REQUIREMENTS.—Re-
9 ports indicating the number and location of fee collection
10 areas, visitor use statistics, fees collected, and other perti-
11 nent data, shall be coordinated and compiled by the ad-
12 ministering Secretaries and transmitted to the Committee
13 on Resources of the United States House of Representa-
14 tives and the Committee on Energy and Natural Re-
15 sources of the United States Senate. In order to enable
16 Congress to discern the specific benefits of this section,
17 the agencies shall include in the report area-specific details
18 on what is being accomplished with funds provided pursu-
19 ant to this section. These reports shall be transmitted an-
20 nually not later than the submission of the President’s
21 budget under section 1105 of title 31, United States Code,
22 and shall include any recommendations which the Sec-
23 retaries may have with respect to improving the recreation
24 fee program.

1 “(l) EXEMPTION OF FEES.—Amounts collected under
2 this section which exceed the 1995 authorized recreation
3 receipts shall not be taken into account for the purposes
4 of the Act of May 23, 1908, and the Act of March 1, 1911
5 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C.
6 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act
7 of August 8, 1937, and the Act of May 24, 1939 (43
8 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43
9 U.S.C. 869–4), chapter 69 of title 31, United States Code,
10 section 401 of the Act of June 15, 1935 (16 U.S.C. 715s),
11 the Land and Water Conservation Fund Act of 1965 (16
12 U.S.C. 460l–1–4–460l–11), and any other provision of law
13 relating to revenue allocation.”.

14 (d) CONFORMING AMENDMENTS.—(1)(A)(i) Title I of
15 the Department of the Interior and Related Agencies Ap-
16 propriations Act, 1994 is amended by striking out the
17 third proviso under the heading “ADMINISTRATIVE PROVI-
18 SIONS” which is under the heading “NATIONAL PARK
19 SERVICE” (related to recovery of costs associated with spe-
20 cial use permits).

21 (ii) For those recreational activities for which a fee
22 was charged prior to September 30, 1995, under the provi-
23 sion of law amended by subparagraph (A), the Secretary
24 may continue to charge and retain all such fees until such
25 park is authorized to charge and retain such fees under

1 section 4 of the Land and Water Conservation Fund Act
2 of 1965.

3 (B) Section 3 of the Act entitled “An Act to establish
4 a National Park Service, and for other purposes”, ap-
5 proved August 25, 1916 (16 U.S.C. 3), is amended—

6 (i) by inserting “(a)” after “3.”; and

7 (ii) by adding at the end the following:

8 “(b) The Secretary shall publish regulations govern-
9 ing commercial or nonrecreational special uses of units of
10 the National Park System for which a fee is not author-
11 ized to be charged under section 4 of the Land and Water
12 Conservation Fund Act of 1965 (16 U.S.C. 460l–6), in-
13 cluding (but not limited to) such activities as filming, spe-
14 cial athletic or sporting events, weddings, cultural events
15 and festivals. After adoption of such regulations, the Sec-
16 retary may retain an amount equal to the direct adminis-
17 trative costs associated with issuing any permits and man-
18 aging such activities (including, but not limited to, person-
19 nel costs, clean up costs, and other special services) for
20 which such permit is issued. Such amounts retained shall
21 be credited to the appropriation current at the time, and
22 may only be spent for activities directly in support of the
23 purposes for which the permit was issued. Such amounts
24 retained are authorized to remain available until ex-
25 pended.”.

1 (2) The following Public Laws are amended as fol-
2 lows:

3 (A) Section 5(e) of Public Law 87–657 (16
4 U.S.C. 459c–5(e)), as amended, is hereby repealed.

5 (B) Section 3(b) of Public Law 87–750 (16
6 U.S.C. 398e(b)) is hereby repealed.

7 (C) Section 4(e) of Public Law 92–589 (16
8 U.S.C. 460bb–3), as amended, is further amended
9 by striking the first sentence.

10 (D) Section 6(j) of Public Law 95–348 (92
11 Stat. 493) is hereby repealed.

12 (E) Section 207 of Public Law 96–199 (94
13 Stat. 77) is hereby repealed.

14 (F) Section 106 of Public Law 96–287 (94
15 Stat. 600) is amended by striking the last sentence.

16 (G) Section 204 of Public Law 96–287 (94
17 Stat. 601) is amended by striking the last sentence.

18 (H) Section 5 of Public Law 96–428 (94 Stat.
19 1842) is hereby repealed.

20 (I) Public Law 100–55 (101 Stat. 371) is here-
21 by repealed.

22 (J) Section 203 of the Alaska National Interest
23 Lands Conservation Act shall not apply with respect
24 to charging an admission fee at Denali National
25 Park and Preserve in Alaska.

1 (e) SAVINGS PROVISION RELATING TO AREAS AD-
2 MINISTERED BY THE UNITED STATES ARMY CORPS OF
3 ENGINEERS.—Areas at civil works projects administered
4 by the United States Army Corps of Engineers shall be
5 subject to section 4 of the Land and Water Conservation
6 Fund Act of 1965, as in effect immediately before the en-
7 actment of this Act, in lieu of being subject to the amend-
8 ments made by this section.

9 (f) APPLICABILITY OF THIS SECTION.—Notwith-
10 standing any other provision of law, this section and the
11 amendments and repeals made by this section shall apply
12 to all recreation fees charged by the Forest Service, Na-
13 tional Park Service, and Bureau of Land Management,
14 except for recreation fees charged by the Forest Service
15 pursuant to Public Law 104–134.

16 **SEC. 704. GLACIER BAY NATIONAL PARK.**

17 Section 3(g) of Public Law 91–383 (16 U.S.C. 1a-
18 2(g)) is amended by: striking “and park programs” and
19 inserting the following at the end: “Sixty percent of the
20 fees paid by permittees for the privilege of entering into
21 Glacier Bay for the period beginning on the first full fiscal
22 year following the date of enactment of this sentence shall
23 be deposited into a special account and that such funds
24 shall be available—

1 “(1) to the extent determined necessary, to ac-
2 quire and preposition necessary and adequate emer-
3 gency response equipment to prevent harm or the
4 threat of harm to aquatic park resources from per-
5 mittees; and

6 “(2) to conduct investigations to quantify any
7 effect of permittees’ activity on wildlife and other
8 natural resource values of Glacier Bay National
9 Park. The investigations provided for in this sub-
10 section shall be designed to provide information of
11 value to the Secretary, in determining any appro-
12 priate limitations on permittees’ activity in Glacier
13 Bay. The Secretary shall protect park resources
14 through limitations on permittees in Glacier Bay
15 only if the need for such limitations is based on sub-
16 stantial verifiable scientific information, including,
17 but not limited to, information made available
18 through the investigations under this subsection.
19 The Secretary may not impose any additional per-
20 mittee operating conditions in the areas of air,
21 water, and oil pollution beyond those determined and
22 enforced by other appropriate agencies. When com-
23 petitively awarding permits to enter Glacier Bay, the
24 Secretary may take into account the relative impact
25 particular permittees will have on park values and

1 resources, provided that no operating conditions or
2 limitations relating to noise abatement shall be im-
3 posed unless the Secretary determines, based on the
4 weight of the evidence from all available studies in-
5 cluding verifiable scientific information from the in-
6 vestigations provided for in this subsection, that
7 such limitations or conditions are necessary to pro-
8 tect park values and resources. Fees paid by certain
9 permittees for the privilege of entering into Glacier
10 Bay shall not exceed \$5 per passenger. For the pur-
11 poses of this subsection, ‘certain permittee’ shall
12 mean a permittee which provides overnight accom-
13 modations for at least 500 passengers for an itin-
14 erary of at least 3 nights, and ‘permittee’ shall mean
15 a concessionaire providing visitor services within
16 Glacier Bay. Nothing in this subsection authorizes
17 the Secretary to require additional categories of per-
18 mits in Glacier Bay National Park.”.

19 **TITLE VIII—MISCELLANEOUS**
20 **ADMINISTRATIVE AND MAN-**
21 **AGEMENT PROVISIONS**

22 **SEC. 801. LIMITATION ON PARK BUILDINGS.**

23 The 10th undesignated paragraph (relating to a limi-
24 tation on the expenditure of funds for park buildings)
25 under the heading “MISCELLANEOUS OBJECTS, DEPART-

1 MENT OF THE INTERIOR”, which appears under the head-
2 ing “UNDER THE DEPARTMENT OF THE INTERIOR”, as
3 contained in the first section of the Act of August 24,
4 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is here-
5 by repealed.

6 **SEC. 802. APPROPRIATIONS FOR TRANSPORTATION OF**
7 **CHILDREN.**

8 The first section of the Act of August 7, 1946 (16
9 U.S.C. 17j-2), is amended by adding at the end the follow-
10 ing:

11 “(j) Provide transportation for children in nearby
12 communities to and from any unit of the National Park
13 System used in connection with organized recreation and
14 interpretive programs of the National Park Service.”.

15 **SEC. 803. FERAL BURROS AND HORSES.**

16 (a) VEHICLES AND AIRCRAFT.—Section 9 of the Act
17 of December 15, 1971 (16 U.S.C. 1338a), is amended by
18 adding at the end thereof the following: “Nothing in this
19 title shall be deemed to limit the authority of the Secretary
20 in the management of units of the National Park System,
21 and the Secretary may, without regard either to the provi-
22 sions of this title, or the provisions of section 47(a) of title
23 18, United States Code, use motor vehicles, fixed-wing air-
24 craft, or helicopters, or to contract for such use, in fur-
25 therance of the management of the National Park System,

1 and section 47(a) of title 18, United States Code, shall
2 be applicable to such use.”.

3 (b) OZARK NATIONAL SCENIC RIVERWAYS.—Section
4 7 of the Act entitled “An Act to provide for the establish-
5 ment of the Ozark National Scenic Riverways in the State
6 of Missouri, and for other purposes”, approved August 27,
7 1964 (16 U.S.C. 460m–6), is amended to read as follows:

8 “SEC. 7. (a) The Secretary, in accordance with this
9 section, shall allow free-roaming horses in the Ozark Na-
10 tional Scenic Riverways. Within 180 days after enactment
11 of this section, the Secretary shall enter into an agreement
12 with the Missouri Wild Horse League or another qualified
13 nonprofit entity to provide for management of free-roam-
14 ing horses. The agreement shall provide for cost-effective
15 management of the horses and limit Federal expenditures
16 to the costs of monitoring the agreement. The Secretary
17 shall issue permits for adequate pastures to accommodate
18 the historic population level of the free-roaming horse
19 herd, which shall be not less than the number of horses
20 in existence on the date of the enactment of this section
21 nor more than 50.

22 “(b) The Secretary may not remove, or assist in, or
23 permit the removal of any free-roaming horses from Fed-
24 eral lands within the boundary of the Ozark National Sce-
25 nic Riverways unless—

1 “(1) the entity with whom the Secretary has
2 entered into the agreement under subsection (a), fol-
3 lowing notice and a 90-day response period, substan-
4 tially fails to meet the terms and conditions of the
5 agreement;

6 “(2) the number of free-roaming horses exceeds
7 50; or

8 “(3) in the case of an emergency or to protect
9 public health and safety, as defined in the agree-
10 ment.

11 “(c) Nothing in this section shall be construed as cre-
12 ating liability for the United States for any damages
13 caused by the free-roaming horses to property located in-
14 side or outside the boundaries of the Ozark National Sce-
15 nic Riverways.”.

16 **SEC. 804. AUTHORITIES OF THE SECRETARY OF THE INTE-**
17 **RIOR RELATING TO MUSEUMS.**

18 (a) FUNCTIONS.—The Act entitled “An Act to in-
19 crease the public benefits from the National Park System
20 by facilitating the management of museum properties re-
21 lating thereto, and for other purposes” approved July 1,
22 1955 (16 U.S.C. 18f), is amended—

23 (1) in subsection (b) of the first section, by
24 striking out “from such donations and bequests of
25 money”; and

1 (2) by adding at the end thereof the following:

2 **“SEC. 2. ADDITIONAL FUNCTIONS.**

3 “(a) MUSEUM OBJECTS AND COLLECTIONS.—In ad-
4 dition to the functions specified in the first section of this
5 Act, the Secretary of the Interior may perform the follow-
6 ing functions in such manner as he shall consider to be
7 in the public interest:

8 “(1) Transfer museum objects and museum col-
9 lections that the Secretary determines are no longer
10 needed for museum purposes to qualified Federal
11 agencies, including the Smithsonian Institution, that
12 have programs to preserve and interpret cultural or
13 natural heritage, and accept the transfer of museum
14 objects and museum collections for the purposes of
15 this Act from any other Federal agency, without re-
16 imbursement. The head of any other Federal agency
17 may transfer, without reimbursement, museum ob-
18 jects and museum collections directly to the adminis-
19 trative jurisdiction of the Secretary of the Interior
20 for the purpose of this Act.

21 “(2) Convey museum objects and museum col-
22 lections that the Secretary determines are no longer
23 needed for museum purposes, without monetary con-
24 sideration but subject to such terms and conditions
25 as the Secretary deems necessary, to private institu-

1 tions exempt from Federal taxation under section
2 501(c)(3) of the Internal Revenue Code of 1986 and
3 to non-Federal governmental entities if the Secretary
4 determines that the recipient is dedicated to the
5 preservation and interpretation of natural or cultural
6 heritage and is qualified to manage the property,
7 prior to any conveyance under this subsection.

8 “(3) Destroy or cause to be destroyed museum
9 objects and museum collections that the Secretary
10 determines to have no scientific, cultural, historic,
11 educational, esthetic, or monetary value.

12 “(b) REVIEW AND APPROVAL.—The Secretary shall
13 ensure that museum collections are treated in a careful
14 and deliberate manner that protects the public interest.
15 Prior to taking any action under subsection (a), the Sec-
16 retary shall establish a systematic review and approval
17 process, including consultation with appropriate experts,
18 that meets the highest standards of the museum profes-
19 sion for all actions taken under this section.”.

20 (b) APPLICATION AND DEFINITIONS.—The Act enti-
21 tled “An Act to increase the public benefits from the Na-
22 tional Park System by facilitating the management of mu-
23 seum properties relating thereto, and for other purposes”
24 approved July 1, 1955 (16 U.S.C. 18f), as amended by

1 subsection (a), is further amended by adding the following
2 after section 2:

3 **“SEC. 3. APPLICATION AND DEFINITIONS.**

4 “(a) APPLICATION.—Authorities in this Act shall be
5 available to the Secretary of the Interior with regard to
6 museum objects and museum collections that were under
7 the administrative jurisdiction of the Secretary for the
8 purposes of the National Park System before the date of
9 enactment of this section as well as those museum objects
10 and museum collections that may be acquired on or after
11 such date.

12 “(b) DEFINITION.—For the purposes of this Act, the
13 terms ‘museum objects’ and ‘museum collections’ mean
14 objects that are eligible to be or are made part of a mu-
15 seum, library, or archive collection through a formal proce-
16 dure, such as accessioning. Such objects are usually mov-
17 able and include but are not limited to prehistoric and his-
18 toric artifacts, works of art, books, documents, photo-
19 graphs, and natural history specimens.”.

20 **SEC. 805. VOLUNTEERS IN PARKS INCREASE.**

21 Section 4 of the Volunteers in the Parks Act of 1969
22 (16 U.S.C. 18j) is amended by striking out “\$1,000,000”
23 and inserting in lieu thereof “\$3,500,000”.

1 **SEC. 806. KATMAI NATIONAL PARK AGREEMENTS.**

2 (a) IN GENERAL.—Section 3 of the Act entitled “An
3 Act to improve the administration of the National Park
4 System by the Secretary of the Interior, and to clarify the
5 authorities applicable to the system, and for other pur-
6 poses” approved August 18, 1970 (16 U.S.C. 1a–2), is
7 amended—

8 (1) in paragraph (i), by striking the period at
9 the end thereof and inserting in lieu thereof “; and”;
10 and

11 (2) by adding at the end thereof the following:

12 “(j) enter into cooperative agreements with public or
13 private educational institutions, States, and their political
14 subdivisions, for the purpose of developing adequate, co-
15 ordinated, cooperative research and training programs
16 concerning the resources of the National Park System,
17 and, pursuant to any such agreements, to accept from and
18 make available to the cooperator such technical and sup-
19 port staff, financial assistance for mutually agreed upon
20 research projects, supplies and equipment, facilities, and
21 administrative services relating to cooperative research
22 units as the Secretary deems appropriate; except that this
23 paragraph shall not waive any requirements for research
24 projects that are subject to the Federal procurement regu-
25 lations.”.

1 (b) VOLCANOLOGICAL RESEARCH IN KATMAI NA-
 2 TIONAL PARK.—Title II of the Alaska National Interest
 3 Lands Conservation Act (94 Stat. 2377 et seq.) is amend-
 4 ed by adding at the end the following new section:

5 **“SEC. 207. VOLCANOLOGICAL RESEARCH IN KATMAI NA-**
 6 **TIONAL PARK.**

7 “The Secretary of Interior shall permit personnel,
 8 under the direction of the United States Geological Sur-
 9 vey, to conduct research activities within Katmai National
 10 Park for the purpose of obtaining rock and core samples
 11 from the 1912 eruption and to make subsurface measure-
 12 ments for volcanological research.”.

13 **SEC. 807. CARL GARNER FEDERAL LANDS CLEANUP DAY.**

14 The Federal Lands Cleanup Act of 1985 (36 U.S.C.
 15 169i–169i–1) is amended by striking the terms “Federal
 16 Lands Cleanup Day” each place it appears and inserting
 17 “Carl Garner Federal Lands Cleanup Day”.

18 **SEC. 808. FORT PULASKI NATIONAL MONUMENT, GEORGIA.**

19 Section 4 of the Act of June 26, 1936 (ch. 844; 49
 20 Stat. 1979), is amended by striking “: *Provided*, That”
 21 and all that follows and inserting a period.

22 **SEC. 809. LAURA C. HUDSON VISITOR CENTER.**

23 (a) DESIGNATION.—The visitor center at Jean La-
 24 fitte National Historical Park, located at 419 Rue Decatur

1 in New Orleans, Louisiana, is hereby designated as the
2 “Laura C. Hudson Visitor Center”.

3 (b) LEGAL REFERENCES.—Any reference in any law,
4 regulation, paper, record, map, or any other document of
5 the United States to the visitor center referred to in sub-
6 section (a) shall be deemed to be a reference to the “Laura
7 C. Hudson Visitor Center”.

8 **SEC. 810. ROBERT J. LAGOMARSINO VISITOR CENTER.**

9 (a) DESIGNATION.—The visitor center at the Channel
10 Islands National Park, California, is designated as the
11 “Robert J. Lagomarsino Visitor Center”.

12 (b) LEGAL REFERENCES.—Any reference in any law,
13 regulation, document, record, map, or other document of
14 the United States to the visitor center referred to in sec-
15 tion 301 is deemed to be a reference to the “Robert J.
16 Lagomarsino Visitor Center”.

17 **SEC. 811. EXPENDITURE OF FUNDS OUTSIDE AUTHORIZED**
18 **BOUNDARY OF ROCKY MOUNTAIN NATIONAL**
19 **PARK.**

20 The Secretary of the Interior is authorized to collect
21 and expend donated funds and expend appropriated funds
22 for the operation and maintenance of a visitor center to
23 be constructed for visitors to and administration of Rocky
24 Mountain National Park with private funds on privately
25 owned lands located outside the boundary of the park.

1 **SEC. 812. DAYTON AVIATION.**

2 Section 201(b) of the Dayton Aviation Heritage Pres-
3 ervation Act of 1992 (Public Law 102–419, approved Oc-
4 tober 16, 1992), is amended as follows:

5 (1) In paragraph (2), by striking “from rec-
6 ommendations” and inserting “after consideration of
7 recommendations”.

8 (2) In paragraph (4), by striking “from rec-
9 ommendations” and inserting “after consideration of
10 recommendations”.

11 (3) In paragraph (5), by striking “from rec-
12 ommendations” and inserting “after consideration of
13 recommendations”.

14 (4) In paragraph (6), by striking “from rec-
15 ommendations” and inserting “after consideration of
16 recommendations”.

17 (5) In paragraph (7), by striking “from rec-
18 ommendations” and inserting “after consideration of
19 recommendations”.

20 **SEC. 813. PROHIBITION ON CERTAIN TRANSFERS OF NA-**
21 **TIONAL FOREST LANDS.**

22 After the date of the enactment of this Act the Sec-
23 retary of Agriculture shall not transfer (by exchange or
24 otherwise) any lands owned by the United States and
25 managed by the Secretary as part of the Angeles National
26 Forest to any person unless the instrument of conveyance

1 contains a restriction, enforceable by the Secretary, on the
2 future use of such land prohibiting the use of any portion
3 of such land as a solid waste landfill. Such restriction shall
4 be promptly enforced by the Secretary when and if a viola-
5 tion of the restriction occurs.

6 **SEC. 814. GRAND LAKE CEMETERY.**

7 (a) AGREEMENT.—Notwithstanding any other law,
8 not later than 6 months after the date of enactment of
9 this Act, the Secretary of the Interior shall enter into an
10 appropriate form of agreement with the town of Grand
11 Lake, Colorado, authorizing the town to maintain perma-
12 nently, under appropriate terms and conditions, a ceme-
13 tery within the boundaries of the Rocky Mountain Na-
14 tional Park.

15 (b) CEMETERY BOUNDARIES.—The cemetery shall be
16 comprised of approximately 5 acres of land, as generally
17 depicted on the map entitled “Grand Lake Cemetery” and
18 dated February 1995.

19 (c) AVAILABILITY FOR PUBLIC INSPECTION.—The
20 Secretary of the Interior shall place the map described in
21 subsection (b) on file, and make the map available for pub-
22 lic inspection, in the headquarters office of the Rocky
23 Mountain National Park.

1 (d) LIMITATION.—The cemetery shall not be ex-
2 tended beyond the boundaries of the cemetery shown on
3 the map described in subsection (b).

4 **SEC. 815. NATIONAL PARK SERVICE ADMINISTRATIVE RE-**
5 **FORM.**

6 (a) NATIONAL PARK SERVICE HOUSING IMPROVE-
7 MENT.—

8 (1) PURPOSES.—The purposes of this section
9 are—

10 (A) to develop where necessary an ade-
11 quate supply of quality housing units for field
12 employees of the National Park Service within
13 a reasonable time frame;

14 (B) to expand the alternatives available for
15 construction and repair of essential government
16 housing;

17 (C) to rely on the private sector to finance
18 or supply housing in carrying out this section,
19 to the maximum extent possible, in order to re-
20 duce the need for Federal appropriations;

21 (D) to ensure that adequate funds are
22 available to provide for long-term maintenance
23 needs of field employee housing; and

24 (E) to eliminate unnecessary government
25 housing and locate such housing as is required

1 in a manner such that primary resource values
2 are not impaired.

3 (2) GENERAL AUTHORITY.—To enhance the
4 ability of the Secretary of the Interior (hereafter in
5 this subsection referred to as “the Secretary”), act-
6 ing through the Director of the National Park Serv-
7 ice, to effectively manage units of the National Park
8 System, the Secretary is authorized where necessary
9 and justified to make available employee housing, on
10 or off the lands under the administrative jurisdiction
11 of the National Park Service, and to rent or lease
12 such housing to field employees of the National Park
13 Service at rates based on the reasonable value of the
14 housing in accordance with requirements applicable
15 under section 5911 of title 5, United States Code.

16 (3) REVIEW AND REVISION OF HOUSING CRI-
17 TERIA.—Upon the enactment of this Act, the Sec-
18 retary shall review and revise the existing criteria
19 under which housing is provided to employees of the
20 National Park Service. Specifically, the Secretary
21 shall examine the existing criteria with respect to
22 what circumstances the National Park Service re-
23 quires an employee to occupy Government quarters
24 to provide necessary services, protect Government

1 property, or because of a lack of availability of non-
2 Federal housing in the geographic area.

3 (4) SUBMISSION OF REPORT.—A report detail-
4 ing the results of the revisions required by para-
5 graph (3) shall be submitted to the Committee on
6 Resources of the House of Representatives and the
7 Committee on Energy and Natural Resources of the
8 Senate not later than 180 days after the date of the
9 enactment of this Act. The report shall include jus-
10 tifications for keeping, or for changing, each of the
11 criteria or factors used by the Department of the In-
12 terior with regard to the provision of housing to em-
13 ployees of the National Park Service.

14 (5) REVIEW OF CONDITION OF AND COSTS RE-
15 LATING TO HOUSING.—Using the revised criteria de-
16 veloped under paragraph (3), the Secretary shall un-
17 dertake a review, for each unit of the National Park
18 System, of existing Government-owned housing pro-
19 vided to employees of the National Park Service.
20 The review shall include an assessment of the phys-
21 ical condition of such housing and the suitability of
22 such housing to effectively carry out the missions of
23 the Department of the Interior and the National
24 Park Service. For each unit of such housing, the
25 Secretary shall determine whether the unit is needed

1 and justified. The review shall include estimates of
2 the cost of bringing each such unit that is needed
3 and justified into usable condition that meets all ap-
4 plicable legal housing requirements or, if the unit is
5 determined to be obsolete but is still warranted to
6 carry out the missions of the Department of the In-
7 terior and the National Park Service, the cost of re-
8 placing the unit.

9 (6) AUTHORIZATION FOR HOUSING AGREE-
10 MENTS.—For those units of the National Park Sys-
11 tem for which the review required by paragraphs (3)
12 and (5) has been completed, the Secretary is author-
13 ized, pursuant to the authorities contained in this
14 subsection and subject to the appropriation of nec-
15 essary funds in advance, to enter into housing agree-
16 ments with housing entities under which such hous-
17 ing entities may develop, construct, rehabilitate, or
18 manage housing, located on or off public lands, for
19 rent or lease to National Park Service employees
20 who meet the housing eligibility criteria developed by
21 the Secretary pursuant to this Act.

22 (7) JOINT PUBLIC-PRIVATE SECTOR HOUSING
23 PROGRAMS.—

1 (A) LEASE TO BUILD PROGRAM.—Subject
2 to the appropriation of necessary funds in ad-
3 vance, the Secretary may—

4 (i) lease Federal land and interests in
5 land to qualified persons for the construc-
6 tion of field employee quarters for any pe-
7 riod not to exceed 50 years; and

8 (ii) lease developed and undeveloped
9 non-Federal land for providing field em-
10 ployee quarters.

11 (B) COMPETITIVE LEASING.—Each lease
12 under subparagraph (A)(i) shall be awarded
13 through the use of publicly advertised, competi-
14 tively bid, or competitively negotiated contract-
15 ing procedures.

16 (C) TERMS AND CONDITIONS.—Each lease
17 under subparagraph (A)(i)—

18 (i) shall stipulate whether operation
19 and maintenance of field employee quar-
20 ters is to be provided by the lessee, field
21 employees or the Federal Government;

22 (ii) shall require that the construction
23 and rehabilitation of field employee quar-
24 ters be done in accordance with the re-
25 quirements of the National Park Service

1 and local applicable building codes and in-
2 dustry standards;

3 (iii) shall contain such additional
4 terms and conditions as may be appro-
5 priate to protect the Federal interest, in-
6 cluding limits on rents the lessee may
7 charge field employees for the occupancy of
8 quarters, conditions on maintenance and
9 repairs, and agreements on the provision of
10 charges for utilities and other infrastruc-
11 ture; and

12 (iv) may be granted at less than fair
13 market value if the Secretary determines
14 that such lease will improve the quality
15 and availability of field employee quarters
16 available.

17 (D) CONTRIBUTIONS BY UNITED
18 STATES.—The Secretary may make payments,
19 subject to appropriations, or contributions in
20 kind either in advance of or on a continuing
21 basis to reduce the costs of planning, construc-
22 tion, or rehabilitation of quarters on or off Fed-
23 eral lands under a lease under this paragraph.

24 (8) RENTAL GUARANTEE PROGRAM.—

1 (A) GENERAL AUTHORITY.—Subject to the
2 appropriation of necessary funds in advance,
3 the Secretary may enter into a lease to build
4 arrangement as set forth in paragraph (7) with
5 further agreement to guarantee the occupancy
6 of field employee quarters constructed or reha-
7 bilitated under such lease. A guarantee made
8 under this paragraph shall be in writing.

9 (B) LIMITATIONS.—The Secretary may not
10 guarantee—

11 (i) the occupancy of more than 75
12 percent of the units constructed or reha-
13 bilitated under such lease; and

14 (ii) at a rental rate that exceeds the
15 rate based on the reasonable value of the
16 housing in accordance with requirements
17 applicable under section 5911 of title 5,
18 United States Code.

19 In no event shall outstanding guarantees be in
20 excess of \$3,000,000.

21 (C) RENTAL TO GOVERNMENT EMPLOY-
22 EES.—A guarantee may be made under this
23 subsection only if the lessee agrees to permit
24 the Secretary to utilize for housing purposes
25 any units for which the guarantee is made.

1 (D) FAILURE TO MAINTAIN A SATISFAC-
2 TORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the
3 lessee fails to maintain a satisfactory level of
4 operation and maintenance.
5

6 (9) JOINT DEVELOPMENT AUTHORITY.—The
7 Secretary may use authorities granted by statute in
8 combination with one another in the furtherance of
9 providing where necessary and justified affordable
10 field employee housing.

11 (10) CONTRACTS FOR THE MANAGEMENT OF
12 FIELD EMPLOYEE QUARTERS.—

13 (A) GENERAL AUTHORITY.—Subject to the
14 appropriation of necessary funds in advance,
15 the Secretary may enter into contracts of any
16 duration for the management, repair, and main-
17 tenance of field employee quarters.

18 (B) TERMS AND CONDITIONS.—Any such
19 contract shall contain such terms and condi-
20 tions as the Secretary deems necessary or ap-
21 propriate to protect the interests of the United
22 States and assure that necessary quarters are
23 available to field employees.

24 (11) LEASING OF SEASONAL EMPLOYEE QUAR-
25 TERS.—

1 (A) GENERAL AUTHORITY.—Subject to
2 subparagraph (B), the Secretary may lease
3 quarters at or near a unit of the national park
4 system for use as seasonal quarters for field
5 employees. The rent charged to field employees
6 under such a lease shall be a rate based on the
7 reasonable value of the quarters in accordance
8 with requirements applicable under section
9 5911 of title 5, United States Code.

10 (B) LIMITATION.—The Secretary may only
11 issue a lease under subparagraph (A) if the
12 Secretary finds that there is a shortage of ade-
13 quate and affordable seasonal quarters at or
14 near such unit and that—

15 (i) the requirement for such seasonal
16 field employee quarters is temporary; or

17 (ii) leasing would be more cost effec-
18 tive than construction of new seasonal field
19 employee quarters.

20 (C) UNRECOVERED COSTS.—The Secretary
21 may pay the unrecovered costs of leasing sea-
22 sonal quarters under this paragraph from an-
23 nual appropriations for the year in which such
24 lease is made.

1 (12) SURVEY OF EXISTING FACILITIES.—The
2 Secretary shall—

3 (A) complete a condition assessment for all
4 field employee housing, including the physical
5 condition of such housing and the necessity and
6 suitability of such housing for carrying out the
7 agency mission, using existing information; and

8 (B) develop an agency-wide priority listing,
9 by structure, identifying those units in greatest
10 need for repair, rehabilitation, replacement, or
11 initial construction.

12 (13) USE OF HOUSING-RELATED FUNDS.—Ex-
13 penditure of any funds authorized and appropriated
14 for new construction, repair, or rehabilitation of
15 housing under this section shall follow the housing
16 priority listing established by the agency under para-
17 graph (13), in sequential order, to the maximum ex-
18 tent practicable.

19 (14) ANNUAL BUDGET SUBMITTAL.—The Presi-
20 dent’s proposed budget to Congress for the first fis-
21 cal year beginning after enactment of this Act, and
22 for each subsequent fiscal year, shall include identi-
23 fication of nonconstruction funds to be spent for Na-
24 tional Park Service housing maintenance and oper-

1 ations which are in addition to rental receipts col-
2 lected.

3 (15) STUDY OF HOUSING ALLOWANCES.—With-
4 in 12 months after the date of enactment of this
5 Act, the Secretary shall conduct a study to deter-
6 mine the feasibility of providing eligible employees of
7 the National Park Service with housing allowances
8 rather than government housing. The study shall
9 specifically examine the feasibility of providing rent-
10 al allowances to temporary and lower paid perma-
11 nent employees. Whenever the Secretary submits a
12 copy of such study to the Office of Management and
13 Budget, he shall concurrently transmit copies of the
14 report to the Resources Committee of the United
15 States House of Representatives and the Committee
16 on Energy and Natural Resources of the United
17 States Senate.

18 (16) STUDY OF SALE OF EMPLOYEE HOUS-
19 ING.—Within 18 months of the date of the enact-
20 ment of the Act, the Secretary shall complete a
21 study of the sale of Government quarters to a coop-
22 erative consisting of field employees. The Secretary
23 shall examine the potential benefits to the Govern-
24 ment as well as the employees and any risks associ-
25 ated with such a program.

1 (17) GENERAL PROVISIONS.—

2 (A) CONSTRUCTION LIMITATIONS ON FED-
3 ERAL LANDS.—The Secretary may not utilize
4 any lands for the purposes of providing field
5 employee housing under this section which will
6 impact primary resource values of the area or
7 adversely affect the mission of the agency.

8 (B) RENTAL RATES.—To the extent prac-
9 ticable, the Secretary shall establish rental rates
10 for all quarters occupied by field employees of
11 the National Park Service that are based on the
12 reasonable value of the quarters in accordance
13 with requirements applicable under section
14 5911 of title 5, United States Code.

15 (C) EXEMPTION FROM LEASING REQUIRE-
16 MENTS.—The provisions of section 5 of the Act
17 of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C.
18 460l–22), and section 321 of the Act of June
19 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall
20 not apply to leases issued by the Secretary
21 under this section.

22 (18) PROCEEDS.—The proceeds from any lease
23 under paragraph (7)(A)(i)(I), any lease under para-
24 graph (11)(B), and any lease of seasonal quarters
25 under subsection (l), shall be retained by the Na-

1 tional Park Service. Such proceeds shall be deposited
2 into the special fund established for maintenance
3 and operation of quarters.

4 (19) DEFINITIONS.—For purposes of this sub-
5 section:

6 (A) The term “field employee” means—

7 (i) an employee of the National Park
8 Service who is exclusively assigned by the
9 National Park Service to perform duties at
10 a field unit, and the members of their fam-
11 ily; and

12 (ii) other individuals who are author-
13 ized to occupy Government quarters under
14 section 5911 of title 5, United States
15 Code, and for whom there is no feasible al-
16 ternative to the provision of Government
17 housing, and the members of their family.

18 (B) The term “land management agency”
19 means the National Park Service, Department
20 of the Interior.

21 (C) The term “primary resource values”
22 means resources which are specifically men-
23 tioned in the enabling legislation for that field
24 unit or other resource value recognized under
25 Federal statute.

1 (D) The term “quarters” means quarters
2 owned or leased by the Government.

3 (E) The term “seasonal quarters” means
4 quarters typically occupied by field employees
5 who are hired on assignments of 6 months or
6 less.

7 (b) MINOR BOUNDARY REVISION AUTHORITY.—Sec-
8 tion 7(c) of the Land and Water Conservation Fund Act
9 of 1965 (16 U.S.C. 460l–9(c)) is amended as follows:

10 (1) In the first sentence, by striking “Commit-
11 tee on Natural” and inserting “Committee on”.

12 (2)(A) By striking “: *Provided, however,*” and
13 all that follows through “1965”; and

14 (B) by inserting “(1)” after “(c)” and by in-
15 serting at the end the following:

16 “(2) For the purposes of clause (i) of paragraph (1),
17 in all cases except the case of technical boundary revisions
18 (resulting from such causes as survey error or changed
19 road alignments), the authority of the Secretary under
20 such clause (i) shall apply only if each of the following
21 conditions is met:

22 “(A) The sum of the total acreage of lands, wa-
23 ters, and interests therein to be added to the area
24 and the total such acreage to be deleted from the
25 area is not more than 5 percent of the total Federal

1 acreage authorized to be included in the area and is
2 less than 200 acres in size.

3 “(B) The acquisition, if any, is not a major
4 Federal action significantly affecting the quality of
5 the human environment, as determined by the Sec-
6 retary.

7 “(C) The sum of the total appraised value of
8 the lands, water, and interest therein to be added to
9 the area and the total appraised value of the lands,
10 waters, and interests therein to be deleted from the
11 area does not exceed \$750,000.

12 “(D) The proposed boundary revision is not an
13 element of a more comprehensive boundary modifica-
14 tion proposal.

15 “(E) The proposed boundary has been subject
16 to a public review and comment period.

17 “(F) The Director of the National Park Service
18 obtains written consent for the boundary modifica-
19 tion from all property owners whose lands, water, or
20 interests therein, or a portion of whose lands, water,
21 or interests therein, will be added to or deleted from
22 the area by the boundary modification.

23 “(G) The lands are adjacent to other Federal
24 lands administered by the Director of the National
25 Park Service.

1 Minor boundary revisions involving only deletions of acre-
2 age owned by the Federal Government and administered
3 by the National Park Service may be made only by Act
4 of Congress.”.

5 (c) AUTHORIZATION FOR PARK FACILITIES TO BE
6 LOCATED OUTSIDE THE BOUNDARIES OF ZION NATIONAL
7 PARK.—In order to facilitate the administration of Zion
8 National Park, the Secretary of the Interior is authorized,
9 under such terms and conditions as he may deem advis-
10 able, to expend donated or appropriated funds for the es-
11 tablishment of essential facilities for park administration
12 and visitor use outside the boundaries, but within the vi-
13 cinity, of the park. Such facilities and the use thereof shall
14 be in conformity with approved plans for the park. The
15 Secretary shall use existing facilities wherever feasible.
16 Such facilities may only be constructed by the Secretary
17 upon a finding that the location of such facilities would—

18 (1) avoid undue degradation of natural or cul-
19 tural resources within the park;

20 (2) enhance service to the public; or

21 (3) provide a cost saving to the Federal Govern-
22 ment.

23 The Secretary is authorized to enter into cooperative
24 agreements with State or local governments or private en-
25 tities to undertake the authority granted under this sub-

1 section. The Secretary is encouraged to identify and utilize
2 funding sources to supplement any Federal funding used
3 for these facilities.

4 (d) ELIMINATION OF UNNECESSARY CONGRES-
5 SIONAL REPORTING REQUIREMENTS.—

6 (1) REPEALS.—The following provisions are
7 hereby repealed:

8 (A) Section 302(c) of the Act entitled “An
9 Act to authorize the establishment of the Chat-
10 tahoochee River National Recreation Area in
11 the State of Georgia, and for other purposes”
12 (Public Law 95–344; 92 Stat. 478; 16 U.S.C.
13 2302(c)).

14 (B) Section 503 of the Act of December
15 19, 1980 (Public Law 96–550; 94 Stat. 3228;
16 16 U.S.C. 410ii–2).

17 (C) Subsections (b) and (c) of section 4 of
18 the Act of October 15, 1982 (Public Law 97–
19 335; 96 Stat. 1628; 16 U.S.C. 341 note).

20 (D) Section 7 of Public Law 89–671 (96
21 Stat. 1457; 16 U.S.C. 284f).

22 (E) Section 3(c) of the National Trails
23 System Act (Public Law 90–543; 82 Stat. 919;
24 16 U.S.C. 1242(c)).

1 (F) Section 4(b) of the Act of October 24,
2 1984 (Public Law 98–540; 98 Stat. 2720; 16
3 U.S.C. 1a–8).

4 (G) Section 106(b) of the National Visitor
5 Center Facilities Act of 1968 (Public Law 90–
6 264; 82 Stat. 44; 40 U.S.C. 805(b)).

7 (H) Section 6(f)(7) of the Act of Septem-
8 ber 3, 1964 (Public Law 88–578; 78 Stat. 900;
9 16 U.S.C. 460l–8(f)(7)).

10 (I) Subsection (b) of section 8 of the Act
11 of August 18, 1970 (Public Law 91–383; 90
12 Stat. 1940; 16 U.S.C. 1a–5(b)).

13 (J) The last sentence of section 10(a)(2) of
14 the National Trails System Act (Public Law
15 90–543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

16 (K) Section 4 of the Act of October 31,
17 1988 (Public Law 100–573; 102 Stat. 2891; 16
18 U.S.C. 460o note).

19 (L) Section 104(b) of the Act of November
20 19, 1988 (Public Law 100–698; 102 Stat.
21 4621).

22 (M) Section 1015(b) of the Urban Park
23 and Recreation Recovery Act of 1978 (Public
24 Law 95–625; 92 Stat. 3544; 16 U.S.C.
25 2514(b)).

1 (N) Section 105 of the Act of August 13,
2 1970 (Public Law 91–378; 16 U.S.C. 1705).

3 (O) Section 307(b) of the National His-
4 toric Preservation Act (Public Law 89–665; 16
5 U.S.C. 470w–6(b)).

6 (2) AMENDMENTS.—The following provisions
7 are amended:

8 (A) Section 10 of the Archaeological Re-
9 sources Protection Act of 1979, by striking the
10 last sentence of subsection (c) (Public Law 96–
11 95; 16 U.S.C. 470ii(c)).

12 (B) Section 5(c) of the Act of June 27,
13 1960 (Public Law 86–523; 16 U.S.C. 469a–
14 3(c); 74 Stat. 220), by inserting a period after
15 “Act” and striking “and shall submit” and all
16 that follows.

17 (C) Section 7(a)(3) of the Act of Septem-
18 ber 3, 1964 (Public Law 88–578; 78 Stat. 903;
19 16 U.S.C. 460l–9(a)(3)), by striking the last
20 sentence.

21 (D) Section 111 of the Petroglyph Na-
22 tional Monument Establishment Act of 1990
23 (Public Law 101–313; 104 Stat. 278), by strik-
24 ing the second sentence.

1 (E) Section 307(a) of the National His-
2 toric Preservation Act (Public Law 89–665; 16
3 U.S.C. 470w–6(a)) is amended by striking the
4 first and second sentences.

5 (F) Section 101(a)(1)(B) of the National
6 Historic Preservation Act (Public Law 89–665;
7 16 U.S.C. 470(a) by inserting a period after
8 “Register” the last place such term appears
9 and by striking “and submitted” and all that
10 follows.

11 (e) SENATE CONFIRMATION OF THE DIRECTOR OF
12 THE NATIONAL PARK SERVICE.—

13 (1) IN GENERAL.—The first section of the Act
14 entitled “An Act to establish a National Park Serv-
15 ice, and for other purposes”, approved August 25,
16 1916 (39 Stat. 535; 16 U.S.C. 1; commonly referred
17 to as the “National Park Service Organic Act”), is
18 amended in the first sentence by striking “who shall
19 be appointed by the Secretary” and all that follows
20 and inserting “who shall be appointed by the Presi-
21 dent, by and with the advice and consent of the Sen-
22 ate. The Director shall have substantial experience
23 and demonstrated competence in land management
24 and natural or cultural resource conservation. The
25 Director shall select two Deputy Directors. The first

1 Deputy Director shall have responsibility for Na-
2 tional Park Service operations, and the second Dep-
3 uty Director shall have responsibility for other pro-
4 grams assigned to the National Park Service.”.

5 (2) EFFECTIVE DATE AND APPLICATION.—The
6 amendment made by subsection (a) shall take effect
7 on February 1, 1997, and shall apply with respect
8 to the individual (if any) serving as the Director of
9 the National Park Service on that date.

10 (f) NATIONAL PARK SYSTEM ADVISORY BOARD AU-
11 THORIZATION.—

12 (1) NATIONAL PARK SYSTEM ADVISORY
13 BOARD.—Section 3 of the Act of August 21, 1935
14 (49 Stat. 667; 16 U.S.C. 463) is amended as fol-
15 lows:

16 (A) In subsection (a) by striking the first
17 3 sentences and inserting in lieu thereof:
18 “There is hereby established a National Park
19 System Advisory Board, whose purpose shall be
20 to advise the Director of the National Park
21 Service on matters relating to the National
22 Park Service, the National Park System, and
23 programs administered by the National Park
24 Service. The Board shall advise the Director on
25 matters submitted to the Board by the Director

1 as well as any other issues identified by the
2 Board. Members of the Board shall be ap-
3 pointed on a staggered term basis by the Sec-
4 retary for a term not to exceed 4 years and
5 shall serve at the pleasure of the Secretary. The
6 Board shall be comprised of no more than 12
7 persons, appointed from among citizens of the
8 United States having a demonstrated commit-
9 ment to the mission of the National Park Serv-
10 ice. Board members shall be selected to rep-
11 resent various geographic regions, including
12 each of the administrative regions of the Na-
13 tional Park Service. At least 6 of the members
14 shall have outstanding expertise in one or more
15 of the following fields: history, archeology, an-
16 thropology, historical or landscape architecture,
17 biology, ecology, geology, marine science, or so-
18 cial science. At least 4 of the members shall
19 have outstanding expertise and prior experience
20 in the management of national or State parks
21 or protected areas, or national or cultural re-
22 sources management. The remaining members
23 shall have outstanding expertise in one or more
24 of the areas described above or in another pro-
25 fessional or scientific discipline, such as finan-

1 cial management, recreation use management,
2 land use planning or business management, im-
3 portant to the mission of the National Park
4 Service. At least one individual shall be a locally
5 elected official from an area adjacent to a park.
6 The Board shall hold its first meeting by no
7 later than 60 days after the date on which all
8 members of the Advisory Board who are to be
9 appointed have been appointed. Any vacancy in
10 the Board shall not affect its powers, but shall
11 be filled in the same manner in which the origi-
12 nal appointment was made. The Board may
13 adopt such rules as may be necessary to estab-
14 lish its procedures and to govern the manner of
15 its operations, organization, and personnel. All
16 members of the Board shall be reimbursed for
17 travel and per diem in lieu of subsistence ex-
18 penses during the performance of duties of the
19 Board while away from home or their regular
20 place of business, in accordance with sub-
21 chapter 1 of chapter 57 of title 5, United States
22 Code. With the exception of travel and per diem
23 as noted above, a member of the Board who is
24 otherwise an officer or employee of the United

1 States Government shall serve on the Board
2 without additional compensation.”.

3 (B) By redesignating subsections (b) and
4 (c) as (f) and (g) and by striking from the first
5 sentence of subsection (f), as so redesignated
6 “1995” and inserting in lieu thereof “2006”.

7 (C) By adding the following new sub-
8 sections after subsection (a):

9 “(b)(1) The Secretary is authorized to hire 2 full-
10 time staffers to meet the needs of the Advisory Board.

11 “(2) Service of an individual as a member of the
12 Board shall not be considered as service or employment
13 bringing such individual within the provisions of any Fed-
14 eral law relating to conflicts of interest or otherwise im-
15 posing restrictions, requirements, or penalties in relation
16 to the employment of persons, the performance of services,
17 or the payment or receipt of compensation in connection
18 with claims, proceedings, or matters involving the United
19 States. Service as a member of the Board, or as an em-
20 ployee of the Board, shall not be considered service in an
21 appointive or elective position in the Government for pur-
22 poses of section 8344 of title 5, United States Code, or
23 comparable provisions of Federal law.

24 “(c)(1) Upon request of the Director, the Board is
25 authorized to—

1 “(A) hold such hearings and sit and act at such
2 times,

3 “(B) take such testimony,

4 “(C) have such printing and binding done,

5 “(D) enter into such contracts and other ar-
6 rangements,

7 “(E) make such expenditures, and

8 “(F) take such other actions,

9 as the Board may deem advisable. Any member of the
10 Board may administer oaths or affirmations to witnesses
11 appearing before the Board.

12 “(2) The Board may establish committees or sub-
13 committees. Any such subcommittees or committees shall
14 be chaired by a voting member of the Board.

15 “(d) The provisions of the Federal Advisory Commit-
16 tee Act shall apply to the Board established under this
17 section with the exception of section 14(b).

18 “(e)(1) The Board is authorized to secure directly
19 from any office, department, agency, establishment, or in-
20 strumentality of the Federal Government such information
21 as the Board may require for the purpose of this section,
22 and each such officer, department, agency, establishment,
23 or instrumentality is authorized and directed to furnish,
24 to the extent permitted by law, such information, sugges-

1 tions, estimates, and statistics directly to the Board, upon
 2 request made by a member of the Board.

3 “(2) Upon the request of the Board, the head of any
 4 Federal department, agency, or instrumentality is author-
 5 ized to make any of the facilities and services of such de-
 6 partment, agency, or instrumentality to the Board, on a
 7 nonreimbursable basis, to assist the Board in carrying out
 8 its duties under this section.

9 “(3) The Board may use the United States mails in
 10 the same manner and under the same conditions as other
 11 departments and agencies in the United States.”.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—

13 There are authorized to be appropriated to the Na-
 14 tional Park System Advisory Board \$200,000 per
 15 year to carry out the provisions of section 3 of the
 16 Act of August 21, 1935 (49 Stat. 667; 16 U.S.C.
 17 463).

18 (3) EFFECTIVE DATE.—This subsection shall
 19 take effect on December 7, 1997.

20 (g) CHALLENGE COST-SHARE AGREEMENT AUTHOR-
 21 ITY.—

22 (1) DEFINITIONS.—For purposes of this sub-
 23 section:

24 (A) The term “challenge cost-share agree-
 25 ment” means any agreement entered into be-

1 tween the Secretary and any cooperator for the
2 purpose of sharing costs or services in carrying
3 out authorized functions and responsibilities of
4 the Secretary of the Interior with respect to any
5 unit or program of the National Park System
6 (as defined in section 2(a) of the Act of August
7 8, 1953 (16 U.S.C. 1c(a))), any affiliated area,
8 or any designated National Scenic or Historic
9 Trail.

10 (B) The term “cooperator” means any
11 State or local government, public or private
12 agency, organization, institution, corporation,
13 individual, or other entity.

14 (2) CHALLENGE COST-SHARE AGREEMENTS.—

15 The Secretary of the Interior is authorized to nego-
16 tiate and enter into challenge cost-share agreements
17 with cooperators.

18 (3) USE OF FEDERAL FUNDS.—In carrying out
19 challenge cost-share agreements, the Secretary of
20 the Interior is authorized to provide the Federal
21 funding share from any funds available to the Na-
22 tional Park Service.

23 (h) COST RECOVERY FOR DAMAGE TO NATIONAL
24 PARK RESOURCES.—Public Law 101–337 is amended as
25 follows:

1 (1) In section 1 (16 U.S.C. 19jj), by amending
2 subsection (d) to read as follows:

3 “(d) ‘Park system resource’ means any living or non-
4 living resource that is located within the boundaries of a
5 unit of the National Park System, except for resources
6 owned by a non-Federal entity.”.

7 (2) In section 1 (16 U.S.C. 19jj) by adding at
8 the end thereof the following:

9 “(g) ‘Marine or aquatic park system resource’ means
10 any living or non-living part of a marine or aquatic regi-
11 men within or is a living part of a marine or aquatic regi-
12 men within the boundaries of a unit of the National Park
13 System, except for resources owned by a non-Federal en-
14 tity.”.

15 (3) In section 2(b) (16 U.S.C. 19jj–1(b)), by in-
16 serting “any marine or aquatic park resource” after
17 “any park system resource”.

18 **SEC. 816. MINERAL KING ADDITION PERMITS.**

19 Paragraph (2) of section 314(d) of the National
20 Parks and Recreation Act of 1978 (16 U.S.C. 45f(d)) is
21 amended by adding at the end the following:

22 “(C)(i) Notwithstanding subparagraphs (A) and (B),
23 until the date of the death of the last cabin permittee of
24 record on the date of enactment of this Act, the Secretary
25 may renew or extend permits or leases continued under

1 subparagraph (A) or (B) to the heirs of lessees or permit-
2 tees (including heirs to whom such leases or permits have
3 been renewed or extended) who have died prior to the en-
4 actment of this subparagraph or may die after its enact-
5 ment in the same manner (including by requiring the pay-
6 ment of annual fees based on fair market value) as leases
7 or permits may be renewed or extended under subpara-
8 graph (B), unless—

9 “(I) the permit or lease is incompatible with the
10 protection of the parks resources; or

11 “(II) the land occupied under the leases or per-
12 mit will be used for some other park purpose in ac-
13 cordance with the comprehensive management plan
14 prepared under subsection (e), and the Secretary
15 has available sufficient funds to carry out such use.

16 “(ii) For the purposes of this subparagraph, the term
17 ‘heirs’ means—

18 “(I) those family members of the deceased per-
19 mittee or lessee, designated by the permittee or les-
20 see, in a manner prescribed by the Secretary, as
21 heirs eligible for renewals or extensions under this
22 subparagraph, and

23 “(II) in the absence of such designation, those
24 family members of the deceased permittee or lessee

1 who are entitled to inherit the estate of the permit-
2 tee or lessee.”.

3 **SEC. 817. WILLIAM B. SMULLIN VISITOR CENTER.**

4 (a) DESIGNATION.—The Bureau of Land Manage-
5 ment’s visitors center in Rand, Oregon is hereby des-
6 ignated as the “William B. Smullin Visitor Center”.

7 (b) LEGAL REFERENCES.—Any reference in any law,
8 regulation, document, record, map, or other document of
9 the United States to the visitor center referred to in sub-
10 section (a) shall be deemed to be a reference to the “Wil-
11 liam B. Smullin Visitor Center”.

12 **SEC. 818. CALUMET ECOLOGICAL PARK.**

13 (a) FEASIBILITY STUDY.—

14 (1) IN GENERAL.—Not later than 6 months
15 after the date of enactment of this Act, the Sec-
16 retary of the Interior shall conduct a study of the
17 feasibility of establishing an urban ecological park to
18 be known as “Calumet Ecological Park”, in the
19 Lake Calumet area situated between the Illinois and
20 Michigan Canal National Heritage Corridor and the
21 Indiana Dunes National Lakeshore.

22 (2) PARTICULARS OF STUDY.—The study under
23 paragraph (1) shall include consideration of the fol-
24 lowing:

1 (A) The suitability of establishing a park
2 in the Lake Calumet area that—

3 (i) conserves and protects the wealth
4 of natural resources threatened by develop-
5 ment and pollution in the Lake Calumet
6 area; and

7 (ii) consists of a number of nonadja-
8 cent sites forming green corridors between
9 the Illinois and Michigan Canal National
10 Heritage Corridor and the Indiana Dunes
11 National Lakeshore, that are based on the
12 lakes and waterways in the area.

13 (B) The long term future use of the Lake
14 Calumet area.

15 (C) Ways in which a Calumet Ecological
16 Park would—

17 (i) benefit and enhance the cultural,
18 historical, and natural resources of the
19 Lake Calumet area; and

20 (ii) preserve natural lands and habi-
21 tats in the Lake Calumet area and north-
22 west Indiana.

23 (3) REPORT.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary shall

1 submit to the Congress a report containing findings
2 and recommendations of a study under this section.

3 **SEC. 819. ACQUISITION OF CERTAIN PROPERTY ON SANTA**
4 **CRUZ ISLAND.**

5 Section 202 of Public Law 96–199 (16 U.S.C. 410ff–
6 1) is amended by adding the following new subsection at
7 the end thereof:

8 “(e)(1) Notwithstanding any other provision of law,
9 effective 90 days after the date of enactment of this sub-
10 section, all right, title, and interest in and to, and the right
11 to immediate possession of, the real property on the east-
12 ern end of Santa Cruz Island which is known as the
13 Gherini Ranch is hereby vested in the United States, ex-
14 cept for the reserved rights of use and occupancy set forth
15 in Instrument No. 90–027494 recorded in the Official
16 Records of the County of Santa Barbara, California.

17 “(2) The United States shall pay just compensation
18 to the owners of any real property taken pursuant to this
19 subsection, determined as of the date of taking. The full
20 faith and credit of the United States is hereby pledged
21 to the payment of any judgment entered against the Unit-
22 ed States with respect to the taking of such property. Pay-
23 ment shall be in the amount of the agreed negotiated value
24 of such real property plus interest or the valuation of such
25 real property awarded by judgment plus interest. Interest

1 shall accrue from the date of taking to the date of pay-
 2 ment. Interest shall be compounded quarterly and com-
 3 puted at the rate applicable for the period involved, as de-
 4 termined by the Secretary of the Treasury on the basis
 5 of the current average market yield on outstanding mar-
 6 ketable obligations of the United States of comparable ma-
 7 turities from the date of enactment of this subsection to
 8 the last day of the month preceding the date on which
 9 payment is made.

10 “(3) In the absence of a negotiated settlement, or an
 11 action by the owner, within 1 year after the date of enact-
 12 ment of this subsection, the Secretary shall initiate a pro-
 13 ceeding, seeking in a court of competent jurisdiction a de-
 14 termination of just compensation with respect to the tak-
 15 ing of such property.

16 “(4) The Secretary shall not allow any unauthorized
 17 use of the lands to be acquired under this subsection, ex-
 18 cept that the Secretary shall permit the orderly termi-
 19 nation of all current activities and the removal of any
 20 equipment, facilities, or personal property.”.

21 **TITLE IX—HERITAGE AREAS**

22 **SEC. 901. BLACKSTONE RIVER VALLEY NATIONAL HERIT-** 23 **AGE CORRIDOR.**

24 (a) BOUNDARY CHANGES.—Section 2 of the Act enti-
 25 tled “An Act to establish the Blackstone River Valley Na-

1 tional Heritage Corridor in Massachusetts and Rhode Is-
2 land”, approved November 10, 1986 (Public Law 99–647;
3 16 U.S.C. 461 note), is amended by striking the first sen-
4 tence and inserting the following new sentence: “The
5 boundaries shall include the lands and water generally de-
6 picted on the map entitled ‘Blackstone River Valley Na-
7 tional Heritage Corridor Boundary Map’, numbered
8 BRV–80–80,011, and dated May 2, 1993.”.

9 (b) TERMS.—Section 3(c) of the Act entitled “An Act
10 to establish the Blackstone River Valley National Heritage
11 Corridor in Massachusetts and Rhode Island”, approved
12 November 10, 1986 (Public Law 99–647; 16 U.S.C. 461
13 note), is amended by inserting before the period at the
14 end the following: “, but may continue to serve after the
15 expiration of this term until a successor has been ap-
16 pointed”.

17 (c) REVISION OF PLAN.—Section 6 of the Act enti-
18 tled “An Act to establish the Blackstone River Valley Na-
19 tional Heritage Corridor in Massachusetts and Rhode Is-
20 land”, approved November 10, 1986 (Public Law 99–647;
21 16 U.S.C. 461 note), is amended by adding at the end
22 the following new subsection:

23 “(d) REVISION OF PLAN.—(1) Not later than 1 year
24 after the date of the enactment of this subsection, the
25 Commission, with the approval of the Secretary, shall re-

1 vise the Cultural Heritage and Land Management Plan.
2 The revision shall address the boundary change and shall
3 include a natural resource inventory of areas or features
4 that should be protected, restored, managed, or acquired
5 because of their contribution to the understanding of na-
6 tional cultural landscape values.

7 “(2) No changes other than minor revisions may be
8 made in the approved plan as amended without the ap-
9 proval of the Secretary. The Secretary shall approve or
10 disapprove any proposed change in the plan, except minor
11 revisions, in accordance with subsection (b).”.

12 (d) EXTENSION OF COMMISSION.—Section 7 of the
13 Act entitled “An Act to establish the Blackstone River
14 Valley National Heritage Corridor in Massachusetts and
15 Rhode Island”, approved November 10, 1986 (Public Law
16 99–647; 16 U.S.C. 461 note), is amended to read as fol-
17 lows:

18 **“SEC. 7. TERMINATION OF COMMISSION.**

19 “The Commission shall terminate on the date that
20 is 10 years after the date of enactment of this section.”.

21 (e) IMPLEMENTATION OF PLAN.—Subsection (c) of
22 section 8 of the Act entitled “An Act to establish the
23 Blackstone River Valley National Heritage Corridor in
24 Massachusetts and Rhode Island”, approved November

1 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is
2 amended to read as follows:

3 “(c) IMPLEMENTATION.—(1) To assist in the imple-
4 mentation of the Cultural Heritage and Land Manage-
5 ment Plan in a manner consistent with purposes of this
6 Act, the Secretary is authorized to undertake a limited
7 program of financial assistance for the purpose of provid-
8 ing funds for the preservation and restoration of struc-
9 tures on or eligible for inclusion on the National Register
10 of Historic Places within the Corridor which exhibit na-
11 tional significance or provide a wide spectrum of historic,
12 recreational, or environmental education opportunities to
13 the general public.

14 “(2) To be eligible for funds under this section, the
15 Commission shall submit an application to the Secretary
16 that includes—

17 “(A) a 10-year development plan including
18 those resource protection needs and projects critical
19 to maintaining or interpreting the distinctive char-
20 acter of the Corridor; and

21 “(B) specific descriptions of annual work pro-
22 grams that have been assembled, the participating
23 parties, roles, cost estimates, cost-sharing, or cooper-
24 ative agreements necessary to carry out the develop-
25 ment plan.

1 “(3) Funds made available pursuant to this sub-
2 section shall not exceed 50 percent of the total cost of the
3 work programs.

4 “(4) In making the funds available, the Secretary
5 shall give priority to projects that attract greater non-Fed-
6 eral funding sources.

7 “(5) Any payment made for the purposes of conserva-
8 tion or restoration of real property or structures shall be
9 subject to an agreement either—

10 “(A) to convey a conservation or preservation
11 easement to the Department of Environmental Man-
12 agement or to the Historic Preservation Commis-
13 sion, as appropriate, of the State in which the real
14 property or structure is located; or

15 “(B) that conversion, use, or disposal of the re-
16 sources so assisted for purposes contrary to the pur-
17 poses of this Act, as determined by the Secretary,
18 shall result in a right of the United States for reim-
19 bursement of all funds expended upon such re-
20 sources or the proportion of the increased value of
21 the resources attributable to such funds as deter-
22 mined at the time of such conversion, use, or dis-
23 posal, whichever is greater.

24 “(6) The authority to determine that a conversion,
25 use, or disposal of resources has been carried out contrary

1 to the purposes of this Act in violation of an agreement
2 entered into under paragraph (5)(A) shall be solely at the
3 discretion of the Secretary.”.

4 (f) LOCAL AUTHORITY.—Section 5 of the Act entitled
5 “An Act to establish the Blackstone River Valley National
6 Heritage Corridor in Massachusetts and Rhode Island”,
7 approved November 10, 1986 (Public Law 99–647; 16
8 U.S.C. 461 note), is amended by adding at the end the
9 following new subsection:

10 “(j) LOCAL AUTHORITY AND PRIVATE PROPERTY
11 NOT AFFECTED.—Nothing in this Act shall be construed
12 to affect or to authorize the Commission to interfere
13 with—

14 “(1) the rights of any person with respect to
15 private property; or

16 “(2) any local zoning ordinance or land use
17 plan of the Commonwealth of Massachusetts or any
18 political subdivision of the Commonwealth.”.

19 (g) AUTHORIZATION OF APPROPRIATIONS.—Notwith-
20 standing any other provision of law regarding limitations
21 on funding for heritage areas, section 10 of the Act enti-
22 tled “An Act to establish the Blackstone River Valley Na-
23 tional Heritage Corridor in Massachusetts and Rhode Is-
24 land”, approved November 10, 1986 (Public Law 99–647;
25 16 U.S.C. 461 note), as amended, is further amended:

1 (1) in subsection (a), by striking “\$350,000”
2 and inserting “\$650,000”; and

3 (2) by amending subsection (b) to read as fol-
4 lows:

5 “(b) DEVELOPMENT FUNDS.—For fiscal years 1996,
6 1997, and 1998, there is authorized to be appropriated
7 to carry out section 8(c) not to exceed \$5,000,000.”.

8 **SEC. 902. ILLINOIS AND MICHIGAN CANAL NATIONAL HER-**
9 **ITAGE CORRIDOR.**

10 The Illinois and Michigan Canal National Heritage
11 Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461
12 note) is amended by inserting after section 117 the follow-
13 ing new section:

14 **“SEC. 118. STUDY OF POSSIBLE ADDITIONS TO CORRIDOR.**

15 “The Commission shall undertake a study to deter-
16 mine whether the Joliet Army Ammunition Plant and the
17 Calumet-Sag and Chicago Sanitary and Ship Canals
18 should be added to the corridor. The study shall specifi-
19 cally examine the relationship between the purposes of this
20 Act and the areas proposed for study and shall identify
21 any specific resources which are related to the purposes
22 for which the corridor was established. The study shall
23 propose boundaries which provide for the inclusion of any
24 related resources within the corridor. The Commission
25 shall submit the study to the Secretary and the appro-

1 priate congressional committees. Upon receipt of the
2 study, the Secretary shall determine which lands (if any)
3 should be added to the corridor and shall so notify the
4 appropriate congressional committees.”.

5 **SEC. 903. FEASIBILITY STUDY OF THE CHAMPLAIN VALLEY**
6 **AND THE UPPER HUDSON RIVER VALLEY.**

7 The Secretary of the Interior shall conduct a feasibil-
8 ity study to determine whether the Champlain Valley and
9 the Upper Hudson River Valley in the State of New York
10 should be designated as a heritage area. The study shall
11 evaluate important conflicts which occurred between 1609
12 and 1865 and to identify the natural and cultural re-
13 sources associated with these conflicts. The study shall be
14 completed within two years after funds are made available.

15 **TITLE X—MISCELLANEOUS**
16 **Subtitle A—Tallgrass Prairie**
17 **National Preserve**

18 **SEC. 1001. SHORT TITLE.**

19 This subtitle may be cited as the “Tallgrass Prairie
20 National Preserve Act of 1996”.

21 **SEC. 1002. FINDINGS AND PURPOSES.**

22 (a) FINDINGS.—Congress finds that—

23 (1) of the 400,000 square miles of tallgrass
24 prairie that once covered the North American Con-

1 tinent, less than 1 percent remains, primarily in the
2 Flint Hills of Kansas;

3 (2) in 1991, the National Park Service con-
4 ducted a special resource study of the Spring Hill
5 Ranch, located in the Flint Hills of Kansas;

6 (3) the study concludes that the Spring Hill
7 Ranch—

8 (A) is a nationally significant example of
9 the once vast tallgrass ecosystem, and includes
10 buildings listed on the National Register of His-
11 toric Places pursuant to section 101 of the Na-
12 tional Historic Preservation Act (16 U.S.C.
13 470a) that represent outstanding examples of
14 Second Empire and other 19th Century archi-
15 tectural styles; and

16 (B) is suitable and feasible as a potential
17 addition to the National Park System; and

18 (4) the National Park Trust, which owns the
19 Spring Hill Ranch, has agreed to permit the Na-
20 tional Park Service—

21 (A) to purchase a portion of the ranch, as
22 specified in this subtitle; and

23 (B) to manage the ranch in order to—

1 (i) conserve the scenery, natural and
2 historic objects, and wildlife of the ranch;
3 and

4 (ii) provide for the enjoyment of the
5 ranch in such a manner and by such
6 means as will leave the scenery, natural
7 and historic objects, and wildlife
8 unimpaired for the enjoyment of future
9 generations.

10 (b) PURPOSES.—The purposes of this subtitle are—

11 (1) to preserve, protect, and interpret for the
12 public an example of a tallgrass prairie ecosystem on
13 the Spring Hill Ranch, located in the Flint Hills of
14 Kansas; and

15 (2) to preserve and interpret for the public the
16 historic and cultural values represented on the
17 Spring Hill Ranch.

18 **SEC. 1003. DEFINITIONS.**

19 In this subtitle:

20 (1) ADVISORY COMMITTEE.—The term “Advi-
21 sory Committee” means the Advisory Committee es-
22 tablished under section 1007.

23 (2) PRESERVE.—The term “Preserve” means
24 the Tallgrass Prairie National Preserve established
25 by section 1004.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (4) TRUST.—The term “Trust” means the Na-
4 tional Park Trust, Inc., a District of Columbia non-
5 profit corporation, or any successor-in-interest.

6 **SEC. 1004. ESTABLISHMENT OF TALLGRASS PRAIRIE NA-**
7 **TIONAL PRESERVE.**

8 (a) IN GENERAL.—In order to provide for the preser-
9 vation, restoration, and interpretation of the Spring Hill
10 Ranch area of the Flint Hills of Kansas, for the benefit
11 and enjoyment of present and future generations, there
12 is established the Tallgrass Prairie National Preserve.

13 (b) DESCRIPTION.—The Preserve shall consist of the
14 lands and interests in land, including approximately
15 10,894 acres, generally depicted on the map entitled
16 “Boundary Map, Flint Hills Prairie National Monument”
17 numbered NM–TGP 80,000 and dated June 1994, more
18 particularly described in the deed filed at 8:22 a.m. of
19 June 3, 1994, with the Office of the Register of Deeds
20 in Chase County, Kansas, and recorded in Book L–106
21 at pages 328 through 339, inclusive. In the case of any
22 difference between the map and the legal description, the
23 legal description shall govern, except that if, as a result
24 of a survey, the Secretary determines that there is a dis-
25 crepancy with respect to the boundary of the Preserve that

1 may be corrected by making minor changes to the map,
2 the Secretary shall make changes to the map as appro-
3 priate, and the boundaries of the Preserve shall be ad-
4 justed accordingly. The map shall be on file and available
5 for public inspection in the appropriate offices of the Na-
6 tional Park Service of the Department of the Interior.

7 **SEC. 1005. ADMINISTRATION OF NATIONAL PRESERVE.**

8 (a) IN GENERAL.—The Secretary shall administer
9 the Preserve in accordance with this subtitle, the coopera-
10 tive agreements described in subsection (f)(1), and the
11 provisions of law generally applicable to units of the Na-
12 tional Park System, including the Act entitled “An Act
13 to establish a National Park Service, and for other pur-
14 poses”, approved August 25, 1916 (16 U.S.C. 1, 2
15 through 4) and the Act of August 21, 1935 (49 Stat. 666;
16 16 U.S.C. 461 et seq.).

17 (b) APPLICATION OF REGULATIONS.—With the con-
18 sent of a private owner of land within the boundaries of
19 the Preserve, the regulations issued by the Secretary con-
20 cerning the National Park Service that provide for the
21 proper use, management, and protection of persons, prop-
22 erty, and natural and cultural resources shall apply to the
23 private land.

24 (c) FACILITIES.—For purposes of carrying out the
25 duties of the Secretary under this subtitle relating to the

1 Preserve, the Secretary may, with the consent of a land-
2 owner, directly or by contract, construct, reconstruct, re-
3 habilitate, or develop essential buildings, structures, and
4 related facilities including roads, trails, and other interpre-
5 tive facilities on real property that is not owned by the
6 Federal Government and is located within the Preserve.

7 (d) LIABILITY.—

8 (1) LIABILITY OF THE UNITED STATES AND ITS
9 OFFICERS AND EMPLOYEES.—Except as otherwise
10 provided in this subsection, the liability of the
11 United States is subject to the terms and conditions
12 of the Federal Tort Claims Act, as amended, 28
13 U.S.C. 2671 et seq., with respect to the claims aris-
14 ing by virtue of the Secretary's administration of the
15 Preserve pursuant to this Act.

16 (2) LIABILITY OF LANDOWNERS.—

17 (A) The Secretary of the Interior is au-
18 thorized, under such terms and conditions as he
19 deems appropriate, to include in any coopera-
20 tive agreement entered into in accordance with
21 subsection (f)(1) an indemnification provision
22 by which the United States agrees to hold
23 harmless, defend and indemnify the landowner
24 in full from and against any suit, claim, de-
25 mand or action, liability, judgment, cost or

1 other fee arising out of any claim of personal
2 injury or property damage that occurs in con-
3 nection with the operation of the Preserve
4 under the agreement: *Provided, however,* That
5 indemnification shall not exceed \$3 million per
6 claimant per occurrence.

7 (B) The indemnification provision author-
8 ized by subparagraph (A) shall not include
9 claims for personal injury or property damage
10 proximately caused by the wanton or willful
11 misconduct of the landowner.

12 (e) UNIT OF THE NATIONAL PARK SYSTEM.—The
13 Preserve shall be a unit of the National Park System for
14 all purposes, including the purpose of exercising authority
15 to charge entrance and admission fees under section 4 of
16 the Land and Water Conservation Fund Act of 1965 (16
17 U.S.C. 460l–6a).

18 (f) AGREEMENTS AND DONATIONS.—

19 (1) AGREEMENTS.—The Secretary may expend
20 Federal funds for the cooperative management of
21 private property within the Preserve for research, re-
22 source management (including pest control and nox-
23 ious weed control, fire protection, and the restora-
24 tion of buildings), and visitor protection and use.

1 (2) DONATIONS.—The Secretary may accept,
2 retain, and expend donations of funds, property
3 (other than real property), or services from individ-
4 uals, foundations, corporations, or public entities for
5 the purposes of providing programs, services, facili-
6 ties, or technical assistance that further the pur-
7 poses of this subtitle.

8 (g) GENERAL MANAGEMENT PLAN.—

9 (1) IN GENERAL.—Not later than the end of
10 the third full fiscal year beginning after the date of
11 enactment of this Act, the Secretary shall prepare
12 and submit to the Committee on Energy and Natu-
13 ral Resources of the Senate and the Committee on
14 Resources of the House of Representatives a general
15 management plan for the Preserve.

16 (2) CONSULTATION.—In preparing the general
17 management plan, the Secretary, acting through the
18 Director of the National Park Service, shall consult
19 with—

20 (A)(i) appropriate officials of the Trust;

21 and

22 (ii) the Advisory Committee; and

23 (B) adjacent landowners, appropriate offi-
24 cials of nearby communities, the Kansas De-
25 partment of Wildlife and Parks, and the Kan-

1 sas Historical Society, and other interested par-
2 ties.

3 (3) CONTENT OF PLAN.—The general manage-
4 ment plan shall provide for the following:

5 (A) Maintaining and enhancing the
6 tallgrass prairie within the boundaries of the
7 Preserve.

8 (B) Public access and enjoyment of the
9 property that is consistent with the conserva-
10 tion and proper management of the historical,
11 cultural, and natural resources of the ranch.

12 (C) Interpretive and educational programs
13 covering the natural history of the prairie, the
14 cultural history of Native Americans, and the
15 legacy of ranching in the Flint Hills region.

16 (D) Provisions requiring the application of
17 applicable State law concerning the mainte-
18 nance of adequate fences within the boundaries
19 of the Preserve. In any case in which an activ-
20 ity of the National Park Service requires fences
21 that exceed the legal fence standard otherwise
22 applicable to the Preserve, the National Park
23 Service shall pay the additional cost of con-
24 structing and maintaining the fences to meet
25 the applicable requirements for that activity.

1 (E) Provisions requiring the Secretary to
2 comply with applicable State noxious weed, pes-
3 ticide, and animal health laws.

4 (F) Provisions requiring compliance with
5 applicable State water laws and Federal and
6 State waste disposal laws (including regula-
7 tions) and any other applicable law.

8 (G) Provisions requiring the Secretary to
9 honor each valid existing oil and gas lease for
10 lands within the boundaries of the Preserve (as
11 described in section 1004(b)) that is in effect
12 on the date of enactment of this Act.

13 (H) Provisions requiring the Secretary to
14 offer to enter into an agreement with each indi-
15 vidual who, as of the date of enactment of this
16 Act, holds rights for cattle grazing within the
17 boundaries of the Preserve (as described in sec-
18 tion 1004(b)).

19 (4) HUNTING AND FISHING.—The Secretary
20 may allow hunting and fishing on Federal lands
21 within the Preserve.

22 (5) FINANCIAL ANALYSIS.—As part of the de-
23 velopment of the general management plan, the Sec-
24 retary shall prepare a financial analysis indicating
25 how the management of the Preserve may be fully

1 supported through fees, private donations, and other
2 forms of non-Federal funding.

3 **SEC. 1006. LIMITED AUTHORITY TO ACQUIRE.**

4 (a) IN GENERAL.—The Secretary shall acquire, by
5 donation, not more than 180 acres of real property within
6 the boundaries of the Preserve (as described in section
7 1004(b)) and the improvements on the real property.

8 (b) PAYMENTS IN LIEU OF TAXES.—For the pur-
9 poses of payments made under chapter 69 of title 31,
10 United States Code, the real property described in sub-
11 section (a)(1) shall be deemed to have been acquired for
12 the purposes specified in section 6904(a) of that title.

13 (c) PROHIBITIONS.—No property may be acquired
14 under this section without the consent of the owner of the
15 property. The United States may not acquire fee owner-
16 ship of any lands within the Preserve other than lands
17 described in this section.

18 **SEC. 1007. ADVISORY COMMITTEE.**

19 (a) ESTABLISHMENT.—There is established an advi-
20 sory committee to be known as the “Tallgrass Prairie Na-
21 tional Preserve Advisory Committee”.

22 (b) DUTIES.—The Advisory Committee shall advise
23 the Secretary and the Director of the National Park Serv-
24 ice concerning the development, management, and inter-
25 pretation of the Preserve. In carrying out those duties,

1 the Advisory Committee shall provide timely advice to the
2 Secretary and the Director during the preparation of the
3 general management plan under section 1005(g).

4 (c) MEMBERSHIP.—The Advisory Committee shall
5 consist of 13 members, who shall be appointed by the Sec-
6 retary as follows:

7 (1) Three members shall be representatives of
8 the Trust.

9 (2) Three members shall be representatives of
10 local landowners, cattle ranchers, or other agricul-
11 tural interests.

12 (3) Three members shall be representatives of
13 conservation or historic preservation interests.

14 (4)(A) One member shall be selected from a list
15 of persons recommended by the Chase County Com-
16 mission in the State of Kansas.

17 (B) One member shall be selected from a list of
18 persons recommended by appropriate officials of
19 Strong City, Kansas, and Cottonwood Falls, Kansas.

20 (C) One member shall be selected from a list of
21 persons recommended by the Governor of the State
22 of Kansas.

23 (5) One member shall be a range management
24 specialist representing institutions of higher edu-
25 cation (as defined in section 1201(a) of the Higher

1 Education Act of 1965 (20 U.S.C. 1141(a))) in the
2 State of Kansas.

3 (d) TERMS.—

4 (1) IN GENERAL.—Each member of the Advi-
5 sory Committee shall be appointed to serve for a
6 term of 3 years, except that the initial members
7 shall be appointed as follows:

8 (A) Four members shall be appointed, one
9 each from paragraphs (1), (2), (3), and (4) of
10 subsection (c), to serve for a term of 3 years.

11 (B) Four members shall be appointed, one
12 each from paragraphs (1), (2), (3), and (4) of
13 subsection (c), to serve for a term of 4 years.

14 (C) Five members shall be appointed, one
15 each from paragraphs (1) through (5) of sub-
16 section (c), to serve for a term of 5 years.

17 (2) REAPPOINTMENT.—Each member may be
18 reappointed to serve a subsequent term.

19 (3) EXPIRATION.—Each member shall continue
20 to serve after the expiration of the term of the mem-
21 ber until a successor is appointed.

22 (4) VACANCIES.—A vacancy on the Advisory
23 Committee shall be filled in the same manner as an
24 original appointment is made. The member ap-

1 pointed to fill the vacancy shall serve until the expi-
2 ration of the term in which the vacancy occurred.

3 (e) CHAIRPERSON.—The members of the Advisory
4 Committee shall select 1 of the members to serve as Chair-
5 person.

6 (f) MEETINGS.—Meetings of the Advisory Committee
7 shall be held at the call of the Chairperson or the majority
8 of the Advisory Committee. Meetings shall be held at such
9 locations and in such a manner as to ensure adequate op-
10 portunity for public involvement. In compliance with the
11 requirements of the Federal Advisory Committee Act (5
12 U.S.C. App.), the Advisory Committee shall choose an ap-
13 propriate means of providing interested members of the
14 public advance notice of scheduled meetings.

15 (g) QUORUM.—A majority of the members of the Ad-
16 visory Committee shall constitute a quorum.

17 (h) COMPENSATION.—Each member of the Advisory
18 Committee shall serve without compensation, except that
19 while engaged in official business of the Advisory Commit-
20 tee, the member shall be entitled to travel expenses, in-
21 cluding per diem in lieu of subsistence in the same manner
22 as persons employed intermittently in Government service
23 under section 5703 of title 5, United States Code.

1 (i) CHARTER.—The rechartering provisions of section
 2 14(b) of the Federal Advisory Committee Act (5 U.S.C.
 3 App.) shall not apply to the Advisory Committee.

4 **SEC. 1008. RESTRICTION ON AUTHORITY.**

5 Nothing in this subtitle shall give the Secretary au-
 6 thority to regulate lands outside the land area acquired
 7 by the Secretary under section 1006(a).

8 **SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the De-
 10 partment of the Interior such sums as are necessary to
 11 carry out this subtitle.

12 **Subtitle B—Sterling Forest**

13 **SEC. 1011. PALISADES INTERSTATE PARK COMMISSION.**

14 (a) FUNDING.—The Secretary of the Interior is au-
 15 thorized to provide funding to the Palisades Interstate
 16 Park Commission to be used for the acquisition of lands
 17 and interests in lands within the area generally depicted
 18 on the map entitled “Boundary Map, Sterling Forest Re-
 19 serve”, numbered SFR–60,001 and dated July 1, 1994.
 20 There are authorized to be appropriated for purposes of
 21 this section not more than \$17,500,000. No funds made
 22 available under this section may be used for the acqui-
 23 sition of any lands or interest in lands without the consent
 24 of the owner thereof.

1 (b) LAND EXCHANGE.—The Secretary of the Interior
2 is authorized to exchange unreserved unappropriated Fed-
3 eral lands under the administrative jurisdiction of the Sec-
4 retary for the lands comprising approximately 2,220 acres
5 depicted on the map entitled “Sterling Forest, Proposed
6 Sale of Sterling Forest Lands” and dated July 25, 1996.
7 The Secretary shall consult with the Governor of any State
8 in which such unreserved unappropriated lands are located
9 prior to carrying out such exchange. The lands acquired
10 by the Secretary under this section shall be transferred
11 to the Palisades Interstate Park Commission to be in-
12 cluded within the Sterling Forest Reserve. The lands ex-
13 changed under this section shall be of equal value, as de-
14 termined by the Secretary utilizing nationally recognized
15 appraisal standards. The authority to exchange lands
16 under this section shall expire on the date 18 months after
17 the date of enactment of this Act.

18 **Subtitle C—Additional Provisions**

19 **SEC. 1021. BLACK CANYON OF THE GUNNISON NATIONAL** 20 **PARK COMPLEX.**

21 (a) ESTABLISHMENT OF BLACK CANYON OF THE
22 GUNNISON NATIONAL PARK.—

23 (1) There is hereby established the Black Can-
24 yon of the Gunnison National Park (hereinafter re-
25 ferred to as the “park”) in the State of Colorado.

1 The Black Canyon National Monument is abolished
2 as such, and all lands and interests therein are here-
3 by incorporated within and made part of the Black
4 Canyon of the Gunnison National Park. Any ref-
5 erence to the Black Canyon of the Gunnison Na-
6 tional Monument shall be deemed a reference to
7 Black Canyon of the Gunnison National Park, and
8 any funds available for the purposes of the monu-
9 ment shall be available for purposes of the park.

10 (2) The Secretary of the Interior (hereinafter
11 referred to as the “Secretary”) acting through the
12 Director of the National Park Service shall manage
13 the park, subject to valid existing rights, in accord-
14 ance with this subsection and under the provisions
15 of law generally applicable to units of the National
16 Park System, including but not limited to the Act of
17 August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et
18 seq.), the Act of August 21, 1935 (49 Stat. 666; 16
19 U.S.C. 461 et seq.), and other applicable provisions
20 of law.

21 (b) ESTABLISHMENT OF THE GUNNISON GORGE NA-
22 TIONAL CONSERVATION AREA.—

23 (1) There is hereby established the Gunnison
24 Gorge National Conservation Area (hereinafter re-
25 ferred to as the “conservation area”) in the State of

1 Colorado, consisting of approximately 64,139 acres
2 as generally depicted on the map entitled “Black
3 Canyon of the Gunnison National Park Complex—
4 Map No. 9, dated July 29, 1996” (hereinafter re-
5 ferred to as the “map”).

6 (2) The Secretary, acting through the Director
7 of the Bureau of Land Management, shall manage
8 the conservation area, subject to valid existing
9 rights, in accordance with this subsection, the Fed-
10 eral Land Management and Policy Act of 1976, and
11 other applicable provisions of law.

12 (3) In addition to the use of motorized vehicles
13 on established roadways, the use of motorized vehi-
14 cles in the conservation area shall be allowed to the
15 extent compatible, in accordance with existing off-
16 highway vehicle designations as described in the cur-
17 rent approved management plan, or as part of the
18 comprehensive plan prepared pursuant to this sub-
19 section.

20 (4) If no later than 5 years after the date of
21 enactment of this Act the United States acquires,
22 from willing sellers only, lands that are depicted on
23 the map as private lands within the conservation
24 area as established by this section, such lands upon
25 their acquisition by the United States shall be in-

1 cluded in and managed as part of the conservation
2 area.

3 (5) In furtherance of the purposes of the Wil-
4 derness Act (16 U.S.C. 1131 et seq.) certain lands
5 in the conservation area comprised of approximately
6 22,111 acres, as generally depicted on the map, and
7 which shall be known as the Gunnison Gorge Wilder-
8 ness.

9 (6) That portion of the Gunnison Gorge Wilder-
10 ness Study Area (Uncompahgre Basin Wilderness
11 Final Environmental Impact Statement, 1989) not
12 designated as wilderness by this Act, is no longer
13 subject to the terms and conditions contained in sec-
14 tion 603 of the Federal Land Policy and Manage-
15 ment Act of 1976 (43 U.S.C. 1782) for management
16 of wilderness study areas in a manner that does not
17 impair the suitability of such areas for preservation,
18 and shall be managed for multiple use or other val-
19 ues in accordance with land use plans developed pur-
20 suant to section 202 of the Federal Land Policy and
21 Management Act of 1976.

22 (7) Nothing in this subsection or any other Act
23 shall constitute either an express or implied Federal
24 reservation of water or water rights for any purpose

1 arising from the designation of areas as wilderness
2 by this subsection.

3 (c) ESTABLISHMENT OF THE CURECANTI NATIONAL
4 RECREATION AREA, AND THE DENVER AND RIO GRANDE
5 RAILROAD NATIONAL HISTORIC SITE.—

6 (1) In order to conserve the scenic, natural, his-
7 toric, archaeological, wildlife, and fishery resources,
8 and to provide for the public use and enjoyment of
9 the land withdrawn or acquired for, and the water
10 areas created by the Wayne N. Aspinall Unit of the
11 Colorado River Storage Project, there is hereby es-
12 tablished the Curecanti National Recreation Area
13 (hereinafter referred to as the “recreation area”) in
14 the State of Colorado. The recreation area shall con-
15 sist of the lands and waters within the area des-
16 ignated “Curecanti National Recreation Area” as
17 depicted on the map.

18 (2) The Secretary, acting through the Director
19 of the National Park Service, shall manage the
20 recreation area, subject to valid existing rights, in
21 accordance with this subsection and under provisions
22 of law generally applicable to units of the National
23 Park System including but not limited to the Act of
24 August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et
25 seq.), and the Act of August 21, 1935 (49 Stat. 666;

1 16 U.S.C. 461 et seq.), and other applicable provi-
2 sions of law, except as otherwise provided in this
3 subsection.

4 (3) The establishment of the recreation area
5 and land transfer of administration under subsection
6 (a) and (b) shall not affect or interfere with the va-
7 lidity of existing rights, including withdrawals, ac-
8 quisitions and conveyances, made before the date of
9 enactment of this section for reclamation or power
10 purposes. Subject to their respective authorities
11 under the Colorado River Storage Project Act of
12 1956 (42 U.S.C. 620 et seq.) and the Uncompahgre
13 Project, operation, maintenance, and management of
14 all facilities and improvements on and the manage-
15 ment of lands occupied by dams, structures, admin-
16 istrative areas, or other facilities shall be the respon-
17 sibility of the Secretary and the Secretary of En-
18 ergy, acting through the Commissioner of the Bu-
19 reau of Reclamation and the Western Area Power
20 Administration. Such lands shall be delineated
21 through a joint agreement among the Bureau of
22 Reclamation, the National Park Service, and the
23 Western Area Power Administration. The Secretary
24 may enter into additional agreements which address
25 sharing of jurisdiction and authorities on the delin-

1 eated lands. All lands within the recreation area
2 which have been withdrawn or acquired by the Unit-
3 ed States for reclamation purposes shall remain sub-
4 ject to the purposes and uses established under the
5 Colorado River Storage Project Act of 1956 (42
6 U.S.C. 620 et seq.) and the Uncompahgre Project as
7 originally authorized by the Secretary as the Gunni-
8 son Project on March 14, 1903 under the provisions
9 of the Reclamation Act of October 17, 1902 (32
10 Stat. 388, 43 U.S.C. 391), as amended. The Sec-
11 retary, acting through the Bureau of Reclamation,
12 may exclude any area from the recreation area for
13 reclamation or power purposes upon determining
14 that it is in the national interest to do so.

15 (4) Subject to valid existing rights, all Federal
16 lands and interests within the national recreation
17 area administered by the Bureau of Land Manage-
18 ment are withdrawn from disposition under the pub-
19 lic land laws from location, entry, and patent under
20 the mining laws of the United States, from the oper-
21 ation of mineral leasing laws of the United States,
22 and from operation of the Geothermal Steam Act of
23 1970, and the administrative jurisdiction of such
24 lands is transferred to the National Park Service
25 upon enactment of this section.

1 (5) Within the recreation area there is hereby
2 established, subject to the provisions of this sub-
3 section, the Denver and Rio Grande National His-
4 toric Site (hereinafter referred to as the “historic
5 site”) consisting of the Denver and Rio Grande roll-
6 ing stock and train trestle at Cimarron, as depicted
7 on the map. The Secretary may include those por-
8 tions of the historic railroad bed within the bound-
9 aries of the historic site which would serve to en-
10 hance or contribute to the interpretation of the de-
11 velopment of the railroad and its role in the develop-
12 ment of western Colorado.

13 (6) The Secretary is authorized to convey to the
14 city of Gunnison, Colorado, or to such public agency
15 as the Secretary deems appropriate, for an amount
16 not to exceed fair market appraised value, the land
17 known as the Riverway Tract in section 8, township
18 49 north, range 1 west, New Mexico principal merid-
19 ian.

20 (7) The Secretary is authorized, upon a finding
21 that it is not needed for public purposes, to convey
22 without consideration by quit claim deed all right,
23 title, and interest in the United States in and to
24 parcels of ten acres or less which are encroached
25 upon, as of the date of this section, by improvements

1 occupied or used to such person or persons under
2 claim or color of title by persons to whom no ad-
3 vance notice was given that such improvements en-
4 croached or would encroach upon such parcels, and
5 who in good faith relied upon an erroneous survey,
6 title search or other land description indicating there
7 was not such encroachment. Such lands so conveyed
8 shall be deleted from the national recreation area.

9 (8) The Secretary shall complete an official
10 boundary survey of the areas depicted on the map
11 within three years of the date of this subsection.

12 (9) If no later than 3 years after the date of
13 enactment of this title the United States acquires
14 lands comprising approximately 520 acres adjacent
15 to Colorado Highway 92 and the Curecanti National
16 Recreation Area as designated by this title and as
17 generally depicted on a map entitled “Hall Property,
18 Colorado”, dated September, 1996, such lands upon
19 their acquisition by the United States from willing
20 sellers only shall be included in and managed as part
21 of such recreation area.

22 (d) THE ESTABLISHMENT OF THE BLACK CANYON
23 OF THE GUNNISON NATIONAL PARK COMPLEX.—

24 (1) There is hereby established the Black Can-
25 yon of the Gunnison National Park Complex (herein-

1 after referred to as the “complex”) in the State of
2 Colorado. The purposes of the complex are to em-
3 phasize management of the Gunnison River and its
4 environs while managing the components of the com-
5 plex (the park, the conservation area, and the recre-
6 ation area) according to their respective purposes
7 and mandates; to seek out and promote efficiencies
8 in the management of the complex; to integrate and
9 coordinate planning efforts within the complex; and
10 as permitted by agency mandates and policies, to
11 utilize the resources of the involved agencies coop-
12 eratively to enhance public service, to resolve issues,
13 and to provide a focal point for public contact. The
14 complex shall include the following lands as depicted
15 on the map:

16 (A) The park.

17 (B) The conservation area.

18 (C) The recreation area.

19 (D) Those portions of lands comprising the
20 Gunnison National Forest as depicted on the
21 map.

22 (2) The Secretary, acting through the Director
23 of the National Park Service, shall manage the park,
24 recreation area, historic site and district; and acting
25 through the Director of the Bureau of Land Man-

1 agement, shall manage the conservation area in ac-
2 cordance with this subsection, and other applicable
3 provisions of law.

4 (3) The Secretary of Agriculture, acting
5 through the Chief of the Forest Service shall man-
6 age, subject to valid existing rights, those portions
7 of the forest that have been included in the complex
8 in accordance with the laws, rules, and regulations
9 pertaining to the National Forest System and this
10 subsection.

11 (4) The Secretaries shall manage the areas
12 under their jurisdiction within the complex in a con-
13 sistent manner, and are authorized to share person-
14 nel, equipment, and other resources to reduce or
15 eliminate duplication of effort.

16 (5) Within four years following the date of en-
17 actment of this section, the Secretary shall develop
18 and transmit to the Committee on Energy and Nat-
19 ural Resources of the United States Senate and to
20 the Committee on Resources of the United States
21 House of Representatives a comprehensive plan for
22 the long-range protection and management of the
23 complex. The plan shall describe the appropriate
24 uses and management of the complex consistent with
25 the provisions of this section. The plan may incor-

1 porate appropriate decisions contained in any cur-
2 rent management or activity plan for the complex.
3 The plan may also incorporate appropriate wildlife
4 habitat management or other plans that have been
5 prepared for the lands within or adjacent to the
6 complex, and shall be prepared in close consultation
7 with appropriate Federal agencies and agencies of
8 the State of Colorado and shall use information de-
9 veloped in previous studies of the lands within or ad-
10 jacent to the complex.

11 (e) WATER RIGHTS.—Nothing in this section, nor in
12 any action taken pursuant thereto under any other Act,
13 shall constitute an express or implied reservation of water
14 for any purpose. Nothing in this section, nor any actions
15 taken pursuant thereto shall affect any existing water
16 rights, including, but not limited to, any water rights held
17 by the United States prior to the date of enactment of
18 this section. Any water rights that the Secretary deter-
19 mines are necessary for the purposes of this section shall
20 be acquired under the procedural and substantive require-
21 ments of the laws of the State of Colorado.

22 (f) RECREATIONAL AND MULTIPLE-USE ACTIVI-
23 TIES.—

24 (1) In carrying out this section, in addition to
25 other related activities that may be permitted pursu-

1 ant to this section, the Secretaries shall provide for
2 general recreation and multiple use activities that
3 are considered appropriate and compatible within
4 the areas of their respective jurisdiction, including,
5 but not limited to, swimming, fishing, boating, raft-
6 ing, hiking, horseback riding, camping and picnic-
7 ing. The Secretaries shall also provide for certain
8 multiple use activities, subject to valid existing
9 rights, including grazing; and the maintenance of ex-
10 isting designated roads, stock driveways, and utility
11 rights-of-way. Within the boundaries of the recre-
12 ation area the Secretary may also provide for off-
13 road vehicle use below high water levels, on frozen
14 lake surfaces, and on related designated access
15 routes; and other such uses as the Secretary may
16 deem appropriate.

17 (2) The Secretaries shall permit hunting, fish-
18 ing, noncommercial taking of fresh-water crusta-
19 ceans, and trapping on the lands and waters under
20 the Secretaries jurisdiction in accordance with appli-
21 cable laws and regulations of the United States and
22 the State of Colorado, except that the Secretaries,
23 after consultation with the Colorado Division of
24 Wildlife, may issue regulations designating zones
25 where and establishing periods when no hunting or

1 trapping shall be permitted for reasons of public
2 safety, administration, or public use and enjoyment.
3 Subject to valid existing rights, hunting and trap-
4 ping will not be allowed within the boundaries of the
5 park.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There
7 are hereby authorized to be appropriated such sums as
8 may be necessary to carry out this section.

9 **SEC. 1022. NATIONAL PARK FOUNDATION.**

10 (a) The Act entitled “An Act to establish the Na-
11 tional Park Foundation”, approved December 18, 1967
12 (16 U.S.C. 19e–19n), is amended—

13 (1) in section 1—

14 (A) by striking “therein” and inserting in
15 lieu thereof “therein, and to develop and imple-
16 ment means of securing funds from the private
17 sector, to enhance funding for the National
18 Park System without supplanting appropriated
19 funds otherwise available for the National Park
20 System,”; and

21 (B) by striking “to accept and administer
22 such gifts”;

23 (2) in section 3—

24 (A) by inserting “(a)” after “SEC. 3.”; and

25 (B) by inserting at the end:

1 “(b)(1) In furtherance of the purposes of this Act,
2 the Foundation shall have exclusive authority to license
3 or authorize persons to use such trademarks, tradenames,
4 signs, symbols, emblems, insignia, logos, likenesses or slo-
5 gans that are or may be in the future adopted and owned
6 by the Foundation, and for which the Foundation has filed
7 an application or applications with the United States Pat-
8 ent and Trademark Office, for the purposes of represent-
9 ing, promoting or advertising for commercial purposes or
10 pecuniary gain that an individual, company, or particular
11 good or service is an official sponsor or official supporter
12 of the National Park System or National Park Service.

13 “(2) The authority provided in paragraph (1) shall
14 be subject to the following conditions:

15 “(A) The criteria and guidelines for the com-
16 petitive issuance and the maintenance of a license or
17 authorization, and the issuance of each license or
18 authorization, shall be subject to the prior written
19 approval of the Secretary as being appropriate to the
20 image of the National Park System and consistent
21 with the management policies and practices of the
22 National Park Service, and such approval authority
23 may not be delegated. Criteria and guidelines devel-
24 oped under this paragraph shall be printed in the

1 Federal Register and shall not take effect until 60
2 days after the date of publication.

3 “(B) For good cause, the Secretary of the Inte-
4 rior may, after consultation with the Foundation,
5 terminate any license or authorization granted pur-
6 suant to this subsection.

7 “(C) Neither the Secretary of the Interior, the
8 Foundation, nor any other person may authorize an
9 individual, company, or particular good or service to
10 represent, promote, or advertise, and no person may
11 represent or imply, for commercial purposes or for
12 pecuniary gain that it is an official sponsor or offi-
13 cial supporter of any individual unit of the National
14 Park System.

15 “(D) The advertisements and promotional ac-
16 tivities undertaken by a licensee or authorized per-
17 son shall be appropriate to the image of the Na-
18 tional Park System and consistent with the manage-
19 ment policies and practices of the National Park
20 Service.

21 “(E) Neither the Secretary of the Interior, the
22 Foundation, nor any other person may authorize an
23 individual, company, or particular good or service to
24 represent that it is endorsed by the National Park
25 Service.

1 “(F) Any license or authorization issued pursu-
2 ant to this subsection shall be for a term not to ex-
3 ceed 5 years and shall not grant any right or pref-
4 erence of renewal.

5 “(G) Nothing in this Act shall in any way re-
6 strict the authority of the President to manage
7 White House matters or restrict or preclude the
8 Statue of Liberty—Ellis Island Foundation, Inc.
9 (the “Statue of Liberty Foundation”), so long as its
10 activities are authorized by a Memorandum of
11 Agreement with the Secretary of the Interior, from
12 raising donations for the restoration of the Statue of
13 Liberty and Ellis Island by, among other things, of-
14 fering to any third parties exclusive rights to any
15 trademark, tradename, sign, symbol, insignia, em-
16 blem, logo, likeness, or slogan owned by the Statue
17 of Liberty Foundation.

18 “(H) Activities of the Foundation undertaken
19 pursuant to this Act, including the licensing or au-
20 thorizing of official sponsors and official supporters
21 of the National Park System or National Park Serv-
22 ice by the Foundation, shall not preclude charitable
23 organizations or cooperating associations from con-
24 ducting fundraising activities or selling merchandise
25 to generate support for a unit or units of the Na-

1 tional Park System or the National Park Service, so
2 long as such activities do not convey a right to be
3 considered as an official sponsor or official supporter
4 of such unit or units as prohibited by subparagraph
5 (B) or of the National Park System or National
6 Park Service.

7 “(c)(1) No license or authorization referred to in sub-
8 section (b) shall grant any person any right or authority
9 to market, advertise, display, sell, or promote, any goods,
10 products or services in any unit of the National Park Sys-
11 tem or in any related facility operated outside the bound-
12 aries of any unit, or to advertise or promote that it is an
13 official sponsor or official supporter within the meaning
14 of subsection (b) in any such unit or related facility.

15 “(2) No license or authorization may be granted to
16 any person—

17 “(A) that is in litigation against the Depart-
18 ment of the Interior; or

19 “(B) that has had a judgment rendered against
20 it by a court of law for a violation of any Federal
21 environmental law during the previous 5 years; or

22 “(C) which would create a conflict of interest or
23 the appearance thereof between the Department of
24 the Interior and such person.”.

25 (3) in section 4—

1 (A) by inserting “and section 8(b)” be-
2 tween “transfer” and the comma;

3 (B) by inserting “license,” between
4 “lease,” and “invest”; and

5 (C) by striking “any business, nor shall the
6 Foundation” and inserting in lieu thereof
7 “business for pecuniary profit or gain, except
8 for the purposes set forth in this Act; operate
9 any commercial establishment or enterprise
10 within any unit of the National Park System;
11 engage in any lobbying activities as defined in
12 section 3(7) of the Lobbying Disclosure Act of
13 1995 (2 U.S.C. 1602(7)) concerning the man-
14 agement of the National Park System; or”;

15 (4) in section 8—

16 (A) by inserting “(a)” after “SEC. 8.”; and

17 (B) by inserting at the end:

18 “(b) All of the income in the Foundation, net of rea-
19 sonable operating expenses, any contributions to local gov-
20 ernment pursuant to subsection (a), and reserves deter-
21 mined necessary or appropriate by the Board, shall be pro-
22 vided to or for the benefit of the National Park Service:
23 *Provided*, That all such net income derived from the li-
24 censes and authorizations referred to in section 3(b) shall
25 be expended in accordance with policies and priorities of

1 the National Park Service on programs, projects, or activi-
2 ties that benefit the National Park System or National
3 Park Service as identified by the Secretary in consultation
4 with the Foundation: *Provided further*, That no person
5 designated as an official sponsor or supporter pursuant
6 to section 3(b) shall be permitted to direct or stipulate
7 how fees paid for such designated are to be expended.”;

8 (5) in section 10—

9 (A) by inserting “(a)” after “SEC. 10.”;

10 and

11 (B) by inserting at the end:

12 “(b) Within 30 days of the execution of each license
13 or authorization referred to in section 3(b), the Founda-
14 tion shall transmit a copy thereof to the Committee on
15 Resources of the United States House of Representatives
16 and the Committee on Energy and Natural Resources of
17 the United States Senate.

18 “(c) No later than 5 years after the date of enact-
19 ment of this subsection, the Secretary of the Interior shall
20 submit to the Committee on Resources of the House of
21 Representatives and the Committee on Energy and Natu-
22 ral Resources of the United States Senate a report assess-
23 ing the cost, effectiveness, and effects of the licensing and
24 authorization program established pursuant to section

1 3(b). The report shall include, but not be limited to, as-
2 sessments of the effect of such program on—

3 “(1) visitation levels in the National Park Sys-
4 tem;

5 “(2) the image of the National Park System;

6 “(3) achievement of the needs and priorities of
7 the National Park Service;

8 “(4) appropriations for the National Park Sys-
9 tem;

10 “(5) the costs of the Foundation and the Sec-
11 retary of the Interior to administer the program.”;
12 and

13 (6) at the end, by inserting:

14 “SEC. 11. Whoever, without the authorization of the
15 Foundation, uses for purposes of trade, to induce the sale
16 of any good or service, to promote any commercial activity,
17 or for other commercial purpose the name of the Founda-
18 tion or any trademark, tradename, sign, symbol, emblem,
19 insignia, logo, likeness, or slogan referred to in section
20 3(b)(1), or any facsimile or simulation thereof tending to
21 cause confusion, to cause mistake, to deceive, or to suggest
22 falsely that an individual, company, or particular good or
23 service is an official sponsor or official supporter of the
24 National Park System or National Park Service, shall be
25 subject to suit in a civil action by the Foundation for the

1 remedies provided in the Act of July 5, 1946, 60 Stat.
2 427 (15 U.S.C. sec. 1051 et. seq.).”.

3 (b) Section 1 of Public Law 88–504 (36 U.S.C.
4 1101), as amended, is further amended by adding at the
5 end, “(78) The National Park Foundation.”.

6 **SEC. 1023. RECREATION LAKES.**

7 (a) FINDINGS AND PURPOSES.—The Congress finds
8 that the Federal Government, under the authority of the
9 Reclamation Act and other statutes, has developed man-
10 made lakes and reservoirs that have become a powerful
11 magnet for diverse recreational activities and that such ac-
12 tivities contribute to the well-being of families and individ-
13 uals and the economic viability of local communities. The
14 Congress further finds that in order to further the pur-
15 poses of the Land and Water Conservation Fund, the
16 President should appoint an advisory commission to re-
17 view the current and anticipated demand for recreational
18 opportunities at federally-managed manmade lakes and
19 reservoirs through creative partnerships involving Federal,
20 State and local governments and the private sector and
21 to develop alternatives for enhanced recreational use of
22 such facilities.

23 (b) COMMISSION.—The Land and Water Conserva-
24 tion Fund Act of 1965 (Public Law 88–578, 78 Stat. 897)
25 is amended by adding at the end the following new section:

1 “SEC. 13. (a) The President shall appoint an advisory
2 commission to review the opportunities for enhanced op-
3 portunities for water based recreation which shall submit
4 a report to the President and to the Committee on Energy
5 and Natural Resources of the Senate and in the House
6 of Representatives to the Committee on Transportation
7 and Infrastructure and the Committee on Resources of the
8 House of Representatives within one year from the date
9 of enactment of this section.

10 “(b) The members of the Commission shall include—

11 “(1) the Secretary of the Interior, or his des-
12 ignee;

13 “(2) the Secretary of the Army, or his designee;

14 “(3) the Chairman of the Tennessee Valley Au-
15 thority, or his designee;

16 “(4) the Secretary of Agriculture, or his des-
17 ignee;

18 “(5) a person nominated by the National Gov-
19 ernor’s Association; and

20 “(6) four persons familiar with the interests of
21 the recreation and tourism industry, conservation
22 and recreation use, Indian tribes, and local govern-
23 ments, at least one of whom shall be familiar with
24 the economics and financing of recreation related in-
25 frastructure.

1 “(c) The President shall appoint one member to serve
2 as Chairman. Any vacancy on the Commission shall be
3 filled in the same manner as the original appointment.
4 Members of the Commission shall serve without compensa-
5 tion but shall be reimbursed for travel, subsistence, and
6 other necessary expenses incurred by them in the perform-
7 ance of their duties. The Secretary of the Interior shall
8 provide all financial, administrative, and staffing require-
9 ments for the Commission, including office space, furnish-
10 ings, and equipment. The heads of other Federal agencies
11 are authorized, at the request of the Commission, to pro-
12 vide such information or personnel, to the extent per-
13 mitted by law and within the limits of available funds, to
14 the Commission as may be useful to accomplish the pur-
15 poses of this section.

16 “(d) The Commission may hold such hearings, sit
17 and act at such times and places, take such testimony,
18 and receive such evidence as it deems advisable: Provided,
19 That, to the maximum extent possible, the Commission
20 shall use existing data and research. The Commission is
21 authorized to use the United States mail in the same man-
22 ner and upon the same conditions as other departments
23 and agencies of the United States.

24 “(e) The report shall review the extent of water relat-
25 ed recreation at Federal manmade lakes and reservoirs

1 and shall develop alternatives to enhance the opportunities
2 for such use by the public. In developing the report, the
3 Commission shall—

4 “(1) review the extent to which recreation com-
5 ponents identified in specific authorizations associ-
6 ated with individual federal manmade lakes and res-
7 ervoirs have been accomplished,

8 “(2) evaluate the feasibility of enhancing recre-
9 ation opportunities at federally-managed lakes and
10 reservoirs under existing statutes,

11 “(3) consider legislative changes that would en-
12 hance recreation opportunities consistent with and
13 subject to the achievement of the authorized pur-
14 poses of federal water projects, and

15 “(4) make recommendations on alternatives for
16 enhanced recreation opportunities including, but not
17 limited to, the establishment of a National Recre-
18 ation Lake System under which specific lakes would
19 receive national designation and which would be
20 managed through innovative partnership-based
21 agreements between federal agencies, State and local
22 units of government, and the private sector.

23 Any such alternatives shall be consistent with and subject
24 to the authorized purposes for any manmade lakes and

1 reservoirs and shall emphasize private sector initiatives in
2 concert with State and local units of government.”.

3 **SEC. 1024. BISTI/DE-NA-ZIN WILDERNESS EXPANSION AND**
4 **FOSSIL FOREST PROTECTION.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Bisti/De-Na-Zin Wilderness Expansion and Fossil Forest
7 Protection Act”.

8 (b) WILDERNESS DESIGNATION.—Section 102 of the
9 San Juan Basin Wilderness Protection Act of 1984 (98
10 Stat. 3155) is amended—

11 (1) in subsection (a)—

12 (A) by striking “wilderness, and, there-
13 fore,” and all that follows through “System—
14 ” and inserting “wilderness areas, and as one
15 component of the National Wilderness Preser-
16 vation System, to be known as the ‘Bisti/De-
17 Na-Zin Wilderness’—”;

18 (B) in paragraph (1), by striking “, and
19 which shall be known as the Bisti Wilderness;
20 and” and inserting a semicolon;

21 (C) in paragraph (2), by striking “, and
22 which shall be known as the De-Na-Zin Wilder-
23 ness.” and inserting “; and”; and

24 (D) by adding at the end the following new
25 paragraph:

1 “(3) certain lands in the Farmington District of
2 the Bureau of Land Management, New Mexico,
3 which comprise approximately 16,525 acres, as gen-
4 erally depicted on a map entitled ‘Bisti/De-Na-Zin
5 Wilderness Amendment Proposal’, dated May
6 1992.”;

7 (2) in the first sentence of subsection (c), by in-
8 serting after “of this Act” the following: “with re-
9 gard to the areas described in paragraphs (1) and
10 (2) of subsection (a), and as soon as practicable
11 after the date of enactment of subsection (a)(3) with
12 regard to the area described in subsection (a)(3)”;

13 (3) in subsection (d), by inserting after “of this
14 Act” the following: “with regard to the areas de-
15 scribed in paragraphs (1) and (2) of subsection (a),
16 and where established prior to the date of enactment
17 of subsection (a)(3) with regard to the area de-
18 scribed in subsection (a)(3)”;

19 (4) by adding at the end the following new sub-
20 section:

21 “(e)(1) Subject to valid existing rights, the lands de-
22 scribed in subsection (a)(3) are withdrawn from all forms
23 of appropriation under the mining laws and from disposi-
24 tion under all laws pertaining to mineral leasing, geo-
25 thermal leasing, and mineral material sales.

1 “(2) The Secretary of the Interior may issue coal
2 leases in New Mexico in exchange for any preference right
3 coal lease application within the area described in sub-
4 section (a)(3). Such exchanges shall be made in accord-
5 ance with applicable existing laws and regulations relating
6 to coal leases after a determination has been made by the
7 Secretary that the applicant is entitled to a preference
8 right lease and that the exchange is in the public interest.

9 “(3) Operations on oil and gas leases issued prior to
10 the date of enactment of subsection (a)(3) shall be subject
11 to the applicable provisions of Group 3100 of title 43,
12 Code of Federal Regulations (including section 3162.5–
13 1), and such other terms, stipulations, and conditions as
14 the Secretary of the Interior considers necessary to avoid
15 significant disturbance of the land surface or impairment
16 of the ecological, educational, scientific, recreational, sce-
17 nic, and other wilderness values of the lands described in
18 subsection (a)(3) in existence on the date of enactment
19 of subsection (a)(3). In order to satisfy valid existing
20 rights on the lands described in subsection (a)(3), the Sec-
21 retary of the Interior may exchange any oil and gas lease
22 within this area for an unleased parcel outside this area
23 of like mineral estate and with similar appraised mineral
24 values.”.

1 (c) EXCHANGES FOR STATE LANDS.—Section 104 of
2 the San Juan Basin Wilderness Protection Act of 1984
3 (98 Stat. 3156) is amended—

4 (1) in the first sentence of subsection (b), by in-
5 serting after “of this Act” the following: “with re-
6 gard to the areas described in paragraphs (1) and
7 (2) of subsection (a), and not later than 120 days
8 after the date of enactment of subsection (a)(3) with
9 regard to the area described in subsection (a)(3)”;

10 (2) in subsection (c), by inserting before the pe-
11 riod the following: “with regard to the areas de-
12 scribed in paragraphs (1) and (2) of subsection (a),
13 and as of the date of enactment of subsection (a)(3)
14 with regard to the area described in subsection
15 (a)(3)”;

16 (3) in the last sentence of subsection (d), by in-
17 serting before the period the following: “with regard
18 to the areas described in paragraphs (1) and (2) of
19 subsection (a), and not later than 2 years after the
20 date of enactment of subsection (a)(3) with regard
21 to the area described in subsection (a)(3)”.

22 (d) EXCHANGES FOR INDIAN LANDS.—Section 105
23 of the San Juan Basin Wilderness Protection Act of 1984
24 (98 Stat. 3157) is amended by adding at the end the fol-
25 lowing new subsection:

1 “(d)(1) The Secretary of the Interior shall exchange
2 any lands held in trust for the Navajo Tribe by the Bureau
3 of Indian Affairs that are within the boundary of the area
4 described in subsection (a)(3).

5 “(2) The lands shall be exchanged for lands within
6 New Mexico approximately equal in value that are selected
7 by the Navajo Tribe.

8 “(3) After the exchange, the lands selected by the
9 Navajo Tribe shall be held in trust by the Secretary of
10 the Interior in the same manner as the lands described
11 in paragraph (1).”.

12 (e) FOSSIL FOREST RESEARCH NATURAL AREA.—
13 Section 103 of the San Juan Basin Wilderness Protection
14 Act of 1984 (98 Stat. 3156) is amended to read as follows:
15 **“SEC. 103. FOSSIL FOREST RESEARCH NATURAL AREA.**

16 “(a) ESTABLISHMENT.—To conserve and protect
17 natural values and to provide scientific knowledge, edu-
18 cation, and interpretation for the benefit of future genera-
19 tions, there is established the Fossil Forest Research Nat-
20 ural Area (referred to in this section as the ‘Area’), con-
21 sisting of the approximately 2,770 acres in the Farming-
22 ton District of the Bureau of Land Management, New
23 Mexico, as generally depicted on a map entitled ‘Fossil
24 Forest’, dated June 1983.

25 “(b) MAP AND LEGAL DESCRIPTION.—

1 “(1) IN GENERAL.—As soon as practicable
2 after the date of enactment of this paragraph, the
3 Secretary of the Interior shall file a map and legal
4 description of the Area with the Committee on En-
5 ergy and Natural Resources of the Senate and the
6 Committee on Natural Resources of the House of
7 Representatives.

8 “(2) FORCE AND EFFECT.—The map and legal
9 description described in paragraph (1) shall have the
10 same force and effect as if included in this Act.

11 “(3) TECHNICAL CORRECTIONS.—The Sec-
12 retary of the Interior may correct clerical, typo-
13 graphical, and cartographical errors in the map and
14 legal description subsequent to filing the map pursu-
15 ant to paragraph (1).

16 “(4) PUBLIC INSPECTION.—The map and legal
17 description shall be on file and available for public
18 inspection in the Office of the Director of the Bu-
19 reau of Land Management, Department of the Inte-
20 rior.

21 “(c) MANAGEMENT.—

22 “(1) IN GENERAL.—The Secretary of the Inte-
23 rior, acting through the Director of the Bureau of
24 Land Management, shall manage the Area—

1 “(A) to protect the resources within the
2 Area; and

3 “(B) in accordance with this Act, the Fed-
4 eral Land Policy and Management Act of 1976
5 (43 U.S.C. 1701 et seq.), and other applicable
6 provisions of law.

7 “(2) MINING.—

8 “(A) WITHDRAWAL.—Subject to valid ex-
9 isting rights, the lands within the Area are
10 withdrawn from all forms of appropriation
11 under the mining laws and from disposition
12 under all laws pertaining to mineral leasing,
13 geothermal leasing, and mineral material sales.

14 “(B) COAL PREFERENCE RIGHTS.—The
15 Secretary of the Interior is authorized to issue
16 coal leases in New Mexico in exchange for any
17 preference right coal lease application within
18 the Area. Such exchanges shall be made in ac-
19 cordance with applicable existing laws and regu-
20 lations relating to coal leases after a determina-
21 tion has been made by the Secretary that the
22 applicant is entitled to a preference right lease
23 and that the exchange is in the public interest.

24 “(C) OIL AND GAS LEASES.—Operations
25 on oil and gas leases issued prior to the date of

1 enactment of this paragraph shall be subject to
2 the applicable provisions of Group 3100 of title
3 43, Code of Federal Regulations (including sec-
4 tion 3162.5–1), and such other terms, stipula-
5 tions, and conditions as the Secretary of the In-
6 terior considers necessary to avoid significant
7 disturbance of the land surface or impairment
8 of the natural, educational, and scientific re-
9 search values of the Area in existence on the
10 date of enactment of this paragraph.

11 “(3) GRAZING.—Livestock grazing on lands
12 within the Area may not be permitted.

13 “(d) INVENTORY.—Not later than 3 full fiscal years
14 after the date of enactment of this subsection, the Sec-
15 retary of the Interior, acting through the Director of the
16 Bureau of Land Management, shall develop a baseline in-
17 ventory of all categories of fossil resources within the
18 Area. After the inventory is developed, the Secretary shall
19 conduct monitoring surveys at intervals specified in the
20 management plan developed for the Area in accordance
21 with subsection (e).

22 “(e) MANAGEMENT PLAN.—

23 “(1) IN GENERAL.—Not later than 5 years
24 after the date of enactment of this Act, the Sec-
25 retary of the Interior shall develop and submit to the

1 Committee on Energy and Natural Resources of the
2 Senate and the Committee on Natural Resources of
3 the House of Representatives a management plan
4 that describes the appropriate uses of the Area con-
5 sistent with this Act.

6 “(2) CONTENTS.—The management plan shall
7 include—

8 “(A) a plan for the implementation of a
9 continuing cooperative program with other
10 agencies and groups for—

11 “(i) laboratory and field interpreta-
12 tion; and

13 “(ii) public education about the re-
14 sources and values of the Area (including
15 vertebrate fossils);

16 “(B) provisions for vehicle management
17 that are consistent with the purpose of the Area
18 and that provide for the use of vehicles to the
19 minimum extent necessary to accomplish an in-
20 dividual scientific project;

21 “(C) procedures for the excavation and col-
22 lection of fossil remains, including botanical fos-
23 sils, and the use of motorized and mechanical
24 equipment to the minimum extent necessary to
25 accomplish an individual scientific project; and

1 “(D) mitigation and reclamation standards
2 for activities that disturb the surface to the det-
3 riment of scenic and environmental values.”.

4 **SEC. 1025. OPAL CREEK WILDERNESS AND SCENIC RECRE-**
5 **ATION AREA.**

6 (a) DEFINITIONS.—In this section:

7 (1) BULL OF THE WOODS WILDERNESS.—The
8 term “Bull of the Woods Wilderness” means the
9 land designated as wilderness by section 3(4) of the
10 Oregon Wilderness Act of 1984 (Public Law 98–
11 328; 16 U.S.C. 1132 note).

12 (2) OPAL CREEK WILDERNESS.—The term
13 “Opal Creek Wilderness” means certain land in the
14 Willamette National Forest in the State of Oregon
15 comprising approximately 12,800 acres, as generally
16 depicted on the map entitled “Proposed Opal Creek
17 Wilderness and Scenic Recreation Area”, dated July
18 1996.

19 (3) SCENIC RECREATION AREA.—The term
20 “Scenic Recreation Area” means the Opal Creek
21 Scenic Recreation Area, comprising approximately
22 13,000 acres, as generally depicted on the map enti-
23 tled “Proposed Opal Creek Wilderness and Scenic
24 Recreation Area”, dated July 1996 and established
25 under subsection (c)(1)(C).

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (b) PURPOSES.—The purposes of this section are—

4 (1) to establish a wilderness and scenic recre-
5 ation area to protect and provide for the enhance-
6 ment of the natural, scenic, recreational, historic
7 and cultural resources of the area in the vicinity of
8 Opal Creek;

9 (2) to protect and support the economy of the
10 communities in the Santiam Canyon; and

11 (3) to provide increased protection for an im-
12 portant drinking water source for communities
13 served by the North Santiam River.

14 (c) ESTABLISHMENT OF OPAL CREEK WILDERNESS
15 AND SCENIC RECREATION AREA.—

16 (1) ESTABLISHMENT.—On a determination by
17 the Secretary under paragraph (2)—

18 (A) the Opal Creek Wilderness, as depicted
19 on the map described in subsection (a)(2), is
20 hereby designated as wilderness, subject to the
21 provisions of the Wilderness Act of 1964, shall
22 become a component of the National Wilderness
23 System, and shall be known as the Opal Creek
24 Wilderness;

1 (B) the part of the Bull of the Woods Wil-
2 derness that is located in the Willamette Na-
3 tional Forest shall be incorporated into the
4 Opal Creek Wilderness; and

5 (C) the Secretary shall establish the Opal
6 Creek Scenic Recreation Area in the Willamette
7 National Forest in the State of Oregon, com-
8 prising approximately 13,000 acres, as gen-
9 erally depicted on the map described in sub-
10 section (a)(3).

11 (2) CONDITIONS.—The designations in para-
12 graph (1) shall not take effect unless the Secretary
13 makes a determination, not later than 2 years after
14 the date of enactment of this title, that the following
15 conditions have been met:

16 (A) the following have been donated to the
17 United States in an acceptable condition and
18 without encumbrances:

19 (i) all right, title, and interest in the
20 following patented parcels of land—

21 (I) Santiam Number 1, mineral
22 survey number 992, as described in
23 patent number 39–92–0002, dated
24 December 11, 1991;

1 (II) Ruth Quartz Mine Number
2 2, mineral survey number 994, as de-
3 scribed in patent number 39-91-
4 0012, dated February 12, 1991;

5 (III) Morning Star Lode, mineral
6 survey number 993, as described in
7 patent number 36-91-0011, dated
8 February 12, 1991;

9 (ii) all right, title, and interest held by
10 any entity other than the Times Mirror
11 Land and Timber Company, its successors
12 and assigns, in and to lands located in sec-
13 tion 18, township 8 south, range 5 east,
14 Marion County, Oregon, Eureka numbers
15 6, 7, 8, and 13 mining claims; and

16 (iii) an easement across the Hewitt,
17 Starvation, and Poor Boy Mill Sites, min-
18 eral survey number 990, as described in
19 patent number 36-91-0017, dated May 9,
20 1991. In the sole discretion of the Sec-
21 retary, such easement may be limited to
22 administrative use if an alternative access
23 route, adequate and appropriate for public
24 use, is provided.

1 (B) a binding agreement has been executed
2 by the Secretary and the owners of record as of
3 March 29, 1996, of the following interests,
4 specifying the terms and conditions for the dis-
5 position of such interests to the United States
6 Government—

7 (i) the lode mining claims known as
8 Princess Lode, Black Prince Lode, and
9 King Number 4 Lode, embracing portions
10 of sections 29 and 32, township 8 south,
11 range 5 east, Willamette Meridian, Marion
12 County, Oregon, the claims being more
13 particularly described in the field notes
14 and depicted on the plat of mineral survey
15 number 887, Oregon; and

16 (ii) Ruth Quartz Mine Number 1,
17 mineral survey number 994, as described
18 in patent number 39–91–0012, dated Feb-
19 ruary 12, 1991.

20 (3) ADDITIONS TO THE WILDERNESS AND SCE-
21 NIC RECREATION AREAS.—

22 (A) Lands or interests in lands conveyed to
23 the United States under this subsection shall be
24 included in and become part of, as appropriate,

1 Opal Creek Wilderness or the Opal Creek Sce-
2 nic Recreation Area.

3 (B) On acquiring all or substantially all of
4 the land located in section 36, township 8
5 south, range 4 east, of the Willamette Meridian,
6 Marion County, Oregon, commonly known as
7 the Rosboro section by exchange, purchase from
8 a willing seller, or by donation, the Secretary
9 shall expand the boundary of the Scenic Recre-
10 ation Area to include such land.

11 (C) On acquiring all or substantially all of
12 the land located in section 18, township 8
13 south, range 5 east, Marion County, Oregon,
14 commonly known as the Times Mirror property,
15 by exchange, purchase from a willing seller, or
16 by donation, such land shall be included in and
17 become a part of the Opal Creek Wilderness.

18 (d) ADMINISTRATION OF THE SCENIC RECREATION
19 AREA.—

20 (1) IN GENERAL.—The Secretary shall admin-
21 ister the Scenic Recreation Area in accordance with
22 this section and the laws (including regulations) ap-
23 plicable to the National Forest System.

24 (2) OPAL CREEK MANAGEMENT PLAN.—

1 (A) IN GENERAL.—Not later than 2 years
2 after the date of establishment of the Scenic
3 Recreation Area, the Secretary, in consultation
4 with the advisory committee established under
5 subsection (e)(1), shall prepare a comprehensive
6 Opal Creek Management Plan (Management
7 Plan) for the Scenic Recreation Area.

8 (B) INCORPORATION IN LAND AND RE-
9 SOURCE MANAGEMENT PLAN.—Upon its com-
10 pletion, the Opal Creek Management Plan shall
11 become part of the land and resource manage-
12 ment plan for the Willamette National Forest
13 and supersede any conflicting provision in such
14 land and resource management plan. Nothing in
15 this paragraph shall be construed to supersede
16 the requirements of the Endangered Species
17 Act or the National Forest Management Act or
18 regulations promulgated under those Acts, or
19 any other law.

20 (C) REQUIREMENTS.—The Opal Creek
21 Management Plan shall provide for a broad
22 range of land uses, including—

23 (i) recreation;

1 (ii) harvesting of nontraditional forest
2 products, such as gathering mushrooms
3 and material to make baskets; and

4 (iii) educational and research opportu-
5 nities.

6 (D) PLAN AMENDMENTS.—The Secretary
7 may amend the Opal Creek Management Plan
8 as the Secretary may determine to be nec-
9 essary, consistent with the procedures and pur-
10 poses of this section.

11 (3) CULTURAL AND HISTORIC RESOURCE IN-
12 VENTORY.—

13 (A) IN GENERAL.—Not later than 1 year
14 after the date of establishment of the Scenic
15 Recreation Area, the Secretary shall review and
16 revise the inventory of the cultural and historic
17 resources on the public land in the Scenic
18 Recreation Area developed pursuant to the Or-
19 egon Wilderness Act of 1984 (Public Law 98–
20 328; 16 U.S.C. 1132).

21 (B) INTERPRETATION.—Interpretive activi-
22 ties shall be developed under the management
23 plan in consultation with State and local his-
24 toric preservation organizations and shall in-
25 clude a balanced and factual interpretation of

1 the cultural, ecological, and industrial history of
2 forestry and mining in the Scenic Recreation
3 Area.

4 (4) TRANSPORTATION PLANNING.—

5 (A) IN GENERAL.—Except as provided in
6 this subparagraph, motorized vehicles shall not
7 be permitted in the Scenic Recreation Area. To
8 maintain reasonable motorized and other access
9 to recreation sites and facilities in existence on
10 the date of enactment of this title, the Sec-
11 retary shall prepare a transportation plan for
12 the Scenic Recreation Area that—

13 (i) evaluates the road network within
14 the Scenic Recreation Area to determine
15 which roads should be retained and which
16 roads should be closed;

17 (ii) provides guidelines for transpor-
18 tation and access consistent with this sec-
19 tion;

20 (iii) considers the access needs of per-
21 sons with disabilities in preparing the
22 transportation plan for the Scenic Recre-
23 ation Area;

24 (iv) allows forest road 2209 beyond
25 the gate to the Scenic Recreation Area, as

1 depicted on the map described in sub-
2 section (a)(2), to be used by motorized ve-
3 hicles only for administrative purposes and
4 for access by private inholders, subject to
5 such terms and conditions as the Secretary
6 may determine to be necessary; and

7 (v) restricts construction or improve-
8 ment of forest road 2209 beyond the gate
9 to the Scenic Recreation Area to maintain-
10 ing the character of the road as it existed
11 upon the date of enactment of this Act,
12 which shall not include paving or widening.

13 In order to comply with subsection (f)(2), the Sec-
14 retary may make improvements to forest road 2209
15 and its bridge structures consistent with the char-
16 acter of the road as it existed on the date of enact-
17 ment of this Act.

18 (5) HUNTING AND FISHING.—

19 (A) IN GENERAL.—Subject to applicable
20 Federal and State law, the Secretary shall per-
21 mit hunting and fishing in the Scenic Recre-
22 ation Area.

23 (B) LIMITATION.—The Secretary may des-
24 ignate zones in which, and establish periods
25 when, no hunting or fishing shall be permitted

1 for reasons of public safety, administration, or
2 public use and enjoyment of the Scenic Recreation Area.
3

4 (C) CONSULTATION.—Except during an
5 emergency, as determined by the Secretary, the
6 Secretary shall consult with the Oregon State
7 Department of Fish and Wildlife before issuing
8 any regulation under this subsection.

9 (6) TIMBER CUTTING.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), the Secretary shall prohibit the cut-
12 ting and/or selling of trees in the Scenic Recreation Area.
13

14 (B) PERMITTED CUTTING.—

15 (i) IN GENERAL.—Subject to clause
16 (ii), the Secretary may allow the cutting of
17 trees in the Scenic Recreation Area only—

18 (I) for public safety, such as to
19 control the continued spread of a forest fire in the Scenic Recreation Area
20 or on land adjacent to the Scenic
21 Recreation Area;
22

23 (II) for activities related to ad-
24 ministration of the Scenic Recreation

1 Area, consistent with the Opal Creek
2 Management Plan; or

3 (III) for removal of hazard trees
4 along trails and roadways.

5 (ii) SALVAGE SALES.—The Secretary
6 may not allow a salvage sale in the Scenic
7 Recreation Area.

8 (7) WITHDRAWAL.

9 (A) subject to valid existing rights, all
10 lands in the scenic recreation area are with-
11 drawn from—

12 (i) any form of entry, appropriation,
13 or disposal under the public land laws;

14 (ii) location, entry, and patent under
15 the mining laws; and

16 (iii) disposition under the mineral and
17 geothermal leasing laws.

18 (8) BORNITE PROJECT.—

19 (A) Nothing in this section shall be con-
20 strued to interfere with or approve any explo-
21 ration, mining, or mining-related activity in the
22 Bornite Project Area, depicted on the map de-
23 scribed in subsection (a)(3), conducted in ac-
24 cordance with applicable laws.

1 (B) Nothing in this section shall be con-
2 strued to interfere with the ability of the Sec-
3 retary to approve and issue, or deny, special use
4 permits in connection with exploration, mining,
5 and mining-related activities in the Bornite
6 Project Area.

7 (C) Motorized vehicles, roads, structures,
8 and utilities (including but not limited to power
9 lines and water lines) may be allowed inside the
10 Scenic Recreation Area to serve the activities
11 conducted on land within the Bornite Project.

12 (D) After the date of enactment of this
13 Act, no patent shall be issued for any mining
14 claim under the general mining laws located
15 within the Bornite Project Area.

16 (9) WATER IMPOUNDMENTS.—Notwithstanding
17 the Federal Power Act (16 U.S.C. 791a et seq.), the
18 Federal Energy Regulatory Commission may not li-
19 cense the construction of any dam, water conduit,
20 reservoir, powerhouse, transmission line, or other
21 project work in the Scenic Recreation Area, except
22 as may be necessary to comply with the provisions
23 of paragraph (8) with regard to the Bornite Project.

24 (10) RECREATION.—

1 (A) RECOGNITION.—Congress recognizes
2 recreation as an appropriate use of the Scenic
3 Recreation Area.

4 (B) MINIMUM LEVELS.—The management
5 plan shall permit recreation activities at not less
6 than the levels in existence on the date of en-
7 actment of this Act.

8 (C) HIGHER LEVELS.—The management
9 plan may provide for levels of recreation use
10 higher than the levels in existence on the date
11 of enactment of this Act if such uses are con-
12 sistent with the protection of the resource val-
13 ues of Scenic Recreation Area.

14 (D) The management plan may include
15 public trail access through section 28, township
16 8 south, range 5 east, Willamette Meridian, to
17 Battle Axe Creek, Opal Pool and other areas in
18 the Opal Creek Wilderness and the Opal Creek
19 Scenic Recreation Area.

20 (11) PARTICIPATION.—So that the knowledge,
21 expertise, and views of all agencies and groups may
22 contribute affirmatively to the most sensitive present
23 and future use of the Scenic Recreation Area and its
24 various subareas for the benefit of the public:

1 (A) ADVISORY COUNCIL.—The Secretary
2 shall consult on a periodic and regular basis
3 with the advisory council established under sub-
4 section (e) with respect to matters relating to
5 management of the Scenic Recreation Area.

6 (B) PUBLIC PARTICIPATION.—The Sec-
7 retary shall seek the views of private groups, in-
8 dividuals, and the public concerning the Scenic
9 Recreation Area.

10 (C) OTHER AGENCIES.—The Secretary
11 shall seek the views and assistance of, and co-
12 operate with, any other Federal, State, or local
13 agency with any responsibility for the zoning,
14 planning, or natural resources of the Scenic
15 Recreation Area.

16 (D) NONPROFIT AGENCIES AND ORGANIZA-
17 TIONS.—The Secretary shall seek the views of
18 any nonprofit agency or organization that may
19 contribute information or expertise about the
20 resources and the management of the Scenic
21 Recreation Area.

22 (e) ADVISORY COUNCIL.—

23 (1) ESTABLISHMENT.—Not later than 90 days
24 after the establishment of the Scenic Recreation

1 Area, the Secretary shall establish an advisory coun-
2 cil for the Scenic Recreation Area.

3 (2) MEMBERSHIP.—The advisory council shall
4 consist of not more than 13 members, of whom—

5 (A) 1 member shall represent Marion
6 County, Oregon, and shall be designated by the
7 governing body of the county;

8 (B) 1 member shall represent the State of
9 Oregon and shall be designated by the Governor
10 of Oregon;

11 (C) 1 member shall represent the City of
12 Salem, and shall be designated by the mayor of
13 Salem, Oregon;

14 (D) 1 member from a city within a 25 mile
15 radius of the Opal Creek Scenic Recreation
16 Area, to be designated by the Governor of the
17 State of Oregon from a list of candidates pro-
18 vided by the mayors of the cities located within
19 a 25 mile radius of the Opal Creek Scenic
20 Recreation Area; and

21 (E) not more than 9 members shall be ap-
22 pointed by the Secretary from among persons
23 who, individually or through association with a
24 national or local organization, have an interest
25 in the administration of the Scenic Recreation

1 Area, including, but not limited to, representa-
2 tives of the timber industry, environmental or-
3 ganizations, the mining industry, inholders in
4 the Opal Creek Wilderness and Scenic Recre-
5 ation Area, economic development interests and
6 Indian tribes.

7 (3) STAGGERED TERMS.—Members of the advi-
8 sory council shall serve for staggered terms of 3
9 years.

10 (4) CHAIRMAN.—The Secretary shall designate
11 1 member of the advisory council as chairman.

12 (5) VACANCIES.—The Secretary shall fill a va-
13 cancy on the advisory council in the same manner as
14 the original appointment.

15 (6) COMPENSATION.—Members of the advisory
16 council shall receive no compensation for their serv-
17 ice on the advisory council.

18 (f) GENERAL PROVISIONS.—

19 (1) LAND ACQUISITION.—

20 (A) IN GENERAL.—Subject to the other
21 provisions of this section, the Secretary may ac-
22 quire any lands or interests in land in the Sce-
23 nic Recreation Area or the Opal Creek Wilder-
24 ness that the Secretary determines are needed
25 to carry out this section.

1 (B) PUBLIC LAND.—Any lands or interests
2 in land owned by a State or a political subdivi-
3 sion of a State may be acquired only by dona-
4 tion or exchange.

5 (C) CONDEMNATION.—Within the bound-
6 aries of the Opal Creek Wilderness or the Sce-
7 nic Recreation Area, the Secretary may not ac-
8 quire any privately owned land or interest in
9 land without the consent of the owner unless
10 the Secretary finds that—

11 (i) the nature of land use has changed
12 significantly, or the landowner has dem-
13 onstrated intent to change the land use
14 significantly, from the use that existed on
15 the date of the enactment of this Act; and

16 (ii) acquisition by the Secretary of the
17 land or interest in land is essential to en-
18 sure use of the land or interest in land in
19 accordance with the purposes of this title
20 or the management plan prepared under
21 subsection (d)(2).

22 (D) Nothing in this section shall be con-
23 strued to enhance or diminish the condemnation
24 authority available to the Secretary outside the

1 boundaries of the Opal Creek Wilderness or the
2 Scenic Recreation Area.

3 (2) ENVIRONMENTAL RESPONSE ACTIONS AND
4 COST RECOVERY.—

5 (A) RESPONSE ACTIONS.—Nothing in this
6 section shall limit the authority of the Secretary
7 or a responsible party to conduct an environ-
8 mental response action in the Scenic Recreation
9 Area in connection with the release, threatened
10 release, or cleanup of a hazardous substance,
11 pollutant, or contaminant, including a response
12 action conducted under the Comprehensive En-
13 vironmental Response, Compensation, and Li-
14 ability Act of 1980 (42 U.S.C. 9601 et seq.).

15 (B) LIABILITY.—Nothing in this section
16 shall limit the authority of the Secretary or a
17 responsible party to recover costs related to the
18 release, threatened release, or cleanup of any
19 hazardous substance or pollutant or contami-
20 nant in the Scenic Recreation Area.

21 (3) MAPS AND DESCRIPTION.—

22 (A) IN GENERAL.—As soon as practicable
23 after the date of enactment of this Act, the Sec-
24 retary shall file a map and a boundary descrip-
25 tion for the Opal Creek Wilderness and for the

1 Scenic Recreation Area with the Committee on
2 Resources of the House of Representatives and
3 the Committee on Energy and Natural Re-
4 sources of the Senate.

5 (B) FORCE AND EFFECT.—The boundary
6 description and map shall have the same force
7 and effect as if the description and map were
8 included in this section, except that the Sec-
9 retary may correct clerical and typographical
10 errors in the boundary description and map.

11 (C) AVAILABILITY.—The map and bound-
12 ary description shall be on file and available for
13 public inspection in the Office of the Chief of
14 the Forest Service, Department of Agriculture.

15 (4) SAVINGS PROVISION.—Nothing in this sec-
16 tion shall interfere with any activity for which a spe-
17 cial use permit has been issued, has not been re-
18 voked, and has not expired, before the date of enact-
19 ment of this Act, subject to the terms of the permit.

20 (g) ROSBORO LAND EXCHANGE.—

21 (1) AUTHORIZATION.—Notwithstanding any
22 other law, if the Rosboro Lumber Company (referred
23 to in this subsection as “Rosboro”) offers and con-
24 veys marketable title to the United States to the
25 land described in paragraph (2), the Secretary of

1 Agriculture shall convey all right, title and interest
2 held by the United States to sufficient lands de-
3 scribed in paragraph (3) to Rosboro, in the order in
4 which they appear in this subsection, as necessary to
5 satisfy the equal value requirements of paragraph
6 (4).

7 (2) LAND TO BE OFFERED BY ROSBORO.—The
8 land referred to in paragraph (1) as the land to be
9 offered by Rosboro shall comprise Section 36, Town-
10 ship 8 South, Range 4 East, Willamette Meridian.

11 (3) LAND TO BE CONVEYED BY THE UNITED
12 STATES.—The land referred to in paragraph (1) as
13 the land to be conveyed by the United States shall
14 comprise sufficient land from the following
15 prioritized list to be of equal value under paragraph
16 (4):

17 (A) Section 5, Township 17 South, Range
18 4 East, Lot 7 (37.63 acres);

19 (B) Section 2, Township 17 South, Range
20 4 East, Lot 3 (29.28 acres);

21 (C) Section 13, Township 17 South, Range
22 4 East, S¹/₂ SE¹/₄ (80 acres);

23 (D) Section 2, Township 17 South, Range
24 4 East, SW¹/₄ SW¹/₄ (40 acres);

1 (E) Section 2, Township 17 South, Range
2 4 East, NW¹/₄ SE¹/₄ (40 acres);

3 (F) Section 8, Township 17 South, Range
4 4 East, SE¹/₄ SW¹/₄ (40 acres);

5 (G) Section 11, Township 17 South, Range
6 4 East, W¹/₂ NW¹/₄ (80 acres);

7 (4) EQUAL VALUE.—The land and interests in
8 land exchanged under this subsection shall be of
9 equal market value as determined by nationally rec-
10 ognized appraisal standards, including, to the extent
11 appropriate, the Uniform Standards for Federal
12 Land Acquisition, the Uniform Standards of Profes-
13 sional Appraisal Practice, or shall be equalized by
14 way of payment of cash pursuant to the provisions
15 of section 206(d) of the Federal Land Policy and
16 Management Act of 1976 (43 U.S.C. 1716(d)), and
17 other applicable law. The appraisal shall consider ac-
18 cess costs for the parcels involved.

19 (5) TIMETABLE.—

20 (A) The exchange directed by this sub-
21 section shall be consummated not later than
22 120 days after the date Rosboro offers and con-
23 veys the property described in paragraph (2) to
24 the United States.

1 (B) The authority provided by this sub-
2 section shall lapse if Rosboro fails to offer the
3 land described in paragraph (2) within 2 years
4 after the date of enactment of this Act.

5 (6) CHALLENGE.—Rosboro shall have the right
6 to challenge in United States District Court for the
7 District of Oregon a determination of marketability
8 under paragraph (1) and a determination of value
9 for the lands described in paragraphs (2) and (3) by
10 the Secretary of Agriculture. The court shall have
11 the authority to order the Secretary to complete the
12 transaction contemplated in this subsection.

13 (7) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated such sums
15 as are necessary to carry out this subsection.

16 (h) DESIGNATION OF ELKHORN CREEK AS A WILD
17 AND SCENIC RIVER.—Section 3(a) of the Wild and Scenic
18 Rivers Act (16 U.S.C. 1274(a)) is amended by adding at
19 the end the following:

20 “() (A) ELKHORN CREEK.—The 6.4-mile segment
21 traversing federally administered lands from that point
22 along the Willamette National Forest boundary on the
23 common section line between Sections 12 and 13, Town-
24 ship 9 South, Range 4 East, Willamette Meridian, to that
25 point where the segment leaves Federal ownership along

1 the Bureau of Land Management boundary in Section 1,
2 Township 9 South, Range 3 East, Willamette Meridian,
3 in the following classes:

4 “(i) a 5.8-mile wild river area, extending from
5 that point along the Willamette National Forest
6 boundary on the common section line between Sec-
7 tions 12 and 13, Township 9 South, Range 4 East,
8 Willamette Meridian, to its confluence with Buck
9 Creek in Section 1, Township 9 South, Range 3
10 East, Willamette Meridian, to be administered as
11 agreed on by the Secretaries of Agriculture and the
12 Interior, or as directed by the President; and

13 “(ii) a 0.6-mile scenic river area, extending
14 from the confluence with Buck Creek in Section 1,
15 Township 9 South, Range 3 East, Willamette Merid-
16 ian, to that point where the segment leaves Federal
17 ownership along the Bureau of Land Management
18 boundary in Section 1, Township 9 South, Range 3
19 East, Willamette Meridian, to be administered by
20 the Secretary of Interior, or as directed by the
21 President.

22 “(B) Notwithstanding section 3(b) of this Act, the
23 lateral boundaries of both the wild river area and the sce-
24 nic river area along Elkhorn Creek shall include an aver-

1 age of not more than 640 acres per mile measured from
2 the ordinary high water mark on both sides of the river.”.

3 (i) ECONOMIC DEVELOPMENT.—

4 (1) ECONOMIC DEVELOPMENT PLAN.—As a
5 condition for receiving funding under paragraph (2),
6 the State of Oregon, in consultation with Marion
7 County, Oregon, and the Secretary of Agriculture,
8 shall develop a plan for economic development
9 projects for which grants under this subsection may
10 be used in a manner consistent with this section and
11 to benefit local communities in the vicinity of the
12 Opal Creek area. Such plan shall be based on an
13 economic opportunity study and other appropriate
14 information.

15 (2) FUNDS PROVIDED TO THE STATES FOR
16 GRANTS.—Upon completion of the Opal Creek Man-
17 agement Plan, and receipt of the plan referred to in
18 paragraph (1), the Secretary shall provide, subject
19 to appropriations, \$15,000,000 to the State of Or-
20 egon. Such funds shall be used to make grants or
21 loans for economic development projects that further
22 the purposes of this section and benefit the local
23 communities in the vicinity of the Opal Creek area.

24 (3) REPORT.—The State of Oregon shall—

1 (A) prepare and provide the Secretary and
 2 Congress with an annual report on the use of
 3 the funds made available under this subsection;

4 (B) make available to the Secretary and to
 5 Congress, upon request, all accounts, financial
 6 records, and other information related to grants
 7 and loans made available pursuant to this sub-
 8 section; and

9 (C) as loans are repaid, make additional
 10 grants and loans with the money made available
 11 for obligation by such repayments.

12 **SEC. 1026. UPPER KLAMATH BASIN ECOLOGICAL RESTORA-**
 13 **TION PROJECTS.**

14 (a) DEFINITIONS.—In this section:

15 (1) ECOSYSTEM RESTORATION OFFICE.—The
 16 term “Ecosystem Restoration Office” means the
 17 Klamath Basin Ecosystem Restoration Office oper-
 18 ated cooperatively by the United States Fish and
 19 Wildlife Service, Bureau of Reclamation, Bureau of
 20 Land Management, and Forest Service.

21 (2) WORKING GROUP.—The term “Working
 22 Group” means the Upper Klamath Basin Working
 23 Group, established before the date of enactment of
 24 this title, consisting of members nominated by their
 25 represented groups, including—

1 (A) 3 tribal members;

2 (B) 1 representative of the city of Klamath
3 Falls, Oregon;

4 (C) 1 representative of Klamath County,
5 Oregon;

6 (D) 1 representative of institutions of
7 higher education in the Upper Klamath Basin;

8 (E) 4 representatives of the environmental
9 community, including at least one such rep-
10 resentative from the State of California with in-
11 terests in the Klamath Basin National Wildlife
12 Refuge Complex;

13 (F) 4 representatives of local businesses
14 and industries, including at least one represent-
15 ative of the forest products industry and one
16 representative of the ocean commercial fishing
17 industry and/or the recreational fishing industry
18 based in either Oregon or California;

19 (G) 4 representatives of the ranching and
20 farming community, including representatives
21 of Federal lease-land farmers and ranchers and
22 of private land farmers and ranchers in the
23 Upper Klamath Basin;

24 (H) 2 representatives from State of Or-
25 egon agencies with authority and responsibility

1 in the Klamath River Basin, including one from
2 the Oregon Department of Fish and Wildlife
3 and one from the Oregon Water Resources De-
4 partment;

5 (I) 4 representatives from the local com-
6 munity; and

7 (J) One representative each from the fol-
8 lowing Federal resource management agencies
9 in the Upper Klamath Basin: Fish and Wildlife
10 Service, Bureau of Reclamation, Bureau of
11 Land Management, Bureau of Indian Affairs,
12 Forest Service, Natural Resources Conservation
13 Service, National Marine Fisheries Service and
14 Ecosystem Restoration Office.

15 (K) One representative of the Klamath
16 County Soil and Water Conservation District.

17 (3) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (4) TASK FORCE.—The term “Task Force”
20 means the Klamath River Basin Fisheries Task
21 Force as established by the Klamath River Basin
22 Fishery Resource Restoration Act (Public Law 99–
23 552, 16 U.S.C. 460ss–3, et.seq.).

24 (5) COMPACT COMMISSION.—The term “Com-
25 pact Commission” means the Klamath River Basin

1 Compact Commission created pursuant to the Klamath River Compact Act of 1954.

3 (6) CONSENSUS.—The term “consensus” means
4 a unanimous agreement by the Working Group
5 members present and consisting of at least a
6 quorum at a regularly scheduled business meeting.

7 (7) QUORUM.—The term “quorum” means one
8 more than half of those qualified Working Group
9 members appointed and eligible to serve.

10 (8) TRINITY TASK FORCE.—The term “Trinity
11 Task Force” means the Trinity River Restoration
12 Task Force created by Public Law 98–541, as
13 amended by Public Law 104–143.

14 (b) IN GENERAL.—

15 (1) The Working Group through the Ecosystem
16 Restoration Office, with technical assistance from
17 the Secretary, will propose ecological restoration
18 projects, economic development and stability
19 projects, and projects designed to reduce the impacts
20 of drought conditions to be undertaken in the Upper
21 Klamath Basin based on a consensus of the Working
22 Group membership.

23 (2) The Secretary shall pay, to the greatest ex-
24 tent feasible, up to 50 percent of the cost of per-
25 forming any project approved by the Secretary or his

1 designee, up to a total amount of \$1,000,000 during
2 each of fiscal years 1997 through 2001.

3 (3) Funds made available under this title
4 through the Department of the Interior or the De-
5 partment of Agriculture shall be distributed through
6 the Ecosystem Restoration Office.

7 (4) The Ecosystem Restoration Office may uti-
8 lize not more than 15 percent of all Federal funds
9 administered under this section for administrative
10 costs relating to the implementation of this section.

11 (5) All funding recommendations developed by
12 the Working Group shall be based on a consensus of
13 Working Group members.

14 (c) COORDINATION.—(1) The Secretary shall formu-
15 late a cooperative agreement among the Working Group,
16 the Task Force, the Trinity Task Force and the Compact
17 Commission for the purposes of ensuring that projects
18 proposed and funded through the Working Group are con-
19 sistent with other basin-wide fish and wildlife restoration
20 and conservation plans, including but not limited to plans
21 developed by the Task Force and the Compact Commis-
22 sion;

23 (2) To the greatest extent practicable, the Working
24 Group shall provide notice to, and accept input from, two
25 members each of the Task Force, the Trinity Task Force,

1 and the Compact Commission, so appointed by those enti-
2 ties, for the express purpose of facilitating better commu-
3 nication and coordination regarding additional basin-wide
4 fish and wildlife and ecosystem restoration and planning
5 efforts. The roles and relationships of the entities involved
6 shall be clarified in the cooperative agreement.

7 (d) PUBLIC MEETINGS.—The Working Group shall
8 conduct all meetings subject to Federal open meeting and
9 public participation laws. The chartering requirements of
10 the Federal Advisory Committee Act (5 U.S.C. App.) are
11 hereby deemed to have been met by this section.

12 (e) TERMS AND VACANCIES.— Working Group mem-
13 bers shall serve for three-year terms, beginning on the
14 date of enactment of this title. Vacancies which occur for
15 any reason after the date of enactment of this title shall
16 be filled by direct appointment of the governor of the State
17 of Oregon, in consultation with the Secretary of the Inte-
18 rior and the Secretary of Agriculture, in accordance with
19 nominations from the appropriate groups, interests, and
20 government agencies outlined in subsection (a)(2).

21 (f) RIGHTS, DUTIES AND AUTHORITIES UNAF-
22 FECTED.—The Working Group will supplement, rather
23 than replace, existing efforts to manage the natural re-
24 sources of the Klamath Basin. Nothing in this section af-

1 fects any legal right, duty or authority of any person or
2 agency, including any member of the working group.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$1,000,000 for each of fiscal years 1997 through 2002.

6 **SEC. 1027. DESCHUTES BASIN ECOSYSTEM RESTORATION**
7 **PROJECTS.**

8 (a) DEFINITIONS.—In this section:

9 (1) WORKING GROUP.—The term “Working
10 Group” means the Deschutes River Basin Working
11 Group established before the date of enactment of
12 this title, consisting of members nominated by their
13 represented groups, including—

14 (A) 5 representatives of private interests
15 including one each from hydroelectric produc-
16 tion, livestock grazing, timber, land develop-
17 ment, and recreation/tourism;

18 (B) 4 representatives of private interests
19 including two each from irrigated agriculture
20 and the environmental community;

21 (C) 2 representatives from the Confed-
22 erated Tribes of the Warm Springs Reservation
23 of Oregon;

24 (D) 2 representatives from Federal agen-
25 cies with authority and responsibility in the

1 Deschutes River Basin, including one from the
2 Department of the Interior and one from the
3 Agriculture Department;

4 (E) 2 representatives from the State of Or-
5 egon agencies with authority and responsibility
6 in the Deschutes River Basin, including one
7 from the Oregon Department of Fish and Wild-
8 life and one from the Oregon Water Resources
9 Department; and

10 (F) 4 representatives from county or city
11 governments within the Deschutes River Basin
12 county and/or city governments.

13 (2) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (3) FEDERAL AGENCIES.—The term “Federal
16 agencies” means agencies and departments of the
17 United States, including, but not limited to, the Bu-
18 reau of Reclamation, Bureau of Indian Affairs, Bu-
19 reau of Land Management, Fish and Wildlife Serv-
20 ice, Forest Service, Natural Resources Conservation
21 Service, Farm Services Agency, the National Marine
22 Fisheries Service, and the Bonneville Power Admin-
23 istration.

24 (4) CONSENSUS.—The term “consensus” means
25 a unanimous agreement by the Working Group

1 members present and constituting at least a quorum
2 at a regularly scheduled business meeting.

3 (5) QUORUM.—The term “quorum” means one
4 more than half of those qualified Working Group
5 members appointed and eligible to serve.

6 (b) IN GENERAL.—

7 (1) The Working Group will propose ecological
8 restoration projects on both Federal and non-Fed-
9 eral lands and waters to be undertaken in the
10 Deschutes River Basin based on a consensus of the
11 Working Group, provided that such projects, when
12 involving Federal land or funds, shall be proposed to
13 the Bureau of Reclamation in the Department of the
14 Interior and any other Federal agency with affected
15 land or funds.

16 (2) The Working Group will accept donations,
17 grants or other funds and place such funds received
18 into a trust fund, to be expended on ecological res-
19 toration projects which, when involving Federal land
20 or funds, are approved by the affected Federal agen-
21 cy.

22 (3) The Bureau of Reclamation shall pay from
23 funds authorized under subsection (h) of this title
24 up to 50 percent of the cost of performing any
25 project proposed by the Working Group and ap-

1 proved by the Secretary, up to a total amount of
2 \$1,000,000 during each of the fiscal years 1997
3 through 2001.

4 (4) Non-Federal contributions to project costs
5 for purposes of computing the Federal matching
6 share under paragraph (3) of this subsection may
7 include in-kind contributions.

8 (5) Funds authorized in subsection (h) of this
9 section shall be maintained in and distributed by the
10 Bureau of Reclamation in the Department of the In-
11 terior. The Bureau of Reclamation shall not expend
12 more than 5 percent of amounts appropriated pursu-
13 ant to subsection (h) for Federal administration of
14 such appropriations pursuant to this section.

15 (6) The Bureau of Reclamation is authorized to
16 provide by grant to the Working Group not more
17 than 5 percent of funds appropriated pursuant to
18 subsection (h) of this title for not more than 50 per-
19 cent of administrative costs relating to the imple-
20 mentation of this section.

21 (7) The Federal agencies with authority and re-
22 sponsibility in the Deschutes River Basin shall pro-
23 vide technical assistance to the Working Group and
24 shall designate representatives to serve as members
25 of the Working Group.

1 (8) All funding recommendations developed by
2 the Working Group shall be based on a consensus of
3 the Working Group members.

4 (c) PUBLIC NOTICE AND PARTICIPATION.—The
5 Working Group shall conduct all meetings subject to appli-
6 cable open meeting and public participation laws. The ac-
7 tivities of the Working Group and the Federal agencies
8 pursuant to the provisions of this title are exempt from
9 the provisions of 5 U.S.C. App. 2 1–15.

10 (d) PRIORITIES.—The Working Group shall give pri-
11 ority to voluntary market-based economic incentives for
12 ecosystem restoration including, but not limited to, water
13 leases and purchases; land leases and purchases; tradable
14 discharge permits; and acquisition of timber, grazing, and
15 land development rights to implement plans, programs,
16 measures, and projects.

17 (e) TERMS AND VACANCIES.—Members of the Work-
18 ing Group representing governmental agencies or entities
19 shall be named by the represented government. Members
20 of the Working Group representing private interests shall
21 be named in accordance with the articles of incorporation
22 and bylaws of the Working Group. Representatives from
23 Federal agencies will serve for terms of 3 years. Vacancies
24 which occur for any reason after the date of enactment
25 of this title shall be filled in accordance with this title.

1 (f) ADDITIONAL PROJECTS.—Where existing author-
 2 ity and appropriations permit, Federal agencies may con-
 3 tribute to the implementation of projects recommended by
 4 the Working Group and approved by the Secretary.

5 (g) RIGHTS, DUTIES AND AUTHORITIES UNAF-
 6 FECTED.—The Working Group will supplement, rather
 7 than replace, existing efforts to manage the natural re-
 8 sources of the Deschutes Basin. Nothing in this title af-
 9 fects any legal right, duty or authority of any person or
 10 agency, including any member of the working group.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to carry out this title
 13 \$1,000,000 for each of fiscal years 1997 through 2001.

14 **SEC. 1028. MOUNT HOOD CORRIDOR LAND EXCHANGE.**

15 (a) AUTHORIZATION.—Notwithstanding any other
 16 law, if Longview Fibre Company (referred to in this sec-
 17 tion as “Longview”) offers and conveys title that is accept-
 18 able to the United States to some or all of the land de-
 19 scribed in subsection (b), the Secretary of the Interior (re-
 20 ferred to in this section as the “Secretary”) shall convey
 21 to Longview title to some or all of the land described in
 22 subsection (c), as necessary to satisfy the requirements of
 23 subsection (d).

24 (b) LAND TO BE OFFERED BY LONGVIEW.—The
 25 land referred to in subsection (a) as the land to be offered

1 by Longview are those lands depicted on the map entitled
2 “Mt. Hood Corridor Land Exchange Map”, dated July 18,
3 1996.

4 (c) LAND TO BE CONVEYED BY THE SECRETARY.—
5 The land referred to in subsection (a) as the land to be
6 conveyed by the Secretary are those lands depicted on the
7 map entitled “Mt. Hood Corridor Land Exchange Map”,
8 dated July 18, 1996.

9 (d) EQUAL VALUE.—The land and interests in land
10 exchanged under this section shall be of equal market
11 value as determined by nationally recognized appraisal
12 standards, including, to the extent appropriate, the Uni-
13 form Standards for Federal Land Acquisition, the Uni-
14 form Standards of Professional Appraisal Practice, or
15 shall be equalized by way of payment of cash pursuant
16 to the provisions of section 206(d) of the Federal Land
17 Policy and Management Act of 1976 (43 U.S.C. 1716(d)),
18 and other applicable law.

19 (e) REDESIGNATION OF LAND TO MAINTAIN REVE-
20 NUE FLOW.—So as to maintain the current flow of reve-
21 nue from land subject to the Act entitled “An Act relating
22 to the revested Oregon and California Railroad and recon-
23 veyed Coos Bay Wagon Road grant land situated in the
24 State of Oregon”, approved August 28, 1937 (43 U.S.C.
25 1181a et seq.), the Secretary may redesignate public do-

1 main land located in and west of Range 9 East, Willam-
2 ette Meridian, Oregon, as land subject to that Act.

3 (f) TIMETABLE.—The exchange directed by this sec-
4 tion shall be consummated not later than 1 year after the
5 date of enactment of this title.

6 (g) WITHDRAWAL OF LANDS.—All lands managed by
7 the Department of the Interior, Bureau of Land Manage-
8 ment, located in Townships 2 and 3 South, Ranges 6 and
9 7 East, Willamette Meridian, which can be seen from the
10 right-of-way of U.S. Highway 26, (in this section, such
11 lands are referred to as the “Mt. Hood Corridor Lands”),
12 shall be managed primarily for the protection or enhance-
13 ment of scenic qualities. Management prescriptions for
14 other resource values associated with these lands shall be
15 planned and conducted for purposes other than timber
16 harvest, so as not to impair the scenic qualities of the
17 area.

18 (h) TIMBER CUTTING.—Timber harvest may be con-
19 ducted on Mt. Hood Corridor Lands following a resource-
20 damaging catastrophic event. Such cutting may only be
21 conducted to achieve the following resource management
22 objectives, in compliance with the current land use plans—

23 (1) to maintain safe conditions for the visiting
24 public;

1 (2) to control the continued spread of forest
2 fire;

3 (3) for activities related to administration of
4 the Mt. Hood Corridor Lands; or

5 (4) for removal of hazard trees along trails and
6 roadways.

7 (i) ROAD CLOSURE.—The forest road gate located on
8 Forest Service Road 2503, located in T. 2 S., R. 6 E.,
9 sec. 14, shall remain closed and locked to protect resources
10 and prevent illegal dumping and vandalism. Access to this
11 road shall be limited to—

12 (1) Federal and State officers and employees
13 acting in an official capacity;

14 (2) employees and contractors conducting au-
15 thorized activities associated with the telecommuni-
16 cation sites located in T. 2 S., R. 6 E., sec. 14; and

17 (3) the general public for recreational purposes,
18 except that all motorized vehicles will be prohibited.

19 (j) NEPA EXEMPTION.—Notwithstanding any other
20 provision of law, the National Environmental Policy Act
21 of 1969 (Public Law 91–190) shall not apply to this sec-
22 tion.

23 (k) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as are nec-
25 essary to carry out this section.

1 **SEC. 1029. CREATION OF THE COQUILLE FOREST.**

2 The Coquille Restoration Act (Public Law 101–42)
3 is amended by inserting at the end of section 5 the follow-
4 ing:

5 “(d) Creation of the Coquille Forest.

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) The term ‘Coquille Forest’ means
8 certain lands in Coos County, Oregon, compris-
9 ing approximately 5,400 acres, as generally de-
10 picted on the map entitled ‘Coquille Forest Pro-
11 posal’, dated July 8, 1996.

12 “(B) The term ‘Secretary’ means the Sec-
13 retary of Interior.

14 “(C) The term ‘the tribe’ means the
15 Coquille Tribe of Coos County, Oregon.

16 “(2) MAP.—The map described in paragraph
17 (1)(A), and such additional legal descriptions which
18 are applicable, shall be placed on file at the local
19 District Office of the Bureau of Land Management,
20 the Agency Office of the Bureau of Indian Affairs,
21 and with the Senate Committee on Energy and Nat-
22 ural Resources and the House Committee on Re-
23 sources.

24 “(3) INTERIM PERIOD.—From the date of en-
25 actment of this subsection until two years after the

1 date of enactment of this subsection, the Bureau of
2 Land Management shall—

3 “(A) retain Federal jurisdiction for the
4 management of lands designated under this
5 subsection as the Coquille Forest and continue
6 to distribute revenues from such lands in a
7 manner consistent with existing law; and

8 “(B) prior to advertising, offering or
9 awarding any timber sale contract on lands des-
10 ignated under this subsection as the Coquille
11 Forest, obtain the approval of the Assistant
12 Secretary for Indian Affairs, acting on behalf of
13 and in consultation with the Tribe.

14 “(4) TRANSITION PLANNING AND DESIGNA-
15 TION.—

16 “(A) During the two-year interim period
17 provided for in paragraph (3), the Assistant
18 Secretary for Indian Affairs, acting on behalf of
19 and in consultation with Tribe, is authorized to
20 initiate development of a forest management
21 plan for the Coquille Forest. The Secretary,
22 acting through the director of the Bureau of
23 Land Management, shall cooperate and assist
24 in the development of such plan and in the
25 transition of forestry management operations

1 for the Coquille Forest to the Assistant Sec-
2 retary for Indian Affairs.

3 “(B) Two years after the date of enact-
4 ment of this subsection, the Secretary shall take
5 the lands identified under subparagraph
6 (d)(1)(A) into trust, and shall hold such lands
7 in trust, in perpetuity, for the Coquille Tribe.
8 Such lands shall be thereafter designated as the
9 Coquille Forest.

10 “(5) MANAGEMENT.—The Secretary of Interior,
11 acting through the Assistant Secretary for Indian
12 Affairs shall manage the Coquille Forest under ap-
13 plicable forestry laws and in a manner consistent
14 with the standards and guidelines of Federal forest
15 plans on adjacent or nearby Federal lands. The Sec-
16 retary shall otherwise manage the Coquille Forest in
17 accordance with the laws pertaining to the manage-
18 ment of Indian Trust lands and shall, except as pro-
19 vided in subparagraph (C), distribute revenues in ac-
20 cordance with Public Law 101–630, 25 U.S.C.
21 3107.

22 “(A) Unprocessed logs harvested from the
23 Coquille Forest shall be subject to the same
24 Federal statutory restrictions on export to for-

1 eign Nations that apply to unprocessed logs
2 harvested from Federal lands.

3 “(B) Notwithstanding any other provision
4 of law, all sales of timber from land subject to
5 this subsection shall be advertised, offered and
6 awarded according to competitive bidding prac-
7 tices, with sales being awarded to the highest
8 responsible bidder.

9 “(C) So as to maintain the current flow of
10 revenue from land subject to the Act entitled
11 “An Act relating to the revested Oregon and
12 California Railroad and reconveyed Coos Bay
13 Wagon Road grant land situated in the State of
14 Oregon” (the O&C Act), approved August 28,
15 1937 (43 U.S.C. 1181a et seq.), the Secretary
16 shall redesignate, from public domain lands
17 within the Tribe’s service area, as defined in
18 this Act, certain lands to be subject to the O&C
19 Act. Lands redesignated under this subpara-
20 graph shall not exceed lands sufficient to con-
21 stitute equivalent timber value as compared to
22 lands constituting the Coquille Forest.

23 “(6) INDIAN SELF-DETERMINATION ACT AGREE-
24 MENT.—No sooner than 2 years after the date of en-
25 actment of this subsection, the Secretary may, upon

1 a satisfactory showing of management competence
2 and pursuant to the Indian Self-Determination Act
3 (25 U.S.C. 450 et seq.), enter into a binding Indian
4 self-determination agreement (agreement) with the
5 Coquille Indian Tribe. Such agreement may provide
6 for the tribe to carry out all or a portion of the for-
7 est management for the Coquille Forest.

8 “(A) Prior to entering such an agreement,
9 and as a condition of maintaining such an
10 agreement, the Secretary must find that the
11 Coquille Tribe has entered into a binding
12 memorandum of agreement (MOA) with the
13 State of Oregon, as required under paragraph
14 (7), and with the 18 Oregon counties as re-
15 quired by paragraph (8).

16 “(B) The authority of the Secretary to re-
17 scind the Indian self-determination agreement
18 shall not be encumbered.

19 “(i) The Secretary shall rescind the
20 agreement upon a demonstration that the
21 tribe and the State of Oregon or the 18
22 Oregon counties are no longer engaged in
23 a memorandum of agreement as required
24 under paragraph (7).

1 “(ii) The Secretary may rescind the
2 agreement on a showing that the Tribe has
3 managed the Coquille Forest in a manner
4 inconsistent with this subsection, or the
5 tribe is no longer managing, or capable of
6 managing, the Coquille Forest in a manner
7 consistent with this subsection.

8 “(7) MEMORANDUM OF AGREEMENT WITH OR-
9 EGON.—The Coquille Tribe shall enter into a memo-
10 randum of agreement (MOA) with the State of Or-
11 egon relating to the establishment and management
12 of the Coquille Forest. The MOA shall include, but
13 not be limited to, the terms and conditions for man-
14 aging the Coquille Forest in a manner consistent
15 with paragraph (5) of this subsection, preserving
16 public access, advancing jointly-held resource man-
17 agement goals, achieving tribal restoration objectives
18 and establishing a coordinated management frame-
19 work. Further, provisions set forth in the MOA shall
20 be consistent with Federal trust responsibility re-
21 quirements applicable to Indian trust lands and
22 paragraph (5) of this subsection.

23 “(8) PUBLIC ACCESS.—The Coquille Forest
24 shall remain open to public access for purposes of
25 hunting, fishing, recreation and transportation, ex-

1 cept when closure is required by state or Federal
2 law, or when the Coquille Indian Tribe and the State
3 of Oregon agree in writing that restrictions on ac-
4 cess are necessary or appropriate to prevent harm to
5 natural resources, cultural resources or environ-
6 mental quality: *Provided*, That the State of Oregon’s
7 agreement shall not be required when immediate ac-
8 tion is necessary to protect archaeological resources.

9 “(9) JURISDICTION.—

10 “(A) The United States District Court for
11 the District of Oregon shall have jurisdiction
12 over actions against the Secretary arising out of
13 claims that this subsection has been violated.
14 Consistent with existing precedents on standing
15 to sue, any affected citizen may bring suit
16 against the Secretary for violations of this sub-
17 section, except that suit may not be brought
18 against the Secretary for claims that the MOA
19 has been violated. The court has the authority
20 to hold unlawful and set aside actions pursuant
21 to this subsection that are arbitrary and capri-
22 cious, an abuse of discretion, or otherwise an
23 abuse of law.

24 “(B) The United States District Court for
25 the District of Oregon shall have jurisdiction

1 over actions between the State of Oregon, or
2 the 18 Oregon counties, and the tribe arising
3 out of claims of breach of the MOA.

4 “(C) Unless otherwise provided for by law,
5 remedies available under this subsection shall
6 be limited to equitable relief and shall not in-
7 clude damages.

8 “(10) STATE REGULATORY AND CIVIL JURIS-
9 DICTION.—In addition to the jurisdiction described
10 in paragraph (7) of this subsection, the State of Or-
11 egon may exercise exclusive regulatory civil jurisdic-
12 tion, including but not limited to adoption and en-
13 forcement of administrative rules and orders, over
14 the following subjects:

15 “(A) Management, allocation and adminis-
16 tration of fish and wildlife resources, including
17 but not limited to establishment and enforce-
18 ment of hunting and fishing seasons, bag limits,
19 limits on equipment and methods, issuance of
20 permits and licenses, and approval or dis-
21 approval of hatcheries, game farms, and other
22 breeding facilities: *Provided*, That nothing here-
23 in shall be construed to permit the State of Or-
24 egon to manage fish or wildlife habitat on
25 Coquille Forest lands.

1 “(B) Allocation and administration of
2 water rights, appropriation of water and use of
3 water.

4 “(C) Regulation of boating activities, in-
5 cluding equipment and registration require-
6 ments, and protection of the public’s right to
7 use the waterways for purposes of boating or
8 other navigation.

9 “(D) Fills and removals from waters of the
10 State, as defined in Oregon law.

11 “(E) Protection and management of the
12 State’s proprietary interests in the beds and
13 banks of navigable waterways.

14 “(F) Regulation of mining, mine reclama-
15 tion activities, and exploration and drilling for
16 oil and gas deposits.

17 “(G) Regulation of water quality, air qual-
18 ity (including smoke management), solid and
19 hazardous waste, and remediation of releases of
20 hazardous substances.

21 “(H) Regulation of the use of herbicides
22 and pesticides.

23 “(I) Enforcement of public health and
24 safety standards, including standards for the
25 protection of workers, well construction and

1 codes governing the construction of bridges,
2 buildings, and other structures.

3 “(J) Other subject where State authority
4 is provided for except that, in the event of a
5 conflict between Federal and State law under
6 this subsection, Federal law shall control.

7 “(11) SAVINGS CLAUSE; STATE AUTHORITY.—

8 “(A) Nothing in this subsection shall be
9 construed to grant tribal authority over private
10 or State-owned lands.

11 “(B) To the extent that the State of Or-
12 egon is regulating the foregoing areas pursuant
13 to a delegated Federal authority or a Federal
14 program, nothing in this subsection shall be
15 construed to enlarge or diminish the State’s au-
16 thority under such law.

17 “(C) Where both the State of Oregon and
18 the United States are regulating, nothing here-
19 in shall be construed to alter their respective
20 authorities.

21 “(D) To the extent that Federal law au-
22 thorizes the Coquille Indian Tribe to assume
23 regulatory authority over an area, nothing here-
24 in shall be construed to enlarge or diminish the
25 tribe’s authority to do so under such law.

1 “(E) Unless and except to the extent that
2 the tribe has assumed jurisdiction over the
3 Coquille Forest pursuant to Federal law, or
4 otherwise with the consent of the State, the
5 State of Oregon shall have jurisdiction and au-
6 thority to enforce its laws addressing the sub-
7 jects listed in paragraph (10) of this subsection
8 on the Coquille Forest against the Coquille In-
9 dian Tribe, its members and all other persons
10 and entities, in the same manner and with the
11 same remedies and protections and appeal
12 rights as otherwise provided by general Oregon
13 law. Where the State of Oregon and Coquille
14 Indian Tribe agree regarding the exercise of
15 tribal civil regulatory jurisdiction over activities
16 on the Coquille Forest lands, the tribe may ex-
17 ercise such jurisdiction as is agreed upon.

18 “(12) In the event of a conflict between Federal
19 and State law under this subsection, Federal law
20 shall control.”.

21 **SEC. 1030. BULL RUN PROTECTION.**

22 (a) AMENDMENTS TO PUBLIC LAW 95–200.—

23 (1) The first sentence of section 2(a) of Public
24 Law 95–200 is amended by striking “2(b)” and in-
25 serting in lieu thereof “2(c)”.

1 (2) The first sentence of section 2(b) of Public
2 Law 95–200 is amended after “the policy set forth
3 in subsection (a)” by inserting “and (b)”.

4 (3) Subsections (b), (c), (d), and (e) of section
5 2 of Public Law 95–200 are redesignated as sub-
6 sections (c), (d), (e), and (f), respectively.

7 (4) Section 2 of Public Law 95–200 is amended
8 by inserting after subsection (a) the following new
9 subsection:

10 “(b) TIMBER CUTTING.—

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 the Secretary of Agriculture shall prohibit the cut-
13 ting of trees in that part of the unit consisting of
14 the hydrographic boundary of the Bull Run River
15 Drainage, including certain lands within the unit
16 and located below the headworks of the city of Port-
17 land, Oregon’s water storage and delivery project,
18 and as depicted in a map dated July 22, 1996, and
19 entitled ‘Bull Run River Drainage’.

20 “(2) PERMITTED CUTTING.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), the Secretary of Agriculture shall
23 prohibit the cutting of trees in the area de-
24 scribed in subparagraph (1).

1 “(B) PERMITTED CUTTING.—Subject to
2 subparagraph (C), the Secretary may only allow
3 the cutting of trees in the area described in
4 subparagraph (1)—

5 “(i) for the protection or enhancement
6 of water quality in the area described in
7 subparagraph (1); or

8 “(ii) for the protection, enhancement,
9 or maintenance of water quantity available
10 from the area described in subparagraph
11 (1); or

12 “(iii) for the construction, expansion,
13 protection or maintenance of municipal
14 water supply facilities; or

15 “(iv) for the construction, expansion,
16 protection or maintenance of facilities for
17 the transmission of energy through and
18 over the unit or previously authorized hy-
19 droelectric facilities or hydroelectric
20 projects associated with municipal water
21 supply facilities.

22 “(C) SALVAGE SALES.—The Secretary of
23 Agriculture may not authorize a salvage sale in
24 the area described in subparagraph (1).”.

1 (b) REPORT TO CONGRESS.—The Secretary of Agri-
2 culture shall, in consultation with the city of Portland and
3 other affected parties, undertake a study of that part of
4 the Little Sandy Watershed that is within the unit (herein-
5 after referred to as the “study area”). The study shall
6 determine—

7 (1) the impact of management activities within
8 the study area on the quality of drinking water pro-
9 vided to the Portland Metropolitan area;

10 (2) the identity and location of certain ecologi-
11 cal features within the study area, including late
12 successional forest characteristics, aquatic and ter-
13 restrial wildlife habitat, significant hydrological val-
14 ues, or other outstanding natural features; and

15 (3) the location and extent of any significant
16 cultural or other values within the study area.

17 (c) RECOMMENDATIONS.—The study referred to in
18 subsection (b) shall include both legislative and regulatory
19 recommendations to Congress on the future management
20 of the study area. In formulating such recommendations,
21 the Secretary shall consult with the city of Portland and
22 other affected parties.

23 (d) EXISTING DATA AND PROCESSES.—To the great-
24 est extent possible, the Secretary shall use existing data
25 and processes to carry out the study and report.

1 (e) SUBMISSION TO CONGRESS.—The study referred
2 to in subsection (b) shall be submitted to the Senate Com-
3 mittees on Energy and Natural Resources and Agriculture
4 and the House Committees on Resources and Agriculture
5 not later than one year from the date of enactment of this
6 section.

7 (f) MORATORIUM.—The Secretary is prohibited from
8 advertising, offering or awarding any timber sale within
9 the study area for a period of two years after the date
10 of enactment of this section.

11 (g) WATER RIGHTS.—Nothing in this section shall
12 in any way affect any State or Federal law governing ap-
13 propriation, use of or Federal right to water on or flowing
14 through National Forest System lands. Nothing in this
15 section is intended to influence the relative strength of
16 competing claims to the waters of the Little Sandy River.
17 Nothing in this section shall be construed to expand or
18 diminish Federal, State, or local jurisdiction, responsibil-
19 ity, interests, or rights in water resources development or
20 control, including rights in and current uses of water re-
21 sources in the unit.

22 (h) OTHER LANDS IN UNIT.—Lands within the Bull
23 Run Management Unit, as defined in Public Law 95–200,
24 but not contained within the Bull Run River Drainage,
25 as described in the amendment made by subsection (a)(4)

1 of this section and as depicted on the map dated July 22,
2 1996, and entitled “Bull Run River Drainage”, shall con-
3 tinue to be managed in accordance with Public Law 95–
4 200.

5 **SEC. 1031. OREGON ISLANDS WILDERNESS, ADDITIONS.**

6 (a) DESIGNATION.—In furtherance of the purposes of
7 the Wilderness Act of 1964, certain lands within the
8 boundaries of the Oregon Islands National Wildlife Ref-
9 uge, Oregon, comprising approximately 95 acres and as
10 generally depicted on a map entitled “Oregon Island Wil-
11 derness Additions—Proposed” dated August 1996, are
12 hereby designated as wilderness. The map shall be on file
13 and available for public inspection in the offices of the
14 Fish and Wildlife Service, Department of Interior.

15 (b) OTHER AREAS WITHIN REFUGE BOUNDARIES.—
16 All other federally owned named, unnamed, surveyed and
17 unsurveyed rocks, reefs, islets and islands lying within
18 three geographic miles off the coast of Oregon and above
19 mean high tide, not currently designated as wilderness and
20 also within the Oregon Islands National Wildlife Refuge
21 boundaries under the administration of the U.S. Fish and
22 Wildlife Service, Department of Interior, as designated by
23 Executive Order 7035, Proclamation 2416, Public Land
24 Orders 4395, 4475 and 6287, and Public Laws 91–504
25 and 95–450, are hereby designated as wilderness.

1 (c) AREAS UNDER BLM JURISDICTION.—All feder-
2 ally owned named, unnamed, surveyed and unsurveyed
3 rocks, reefs, islets and islands lying within three geo-
4 graphic miles off the coast of Oregon and above mean high
5 tide, and presently under the jurisdiction of the Bureau
6 of Land Management, except Chiefs Island, are hereby
7 designated as wilderness, shall become part of the Oregon
8 Islands National Wildlife Refuge and the Oregon Islands
9 Wilderness and shall be under the jurisdiction of the
10 United States Fish and Wildlife Service, Department of
11 the Interior.

12 (d) MAP AND DESCRIPTION.—As soon as practicable
13 after this Act takes effect, a map of the wilderness area
14 and a description of its boundaries shall be filed with the
15 Senate Committee on Energy and Natural Resources and
16 the House Committee on Resources, and such map shall
17 have the same force and effect as if included in this sec-
18 tion: *Provided, however,* That correcting clerical and typo-
19 graphical errors in the map and land descriptions may be
20 made.

21 (e) ORDER 6287.—Public Land Order 6287 of June
22 16, 1982, which withdrew certain rocks, reefs, islets, and
23 islands lying within three geographical miles off the coast
24 of Oregon and above mean high tide, including the 95
25 acres described in subsection (a), as an addition to the

1 Oregon Islands National Wildlife Refuge is hereby made
2 permanent.

3 **SEC. 1032. UMPQUA RIVER LAND EXCHANGE STUDY: POL-**
4 **ICY AND DIRECTION.**

5 (a) IN GENERAL.—The Secretaries of the Interior
6 and Agriculture (Secretaries) are hereby authorized and
7 directed to consult, coordinate and cooperate with the
8 Umpqua Land Exchange Project (ULEP), affected units
9 and agencies of State and local government, and, as ap-
10 propriate, the World Forestry Center and National Fish
11 and Wildlife Foundation, to assist ULEP’s ongoing efforts
12 in studying and analyzing land exchange opportunities in
13 the Umpqua River basin and to provide scientific, tech-
14 nical, research, mapping and other assistance and infor-
15 mation to such entities. Such consultation, coordination
16 and cooperation shall at a minimum include, but not be
17 limited to—

18 (1) working with ULEP to develop or assemble
19 comprehensive scientific and other information (in-
20 cluding comprehensive and integrated mapping) con-
21 cerning the Umpqua River basin’s resources of for-
22 est, plants, wildlife, fisheries (anadromous and
23 other), recreational opportunities, wetlands, riparian
24 habitat and other physical or natural resources;

1 (2) working with ULEP to identify general or
2 specific areas within the basin where land exchanges
3 could promote consolidation of forestland ownership
4 for long-term, sustained timber production; protec-
5 tion and restoration of habitat for plants, fish and
6 wildlife (including any federally listed threatened or
7 endangered species); protection of drinking water
8 supplies; recovery of threatened and endangered spe-
9 cies; protection and restoration of wetlands, riparian
10 lands and other environmentally sensitive areas; con-
11 solidation of land ownership for improved public ac-
12 cess and a broad array of recreational uses; and con-
13 solidation of land ownership to achieve management
14 efficiency and reduced costs of administration; and
15 (3) developing a joint report for submission to
16 the Congress which discusses land exchange oppor-
17 tunities in the basin and outlines either a specific
18 land exchange proposal or proposals which may
19 merit consideration by the Secretaries or the Con-
20 gress, or ideas and recommendations for new au-
21 thorizations, direction, or changes in existing law or
22 policy to expedite and facilitate the consummation of
23 beneficial land exchanges in the basin via adminis-
24 trative means.

1 (b) MATTERS FOR SPECIFIC STUDY.—In analyzing
2 land exchange opportunities with ULEP, the Secretaries
3 shall give priority to assisting ULEP’s ongoing efforts in:

4 (1) studying, identifying, and mapping areas
5 where the consolidation of land ownership via land
6 exchanges could promote the goals of long term spe-
7 cies and watershed protection and utilization, includ-
8 ing but not limited to the goals of the Endangered
9 Species Act of 1973 more effectively than current
10 land ownership patterns and whether any changes in
11 law or policy applicable to such lands after con-
12 summation of an exchange would be advisable or
13 necessary to achieve such goals;

14 (2) studying, identifying and mapping areas
15 where land exchanges might be utilized to better sat-
16 isfy the goals of sustainable timber harvest, includ-
17 ing studying whether changes in existing law or pol-
18 icy applicable to such lands after consummation of
19 an exchange would be advisable or necessary to
20 achieve such goals;

21 (3) identifying issues and studying options and
22 alternatives, including possible changes in existing
23 law or policy, to insure that combined post-exchange
24 revenues to units of local government from State
25 and local property, severance and other taxes or lev-

1 ies and shared Federal land receipts will approxi-
2 mate pre-exchange revenues;

3 (4) identifying issues and studying whether pos-
4 sible changes in law, special appraisal instruction, or
5 changes in certain Federal appraisal procedures
6 might be advisable or necessary to facilitate the ap-
7 praisal of potential exchange lands which may have
8 special characteristics or restrictions affecting land
9 values;

10 (5) identifying issues and studying options and
11 alternatives, including changes in existing laws or
12 policy, for achieving land exchanges without reduc-
13 ing the net supply of timber available to small busi-
14 nesses;

15 (6) identifying, mapping, and recommending
16 potential changes in land use plans, land classifica-
17 tions, or other actions which might be advisable or
18 necessary to expedite, facilitate or consummate land
19 exchanges in certain areas;

20 (7) analyzing potential sources for new or en-
21 hanced Federal, State, or other funding to promote
22 improved resource protection, species recovery, and
23 management in the basin; and

24 (8) identifying and analyzing whether increased
25 efficiency and better land and resource management

1 could occur through either consolidation of Federal
2 forest management under one agency or exchange of
3 lands between the Forest Service and Bureau of
4 Land Management.

5 (c) REPORT TO CONGRESS.—No later than February
6 1, 1998, ULEP and the Secretaries shall submit a joint
7 report to the Committee on Resources of the United
8 States House of Representatives and to the Committee on
9 Energy and Natural Resources of the United States Sen-
10 ate concerning their studies, findings, recommendations,
11 mapping and other activities conducted pursuant to this
12 section.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—In fur-
14 therance of the purposes of this section, there is hereby
15 authorized to be appropriated the sum of \$2,000,000, to
16 remain available until expended.

17 **SEC. 1033. BOSTON HARBOR ISLANDS RECREATION AREA.**

18 (a) PURPOSES.—The purposes of this section are—

19 (1) to preserve for public use and enjoyment
20 the lands and waters that comprise the Boston Har-
21 bor Islands National Recreation Area;

22 (2) to manage the recreation area in partner-
23 ship with the private sector, the Commonwealth of
24 Massachusetts, municipalities surrounding Massa-
25 chusetts and Cape Cod Bays, the Thompson Island

1 Outward Bound Education Center, and Trustees of
2 Reservations, and with historical, business, cultural,
3 civic, recreational and tourism organizations;

4 (3) to improve access to the Boston Harbor Is-
5 lands through the use of public water transportation;
6 and

7 (4) to provide education and visitor information
8 programs to increase public understanding of and
9 appreciation for the natural and cultural resources
10 of the Boston Harbor Islands, including the history
11 of Native American use and involvement.

12 (b) DEFINITIONS.—For the purposes of this sec-
13 tion—

14 (1) the term recreation area means the Boston
15 Harbor Islands National Recreation Area established
16 by subsection (c); and

17 (2) the term “Secretary” means the Secretary
18 of the Interior.

19 (c) BOSTON HARBOR ISLANDS NATIONAL RECRE-
20 ATION AREA.—

21 (1) ESTABLISHMENT.—In order to preserve for
22 the benefit and inspiration of the people of the Unit-
23 ed States as a national recreation area certain lands
24 located in Massachusetts Bay, there is established as

1 a unit of the National Park System the Boston Har-
2 bor Islands National Recreation Area.

3 (2) BOUNDARIES.—(A) The recreation area
4 shall be comprised of the lands, waters, and sub-
5 merged lands generally depicted on the map entitled
6 “Proposed Boston Harbor Islands NRA”, numbered
7 BOHA 80002, and dated September 1996. Such
8 map shall be on file and available for public inspec-
9 tion in the appropriate offices of the National Park
10 Service. After advising the Committee on Resources
11 of the House of Representatives and the Committee
12 on Energy and Natural Resources of the Senate, in
13 writing, the Secretary may make minor revisions of
14 the boundaries of the recreation area when necessary
15 by publication of a revised drawing or other bound-
16 ary description in the Federal Register.

17 (B) The recreation area shall include the follow-
18 ing:

19 (i) The areas depicted on the map ref-
20 erenced in subparagraph (A).

21 (ii) Landside points required for access,
22 visitor services, and administration in the city
23 of Boston along its Harborwalk and at Long
24 Wharf, Fan Pier, John F. Kennedy Library,
25 and the Custom House; Charlestown Navy

1 Yard; Old Northern Avenue Bridge; the city of
2 Quincy at Squantum Point/Marina Bay, the
3 Fore River Shipyard, and Town River; the
4 Town of Hingham at Hewitt's Cove; the Town
5 of Hull; the city of Salem at Salem National
6 Historic Site; and the city of Lynn at the Herit-
7 age State Park.

8 (d) ADMINISTRATION OF RECREATION AREA.—

9 (1) IN GENERAL.—The recreation area shall be
10 administered in partnership by the Secretary, the
11 Commonwealth of Massachusetts, City of Boston
12 and its applicable subdivisions and others in accord-
13 ance with the provisions of law generally applicable
14 to units of the National Park System, including the
15 Act entitled “An Act to establish a National Park
16 Service, and for other purposes”, approved August
17 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4),
18 and the Act of August 21, 1935 (49 Stat. 666; 16
19 U.S.C. 461–467) as amended and supplemented and
20 in accordance with the integrated management plan
21 specified in subsection (f).

22 (2) STATE AND LOCAL JURISDICTION.—Noth-
23 ing in this section shall be construed to diminish, en-
24 large, or modify any right of the Commonwealth of
25 Massachusetts or any political subdivision thereof, to

1 exercise civil and criminal jurisdiction or to carry
2 out State laws, rules, and regulations within the
3 recreation area, including those relating to fish and
4 wildlife, or to tax persons, corporations, franchises,
5 or private property on the lands and waters included
6 in the recreation area.

7 (3) COOPERATIVE AGREEMENTS.—The Sec-
8 retary may consult and enter into cooperative agree-
9 ments with the Commonwealth of Massachusetts or
10 its political subdivisions to acquire from and provide
11 to the Commonwealth or its political subdivisions
12 goods and services to be used in the cooperative
13 management of lands within the recreation area, if
14 the Secretary determines that appropriations for
15 that purpose are available and the agreement is in
16 the best interest of the United States.

17 (4) CONSTRUCTION OF FACILITIES ON NON-
18 FEDERAL LANDS.—In order to facilitate the admin-
19 istration of the recreation area, the Secretary is au-
20 thorized, subject to the appropriation of necessary
21 funds in advance, to construct essential administra-
22 tive or visitor use facilities on non-Federal public
23 lands within the recreation area. Such facilities and
24 the use thereof shall be in conformance with applica-
25 ble plans.

1 (5) OTHER PROPERTY, FUNDS, AND SERV-
2 ICES.—The Secretary may accept and use donated
3 funds, property, and services to carry out this sec-
4 tion.

5 (6) RELATIONSHIP OF RECREATION AREA TO
6 BOSTON-LOGAN INTERNATIONAL AIRPORT.—With re-
7 spect to the recreation area, the present and future
8 maintenance, operation, improvement and use of
9 Boston-Logan International Airport and associated
10 flight patterns from time to time in effect shall not
11 be deemed to constitute the use of publicly owned
12 land of a public park, recreation area, or other re-
13 source within the meaning of section 303(c) of title
14 49, United States Code, and shall not be deemed to
15 have a significant effect on natural, scenic, and
16 recreation assets within the meaning of section
17 47101(h)(2) of title 49, United States Code.

18 (7) MANAGEMENT IN ACCORDANCE WITH INTE-
19 GRATED MANAGEMENT PLAN.—The Secretary shall
20 preserve, interpret, manage, and provide educational
21 and recreational uses for the recreation area, in con-
22 sultation with the owners and managers of lands in
23 the recreation area, in accordance with the inte-
24 grated management plan.

1 (e) BOSTON HARBOR ISLANDS PARTNERSHIP ESTAB-
2 LISHMENT.—

3 (1) ESTABLISHMENT.—There is hereby estab-
4 lished the Boston Harbor Islands Partnership whose
5 purpose shall be to coordinate the activities of Fed-
6 eral, State, and local authorities and the private sec-
7 tor in the development and implementation of an in-
8 tegrated resource management plan for the recre-
9 ation area.

10 (2) MEMBERSHIP.—The Partnership shall be
11 composed of 13 members, as follows:

12 (A) One individual appointed by the Sec-
13 retary, to represent the National Park Service.

14 (B) One individual, appointed by the Sec-
15 retary of Transportation, to represent the
16 United States Coast Guard.

17 (C) Two individuals, appointed by the Sec-
18 retary, after consideration of recommendations
19 by the Governor of Massachusetts, to represent
20 the Department of Environmental Management
21 and the Metropolitan District Commission.

22 (D) One individual, appointed by the Sec-
23 retary, after consideration of recommendations
24 by the Chair, to represent the Massachusetts
25 Port Authority.

1 (E) One individual, appointed by the Sec-
2 retary, after consideration of recommendations
3 by the Chair, to represent the Massachusetts
4 Water Resources Authority.

5 (F) One individual, appointed by the Sec-
6 retary, after consideration of recommendations
7 by the Mayor of Boston, to represent the Office
8 of Environmental Services of the city of Boston.

9 (G) One individual, appointed by the Sec-
10 retary, after consideration of recommendations
11 by the Chair, to represent the Boston Redevel-
12 opment Authority.

13 (H) One individual, appointed by the Sec-
14 retary, after consideration of recommendations
15 of the President of the Thompson Island Out-
16 ward Bound Education Center, to represent the
17 Center.

18 (I) One individual, appointed by the Sec-
19 retary, after consideration of recommendations
20 of the Chair, to represent the Trustees of Res-
21 ervations.

22 (J) One individual, appointed by the Sec-
23 retary, after consideration of recommendations
24 of the President of the Island Alliance, to rep-
25 resent the Alliance, a non-profit organization

1 whose sole purpose is to provide financial sup-
2 port for the Boston Harbor Islands National
3 Recreation Area.

4 (K) Two individuals, appointed by the Sec-
5 retary, to represent the Boston Harbor Islands
6 Advisory Council, established in subsection (g).

7 (3) TERMS OF OFFICE; REAPPOINTMENT.—(A)
8 Members of the Partnership shall serve for terms of
9 three years. Any member may be reappointed for
10 one additional 3-year term.

11 (B) The Secretary shall appoint the first mem-
12 bers of the Partnership within 30 days after the
13 date on which the Secretary has received all of the
14 recommendations for appointment pursuant to sub-
15 sections (b)(3), (4), (5), (6), (7), (8), (9), and (10).

16 (C) A member may serve after the expiration of
17 his or her term until a successor has been appointed.

18 (4) COMPENSATION.—Members of the Partner-
19 ship shall serve without pay, but while away from
20 their homes or regular places of business in the per-
21 formance of services for the Partnership, members
22 shall be allowed travel expenses, including per diem
23 in lieu of subsistence, in the same manner as per-
24 sons employed intermittently in the Government

1 service are allowed expenses under section 5703 of
2 title 5, United States Code.

3 (5) ELECTION OF OFFICERS.—The Partnership
4 shall elect one of its members as Chairperson and
5 one as Vice Chairperson. The term of office of the
6 Chairperson and Vice Chairperson shall be one year.
7 The Vice Chairperson shall serve as chairperson in
8 the absence of the Chairperson.

9 (6) VACANCY.—Any vacancy on the Partnership
10 shall be filled in the same manner in which the origi-
11 nal appointment was made.

12 (7) MEETINGS.—The Partnership shall meet at
13 the call of the Chairperson or a majority of its mem-
14 bers.

15 (8) QUORUM.—A majority of the Partnership
16 shall constitute a quorum.

17 (9) STAFF OF THE PARTNERSHIP.—The Sec-
18 retary shall provide the Partnership with such staff
19 and technical assistance as the Secretary, after con-
20 sultation with the Partnership, considers appropriate
21 to enable the Partnership to carry out its duties.
22 The Secretary may accept the services of personnel
23 detailed from the Commonwealth of Massachusetts,
24 any political subdivision of the Commonwealth or
25 any entity represented on the Partnership.

1 (10) HEARINGS.—The Partnership may hold
2 such hearings, sit and act at such times and places,
3 take such testimony, and receive such evidence as
4 the Partnership may deem appropriate.

5 (11) DONATIONS.—Notwithstanding any other
6 provision of law, the Partnership may seek and ac-
7 cept donations of funds, property, or services from
8 individuals, foundations, corporations, and other pri-
9 vate and public entities for the purpose of carrying
10 out this section.

11 (12) USE OF FUNDS TO OBTAIN MONEY.—The
12 Partnership may use its funds to obtain money from
13 any source under any program or law requiring the
14 recipient of such money to make a contribution in
15 order to receive such money.

16 (13) MAILS.—The Partnership may use the
17 United States mails in the same manner and upon
18 the same conditions as other departments and agen-
19 cies of the United States.

20 (14) OBTAINING PROPERTY.—The Partnership
21 may obtain by purchase, rental, donation, or other-
22 wise, such property, facilities, and services as may
23 be needed to carry out its duties, except that the
24 Partnership may not acquire any real property or
25 Interest in real property.

1 (15) COOPERATIVE AGREEMENTS.—For pur-
2 poses of carrying out the plan described in sub-
3 section (f), the Partnership may enter into coopera-
4 tive agreements with the Commonwealth of Massa-
5 chusetts, any political subdivision thereof, or with
6 any organization or person.

7 (f) INTEGRATED RESOURCE MANAGEMENT PLAN.—

8 (1) IN GENERAL.—Within three years after the
9 date of enactment of this Act, the Partnership shall
10 submit to the Secretary a management plan for the
11 recreation area to be developed and implemented by
12 the Partnership.

13 (2) CONTENTS OF PLAN.—The plan shall in-
14 clude (but not be limited to) each of the following:

15 (A) A program providing for coordinated
16 administration of the recreation area with pro-
17 posed assignment of responsibilities to the ap-
18 propriate governmental unit at the Federal,
19 State, and local levels, and non-profit organiza-
20 tions, including each of the following:

21 (i) A plan to finance and support the
22 public improvements and services rec-
23 ommended in the plan, including allocation
24 of non-Federal matching requirements set

1 forth in subsection (h)(2) and a delineation
2 of private sector roles and responsibilities.

3 (ii) A program for the coordination
4 and consolidation, to the extent feasible, of
5 activities that may be carried out by Fed-
6 eral, State, and local agencies having juris-
7 diction over land and waters within the
8 recreation area, including planning and
9 regulatory responsibilities.

10 (B) Policies and programs for the follow-
11 ing purposes:

12 (i) Enhancing public outdoor rec-
13 reational opportunities in the recreation
14 area.

15 (ii) Conserving, protecting and main-
16 taining the scenic, historical, cultural, nat-
17 ural and scientific values of the islands.

18 (iii) Developing educational opportuni-
19 ties in the recreation area.

20 (iv) Enhancing public access to the is-
21 lands, including development of transpor-
22 tation networks.

23 (v) Identifying potential sources of
24 revenue from programs or activities carried
25 out within the recreation area.

1 (vi) Protecting and preserving native
2 American burial grounds connected with
3 the King Philip's War internment period
4 and other periods.

5 (C) A policy statement that recognizes ex-
6 isting economic activities within the recreation
7 area.

8 (3) DEVELOPMENT OF PLAN.—In developing
9 the plan, the Partnership shall—

10 (A) consult on a regular basis with appro-
11 priate officials of any local government or Fed-
12 eral or State agency which has jurisdiction over
13 lands and waters within the recreation area;

14 (B) consult with interested conservation,
15 business, professional, and citizen organiza-
16 tions; and

17 (C) conduct public hearings or meetings
18 for the purposes of providing interested persons
19 with the opportunity to testify with respect to
20 matters to be addressed by the plan.

21 (4) APPROVAL OF PLAN.—(A) The Partnership
22 shall submit the plan to the Governor of Massachu-
23 setts for review. The Governor shall have 90 days to
24 review and make any recommendations. After con-
25 sidering the Governor's recommendations, the Part-

nership shall submit the plan to the Secretary, who shall approve or disapprove the plan within 90 days. In reviewing the plan the Secretary shall consider each of the following:

(i) The adequacy of public participation.

(ii) Assurances of plan implementation from State and local officials.

(iii) The adequacy of regulatory and financial tools that are in place to implement the plan.

(B) If the Secretary disapproves the plan, the Secretary shall within 60 days after the date of such disapproval, advise the Partnership in writing of the reasons therefore, together with recommendations for revision. Within 90 days of receipt of such notice of disapproval, the Partnership shall revise and re-submit the plan to the Secretary who shall approve or disapprove the revision within 60 days.

(5) INTERIM PROGRAM.—Prior to adoption of the Partnership's plan, the Secretary and the Partnership shall assist the owners and managers of lands and waters within the recreation area to ensure that existing programs, services, and activities that promote the purposes of this section are supported.

1 (g) BOSTON HARBOR ISLANDS ADVISORY COUN-
2 CIL.—

3 (1) ESTABLISHMENT.—The Secretary, acting
4 through the Director of the National Park Service,
5 shall establish an advisory committee to be known as
6 the Boston Harbor Islands Advisory Council. The
7 purpose of the Advisory Council shall be to represent
8 various groups with interests in the recreation area
9 and make recommendations to the Boston Harbor
10 Islands Partnership on issues related to the develop-
11 ment and implementation of the integrated resource
12 management plan developed under subsection (f).
13 The Advisory Council is encouraged to establish
14 committees relating to specific recreation area man-
15 agement issues, including (but not limited to) edu-
16 cation, tourism, transportation, natural resources,
17 cultural and historic resources, and revenue raising
18 activities. Participation on any such committee shall
19 not be limited to members of the Advisory Council.

20 (2) MEMBERSHIP.—The Advisory Council shall
21 consist of not fewer than 15 individuals, to be ap-
22 pointed by the Secretary, acting through the Direc-
23 tor of the National Park Service. The Secretary
24 shall appoint no fewer than three individuals to rep-
25 resent each of the following categories of entities:

1 municipalities; educational and cultural institutions;
2 environmental organizations; business and commer-
3 cial entities, including those related to transpor-
4 tation, tourism and the maritime industry; and Bos-
5 ton Harbor-related advocacy organizations; and or-
6 ganizations representing Native American interests.

7 (3) PROCEDURES.—Each meeting of the Advi-
8 sory Council and its committees shall be open to the
9 public.

10 (4) FACA.—The provisions of section 14 of the
11 Federal Advisory Committee Act (5 U.S.C. App.),
12 are hereby waived with respect to the Advisory
13 Council.

14 (h) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There are authorized to be
16 appropriated such sums as may be necessary to
17 carry out this section, provided that no funds may
18 be appropriated for land acquisition.

19 (2) MATCHING REQUIREMENT.—Amounts ap-
20 propriated in any fiscal year to carry out this section
21 may only be expended on a matching basis in a ra-
22 tion of at least three non-Federal dollars to every
23 Federal dollar. The non-Federal share of the match
24 may be in the form of cash, services, or in-kind con-
25 tributions, fairly valued.

1 **SEC. 1034. NATCHEZ NATIONAL HISTORICAL PARK.**

2 Section 3 of the Act of October 8, 1988, entitled “An
3 Act to create a national park at Natchez, Mississippi” (16
4 U.S.C. 410~~oo~~ et seq.), is amended—

5 (1) by inserting “(a) IN GENERAL.—” after
6 “SEC. 3.”; and

7 (2) by adding at the end the following:

8 “(b) BUILDING FOR JOINT USE BY THE SECRETARY
9 AND THE CITY OF NATCHEZ.—

10 “(1) CONTRIBUTION TOWARD CONSTRU-
11 TION.—The Secretary shall enter into an agreement
12 with the city of Natchez under which the Secretary
13 agrees to pay not to exceed \$3,000,000 toward the
14 planning and construction by the city of Natchez of
15 a structure to be partially used by the Secretary as
16 an administrative headquarters, administrative site,
17 and visitors’ center for Natchez National Historical
18 Park.

19 “(2) USE FOR SATISFACTION OF MATCHING RE-
20 QUIREMENTS.—The amount of payment under para-
21 graph (1) may be available for matching Federal
22 grants authorized under other law notwithstanding
23 any limitations in any such law.

24 “(3) AGREEMENT.—Prior to the execution of
25 an agreement under paragraph (1), and subject to
26 the appropriation of necessary funds in advance, the

1 Secretary shall enter into a contract, lease, coopera-
2 tive agreement, or other appropriate form of agree-
3 ment with the city of Natchez providing for the use
4 and occupancy of a portion of the structure con-
5 structed under paragraph (1) (including appropriate
6 use of the land on which it is situated), at no cost
7 to the Secretary (except maintenance, utility, and
8 other operational costs), for a period of 50 years,
9 with an option for renewal by the Secretary for an
10 additional 50 years.

11 “(4) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated \$3,000,000
13 to carry out this subsection.”.

14 **SEC. 1035. SUBSTITUTION OF TIMBER FOR CANCELED TIM-**
15 **BER SALE.**

16 (a) IN GENERAL.—Notwithstanding the provisions of
17 the Act of July 31, 1947 (30 U.S.C. 601 et seq.), and
18 the requirements of section 5402.0–6 of title 43, Code of
19 Federal Regulations, the Secretary of the Interior, acting
20 through the Bureau of Land Management, is authorized
21 to substitute, without competition, a contract for timber
22 identified for harvest located on public lands administered
23 by the Bureau of Land Management in the State of Cali-
24 fornia of comparable value for the following terminated

1 timber contract: Elkhorn Ridge Timber Sale, Contract No.
2 CA-050-TS-88-01.

3 (b) DISCLAIMER.—Nothing in this section shall be
4 construed as changing any law or policy of the Federal
5 Government beyond the timber sale substitution specified
6 in this section.

7 **SEC. 1036. RURAL ELECTRIC AND TELEPHONE FACILITIES.**

8 (a) IN GENERAL.—Section 504(g) of the Federal
9 Land Policy and Management Act of 1976 (43 U.S.C.
10 1764(g)) is amended by striking “financed pursuant to the
11 Rural Electrification Act of 1936, as amended,” in the
12 last sentence and inserting “eligible for financing pursu-
13 ant to the Rural Electrification Act of 1936, as amended,
14 determined without regard to any application requirement
15 under that Act,”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall apply with respect to rights-of-way
18 leases held on or after the date of enactment of this Act.

19 **SEC. 1037. FEDERAL BOROUGH RECOGNITION.**

20 (a) Section 6901(2) of title 31, United States Code,
21 is amended to read as follows:

22 “(2)(A) ‘unit of general local government’
23 means—

24 “(i) a county (or parish), township, bor-
25 ough, or city where the city is independent of

1 any other unit of general local government,
2 that—

3 “(I) is within the class or classes of
4 such political subdivision in a State that
5 the Secretary of the Interior, in his discre-
6 tion, determines to be the principal pro-
7 vider or providers of governmental services
8 within the State; and

9 “(II) is a unit of general government,
10 as determined by the Secretary of the Inte-
11 rior on the basis of the same principles as
12 were used by the Secretary of Commerce
13 on January 1, 1983, for general statistical
14 purposes;

15 “(ii) any area in Alaska that is within the
16 boundaries of a census area used by the Sec-
17 retary of Commerce in the decennial census,
18 but that is not included within the boundary of
19 a governmental entity described under clause
20 (i);

21 “(iii) the District of Columbia;

22 “(iv) the Commonwealth of Puerto Rico;

23 “(v) Guam; and

24 “(vi) the Virgin Islands.

1 “(B) the term ‘governmental services’ includes,
2 but is not limited to, those services that relate to
3 public safety, the environment, housing, social serv-
4 ices, transportation, and governmental administra-
5 tion.”.

6 (b) PAYMENT IN LIEU OF TAXES.—Section 6902(a)
7 of title 31, United States Code, is amended to read as
8 follows:

9 “(a)(1) Except as provided in paragraph (2), the Sec-
10 retary of the Interior shall make a payment for each fiscal
11 year to each unit of general local government in which en-
12 titlement land is located as set forth in this chapter. A
13 unit of general local government may use the payment for
14 any governmental purpose.

15 “(2) For each unit of general local government de-
16 scribed in section 6901(2)(A)(ii), the Secretary of the In-
17 terior shall make a payment for each fiscal year to the
18 State of Alaska for entitlement land located within such
19 unit as set forth in this chapter. The State of Alaska shall
20 distribute such payment to home rule cities and general
21 law cities (as such cities are defined by the State) located
22 within the boundaries of the unit of general local govern-
23 ment for which the payment was received. Such cities may
24 use monies received under this paragraph for any govern-
25 mental purpose.”.

1 **SEC. 1038. ALTERNATIVE PROCESSING.**

2 The Secretary of Agriculture shall not terminate or
3 otherwise interfere with the purchaser's operations under
4 Forest Service Timber Contract A10fs-1042 for failure to
5 operate a pulp mill and such failure shall not prejudice
6 any other contract dispute currently under appeal or in
7 litigation.

8 **SEC. 1039. VILLAGE LAND NEGOTIATION.**

9 (a) NEGOTIATIONS.—The Secretary of the Interior
10 shall negotiate with the Alaska Native Village Corpora-
11 tions of Tyonek Native Corporation, Ninilchik Native As-
12 sociation Inc., Knikatnu Inc., Seldovia Native Association
13 Inc., Chikaloon Moose Creek Native Association, Inc. and
14 the Alaska Native Regional Corporation, Cook Inlet Re-
15 gion, Inc. (CIRI) for the purpose of finalizing conveyance
16 to the affected village corporation of the high priority
17 lands or, in the case of CIRI, subsurface estate underlying
18 lands described in “Appendix C” of the Deficiency Agree-
19 ment dated August 31, 1976, pursuant to Public Law 94-
20 456 or such alternative lands or other consideration as
21 the village corporation, CIRI and the Secretary may agree
22 upon.

23 (b) REPORT TO COMMITTEES.—The Secretary shall
24 report to the Committee on Energy and Natural Re-
25 sources of the United States Senate and the Committee

1 on Resources of the United States House of Representa-
2 tives by March 1, 1997, the result of those negotiations.

3 (c) STATUTE OF LIMITATIONS.—

4 (1) If the Secretary is unable to reach an agree-
5 ment with the affected corporation on conveyance of
6 the lands described in paragraph (1) or alternative
7 consideration by March 1, 1997, the affected cor-
8 poration or corporations may commence litigation at
9 any time within 12 months of enactment of this Act
10 in Federal District Court for Alaska to challenge
11 any determination by the Department of the Interior
12 that the Native Corporations will not receive convey-
13 ance of lands described in “Appendix C” of the Defi-
14 ciency Agreement.

15 (2) If such litigation is commenced, trial de
16 novo to the Federal District Court for Alaska shall
17 be held and the Deficiency Agreement shall be con-
18 strued as an agreement for the benefit of Alaska
19 Natives as Native Americans consistent with the
20 Federal trust responsibilities.

21 **SEC. 1040. UNRECOGNIZED COMMUNITIES IN SOUTHEAST**
22 **ALASKA.**

23 (a) ESTABLISHMENT OF ADDITIONAL NATIVE COR-
24 PORATIONS IN SOUTHEAST ALASKA.—(1) Section 14(h) of
25 the Alaska Native Claims Settlement Act (43 U.S.C.

1 1613(h)), hereinafter in this section referred to as the
2 “Act”) is amended by adding at the end the following new
3 paragraph:

4 “(12)(A) The Native residents of each of the
5 Native Villages of Haines, Ketchikan, Petersburg
6 and Wrangell, Alaska, may organize as an Urban
7 Corporation.

8 “(B) The Native residents of the Native Village
9 of Tenakee, Alaska, may organize as a Group Cor-
10 poration.

11 “(C) Nothing in this paragraph shall affect ex-
12 isting entitlement to land of any Native Corporation
13 pursuant to this Act or any other provision of law.”.

14 (2) Notwithstanding any other provision of the Act,
15 nothing in this section shall create any entitlement to Fed-
16 eral lands for an urban or group corporation organized
17 pursuant to paragraph (1) without further Act of Con-
18 gress.

19 (b) DISTRIBUTION RIGHTS.—Section 7 of the Alaska
20 Native Claims Settlement Act is amended by adding at
21 the end of subsection (j) the following new sentence: “Na-
22 tive members of the communities of Haines, Ketchikan,
23 Petersburg, Tenakee, and Wrangell who are shareholders
24 of Sealaska Corporation and who become shareholders in
25 an Urban or Group Corporation for such a community

1 shall continue to be eligible to receive distributions under
2 this subsection as at-large shareholders of Sealaska Cor-
3 poration.”.

4 (c) PLANNING GRANTS.—The Native Corporation for
5 the communities of Haines, Ketchikan, Petersburg,
6 Tenakee, and Wrangell are authorized to receive grants
7 in the amount of \$250,000 to each such corporation, to
8 be used only for planning, development, and other pur-
9 poses for which Native Corporations are organized under
10 this section.

11 (d) CONSIDERATION OF RECOMMENDATIONS.—(1) In
12 developing the Tongass Land Management Plan, the Sec-
13 retary of Agriculture shall, after consultation with the
14 Southeast Alaska Landless Coalition, Sealaska Corpora-
15 tion, the Urban Corporations for the Native communities
16 of Haines, Ketchikan, Petersburg, and Wrangell, and the
17 Group Corporation for the Native Community of Tenakee
18 (hereinafter collectively referred to as “Southeast Native
19 Corporations”), take into account the establishment of ad-
20 ditional Native Corporations under section 14(h)(12) of
21 the Act, as amended by this section.

22 (2) In meeting the requirements set forth in para-
23 graph (1), the Secretary shall fully consider and analyze
24 all recommendations by the Southeast Native Corpora-
25 tions.

1 (3) Within 9 months following the enactment of this
2 section, the Secretary shall submit a report to Congress
3 setting forth an analysis of the impact that establishment
4 of the Native Corporations under section 14(h)(12) of the
5 Act, as amended by this section, will have on the Tongass
6 Land Management Plan.

7 (4) The Tongass Land Management Plan shall incor-
8 porate all appropriate recommendations from the South-
9 east Native Corporations.

10 (e) MISCELLANEOUS PROVISION.—No provision of
11 this section shall affect the ratio for determination of dis-
12 tribution of revenues among the Regional Corporations
13 under section 7(i) of the Act and the 1982 section 7(i)
14 Settlement Agreement among the Regional Corporations
15 or among Village Corporations under section 7(j) of the
16 Act.

17 **SEC. 1041. CONVEYANCE TO GROSS BROTHERS.**

18 (a) IN GENERAL.—The Secretary of Agriculture
19 shall—

20 (1) survey certain real property located in
21 Tongass National Forest and described in subsection

22 (b); and

23 (2) convey all right, title, and interest of the
24 United States, subject to valid existing rights, in and

1 to the property, to Danial J. Gross, Sr., and Doug-
2 las K. Gross of Wrangell Alaska.

3 (b) DESCRIPTION.—The real property referred to in
4 subsection (a)—

5 (1) consists of approximately 160.8 acres;

6 (2) is located at Green Point on the Stikine
7 River in Alaska; and

8 (3) has the legal description T61S R84E S31,
9 NE¹/₄, NW¹/₄ and NW¹/₄, NE¹/₄, Copper River Me-
10 ridian.

11 **SEC. 1042. REGULATION OF FISHING IN CERTAIN WATERS**
12 **OF ALASKA.**

13 (a) IN GENERAL.—Local residents who are descend-
14 ants of Katmai residents who lived in the Naknek Lake
15 and River Drainage shall be permitted, subject to reason-
16 able regulations established by the Secretary of the Inte-
17 rior, to continue their traditional fishery for red fish with-
18 in Katmai National Park (the national park and national
19 preserve redesignated, established, and expanded under
20 section 202(2) of the Alaska National Interest Lands Con-
21 servation Act (16 U.S.C. 410hh–1)).

22 (b) RED FISH DEFINED.—For the purposes of sub-
23 section (a), the term “red fish” means spawned-out sock-
24 eye salmon that has no significant commercial value.

1 (c) TITLE.—No provision of this section shall be con-
2 strued to invalidate or validate or in any other way affect
3 any claim by the State of Alaska to title to any or all
4 submerged lands, nor shall any actions taken pursuant to
5 or in accordance with this Act operate under any provision
6 or principle of the law to bar the State of Alaska from
7 asserting at any time its claim of title to any or all of
8 the submerged lands.

9 (d) JURISDICTION.—Nothing in this section nor in
10 any actions taken pursuant to this section shall be con-
11 strued as expanding or diminishing Federal or State juris-
12 diction, responsibility, interests, or rights in management,
13 regulation, or control over waters of the State of Alaska
14 or submerged lands under any provision of Federal or
15 State law.

16 **SEC. 1043. CREDIT FOR RECONVEYANCE.**

17 Within 24 months after the date of the enactment
18 of this Act, the Cape Fox Corporation may transfer all
19 or part of its right, title, and interest in and to the ap-
20 proximately 320-acre parcel that includes Beaver Falls
21 Hydroelectric power-house site to the United States. In
22 exchange for the transfer, the acreage entitlement of the
23 Cape Fox Corporation shall be credited in the amount of
24 the number of acres returned to the United States under
25 this section.

1 **SEC. 1044. RADIO SITE REPORT.**

2 The Secretary of Agriculture (1) shall have a period
3 of 180 days from the date of enactment of this Act to
4 review management of Inspiration Point, San Bernadino
5 National Forest, make a determination whether the con-
6 tinued presence of the KATY-FM antenna on the site is
7 in the public interest, and report the determination with
8 the reasons therefor to the Committee on Energy and Nat-
9 ural Resources, United States Senate, and the Committee
10 on Resources, House of Representatives, and (2) shall
11 take no action within such period which causes or results
12 in, directly or indirectly, the removal of the antenna from
13 the site.

14 **SEC. 1045. MANAGEMENT OF EXISTING DAMS AND WEIRS.**

15 With respect to the Emigrant Wilderness in the
16 Stanislaus National Forest, California, as designated by
17 section 2(b) of Public Law 93-632 (88 Stat. 2154; 16
18 U.S.C. 1132 note), the Secretary of Agriculture shall re-
19 tain and maintain the 18 concrete dams and weirs that
20 were located within the boundaries of the Emigrant Wil-
21 derness on the date of the enactment of such Public Law,
22 January 3, 1975. If personnel of the Forest Service are
23 unavailable to perform the maintenance of the dams and
24 weirs, or to supplement the maintenance activities of For-
25 est Service personnel, the Secretary shall contract with
26 other persons to perform the maintenance at Government

1 expense or permit other persons to perform the mainte-
2 nance at private expense.

3 **SEC. 1046. UNIVERSITY OF ALASKA LAND NEGOTIATION.**

4 (a) Subject to valid existing rights and the conditions
5 set forth in this legislation, the Secretary of the Interior
6 is authorized to convey to the University of Alaska, as a
7 grant and in fee simple, a basic Federal entitlement of
8 350,000 acres of Federal lands in Alaska.

9 (b) The University of Alaska may submit to the Sec-
10 retary a list of properties the university has selected to
11 receive under the conditions of this grant. The university
12 may submit selections that exceed the basic entitlement,
13 except that such selections shall not exceed 385,000 acres.

14 (c) The Secretary shall not approve or convey, under
15 this grant—

16 (1) any Federal lands which, at the time of en-
17 actment of this Act, are included in a Conservation
18 System Unit as defined in the Alaska National In-
19 terests Lands Conservation Act or a National For-
20 est.

21 (2) any Federal lands validly selected but not
22 conveyed to the State of Alaska or the corporations
23 organized pursuant to the Alaska Native Claims Set-
24 tlement Act.

1 (d) Lands shall be conveyed to the university only to
2 the extent that the State of Alaska conveys, or has con-
3 veyed an equivalent amount of acreage to the university
4 subsequent to enactment of this Act.

5 **TITLE XI—CALIFORNIA BAY**
6 **DELTA ENVIRONMENTAL EN-**
7 **HANCEMENT**

8 **SEC. 1101. PROGRAM FUNDING.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—For each
10 of the fiscal years 1998, 1999, and 2000, there are author-
11 ized to be appropriated an additional \$143,300,000 for
12 both—

13 (1) the initial Federal share of the cost of de-
14 veloping and implementing that portion of an eco-
15 system protection plan for the Bay-Delta, referred to
16 as “the Category III program” emanating out of the
17 document entitled “Principles for Agreement on
18 Bay-Delta Standards Between the State of Califor-
19 nia and the Federal Government”, dated December
20 15, 1994, and

21 (2) the initial Federal share of the cost of de-
22 veloping and implementing the ecosystem restoration
23 elements of the long-term CALFED Bay-Delta Pro-
24 gram, pursuant to the cost sharing agreement re-
25 quired by section 78684.10 of California Senate Bill

1 900, Chapter 135, Statutes of 1996, signed by the
2 Governor of California on July 11, 1996.

3 Funds appropriated pursuant to this section shall remain
4 available until expended and shall be administered in ac-
5 cordance with procedures established by CALFED Bay-
6 Delta Program until Congress authorizes another entity
7 that is recommended by CALFED Bay-Delta Program to
8 carry out this section.

9 (b) TREATMENT OF FUNDS.—Funds authorized to be
10 appropriated pursuant to this section to those agencies
11 that are currently or subsequently become participants in
12 the CALFED Bay-Delta Program shall be in addition to
13 the baseline funding levels established pursuant to sub-
14 section (e), for currently authorized projects and programs
15 under the Central Valley Project Improvement Act (title
16 XXXIV of of Public Law 102–575) and other currently
17 authorized Federal programs for the purpose of Bay-Delta
18 ecosystem protection and restoration.

19 (c) LONG-TERM SOLUTION.—Nothing in this section
20 shall be deemed to diminish the Federal interest in and
21 responsibility for working with the State of California
22 through the CALFED Bay-Delta Program in developing,
23 funding, and implementing a balanced, long-term solution
24 to the problems of ecosystem quality, water quality, water
25 supply and reliability, and system vulnerability affecting

1 the San Francisco Bay/Sacramento-San Joaquin Delta
2 Watershed in California. Participation in such long term
3 solution shall only be undertaken pursuant to authoriza-
4 tion provided by law other than this section, and shall be
5 based on the equitable allocation of program costs among
6 beneficiary groups that the CALFED Bay-Delta programs
7 shall develop.

8 (d) ACTIVITIES.—To the extent not otherwise author-
9 ized, those agencies and departments that are currently
10 or subsequently become participants in the CALFED Bay-
11 Delta Program are hereby authorized to undertake the ac-
12 tivities and programs for which Federal cost sharing is
13 provided by this section. The United States shall imme-
14 diately initiate coordinated consultations and negotiations
15 with the State of California to expeditiously execute the
16 cost-sharing agreement required by section 78684.10 of
17 California Senate Bill 900, Chapter 135, Statutes of 1996,
18 signed by the Governor of California on July 11, 1996.
19 Such activities shall include, but not be limited to, plan-
20 ning, design, technical assistance, and construction for
21 ecosystem restoration programs and projects.

22 (e) BUDGET CROSSCUT.—The Office of Management
23 and Budget is directed to submit to the House and Senate
24 Committees on Appropriations, as part of the President's
25 Fiscal Year 1998 Budget, an interagency budget crosscut

1 that displays Federal spending for fiscal years 1993
2 through 1998 on ecosystem restoration and other purposes
3 in the Bay-Delta region, separately showing funding pro-
4 vided previously or requested under both pre-existing au-
5 thorities and new authorities granted by this section.

6 (f) EFFECTIVE DATE.—Subsections (a) through (d)
7 of this section shall take effect on the date of passage of
8 California State Proposition 204.

