

104TH CONGRESS
2^D SESSION

H. R. 4236

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 1996

Received

AN ACT

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,*

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- 2** This Act may be cited as the “Omnibus Parks and
3 Public Lands Management Act of 1996”.

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1 **DIVISION I**
2 **TITLE I—THE PRESIDIO OF SAN**
3 **FRANCISCO**

4 **SEC. 101. FINDINGS.**

5 The Congress finds that—

6 (1) the Presidio, located amidst the incom-
7 parable scenic splendor of the Golden Gate, is one
8 of America’s great natural and historic sites;

9 (2) the Presidio is the oldest continuously oper-
10 ated military post in the Nation dating from 1776,
11 and was designated a National Historic Landmark
12 in 1962;

13 (3) preservation of the cultural and historic in-
14 tegrity of the Presidio for public use recognizes its
15 significant role in the history of the United States;

16 (4) the Presidio, in its entirety, is a part of the
17 Golden Gate National Recreation Area, in accord-
18 ance with Public Law 92–589;

19 (5) as part of the Golden Gate National Recre-
20 ation Area, the Presidio’s significant natural, his-
21 toric, scenic, cultural, and recreational resources
22 must be managed in a manner which is consistent
23 with sound principles of land use planning and man-
24 agement, and which protects the Presidio from de-

1 velopment and uses which would destroy the scenic
2 beauty and historic and natural character of the
3 area and cultural and recreational resources;

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

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

12 **SEC. 102. AUTHORITY AND RESPONSIBILITY OF THE SEC-**
13 **RETARY OF THE INTERIOR.**

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

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

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

21 (c) OTHER.—Those lands and facilities within the
22 Presidio that are not transferred to the administrative ju-
23 risdiction of the Presidio Trust shall continue to be man-
24 aged by the Secretary. The Secretary and the Presidio
25 Trust shall cooperate to ensure adequate public access to

1 all portions of the Presidio. Any infrastructure and build-
2 ing improvement projects that were funded prior to the
3 enactment of this Act shall be completed by the National
4 Park Service.

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

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

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

23 (a) ESTABLISHMENT.—There is established a wholly
24 owned government corporation to be known as the Pre-

1 sidio Trust (hereinafter in this title referred to as the
2 “Trust”).

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

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

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

21 (3) The Secretary shall transfer, with the transfer of
22 administrative jurisdiction over any property, the unobli-
23 gated balance of all funds appropriated to the Secretary,
24 all leases, concessions, licenses, permits, and other agree-
25 ments affecting such property.

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

7 (c) BOARD OF DIRECTORS.—

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

12 (A) The Secretary of the Interior or the
13 Secretary’s designee.

14 (B) 6 individuals, who are not employees
15 of the Federal Government, appointed by the
16 President, who shall possess extensive knowl-
17 edge and experience in one or more of the fields
18 of city planning, finance, real estate develop-
19 ment, and resource conservation. At least one of
20 these individuals shall be a veteran of the
21 Armed Services. At least 3 of these individuals
22 shall reside in the San Francisco Bay Area.
23 The President shall make the appointments re-
24 ferred to in this subparagraph within 90 days
25 after the enactment of this Act and shall ensure

1 that the fields of city planning, finance, real es-
2 tate development, and resource conservation are
3 adequately represented. Upon establishment of
4 the Trust, the Chairman of the Board of Direc-
5 tors of the Trust shall meet with the Chairman
6 of the Energy and Natural Resources Commit-
7 tee of the United States Senate and the Chair-
8 man of the Resources Committee of the United
9 States House of Representatives.

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

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

24 (4) ORGANIZATION AND COMPENSATION.—The
25 Board shall organize itself in such a manner as it

1 deems most appropriate to effectively carry out the
2 authorized activities of the Trust. Board members
3 shall serve without pay, but may be reimbursed for
4 the actual and necessary travel and subsistence ex-
5 penses incurred by them in the performance of the
6 duties of the Trust.

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

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

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

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

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

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

1 accordance with section 9105 of title 31 of the Unit-
2 ed States Code.

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

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

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

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

1 ment Policy, shall establish and promulgate procedures
2 applicable to the Trust's procurement of goods and serv-
3 ices including, but not limited to, the award of contracts
4 on the basis of contractor qualifications, price, commer-
5 cially reasonable buying practices, and reasonable com-
6 petition.

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

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

23 (2) evaluation for possible demolition or re-
24 placement those buildings identified as categories 2
25 through 5 in the Presidio of San Francisco Historic

1 Landmark District Historic American Buildings
2 Survey Report, dated 1985,

3 (3) new construction limited to replacement of
4 existing structures of similar size in existing areas of
5 development, and

6 (4) examination of a full range of reasonable
7 options for carrying out routine administrative and
8 facility management programs.

9 The Trust shall consult with the Secretary in the prepara-
10 tion of this program.

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

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

20 (A) the terms of the guarantee are ap-
21 proved by the Secretary of the Treasury;

22 (B) adequate subsidy budget authority is
23 provided in advance in appropriations Acts; and

24 (C) such guarantees are structured so as
25 to minimize potential cost to the Federal Gov-

1 ernment. No loan guarantee under this title
2 shall cover more than 75 percent of the unpaid
3 balance of the loan. The Trust may collect a fee
4 sufficient to cover its costs in connection with
5 each loan guaranteed under this title. The au-
6 thority to enter into any such loan guarantee
7 agreement shall expire at the end of 15 years
8 after the date of enactment of this title.

9 (2) The authority, subject to appropriations, to
10 make loans to the occupants of property managed by
11 the Trust for the preservation, restoration, mainte-
12 nance, or repair of such property.

13 (3) The authority to issue obligations to the
14 Secretary of the Treasury, but only if the Secretary
15 of the Treasury agrees to purchase such obligations
16 after determining that the projects to be funded
17 from the proceeds thereof are credit worthy and that
18 a repayment schedule is established and only to the
19 extent authorized in advance in appropriations acts.
20 The Secretary of the Treasury is authorized to use
21 as a public debt transaction the proceeds from the
22 sale of any securities issued under chapter 31 of title
23 31, United States Code, and the purposes for which
24 securities may be issued under such chapter are ex-
25 tended to include any purchase of such notes or obli-

1 gations acquired by the Secretary of the Treasury
2 under this subsection. Obligations issued under this
3 subparagraph shall be in such forms and denomina-
4 tions, bearing such maturities, and subject to such
5 terms and conditions, as may be prescribed by the
6 Secretary of the Treasury, and shall bear interest at
7 a rate determined by the Secretary of the Treasury,
8 taking into consideration current market yields on
9 outstanding marketable obligations of the United
10 States of comparable maturities. No funds appro-
11 priated to the Trust may be used for repayment of
12 principal or interest on, or redemption of, obligations
13 issued under this paragraph.

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

17 (e) DONATIONS.—The Trust may solicit and accept
18 donations of funds, property, supplies, or services from in-
19 dividuals, foundations, corporations, and other private or
20 public entities for the purpose of carrying out its duties.
21 The Trust is encouraged to maintain a liaison with the
22 Golden Gate National Park Association.

23 (f) PUBLIC AGENCY.—The Trust shall be deemed to
24 be a public agency for purposes of entering into joint exer-
25 cise of powers agreements pursuant to California govern-

1 ment code section 6500 and related provisions of that
2 Code.

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

17 (h) SUITS.—The Trust may sue and be sued in its
18 own name to the same extent as the Federal Government.
19 Litigation arising out of the activities of the Trust shall
20 be conducted by the Attorney General; except that the
21 Trust may retain private attorneys to provide advice and
22 counsel. The District Court for the Northern District of
23 California shall have exclusive jurisdiction over any suit
24 filed against the Trust.

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

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

19 (k) DIRECT NEGOTIATIONS.—For the purpose of
20 compliance with applicable laws and regulations concern-
21 ing properties transferred to the Trust by the Secretary,
22 the Trust shall negotiate directly with regulatory authori-
23 ties.

24 (l) INSURANCE.—The Trust shall require that all
25 leaseholders and contractors procure proper insurance

1 against any loss in connection with properties under lease
2 or contract, or the authorized activities granted in such
3 lease or contract, as is reasonable and customary.

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

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

19 (o) REVERSION.—If, at the expiration of 15 years,
20 the Trust has not accomplished the goals and objectives
21 of the plan required in section 105(b) of this title, then
22 all property under the administrative jurisdiction of the
23 Trust pursuant to section 103(b) of this title shall be
24 transferred to the Administrator of the General Services
25 Administration to be disposed of in accordance with the

1 procedures outlined in the Defense Authorization Act of
2 1990 (104 Stat. 1809), and any real property so trans-
3 ferred shall be deleted from the boundary of the Golden
4 Gate National Recreation Area. In the event of such trans-
5 fer, the terms and conditions of all agreements and loans
6 regarding such lands and facilities entered into by the
7 Trust shall be binding on any successor in interest.

8 **SEC. 105. LIMITATIONS ON FUNDING.**

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

16 (2) After the plan required in subsection (b) is sub-
17 mitted, and for each of the 14 fiscal years thereafter, there
18 are authorized to be appropriated to the Trust not more
19 than the amounts specified in such plan. Such sums shall
20 remain available until expended. Of such sums, not more
21 than \$3,000,000 annually shall be available through the
22 Trust for law enforcement activities and services to be pro-
23 vided by the United States Park Police at the Presidio
24 in accordance with section 104(h) of this title.

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

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

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

15 (a) Three years after the first meeting of the Board
16 of Directors of the Trust, the General Accounting Office
17 shall conduct an interim study of the activities of the
18 Trust and shall report the results of the study to the Com-
19 mittee on Energy and Natural Resources and the Commit-
20 tee on Appropriations of the United States Senate, and
21 the Committee on Resources and Committee on Appro-
22 priations of the House of Representatives. The study shall
23 include, but shall not be limited to, details of how the
24 Trust is meeting its obligations under this title.

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

8 (c) Seven years after the first meeting of the Board
9 of Directors of the Trust, the General Accounting Office
10 shall conduct a comprehensive study of the activities of
11 the Trust, including the Trust's progress in meeting its
12 obligations under this title, taking into consideration the
13 results of the study described in subsection (a) and the
14 implementation of plan and schedule required in sub-
15 section (b). The General Accounting Office shall report the
16 results of the study, including any adjustments to the plan
17 and schedule, to the Committee on Energy and Natural
18 Resources and the Committee on Appropriations of the
19 United States Senate, and the Committee on Resources
20 and Committee on Appropriations of the House of Rep-
21 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 SW¹/₄ 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 by 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**
4 **BOUNDARY 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 terms “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 County, Idaho, as the official
10 townsite plat and basis for conveyance of title within
11 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. RELINQUISHMENT OF INTEREST.**

23 (a) IN GENERAL.—The United States relinquishes all
24 right, title, and interest that the United States may have
25 in land that—

1 (1) was subject to a right-of-way that was
2 granted to the predecessor of the Chicago and
3 Northwestern Transportation Company under the
4 Act entitled “An Act granting to railroads the right
5 of way through the public lands of the United
6 States”, approved March 3, 1875 (42 U.S.C. 934 et
7 seq.), which right-of-way the Company has conveyed
8 to the city of Douglas, Wyoming; and

9 (2) is located within the boundaries of the city
10 limits of the city of Douglas, Wyoming, or between
11 the right-of-way of Interstate 25 and the city limits
12 of the city of Douglas, Wyoming;

13 as determined by the Secretary of the Interior in consulta-
14 tion with the appropriate officials of the city of Douglas,
15 Wyoming.

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

23 (c) CONVEYANCE OF CERTAIN PROPERTY TO THE
24 BIG HORN COUNTY SCHOOL DISTRICT NUMBER 1, WYO-
25 MING.—The Secretary of the Interior shall convey, by quit

1 claim deed, to the Big Horn County School District Num-
 2 ber 1, Wyoming, all right, title, and interest of the United
 3 States in and to the following described lands in Big Horn
 4 County, Wyoming: Lots 19–24 of Block 22, all within the
 5 town of Frannie, Wyoming, in the $S^{1/2}NW^{1/4}NW^{1/4}$ and
 6 $N^{1/2}SW^{1/4}NW^{1/4}$ of section 31 of T. 58N., R. 97 W., Big
 7 Horn County.

8 **SEC. 214. MODOC NATIONAL FOREST.**

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

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

23 **SEC. 215. CONVEYANCE TO CITY OF SUMPTER, OREGON.**

24 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
 25 riculture shall convey, without consideration, to the city

1 of Sumpter, Oregon (in this section referred to as the
2 “City”), all right, title, and interest of the United States
3 in and to a parcel of real property of approximately 1.43
4 acres consisting of all of block 8 of the REVISED PLAN
5 OF SUMPTER TOWNSITE in the City, as shown in plat
6 recorded March 6, 1897, in Plat Book 3, page 26; includ-
7 ing the alley running through such block, vacated by Ordi-
8 nance No. 1966–3, recorded December 14, 1966, in Deed
9 66–50–014.

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

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

19 (2) Warranty Deed from Mrs. Alice Windle to
20 the United States of America dated October 11,
21 1949, and recorded in Vol. 152, page 168 of Baker
22 County records on December 22, 1949.

23 (3) Warranty Deed from Alice L. Windle
24 Charles and James M. Charles to the United States

1 of America and dated August 8, 1962, and recorded
2 in Book 172, page 1331 on August 27, 1962.

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

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

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

21 (f) AUTHORIZED SALE OF PROPERTY.—Notwith-
22 standing subsections (c) and (e), the Secretary of Agri-
23 culture may authorize the City to dispose of the real prop-
24 erty conveyed under subsection (a) if the proceeds from
25 such disposal are at least equal to the fair market value

1 of the property and are paid to the United States. The
2 Secretary shall deposit amounts received under this sub-
3 section into the special fund in the Treasury into which
4 funds are deposited pursuant to the Act of December 4,
5 1967 (16 U.S.C. 484a), commonly known as the Sisk Act.
6 The disposal of the conveyed property under this sub-
7 section shall be subject to such terms and conditions as
8 the Secretary may prescribe.

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

14 **SEC. 216. CUMBERLAND GAP NATIONAL HISTORICAL PARK.**

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

22 (b) **ADMINISTRATION.**—Lands and interests in lands
23 acquired pursuant to subsection (a) shall be added to and
24 administered as part of the Cumberland Gap National
25 Historical Park.

1 **SEC. 217. ALPINE SCHOOL DISTRICT.**

2 (a) CONVEYANCE REQUIRED.—(1) The Secretary of
3 Agriculture shall convey, without consideration, to the Al-
4 pine Elementary School District 7 of the State of Arizona
5 (in this section referred to as the “School District”), all
6 right, title and interest of the United States in and to a
7 parcel of real property, including any improvements there-
8 on, consisting of approximately 30 acres located in the
9 Apache National Forest, Apache County, Arizona, and
10 further delineated as follows: North $\frac{1}{2}$ of Northeast $\frac{1}{4}$
11 of Southeast $\frac{1}{4}$ of section 14, Township 5 North, Range
12 30 East, Gila and Salt River meridian, and North $\frac{1}{2}$ of
13 South $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of such section.

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

18 (b) CONDITION OF CONVEYANCE.—The conveyance
19 made under subsection (a) shall be subject to the condition
20 that the School District use the conveyed property for pub-
21 lic school facilities and related public school recreational
22 purposes.

23 (c) RIGHT OF REENTRY.—The United States shall
24 retain a right of reentry in the property to be conveyed.
25 If the Secretary determines that the conveyed property is
26 not being used in accordance with the condition in sub-

1 section (b), the United States shall have the right to reen-
2 ter the conveyed property without consideration.

3 (d) ENCUMBRANCES.—The conveyance made under
4 subsection (a) shall be subject to all encumbrances on the
5 property existing as of the date of the enactment of this
6 Act.

7 (e) ADDITIONAL TERMS AND CONDITIONS.—The
8 Secretary may require such additional terms and condi-
9 tions in connection with the conveyance under subsection
10 (a) of the Secretary considers appropriate to protect the
11 interests of the United States.

12 **SEC. 218. MERCED IRRIGATION DISTRICT LAND EXCHANGE.**

13 (a) CONVEYANCE.—(1) The Secretary of the Interior
14 may convey the Federal lands described in subsection
15 (d)(1) in exchange for the non-Federal lands described in
16 subsection (d)(2), in accordance with the provisions of this
17 Act.

18 (b) APPLICABILITY OF OTHER PROVISIONS OF
19 LAW.—The land exchange required in this section shall
20 be carried out in accordance with section 206 of the Fed-
21 eral Land Policy and Management Act of 1976 (43 U.S.C.
22 1716) and in accordance with other applicable laws.

23 (c) ACCEPTABILITY OF TITLE AND MANNER OF CON-
24 VEYANCE.—The Secretary of the Interior shall not carry
25 out an exchange described in subsection (a) unless the title

1 to the non-Federal lands to be conveyed to the United
2 States, and the form and procedures of conveyance, are
3 acceptable to the Secretary.

4 (d) LANDS TO BE EXCHANGED.—

5 (1) FEDERAL LANDS TO BE EXCHANGED.—The
6 Federal lands referred to in this section to be ex-
7 changed consist of approximately 179.4 acres in
8 Mariposa County, California as generally depicted on
9 the map entitled “Merced Irrigation District Ex-
10 change—Proposed, Federal Land”, dated March 15,
11 1995, more particularly described as follows:

12 T. 3 S., R. 15 E., MDM (Mount Diablo
13 Meridian):

14 Sec. 35, SW¹/₄SE¹/₄, containing ap-
15 proximately 40 acres.

16 T. 4 S., R. 15 E., MDM (Mount Diablo
17 Meridian):

18 Sec. 14: E¹/₂SE¹/₄SE¹/₄, containing
19 approximately 20 acres.

20 Sec. 23: NE¹/₄SE¹/₄, containing ap-
21 proximately 40 acres.

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

24 Sec. 2: Lot 1, containing approxi-
25 mately 57.9 acres.

1 Sec. 3: Lots 7 thru 15, containing ap-
2 proximately 21.5 acres.

3 (2) NON-FEDERAL LANDS TO BE EX-
4 CHANGED.—The non-Federal lands referred to in
5 this section to be exchanged consist of approximately
6 160 acres in Mariposa County, California as gen-
7 erally depicted on the map entitled “Merced Irriga-
8 tion District Exchange—Proposed, Non-Federal
9 Land”, dated March 15, 1995, more particularly de-
10 scribed as T. 4 S., R17E MDM (Mount Diablo Me-
11 ridian): sec. 2, SE¹/₄.

12 (3) MAPS.—The maps referred to in this sub-
13 section shall be on file and available for inspection
14 in the office of the Director of the Bureau of Land
15 Management.

16 (4) PARTIAL REVOCATION OF WITHDRAWALS.—
17 The Executive Order of December 31, 1912, creat-
18 ing Powersite Reserve No. 328, and the withdrawal
19 of Federal lands for Power Project No. 2179, filed
20 February 21, 1963, in accordance with section 24 of
21 the Federal Power Act are hereby revoked insofar as
22 they affect the Federal lands described in paragraph
23 (1). Any patent issued on such Federal lands shall
24 not be subject to section 24 of said Act.

1 **SEC. 219. FATHER AULL SITE TRANSFER.**

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

4 (b) **CONVEYANCE OF PROPERTY.**—Subject to valid
5 existing rights, all right, title and interest of the United
6 States in and to the land (including improvements on the
7 land), consisting of approximately 43.06 acres, located ap-
8 proximately 10 miles east of Silver City, New Mexico, and
9 described as follows: T. 17 S., R. 12 W., Section 30: Lot
10 13, and Section 31: Lot 27 (as generally depicted on the
11 map dated July 1995) is hereby conveyed by operation of
12 law to St. Vincent DePaul Parish in Silver City, New Mex-
13 ico, without consideration.

14 (c) **RELEASE.**—Upon the conveyance of any land or
15 interest in land identified in this section to St. Vincent
16 DePaul Parish, St. Vincent DePaul Parish shall assume
17 any liability for any claim relating to the land or interest
18 in the land arising after the date of the conveyance.

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

21 (1) the State of New Mexico Office of the Bu-
22 reau of Land Management, Santa Fe, New Mexico;
23 and

24 (2) the Las Cruces District Office of the Bu-
25 reau of Land Management, Las Cruces, New Mex-
26 ico.

1 **SEC. 220. COASTAL BARRIER RESOURCES SYSTEM.**

2 (a) IN GENERAL.—The Secretary of the Interior
3 shall, before the end of the 30-day period beginning on
4 the date of the enactment of this Act, make such correc-
5 tions to the maps described in subsection (b) as are nec-
6 essary to ensure that depictions of areas on those maps
7 are consistent with the depictions of areas appearing on
8 the maps entitled “Amendments to Coastal Barrier Re-
9 sources System”, dated November 1, 1995, and June 1,
10 1996, and on file with the Secretary.

11 (b) MAPS DESCRIBED.—The maps described in this
12 subsection are maps that—

13 (1) are included in a set of maps entitled
14 “Coastal Barrier Resources System”, dated October
15 24, 1990; and

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

19 **SEC. 221. CONVEYANCE TO DEL NORTE COUNTY UNIFIED**
20 **SCHOOL DISTRICT.**

21 (a) CONVEYANCE.—As soon as practicable after the
22 date of the enactment of this Act, the Secretary of Agri-
23 culture shall convey to the Del Norte County Unified
24 School District of Del Norte County, California, in accord-
25 ance with this section, all right, title, and interest of the

1 United States in and to the property described in sub-
2 section (b).

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

7 Beginning at Angle Point No. 3 of Tract 41 as
8 resurveyed by the Bureau of Land Management
9 under survey Group No. 1013, approved August 13,
10 1990, and shown on the official plat thereof;

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

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

18 thence West, a distance of 135.79 feet;

19 thence North 88 degrees, 23 minutes, 01 sec-
20 ond West, a distance of 61.00 feet;

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

1 thence along the East line of Section 21, North
2 00 degrees, 02 minutes, 20 seconds West, a distance
3 of 334.53 feet to the point of beginning.

4 (c) CONSIDERATION.—The conveyance provided for
5 in subsection (a) shall be without consideration except as
6 required by this section.

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

10 (1) Del Norte County shall be provided, for no
11 consideration, an easement for County Road No.
12 318 which crosses the Northeast corner of the prop-
13 erty conveyed.

14 (2) The Pacific Power and Light Company shall
15 be provided, for no consideration, an easement for
16 utility equipment as necessary to maintain the level
17 of service provided by the utility equipment on the
18 property as of the date of the conveyance.

19 (3) The United States shall be provided, for no
20 consideration, an easement to provide access to the
21 United States property that is south of the property
22 conveyed.

23 (e) LIMITATIONS ON CONVEYANCE.—The conveyance
24 authorized by subsection (a) is subject to the following
25 limitations:

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

4 (2) RE-ENTRY RIGHT.—The United States shall
5 retain a right of re-entry in the land described for
6 conveyance in subsection (b). If the Secretary deter-
7 mines that the conveyed property is not being used
8 for public educational or related recreational pur-
9 poses, the United States shall have a right to re-
10 enter the property conveyed therein without consid-
11 eration.

12 (f) ADDITIONAL TERMS AND CONDITIONS.—The con-
13 veyance provided for in subsection (a) shall be subject to
14 such additional terms and conditions as the Secretary of
15 Agriculture and the Del Norte County Unified School Dis-
16 trict agree are necessary to protect the interests of the
17 United States.

18 **TITLE III—EXCHANGES**

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

20 (a) CONVEYANCE.—Notwithstanding the require-
21 ments in the Act entitled “An Act to Consolidate National
22 Forest Lands”, approved March 20, 1922 (16 U.S.C.
23 485), and section 206(b) of the Federal Land Policy and
24 Management Act of 1976 (43 U.S.C. 1716(b)) that Fed-
25 eral and non-Federal lands exchanged for each other must

1 be located within the same State, the Secretary of Agri-
2 culture may convey the Federal lands described in sub-
3 section (d) in exchange for the non-Federal lands de-
4 scribed in subsection (e) in accordance with the provisions
5 of this section.

6 (b) APPLICABILITY OF OTHER PROVISIONS OF
7 LAW.—Except as otherwise provided in this section, the
8 land exchange authorized by this section shall be made
9 under the existing authorities of the Secretary.

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

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

22 (e) NON-FEDERAL LANDS.—The non-Federal lands
23 referred to in this section are located in the Targhee Na-
24 tional Forest in Wyoming, are generally depicted on the
25 map entitled “Non-Federal land, Targhee Exchange,

1 Idaho-Wyoming—Proposed”, dated September 1994, and
2 are known as the Squirrel Meadows Tract.

3 (f) MAPS.—The maps referred to in subsections (d)
4 and (e) shall be on file and available for inspection in the
5 office of the Targhee National Forest in Idaho and in the
6 office of the Chief of the Forest Service.

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

14 (1) ADJUSTMENT OF LANDS.—

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

21 (B) ADDITIONAL FEDERALLY OWNED
22 LANDS.—If the non-Federal lands are greater
23 in value than the Federal lands, the Secretary
24 may convey additional federally owned lands
25 within the Targhee National Forest up to an

1 amount necessary to equalize the values of the
2 non-Federal lands and the lands to be trans-
3 ferred out of Federal ownership. However, such
4 additional federally owned lands shall be limited
5 to those meeting the criteria for land exchanges
6 specified in the Targhee National Forest Land
7 and Resource Management Plan.

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

12 (h) DEFINITIONS.—For purposes of this section:

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

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

17 (3) The term “Secretary” means the Secretary
18 of Agriculture.

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

20 (a) FINDINGS.—The Congress makes the following
21 findings:

22 (1) The Alaska National Interest Lands Con-
23 servation Act (94 Stat. 2371), enacted on December
24 2, 1980, established Gates of the Arctic National
25 Park and Preserve and Gates of the Arctic Wilder-

1 ness. The Village of Anaktuvuk Pass, located in the
2 highlands of the central Brooks Range is virtually
3 surrounded by these national park and wilderness
4 lands and is the only Native village located within
5 the boundary of a National Park System unit in
6 Alaska.

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

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

23 (4) The National Park Service and the
24 Nunamiut Corporation initiated discussions in 1985
25 to address concerns over the use of all-terrain vehi-

1 cles on park and wilderness land. These discussions
2 resulted in an agreement, originally executed in
3 1992 and thereafter amended in 1993 and 1994,
4 among the National Park Service, Nunamiut Cor-
5 poration, the City of Anaktuvuk Pass, and Arctic
6 Slope Regional Corporation. Full effectuation of this
7 agreement, as amended, by its terms requires ratifi-
8 cation by the Congress.

9 (b) RATIFICATION OF AGREEMENT.—

10 (1) RATIFICATION.—

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

1 tion, Nunamiut Corporation and the City of
2 Anaktuvuk Pass, as a matter of Federal law.

3 (B) LAND ACQUISITION.—Lands acquired
4 by the United States pursuant to the Agree-
5 ment shall be administered by the Secretary of
6 the Interior (hereinafter referred to as the
7 “Secretary”) as part of Gates of the Arctic Na-
8 tional Park and Preserve, subject to the laws
9 and regulations applicable thereto.

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

1 (c) NATIONAL PARK SYSTEM WILDERNESS.—

2 (1) GATES OF THE ARCTIC WILDERNESS.—

3 (A) REDESIGNATION.—Section 701(2) of
4 the Alaska National Interest Lands Conserva-
5 tion Act (94 Stat. 2371, 2417) establishing the
6 Gates of the Arctic Wilderness is hereby
7 amended with the addition of approximately
8 56,825 acres of wilderness and the rescission of
9 approximately 73,993 acres as wilderness, thus
10 revising the Gates of the Arctic Wilderness to
11 approximately 7,034,832 acres.

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

22 (2) NOATAK NATIONAL PRESERVE.—Section
23 201(8)(a) of the Alaska National Interest Land
24 Conservation Act (94 Stat. 2380) is amended by—

1 (A) striking “approximately six million
2 four hundred and sixty thousand acres” and in-
3 serting in lieu thereof “approximately
4 6,477,168 acres”; and

5 (B) inserting “and the map entitled
6 ‘Noatak National Preserve and Noatak Wilder-
7 ness Addition’ dated September 1994” after
8 “July 1980”.

9 (3) NOATAK WILDERNESS.—Section 701(7) of
10 the Alaska National Interest Lands Conservation
11 Act (94 Stat. 2417) is amended by striking “ap-
12 proximately five million eight hundred thousand
13 acres” and inserting in lieu thereof “approximately
14 5,817,168 acres”.

15 (d) CONFORMANCE WITH OTHER LAW.—

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

1 (2) ALASKA NATIONAL INTEREST LANDS CON-
 2 SERVATION ACT.—Except to the extent specifically
 3 set forth in this section or the Agreement, nothing
 4 in this section or in the Agreement shall be con-
 5 strued to enlarge or diminish the rights, privileges,
 6 or obligations of any person, including specifically
 7 the preference for subsistence uses and access to
 8 subsistence resources provided under the Alaska Na-
 9 tional Interest Lands Conservation Act (16 U.S.C.
 10 3101 et seq.).

11 **SEC. 303. ALASKA PENINSULA SUBSURFACE CONSOLIDA-**
 12 **TION.**

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

14 (1) AGENCY.—The term agency—

15 (A) means any instrumentality of the Unit-
 16 ed States, and any Government corporation (as
 17 defined in section 9101(1) of title 31, United
 18 States Code); and

19 (B) includes any element of an agency.

20 (2) ALASKA NATIVE CORPORATION.—The Term
 21 “Alaska Native Corporation” has the same meaning
 22 as is provided for “Native Corporation” in section
 23 3(m) of the Alaska Native Claims Settlement Act
 24 (43 U.S.C. 1602(m)).

1 (3) FEDERAL LANDS OR INTEREST THEREIN.—

2 The term “Federal lands or interests therein”
3 means any lands or properties owned by the United
4 States (A) which are administered by the Secretary,
5 or (B) which are subject to a lease to third parties,
6 or (C) which have been made available to the Sec-
7 retary for exchange under this section through the
8 concurrence of the director of the agency administer-
9 ing such lands or properties: *Provided however*, That
10 excluded from such lands shall be those lands which
11 are within an existing conservation system unit as
12 defined in section 102(4) of the Alaska National In-
13 terest Lands Conservation Act (16 U.S.C. 3102(4)),
14 and those lands the mineral interest for which are
15 currently under mineral lease.

16 (4) KONIAG.—The term “Koniag” means
17 Koniag, Incorporated, which is a regional Corpora-
18 tion.

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

23 (6) SECRETARY.—Except as otherwise provided,
24 the term “Secretary” means the Secretary of the In-
25 terior.

1 (7) SELECTION RIGHTS.—The term “selection
2 rights” means those rights granted to Koniag, and
3 confirmed as valid selections (within Koniag’s enti-
4 tlement) pursuant to subsections (a) and (b) of sec-
5 tion 12, and section 14(h)(8), of the Alaska Native
6 Claims Settlement Act (43 U.S.C. 1611 and
7 1613(h)(8)), to receive title to the oil and gas rights
8 and other interests in the subsurface estate of the
9 approximately 275,000 acres of public lands in the
10 State of Alaska identified as “Koniag Selections” on
11 the map entitled “Koniag Interest Lands, Alaska
12 Peninsula”, dated May 1989.

13 (b) VALUATION OF KONIAG SELECTION RIGHTS.—

14 (1) IN GENERAL.—Pursuant to paragraph (2)
15 of this subsection, the Secretary shall value the Se-
16 lection Rights which Koniag possesses within the
17 boundaries of Aniakchak National Monument and
18 Preserve, Alaska Peninsula National Wildlife Ref-
19 uge, and Becharof National Wildlife Refuge.

20 (2) VALUE.—

21 (A) IN GENERAL.—The value of the selec-
22 tion rights shall be equal to the fair market
23 value of—

1 (i) the oil and gas interests in the
2 lands or interests in lands that are the
3 subject of the selection rights; and

4 (ii) in the case of the lands or inter-
5 ests in lands for which Koniag is to receive
6 the entire subsurface estate, the subsurface
7 estate of the lands or interests in lands
8 that are the subject of the selection rights.

9 (B) APPRAISAL.—

10 (i) SELECTION OF APPRAISER.—

11 (I) IN GENERAL.—Not later than
12 90 days after the date of enactment of
13 this section the Secretary and Koniag
14 shall meet to select a qualified ap-
15 praiser to conduct an appraisal of the
16 selection rights. Subject to subclause
17 (II), the appraiser shall be selected by
18 the mutual agreement of the Sec-
19 retary and Koniag.

20 (II) FAILURE TO AGREE.—If the
21 Secretary and Koniag fail to agree on
22 an appraiser by the date that is 60
23 days after the date of the initial meet-
24 ing referred to in subclause (I), the
25 Secretary and Koniag shall, by the

1 date that is not later than 90 days
2 after the date of the initial meeting,
3 each designate an appraiser who is
4 qualified to perform the appraisal.
5 The 2 appraisers so identified shall
6 select a third qualified appraiser who
7 shall perform the appraisal.

8 (ii) STANDARDS AND METHODOLOGY.—The appraisal shall be conducted in
9 conformity with the standards of the Ap-
10 praisal Foundation (as defined in section
11 1121(9) of the Financial Institutions Re-
12 form, Recovery, and Enforcement Act of
13 1989 (12 U.S.C. 3350(9)).

14 (iii) SUBMISSION OF APPRAISAL RE-
15 PORT.—Not later than 180 days after the
16 selection of an appraiser pursuant to
17 clause (i), the appraiser shall submit to the
18 Secretary and to Koniag a written ap-
19 praisal report specifying the value of the
20 selection rights and the methodology used
21 to arrive at the value.

22 (C) DETERMINATION OF VALUE.—

23 (i) DETERMINATION BY THE SEC-
24 RETARY.—Not later than 60 days after the
25

1 date of the receipt of the appraisal report
2 under subparagraph (B)(iii), the Secretary
3 shall determine the value of the selection
4 rights and shall notify Koniag of the deter-
5 mination.

6 (ii) ALTERNATIVE DETERMINATION
7 OF VALUE.—

8 (I) IN GENERAL.—Subject to
9 subclause (II), if Koniag does not
10 agree with the value determined by
11 the Secretary under clause (i), the
12 procedures specified in section 206(d)
13 of the Federal Land Policy and Man-
14 agement Act of 1976 (43 U.S.C.
15 1716(d)) shall be used to establish the
16 value.

17 (II) AVERAGE VALUE LIMITA-
18 TION.—The average value per acre of
19 the selection rights shall not be less
20 than the value utilizing the risk ad-
21 justed discount cash flow methodol-
22 ogy, but in no event may exceed \$300.

23 (c) KONIAG ACCOUNT.—

24 (1) IN GENERAL.—(A) The Secretary shall
25 enter into negotiations for an agreement or agree-

1 ments to exchange Federal lands or interests therein
2 which are in the State of Alaska for the Selection
3 Rights.

4 (B) If the value of the Federal property to be
5 exchanged is less than the value of the Selection
6 Rights established in subsection (b), and if such
7 Federal property to be exchanged is not generating
8 receipts to the Federal Government in excess of
9 \$1,000,000 per year, then the Secretary may ex-
10 change the Federal property for that portion of the
11 Selection Rights having a value equal to that of the
12 Federal property. The remaining selection rights
13 shall remain available for additional exchanges.

14 (C) For the purposes of any exchange to be
15 consummated under this section, if less than all the
16 selection rights are being exchanged, then the value
17 of the selection rights being exchanged shall be equal
18 to the number of acres of selection rights being ex-
19 changed multiplied by a fraction, the numerator of
20 which is the value of all the selection rights as deter-
21 mined pursuant to subsection (b) hereof and the de-
22 nominator of which is the total number of acres of
23 selection rights.

24 (2) ADDITIONAL EXCHANGES.—If, after 10
25 years from the date of the enactment of this section,

1 the Secretary was unable to conclude such exchanges
2 as may be required to acquire all of the selection
3 rights, he shall conclude exchanges for the remaining
4 selection rights for such Federal property as may be
5 identified by Koniag, which property is available for
6 transfer to the administrative jurisdiction of the Sec-
7 retary under any provision of law and which prop-
8 erty, at the time of the proposed transfer to Koniag
9 is not generating receipts of the Federal Government
10 in excess of \$1,000,000 per year. The Secretary
11 shall keep Koniag advised in a timely manner as to
12 which properties may be available for such transfer.
13 Upon receipt of such identification by Koniag, the
14 Secretary shall request in a timely manner the
15 transfer of such identified property to the adminis-
16 trative jurisdiction of the Department of the Inte-
17 rior. Such property shall not be subject to the geo-
18 graphic limitations of section 206(b) of the Federal
19 Land Policy and Management Act and may be re-
20 tained by the Secretary solely for purposes of trans-
21 ferring it to Koniag to complete the exchange.
22 Should the value of the property so identified by
23 Koniag be in excess of the value of the remaining se-
24 lection rights, then Koniag shall have the option of
25 (A) declining to proceed with the exchange and iden-

1 tifying other property, or (B) paying the difference
2 in value between the property rights.

3 (3) REVENUES.—Any property received by
4 Koniag in an exchange entered into pursuant to
5 paragraph (1) or (2) shall be deemed to be an inter-
6 est in the subsurface for purposes of section 7(i) of
7 the Alaska Native Claims Settlement Act (43 U.S.C.
8 1601 et seq.): *Provided however*, That should Koniag
9 make a payment to equalize the value in any such
10 exchange, then Koniag will be deemed to hold an un-
11 divided interest in the property equal in value to
12 such payment which interest shall not be subject to
13 the provisions of section 7(i) of that Act.

14 (d) AUTHORITY TO APPOINT AND REMOVE TRUST-
15 EE.—In establishing a Settlement Trust under section 39
16 of the Alaska Native Claims Settlement Act (43 U.S.C.
17 1629c), Koniag may delegate, in whole or in part, the au-
18 thority granted to Koniag under subsection (b)(2) of such
19 section to any entity that Koniag may select without af-
20 fecting the status of the trust as a Settlement Trust under
21 such section.

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

23 (a) PURPOSE AND INTENT.—The purpose of this sec-
24 tion is to authorize and direct the Secretary to exchange
25 1,320 acres of federally-owned land within the Cache Na-

1 tional Forest in the State of Utah for lands approximately
2 equal value owned by the Sun Valley Company. It is the
3 intent of Congress that this exchange be completed with-
4 out delay within the period specified by subsection (d).

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

6 (1) The term “Sun Valley Company” means the
7 Sun Valley Company, a division of Sinclair Oil Cor-
8 poration, a Wyoming Corporation, or its successors
9 or assigns.

10 (2) The term “Secretary” means the Secretary
11 of Agriculture.

12 (c) EXCHANGE.—

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

20 (B) The lands referred to in subparagraph (A)
21 are certain lands within the Cache National Forest
22 in the State of Utah comprising 1,320 acres, more
23 or less, as generally depicted on the map entitled
24 “Snowbasin Land Exchange—Proposed” and dated
25 October 1995.

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

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

19 (B) Certain lands located within the Cache
20 National Forest in Weber County, Utah, which
21 comprise approximately 635 acres and are gen-
22 erally depicted on a map entitled “Wheeler
23 Creek Watershed Offered Lands—Section 2”
24 dated October 1995.

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

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

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

20 (3) SUBSTITUTION OF OFFERED LANDS.—If
21 one or more of the precise offered land parcels iden-
22 tified in subparagraphs (A) through (D) of para-
23 graph (2) is unable to be conveyed to the United
24 States due to appraisal or other reasons, or if the
25 Secretary and the Sun Valley Company mutually

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

9 (4) VALUATION AND APPRAISALS.—(A) Values
10 of the lands to be exchanged pursuant to this section
11 shall be equal as determined by the Secretary utiliz-
12 ing nationally recognized appraisal standards and in
13 accordance with section 206 of the Federal Land
14 Policy and Management Act of 1976. The appraisal
15 reports shall be written to Federal standards as de-
16 fined in the Uniform Appraisal Standards for Fed-
17 eral Land Acquisitions. If, due to size, location, or
18 use of lands exchanged under this section, the values
19 are not exactly equal, they shall be equalized by the
20 payment of cash equalization money to the Secretary
21 or the Sun Valley Company as appropriate in ac-
22 cordance with section 206(b) of the Federal Land
23 Policy and Management Act of 1976 (43 U.S.C.
24 1716(b)). In order to expedite the consummation of
25 the exchange directed by this section, the Sun Valley

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

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

22 (i) value the land in its unimproved state,
23 as a single entity for its highest and best use
24 as if in private ownership and as of the date of
25 enactment of this Act;

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

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

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

18 (d) GENERAL PROVISIONS RELATING TO THE EX-
19 CHANGE.—

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

23 (A) RESERVED RIGHTS-OF-WAY.—In any
24 deed issued pursuant to subsection (c)(1), the
25 Secretary shall reserve in the United States a

1 right of reasonable access across the conveyed
2 property for public access and for administra-
3 tive purposes of the United States necessary to
4 manage adjacent federally-owned lands. The
5 terms of such reservation shall be prescribed by
6 the Secretary within 30 days after the date of
7 the enactment of this Act.

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

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

1 from disposition under all laws pertaining to mineral
2 and geothermal leasing.

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

9 (4) STATUS OF LANDS.—Upon acceptance of
10 title by the Secretary, the land conveyed to the Unit-
11 ed States pursuant to this section shall become part
12 of the Wasatch or Cache National Forests as appro-
13 priate, and the boundaries of such National Forests
14 shall be adjusted to encompass such lands. Once
15 conveyed, such lands shall be managed in accordance
16 with the Act of March 1, 1911, as amended (com-
17 monly known as the “Weeks Act”), and in accord-
18 ance with the other laws, rules and regulations ap-
19 plicable to National Forest System lands. This para-
20 graph does not limit the Secretary’s authority to ad-
21 just the boundaries pursuant to section 11 of the
22 Act of March 1, 1911 (“Weeks Act”). For the pur-
23 poses of section 7 of the Land and Water Conserva-
24 tion Fund Act of 1965 (16 U.S.C. 460l–9), the
25 boundaries of the Wasatch and Cache National For-

1 ests, as adjusted by this section, shall be considered
2 to be boundaries of the forests as of January 1,
3 1965.

4 (e) PHASE FACILITY CONSTRUCTION AND OPER-
5 ATION.—

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

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

21 (B) Within 60 days after the date of enactment
22 of this Act, the Secretary and the Sun Valley Com-
23 pany shall review the Master Plan insofar as such
24 plan pertains to Phase I facilities which are to be
25 constructed and operated wholly or partially on Na-

1 tional Forest System lands retained by the Secretary
2 after consummation of the land exchange directed by
3 this section. The Secretary may modify such Phase
4 I facilities upon mutual agreement with the Sun Val-
5 ley Company or by imposing conditions pursuant to
6 paragraph (2) of this subsection.

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

21 (2) PHASE I FACILITY APPROVAL, CONDITIONS,
22 AND TIMETABLE.—Within 120 days of receipt of an
23 application by the Sun Valley Company to authorize
24 construction and operation of any particular Phase
25 I facility, facilities, or group of facilities, the Sec-

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

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

17 (B) the modification is necessary to protect
18 health and safety.

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

23 (3) CONGRESSIONAL DIRECTIONS.—Notwith-
24 standing any other provision of law, Congress finds
25 that consummation of the land exchange directed by

1 this section and all determinations, authorizations,
2 and actions taken by the Secretary pursuant to this
3 section pertaining to Phase I facilities on National
4 Forest System lands, or any modifications thereof,
5 to be nondiscretionary actions authorized and di-
6 rected by Congress and hence to comply with all pro-
7 cedural and other requirements of the laws of the
8 United States. Such determinations, authorizations,
9 and actions shall not be subject to administrative or
10 judicial review.

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

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

19 (a) FINDINGS.—Congress finds that:

20 (1) The Weyerhaeuser Company has offered to
21 the United States Government an exchange of lands
22 under which Weyerhaeuser would receive approxi-
23 mately 48,000 acres of Federal land in Arkansas
24 and Oklahoma and all mineral interests and oil and
25 gas interests pertaining to these exchanged lands in

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

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

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

19 (C) certain lands in Arkansas (Arkansas
20 Cossatot lands) located on the Little and
21 Cossatot Rivers and identified as the “Pond
22 Creek Bottoms” in the Lower Mississippi River
23 Delta section of the North American Waterfowl
24 Management Plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (d) EXCHANGE OF LANDS AND MINERAL INTER-
21 EST.—

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

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

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

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

24 (B) approximately 41,000 acres of lands
25 and mineral interests in the State of Arkansas,

1 as depicted on a map entitled “Arkansas-Okla-
2 homa Land Exchange—Weyerhaeuser Arkansas
3 Ouachita Lands,” dated February 1996 and
4 available for public inspection in appropriate of-
5 fices of the Secretaries; and

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

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

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

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

19 (f) GENERAL PROVISIONS.—

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

1 referred to in such subsection, the map shall control.
2 The maps referenced in this section shall be subject
3 to such minor corrections as may be agreed upon by
4 the Secretaries and Weyerhaeuser so long as the
5 Secretary of Agriculture notifies the Committee on
6 Energy and Natural Resources of the United States
7 Senate and the Committee on Resources of the Unit-
8 ed States House of Representatives of any such
9 minor corrections.

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

21 (3) CANCELLATION.—If, before the exchange
22 has been carried out pursuant to subsections (d) and
23 (e), Weyerhaeuser provides written notification to
24 the Secretaries that Weyerhauser no longer intends
25 to complete the exchange, with respect to the lands,

1 mineral interests, and oil and gas interests that
2 would otherwise be subject to exchange, the status
3 of such lands, mineral interests, and oil and gas in-
4 terests shall revert to the status of such lands, min-
5 eral interests, and oil and gas interests as of the day
6 before the date of enactment of this Act and shall
7 be managed in accordance with applicable law and
8 management plans.

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

22 (g) NATIONAL FOREST SYSTEM.—

23 (1) ADDITION TO THE SYSTEM.—Upon ap-
24 proval and acceptance of title by the Secretary of
25 Agriculture, the 156,000 acres of land conveyed to

1 the United States pursuant to subsection (d)(2) (A)
2 and (B) of this section shall be subject to the Act
3 of March 1, 1911 (commonly known as the Weeks
4 Law) (36 Stat. 961, as amended), and shall be ad-
5 ministered by the Secretary of Agriculture in accord-
6 ance with the laws and regulations pertaining to the
7 National Forest System.

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

1 (h) OTHER.—

2 (1) ADDITION TO THE NATIONAL WILDLIFE
3 REFUGE SYSTEM.—Once acquired by the United
4 States, the 25,000 acres of land identified in sub-
5 section (d)(2)(C), the Arkansas Cossatot lands, shall
6 be managed by the Secretary of the Interior as a
7 component of the Cossatot National Wildlife Refuge
8 in accordance with the National Wildlife Refuge Sys-
9 tem Administration Act of 1996 (16 U.S.C. 668dd–
10 668ee).

11 (2) PLAN PREPARATION.—Within 24 months
12 after the completion of the exchange required by this
13 section, the Secretary of the Interior shall prepare
14 and implement a single refuge management plan for
15 the Cossatot National Wildlife Refuge, as expanded
16 by this title. Such plans shall recognize the impor-
17 tant public purposes served by the nonconsumptive
18 activities, other recreational activities, and wildlife-
19 related public use, including hunting, fishing, and
20 trapping. The plan shall permit, to the maximum ex-
21 tent practicable, compatible uses to the extent that
22 they are consistent with sound wildlife management
23 and in accordance with the National Wildlife Refuge
24 System Administration Act of 1996 (16 U.S.C.
25 668dd–668ee) and other applicable laws. Any regu-

1 lations promulgated by the Secretary of the Interior
2 with respect to hunting, fishing, and trapping on
3 those lands shall, to the extent practicable, be con-
4 sistent with State fish and wildlife laws and regula-
5 tions. In preparing the management plan and regu-
6 lations, the Secretary of the Interior shall consult
7 with the Arkansas Game and Fish Commission.

8 (3) INTERIM USE OF LANDS.—

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

21 (B) HUNTING SEASONS.—During the pe-
22 riod described in subparagraph (A), the dura-
23 tion of any hunting season on the lands de-
24 scribed in paragraph (1) shall comport with the
25 applicable State law.

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

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

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

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

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

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

21 (d) REPORTING REQUIREMENT.—Not later than 6
22 months after the date of the enactment of this Act and
23 every 6 months thereafter until the earlier of the con-
24 summation of the exchange of July 1, 1998, the Secretary
25 of the Interior and the Secretary of Agriculture shall each
26 submit a report to the Committee on Resources of the

1 House of Representatives and the Committee on Energy
2 and Natural Resources of the Senate concerning the
3 progress in consummating the land exchange authorized
4 by the amendments made by the Big Thicket National
5 Preserve Addition Act of 1993 (Public Law 103–46).

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

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

13 (2) Liberty County, Texas, agrees to accept the
14 transfer of the Federal lands described in subsection
15 (f)(2),

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

21 (f) LANDS DESCRIBED.—

22 (1) PRIVATE LANDS.—The private lands de-
23 scribed in this paragraph are approximately 3.76
24 acres of lands located in Liberty County, Texas, as

1 generally depicted on the map entitled “Big Thicket
2 Lake Estates Access—Proposed”.

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

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

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

15 (a) LAND EXCHANGE.—

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

19 (A) acquire by exchange certain land and
20 interests in land owned by R–Y Timber, Inc.,
21 and its affiliates, successors, and assigns (re-
22 ferred to in this section as the “Corporation”),
23 located in the Lost Creek and Twin Lakes
24 areas of the Beaverhead-Deerlodge National
25 Forest, Montana; and

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

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

10 (2) OFFER AND ACCEPTANCE OF LAND.—

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

21 (B) FEDERAL LAND.—

22 (i) CONVEYANCE.—On acceptance of
23 title to the Corporation’s land under sub-
24 paragraph (A) and on the effective date of

1 the document under paragraph (4), the
2 Secretary shall—

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

8 (II) grant to the Corporation the
9 right to harvest approximately
10 6,200,000 board feet of timber on cer-
11 tain land in the Beaverhead-Deerlodge
12 National Forest and approximately
13 4,000,000 board feet of timber on cer-
14 tain land in the Gallatin National
15 Forest, collectively referred to as the
16 harvest volume, as depicted on the
17 map described in subparagraph (A)
18 and subject to the terms and condi-
19 tions stated in the document under
20 paragraph (4).

21 (3) TIMBER HARVESTING.—

22 (A) IN GENERAL.—The timber harvest vol-
23 ume described in paragraph (2)(B)(i)(II) is in
24 addition to, and is not intended as an offset
25 against, the present or future planned timber

1 sale program for the Beaverhead-Deerlodge Na-
2 tional Forest or the Gallatin National Forest,
3 so long as the allowable sale quantity for each
4 national forest, respectively, is not exceeded for
5 the planning period.

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

12 (C) MINIMUM AND MAXIMUM ANNUAL
13 HARVESTS.—

14 (i) IN GENERAL.—Subject to clause

15 (ii)—

16 (I) not less than 20 nor more
17 than 30 percent of the timber de-
18 scribed in paragraph (2)(B)(i)(II)
19 shall be made available by the end of
20 each fiscal year over a 4- or 5-year
21 period beginning with the first fiscal
22 year that begins after the date of en-
23 actment of this Act; and

24 (II) the Corporation shall be al-
25 lowed at least 3 years after the end of

1 each fiscal year in which to complete
2 the harvest of timber made available
3 for that fiscal year.

4 (ii) EXCEPTIONAL CIRCUMSTANCES.—

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

16 (4) LAND EXCHANGE SPECIFICATION AGREE-
17 MENT.—

18 (A) IN GENERAL.—Notwithstanding any
19 other provision of law, a document entitled “R-
20 Y/Forest Service Land Exchange Specifica-
21 tions” shall be jointly developed and agreed to
22 by the Corporation and the Secretary.

23 (B) DESCRIPTIONS OF LANDS TO BE EX-
24 CHANGED.—The document under subparagraph
25 (A) shall define the non-Federal and Federal

1 lands and interests in land to be exchanged and
2 include legal descriptions of the lands and inter-
3 ests in land and an agreement to harvest timber
4 on National Forest System land in accordance
5 with the standard timber contract specifica-
6 tions, section 251.14 of title 36, Code of Fed-
7 eral Regulations (as in effect on the date of en-
8 actment of this Act), and any other pertinent
9 conditions.

10 (C) SUBMISSION TO CONGRESS.—The doc-
11 ument under subparagraph (A)—

12 (i) upon its completion shall be sub-
13 mitted to the Committee on Energy and
14 Natural Resources of the Senate and the
15 Committee on Resources of the House of
16 Representatives; and

17 (ii) shall not take effect until 45 days
18 after the date of submission to both com-
19 mittees.

20 (D) DESIGN AND LAYOUT.—

21 (i) IN GENERAL.—The Forest Service
22 shall determine the timber sale design and
23 layout in consultation with the Corpora-
24 tion.

1 (ii) HARVEST VOLUME.—Identifica-
2 tion of the timber harvest volume shall be
3 determined in accordance with Department
4 of Agriculture standards.

5 (iii) MONITORING.—The Forest Serv-
6 ice shall monitor harvest and post-harvest
7 activities to ensure compliance with the
8 terms and conditions of the document
9 under subparagraph (A).

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

13 (b) TITLE.—

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

19 (A) title standards of the Department of
20 Justice applicable to Federal land acquisition
21 have been satisfied or the quality of title is oth-
22 erwise acceptable to the Secretary;

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

1 (C) a current title commitment verifying
2 compliance with applicable title standards has
3 been issued to the Secretary; and

4 (D) the Corporation has complied with the
5 conditions imposed by this section.

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

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

17 (c) GENERAL PROVISIONS.—

18 (1) MAPS AND DOCUMENTS.—

19 (A) IN GENERAL.—The map described in
20 subsection (a)(2)(A) and the document under
21 subsection (a)(4) shall be subject to such minor
22 corrections as may be agreed upon by the Sec-
23 retary and the Corporation.

24 (B) PUBLIC AVAILABILITY.—The map de-
25 scribed in subsection (a)(2)(A) and the docu-

1 ment under subsection (a)(4) shall be on file
2 and available for public inspection in the appro-
3 priate offices of the Forest Service.

4 (2) NATIONAL FOREST SYSTEM LAND.—

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

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

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

21 (4) LIABILITY FOR HAZARDOUS SUBSTANCES.—
22 The United States (including the departments, agen-
23 cies, and employees of the United States) shall not
24 be liable under the Comprehensive Environmental
25 Response, Compensation, and Liability Act of 1980

1 (42 U.S.C. 9601 et seq.), the Federal Water Pollu-
2 tion Control Act (33 U.S.C. 1251 et seq.), or any
3 other Federal, State, or local law solely as a result
4 of the acquisition of an interest in the land described
5 in subsection (a)(2)(A) or because of circumstances
6 or events occurring before the acquisition, including
7 any release or threat of release of a hazardous sub-
8 stance.

9 (5) **RELEASE FROM STUDY.**—The land compris-
10 ing approximately 1.320 acres in the Beaverhead-
11 Deerlodge National Forest, as generally depicted on
12 the map entitled “West Pioneer Study Deletion—
13 Proposed”, dated 1994, is released from study under
14 section 2(a)(1) of the Montana Wilderness Study
15 Act of 1977 (91 Stat. 1243).

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

17 (a) **CONVEYANCE BY THE SECRETARY OF AGRICULTURE.**—
18 **CULTURE.**—

19 (1) **CONVEYANCE.**—In exchange for the convey-
20 ance described in subsection (b), the Secretary of
21 Agriculture (hereinafter referred to as the “Sec-
22 retary”) shall convey to the Orange County Council
23 of the Boy Scouts of America all right, title, and in-
24 terest of the United States in and to the parcel of
25 land described in paragraph (2) located in the Cleve-

1 land National Forest. The parcel conveyed by the
2 Secretary shall be subject to valid existing rights
3 and to any easements that the Secretary considers
4 necessary for public and administrative access.

5 (2) DESCRIPTION OF PARCEL.—The parcel of
6 land referred to in paragraph (1) consists of not
7 more than 60 acres of land in Section 28, Township
8 9 South, Range 4 East, San Bernardino Meridian,
9 in the unincorporated territory of San Diego County,
10 California.

11 (b) CONVEYANCE BY THE BOY SCOUTS OF AMER-
12 ICA.—

13 (1) CONVEYANCE.—In exchange for the convey-
14 ance described in subsection (a), the Orange County
15 Council of the Boy Scouts of America shall convey
16 to the United States all right, title, and interest to
17 the parcel of land described in paragraph (2). The
18 parcel conveyed under this subsection shall be sub-
19 ject to such valid existing rights of record as may be
20 acceptable to the Secretary, and the title to the par-
21 cel shall conform with the title approval standards
22 applicable to Federal land acquisitions.

23 (2) DESCRIPTION OF PARCEL.—The parcel of
24 land referred to in paragraph (1) shall be approxi-
25 mately equal in value to the lands described in sub-

1 section (a)(2) and shall be at least the Southerly 94
2 acres of the Westerly $\frac{1}{2}$ of Section 34, Township 9
3 South, Range 4 East, San Bernardino Meridian, in
4 the unincorporated territory of San Diego County,
5 California.

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

17 (d) INCORPORATION INTO CLEVELAND NATIONAL
18 FOREST.—Upon acceptance of title by the Secretary, the
19 parcel obtained by the Secretary under subsection (b) shall
20 become part of the Cleveland National Forest and shall
21 be subject to all laws applicable to such national forest.

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

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

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

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

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

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

19 (5) QUAIL CREEK PIPELINE.—The term “Quail
20 Creek Pipeline” means the lands located in Wash-
21 ington County, Utah, comprised of approximately 40
22 acres, as generally depicted on a map entitled
23 “Washington County Water Conservancy District
24 Exchange Proposal” and dated May 30, 1996.

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

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

14 (b) EXCHANGE.—

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

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

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

17 (4) GRAZING.—The exchange of lands under
18 paragraph (1) shall be subject to agreement by the
19 District to continue to permit the grazing of domes-
20 tic livestock on the Sand Hollow Site under the
21 terms and conditions of existing Federal grazing
22 leases or permits, except that the District, upon ter-
23 minating any such lease or permit, shall fully com-
24 pensate the holder of the terminated lease or permit.

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

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

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

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

21 (d) MANAGEMENT OF LANDS ACQUIRED BY THE
22 UNITED STATES.—Lands acquired by the Secretary under
23 this section shall be administered by the Secretary, acting
24 through the Director of the Bureau of Land Management,
25 in accordance with the provisions of law generally applica-

1 ble to the public lands, including the Federal Land Policy
2 and Management Act of 1976 (43 U.S.C. 1701 et seq.).

3 (e) NATIONAL ENVIRONMENTAL POLICY ACT OF
4 1976.—The exchange of lands under this section is not
5 subject to section 102 of the National Environmental Pol-
6 icy Act of 1969 (42 U.S.C. 4322).

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

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

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

1 **SEC. 311. KENAI NATIVES ASSOCIATION LAND EXCHANGE.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Kenai Natives Association Equity Act Amendments of
4 1996”.

5 (b) FINDINGS AND PURPOSE.—

6 (1) FINDINGS.—The Congress finds the follow-
7 ing:

8 (A) The United States Fish and Wildlife
9 Service and Kenai Natives Association, Inc.,
10 have agreed to transfers of certain land rights,
11 in and near the Kenai National Wildlife Refuge,
12 negotiated as directed by Public Law 102–458.

13 (B) The lands to be acquired by the Serv-
14 ice are within the area impacted by the Exxon
15 Valdez oil spill of 1989, and these lands in-
16 cluded important habitat for various species of
17 fish and wildlife for which significant injury re-
18 sulting from the spill has been documented
19 through the EVOS Trustee Council restoration
20 process. This analysis has indicated that these
21 lands generally have value for the restoration of
22 such injured natural resources as pink salmon,
23 dolly varden, bald eagles, river otters, and cul-
24 tural and archaeological resources. This analy-
25 sis has also indicated that these lands generally
26 have high value for the restoration of injured

1 species that rely on these natural resources, in-
2 cluding wilderness quality, recreation, tourism,
3 and subsistence.

4 (C) Restoration of the injured species will
5 benefit from acquisition and the prevention of
6 disturbances which may adversely affect their
7 recovery.

8 (D) It is in the public interest to complete
9 the conveyances provided for in this section.

10 (2) PURPOSE.—The purpose of this section is
11 to authorize and direct the Secretary, at the election
12 of KNA, to complete the conveyances provided for in
13 this section.

14 (c) DEFINITIONS.—For purposes of this section, the
15 term—

16 (1) “ANCSA” means the Alaska Native Claims
17 Settlement Act of 1971 (43 U.S.C. 1601 et seq.);

18 (2) “ANILCA” means the Alaska National In-
19 terest Lands Conservation Act (Public Law 96–487;
20 94 Stat. 2371 et seq.);

21 (3) “conservation system unit” has the same
22 meaning as in section 102(4) of ANILCA (16
23 U.S.C. 3102(4));

1 (4) “CIRI” means the Cook Inlet Region, Inc.,
2 a Native Regional Corporation incorporated in the
3 State of Alaska pursuant to the terms of ANCSA;

4 (5) “EVOS” means the Exxon Valdez oil spill;

5 (6) “KNA” means the Kenai Natives Associa-
6 tion, Inc., an urban corporation incorporated in the
7 State of Alaska pursuant to the terms of ANCSA;

8 (7) “lands” means any lands, waters, or inter-
9 ests therein;

10 (8) “Refuge” means the Kenai National Wild-
11 life Refuge;

12 (9) “Secretary” means the Secretary of the In-
13 terior;

14 (10) “Service” means the United States Fish
15 and Wildlife Service; and

16 (11) “Terms and Conditions” means the Terms
17 and Conditions for Land Consolidation and Manage-
18 ment in the Cook Inlet Area, as clarified on August
19 31, 1976, ratified by section 12 of Public Law 94-
20 204 (43 U.S.C. 1611 note).

21 (d) ACQUISITION OF LANDS.—

22 (1) OFFER TO KNA.—

23 (A) IN GENERAL.—Subject to the availabil-
24 ity of the funds identified in paragraph (2)(C),
25 no later than 90 days after the date of enact-

1 ment of this section, the Secretary shall offer to
2 convey to KNA the interests in land and rights
3 set forth in paragraph (2)(B), subject to valid
4 existing rights, in return for the conveyance by
5 KNA to the United States of the interests in
6 land or relinquishment of ANCSA selections set
7 forth in paragraph (2)(A). Payment for the
8 lands conveyed to the United States by KNA is
9 contingent upon KNA's acceptance of the entire
10 conveyance outlined herein.

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

18 (2) ACQUISITION LANDS.—

19 (A) LANDS TO BE CONVEYED TO THE
20 UNITED STATES.—The lands to be conveyed by
21 KNA to the United States, or the valid selec-
22 tion rights under ANCSA to be relinquished, all
23 situated within the boundary of the Refuge, are
24 the following:

1 (i) The conveyance of approximately
2 803 acres located along and on islands
3 within the Kenai River, known as the
4 Stephanka Tract.

5 (ii) The conveyance of approximately
6 1,243 acres located along the Moose River,
7 known as the Moose River Patented Lands
8 Tract.

9 (iii) The relinquishment of KNA's se-
10 lection known as the Moose River Selected
11 Tract, containing approximately 753 acres
12 located along the Moose River.

13 (iv) The relinquishment of KNA's re-
14 maining ANCSA entitlement of approxi-
15 mately 454 acres.

16 (v) The relinquishment of all KNA's
17 remaining overselections. Upon completion
18 of all relinquishments outlined above, all
19 KNA's entitlement shall be deemed to be
20 extinguished and the completion of this ac-
21 quisition will satisfy all of KNA's ANCSA
22 entitlement.

23 (vi) The conveyance of an access ease-
24 ment providing the United States and its
25 assigns access across KNA's surface estate

1 in the SW¹/₄ of section 21, T. 6 N., R. 9
2 W., Seward Meridian, Alaska.

3 (vii) The conveyance of approximately
4 100 acres within the Beaver Creek Pat-
5 ented Tract, which is contiguous to lands
6 being retained by the United States contig-
7 uous to the Beaver Creek Patented Tract,
8 in exchange for 280 acres of Service lands
9 currently situated within the Beaver Creek
10 Selected Tract.

11 (B) LANDS TO BE CONVEYED TO KNA.—

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

14 (i) The surface and subsurface estate
15 to approximately 5 acres, subject to res-
16 ervations of easements for existing roads
17 and utilities, located within the city of
18 Kenai, Alaska, identified as United States
19 Survey 1435, withdrawn by Executive
20 Order 2943 and known as the old Fish
21 and Wildlife Service Headquarters site.

22 (ii) The remaining subsurface estate
23 held by the United States to approximately
24 13,651 acres, including portions of the
25 Beaver Creek Patented Tract, the Beaver

1 Creek Selected Tract, and portions of the
2 Swanson River Road West Tract and the
3 Swanson River Road East Tract, where
4 the surface was previously or will be con-
5 veyed to KNA pursuant to this Act but ex-
6 cluding the SW¹/₄ of section 21, T. 6 N.,
7 R. 9 W, Seward Meridian, Alaska, which
8 will be retained by the United States. The
9 conveyance of these subsurface interests
10 will be subject to the rights of CIRI to the
11 coal, oil, gas, and to all rights CIRI, its
12 successors, and assigns would have under
13 paragraph 1(B) of the Terms and Condi-
14 tions, including the right to sand and grav-
15 el, to construct facilities, to have rights-of-
16 way, and to otherwise develop its subsurface
17 interests.

18 (iii)(I) The nonexclusive right to use
19 sand and gravel which is reasonably nec-
20 essary for on-site development without
21 compensation or permit on those portions
22 of the Swanson River Road East Tract,
23 comprising approximately 1,738.04 acres;
24 where the entire subsurface of the land is
25 presently owned by the United States. The

1 United States shall retain the ownership of
2 all other sand and gravel located within the
3 subsurface and KNA shall not sell or dis-
4 pose of such sand and gravel.

5 (II) The right to excavate within the
6 subsurface estate as reasonably necessary
7 for structures, utilities, transportation sys-
8 tems, and other development of the surface
9 estate.

10 (iv) The nonexclusive right to excavate
11 within the subsurface estate as reasonably
12 necessary for structures, utilities, transpor-
13 tation systems, and other development of
14 the surface estate on the SW¹/₄, section
15 21, T. 6 N., R. 9 W., Seward Meridian,
16 Alaska, where the entire subsurface of the
17 land is owned by the United States and
18 which public lands shall continue to be
19 withdrawn from mining following their re-
20 moval from the Refuge boundary under
21 paragraph (3)(A)(ii). The United States
22 shall retain the ownership of all other sand
23 and gravel located within the subsurface of
24 this parcel.

1 (v) The surface estate of approxi-
2 mately 280 acres known as the Beaver
3 Creek Selected Tract. This tract shall be
4 conveyed to KNA in exchange for lands
5 conveyed to the United States as described
6 in paragraph (2)(A)(ii).

7 (C) PAYMENT.—The United States shall
8 make a total cash payment to KNA for the
9 above-described lands of \$4,443,000, contingent
10 upon the appropriate approvals of the Federal
11 or State of Alaska EVOS Trustees (or both)
12 necessary for any expenditure of the EVOS set-
13 tlement funds.

14 (D) NATIONAL REGISTER OF HISTORIC
15 PLACES.—Upon completion of the acquisition
16 authorized in paragraph (1), the Secretary
17 shall, at no cost to KNA, in coordination with
18 KNA, promptly undertake to nominate the
19 Stephanka Tract to the National Register of
20 Historic Places, in recognition of the archae-
21 ological artifacts from the original Dena'ina
22 Settlement. If the Department of the Interior
23 establishes a historical, cultural, or archaeologi-
24 cal interpretive site, KNA shall have the exclu-
25 sive right to operate a Dena'ina interpretive site

1 on the Stephanka Tract under the regulations
2 and policies of the department. If KNA declines
3 to operate such a site, the department may do
4 so under its existing authorities. Prior to the
5 department undertaking any archaeological ac-
6 tivities whatsoever on the Stephanka Tract,
7 KNA shall be consulted.

8 (3) GENERAL PROVISIONS.—

9 (A) REMOVAL OF KNA LANDS FROM THE
10 NATIONAL WILDLIFE REFUGE SYSTEM.—

11 (i) Effective on the date of closing for
12 the Acquisition Lands identified in para-
13 graph (2)(B), all lands retained by or con-
14 veyed to KNA pursuant to this section,
15 and the subsurface interests of CIRI un-
16 derlying such lands shall be automatically
17 removed from the National Wildlife Refuge
18 System and shall neither be considered as
19 part of the Refuge nor subject to any laws
20 pertaining solely to lands within the
21 boundaries of the Refuge. The conveyance
22 restrictions imposed by section 22(g) of
23 ANCSA (i) shall then be ineffective and
24 cease to apply to such interests of KNA
25 and CIRI, and (ii) shall not be applicable

1 to the interests received by KNA in accord-
2 ance with paragraph (2)(B) or to the CIRI
3 interests underlying them. The Secretary
4 shall adjust the boundaries of the Refuge
5 so as to exclude all interests in lands re-
6 tained or received in exchange by KNA in
7 accordance with this section, including
8 both surface and subsurface, and shall also
9 exclude all interests currently held by
10 CIRI. On lands within the Swanson River
11 Road East Tract, the boundary adjustment
12 shall only include the surface estate where
13 the subsurface estate is retained by the
14 United States.

15 (ii)(I) The Secretary, KNA, and CIRI
16 shall execute an agreement within 45 days
17 of the date of enactment of this section
18 which preserves CIRI's rights under para-
19 graph 1(B)(1) of the Terms and Condi-
20 tions, addresses CIRI's obligations under
21 such paragraph, and adequately addresses
22 management issues associated with the
23 boundary adjustment set forth in this sec-
24 tion and with the differing interests in

1 land resulting from enactment of this sec-
2 tion.

3 (II) In the event that no agreement is
4 executed as provided for in subclause (I),
5 solely for the purposes of administering
6 CIRI's rights under paragraph 1(B)(1) of
7 the Terms and Conditions, the Secretary
8 and CIRI shall be deemed to have retained
9 their respective rights and obligations with
10 respect to CIRI's subsurface interests
11 under the requirements of the Terms and
12 Conditions in effect on June 18, 1996.
13 Notwithstanding the boundary adjustments
14 made pursuant to this section, conveyances
15 to KNA shall be deemed to remain subject
16 to the Secretary's and CIRI's rights and
17 obligations under paragraph 1(B)(1) of the
18 Terms and Conditions.

19 (iii) The Secretary is authorized to ac-
20 quire by purchase or exchange, on a willing
21 seller basis only, any lands retained by or
22 conveyed to KNA. In the event that any
23 lands owned by KNA are subsequently ac-
24 quired by the United States, they shall be
25 automatically included in the Refuge Sys-

1 tem. The laws and regulations applicable
2 to Refuge lands shall then apply to these
3 lands and the Secretary shall then adjust
4 the boundaries accordingly.

5 (iv) Nothing in this section is in-
6 tended to enlarge or diminish the authori-
7 ties, rights, duties, obligations, or the
8 property rights held by CIRI under the
9 Terms and Conditions, or otherwise except
10 as set forth in this section. In the event of
11 the purchase by the United States of any
12 lands from KNA in accordance with sub-
13 paragraph (A)(ii), the United States shall
14 reassume from KNA the rights it pre-
15 viously held under the Terms and Condi-
16 tions and the provisions in any patent im-
17 plementing section 22(g) of ANCSA will
18 again apply.

19 (v) By virtue of implementation of
20 this section, CIRI is deemed entitled to
21 1,207 acres of in-lieu subsurface entitle-
22 ment under section 12(a)(1) of ANCSA.
23 Such entitlement shall be fulfilled in ac-
24 cordance with paragraph 1(B)(2)(A) of the
25 Terms and Conditions.

1 (B) MAPS AND LEGAL DESCRIPTIONS.—
2 Maps and a legal description of the lands de-
3 scribed above shall be on file and available for
4 public inspection in the appropriate offices of
5 the United States Department of the Interior,
6 and the Secretary shall, no later than 90 days
7 after enactment of this section, prepare a legal
8 description of the lands described in paragraph
9 (2)(A)(vii). Such maps and legal description
10 shall have the same force and effect as if in-
11 cluded in the section, except that the Secretary
12 may correct clerical and typographical errors.

13 (C) ACCEPTANCE.—KNA may accept the
14 offer made in this section by notifying the Sec-
15 retary in writing of its decision within 180 days
16 of receipt of the offer. In the event the offer is
17 rejected, the Secretary shall notify the Commit-
18 tee on Resources of the House of Representa-
19 tives and the Committee on Energy and Natu-
20 ral Resources and the Committee on Environ-
21 ment and Public Works of the Senate.

22 (D) FINAL MAPS.—Not later than 120
23 days after the conclusion of the acquisition au-
24 thorized by paragraph (1), the Secretary shall
25 transmit a final report and maps accurately de-

1 picting the lands transferred and conveyed pur-
2 suant to this section and the acreage and legal
3 descriptions of such lands to the Committee on
4 Resources of the House of Representatives and
5 the Committee on Energy and Natural Re-
6 sources and the Committee on Environment
7 and Public Works of the Senate.

8 (e) ADJUSTMENTS TO NATIONAL WILDERNESS SYS-
9 TEM.—Upon acquisition of lands by the United States
10 pursuant to subsection (d)(2)(A), that portion of the
11 Stephanka Tract lying south and west of the Kenai River,
12 consisting of approximately 592 acres, shall be included
13 in and managed as part of the Kenai Wilderness and such
14 lands shall be managed in accordance with the applicable
15 provisions of the Wilderness Act and ANILCA.

16 (f) DESIGNATION OF LAKE TODATONTEN SPECIAL
17 MANAGEMENT AREA.—

18 (1) PURPOSE.—To balance the potential effects
19 on fish, wildlife, and habitat of the removal of KNA
20 lands from the Refuge System, the Secretary is
21 hereby directed to withdraw, subject to valid existing
22 rights, from location, entry, and patent under the
23 mining laws and to create as a special management
24 unit for the protection of fish, wildlife, and habitat,
25 certain unappropriated and unreserved public lands,

1 totaling approximately 37,000 acres adjacent to the
2 west boundary of the Kanuti National Wildlife Ref-
3 uge to be know as the “Lake Todatonten Special
4 Management Area”, as depicted on the map entitled
5 “Proposed: Lake Todatonten Special Management
6 Area”, dated June 13, 1996, and to be managed by
7 the Bureau of Land Management.

8 (2) MANAGEMENT.—

9 (A) Such designation is subject to all valid
10 existing rights as well as the subsistence pref-
11 erences provided under title VIII of ANILCA.
12 Any lands conveyed to the State of Alaska shall
13 be removed from the Lake Todatonten Special
14 Management Area.

15 (B) The Secretary may permit any addi-
16 tional uses of the area, or grant easements, only
17 to the extent that such use, including leasing
18 under the mineral leasing laws, is determined to
19 not detract from nor materially interfere with
20 the purposes for which the Special Management
21 Area is established.

22 (C)(i) The BLM shall establish the Lake
23 Todatonten Special Management Area Commit-
24 tee. The membership of the Committee shall
25 consist of 11 members as follows:

1 (I) Two residents each from the vil-
2 lages of Alatna, Allakaket, Hughes, and
3 Tanana.

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

7 (ii) Members of the Committee shall serve
8 without pay.

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

17 (3) ACCESS.—The Secretary shall allow the fol-
18 lowing:

19 (A) Private access for any purpose, includ-
20 ing economic development, to lands within the
21 boundaries of the Special Management Area
22 which are owned by third parties or are held in
23 trust by the Secretary for third parties pursu-
24 ant to the Alaska Native Allotment Act (25
25 U.S.C. 336). Such rights may be subject to re-

1 restrictions issued by the BLM to protect subsist-
2 ence uses of the Special Management Area.

3 (B) Existing public access across the Spe-
4 cial Management Area. Section 1110(a) of
5 ANILCA shall apply to the Special Manage-
6 ment Area.

7 (4) SECRETARIAL ORDER AND MAPS.—The Sec-
8 retary shall file with the Committee on Resources of
9 the House of Representatives and the Committee on
10 Energy and Natural Resources and the Committee
11 on Environment and Public Works of the Senate,
12 the Secretarial Order and maps setting forth the
13 boundaries of the Area within 90 days of the com-
14 pletion of the acquisition authorized by this section.
15 Once established, this Order may only be amended
16 or revoked by Act of Congress.

17 (5) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated such sums
19 as may be necessary to carry out the purposes of
20 this section.

21 **TITLE IV—RIVERS AND TRAILS**

22 **SEC. 401. 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 Basis
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. 402. 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. 403. 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. 404. HANFORD REACH PRESERVATION.**

11 Section 2 of Public Law 100–605 is amended as fol-
12 lows:

13 (1) By striking “**INTERIM**” in the section
14 heading.

15 (2) By striking “For a period of eight years
16 after” and inserting “After” in subsection (a).

17 (3) By striking in subsection (b) “During the
18 eight year interim protection period, provided by this
19 section, all” and inserting “All”.

20 **SEC. 405. LAMPREY WILD AND SCENIC RIVER.**

21 (a) DESIGNATION.—Section 3(a) of the Wild and
22 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
23 ing the following new paragraph at the end thereof:

24 “() LAMPREY RIVER, NEW HAMPSHIRE.—The
25 11.5-mile segment extending from the southern Lee town

1 line to the confluence with the Piscassic River in the vicin-
2 ity of the Durham-Newmarket town line (hereinafter in
3 this paragraph referred to as the ‘segment’) as a rec-
4 reational river. The segment shall be administered by the
5 Secretary of the Interior through cooperation agreements
6 between the Secretary and the State of New Hampshire
7 and its relevant political subdivisions, namely the towns
8 of Durham, Lee, and Newmarket, pursuant to section
9 10(e) of this Act. The segment shall be managed in ac-
10 cordance with the Lamprey River Management Plan dated
11 January 10, 1995, and such amendments thereto as the
12 Secretary of the Interior determines are consistent with
13 this Act. Such plan shall be deemed to satisfy the require-
14 ments for a comprehensive management plan pursuant to
15 section 3(d) of this Act.”.

16 (b) MANAGEMENT.—

17 (1) COMMITTEE.—The Secretary of the Interior
18 shall coordinate his management responsibilities
19 under this Act with respect to the segment des-
20 ignated by subsection (a) with the Lamprey River
21 Advisory Committee established pursuant to New
22 Hampshire RSA 483.

23 (2) LAND MANAGEMENT.—The zoning ordi-
24 nances duly adopted by the towns of Durham, Lee,
25 and Newmarket, New Hampshire, including provi-

1 sions for conservation of shorelands, floodplains, and
2 wetlands associated with the segment, shall be
3 deemed to satisfy the standards and requirements of
4 section 6(c) of the Wild and Scenic Rivers Act, and
5 the provisions of that section, which prohibit Federal
6 acquisition of lands by condemnation, shall apply to
7 the segment designated by subsection (a). The au-
8 thority of the Secretary to acquire lands for the pur-
9 poses of this paragraph shall be limited to acquisi-
10 tion by donation or acquisition with the consent of
11 the owner thereof, and shall be subject to the addi-
12 tional criteria set forth in the Lamprey River Man-
13 agement Plan.

14 (c) UPSTREAM SEGMENT.—Upon request by the
15 town of Epping, which abuts an additional 12 miles of
16 river found eligible for designation as a recreational river,
17 the Secretary of the Interior shall offer assistance regard-
18 ing continued involvement of the town of Epping in the
19 implementation of the Lamprey River Management Plan
20 and in consideration of potential future addition of that
21 portion of the river within Epping as a component of the
22 Wild and Scenic Rivers System.

1 **SEC. 406. WEST VIRGINIA NATIONAL RIVERS AMENDMENTS**
2 **OF 1996.**

3 (a) AMENDMENTS PERTAINING TO THE NEW RIVER
4 GORGE NATIONAL RIVER.—

5 (1) BOUNDARIES.—Section 1101 of the Na-
6 tional Parks and Recreation Act of 1978 (16 U.S.C.
7 460m–15) is amended by striking out “NERI–
8 80,023, dated January 1987” and inserting
9 “NERI–80,028A, dated March 1996”.

10 (2) FISH AND WILDLIFE MANAGEMENT.—Sec-
11 tion 1106 of the National Parks and Recreation Act
12 of 1978 (16 U.S.C. 460m–20) is amended by adding
13 the following at the end thereof: “The Secretary
14 shall permit the State of West Virginia to undertake
15 fish stocking activities carried out by the State, in
16 consultation with the Secretary, on waters within the
17 boundaries of the national river. Nothing in this Act
18 shall be construed as affecting the jurisdiction of the
19 State of West Virginia with respect to fish and wild-
20 life.”.

21 (3) CONFORMING AMENDMENTS.—Title XI of
22 the National Parks and Recreation Act of 1978 (16
23 U.S.C. 460m–15 et seq.) is amended by adding the
24 following new section at the end thereof:

1 **“SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.**

2 “(a) COOPERATIVE AGREEMENTS.—The provisions
3 of section 202(e)(1) of the West Virginia National Interest
4 River Conservation Act of 1987 (16 U.S.C. 460ww–
5 1(e)(1)) shall apply to the New River Gorge National
6 River in the same manner and to the same extent as such
7 provisions apply to the Gauley River National Recreation
8 Area.

9 “(b) REMNANT LANDS.—The provisions of the sec-
10 ond sentence of section 203(a) of the West Virginia Na-
11 tional Interest River Conservation Act of 1987 (16 U.S.C.
12 460ww–2(a)) shall apply to tracts of land partially within
13 the boundaries of the New River Gorge National River in
14 the same manner and to the same extent as such provi-
15 sions apply to tracts of land only partially within the
16 Gauley River National Recreation Area.”.

17 (b) VISITOR CENTER.—The Secretary of the Interior
18 is authorized to construct a visitor center and such other
19 related facilities as may be deemed necessary to facilitate
20 visitor understanding and enjoyment of the New River
21 Gorge National River and the Gauley River National
22 Recreation Area in the vicinity of the confluence of the
23 New and Gauley Rivers. Such center and related facilities
24 are authorized to be constructed at a site outside of the
25 boundary of the New River Gorge National River or

1 Gauley River National Recreation Area unless a suitable
2 site is available within the boundaries of either unit.

3 (c) AMENDMENTS PERTAINING TO THE GAULEY
4 RIVER NATIONAL RECREATION AREA.—

5 (1) TECHNICAL AMENDMENT.—Section 205(c)
6 of the West Virginia National Interest River Con-
7 servation Act of 1987 (16 U.S.C. 460ww-4(c)) is
8 amended by adding the following at the end thereof:
9 “If project construction is not commenced within the
10 time required in such license, or if such license is
11 surrendered at any time, such boundary modification
12 shall cease to have any force and effect.”.

13 (2) GAULEY ACCESS.—Section 202(e) of the
14 West Virginia National Interest River Conservation
15 Act of 1987 (16 U.S.C. 460ww-1(e)) is amended by
16 adding the following new paragraph at the end
17 thereof:

18 “(4) ACCESS TO RIVER.—(A) In order to facili-
19 tate public safety, use, and enjoyment of the recre-
20 ation area, and to protect, to the maximum extent
21 feasible, the scenic and natural resources of the
22 area, the Secretary is authorized and directed to ac-
23 quire such lands or interests in lands and to take
24 such actions as are necessary to provide access by
25 noncommercial entities on the north side of the

1 Gauley River at the area known as Woods Ferry uti-
2 lizing existing roads and rights-of-way. Such actions
3 by the Secretary shall include the construction of
4 parking and related facilities in the vicinity of
5 Woods Ferry for noncommercial use on lands ac-
6 quired pursuant to paragraph (3) or on lands ac-
7 quired with the consent of the owner thereof within
8 the boundaries of the recreation area.

9 “(B) If necessary, in the discretion of the Sec-
10 retary, in order to minimize environmental impacts,
11 including visual impacts, within portions of the
12 recreation area immediately adjacent to the river,
13 the Secretary may, by contract or otherwise, provide
14 transportation services for noncommercial visitors,
15 at reasonable cost, between such parking facilities
16 and the river.

17 “(C) Nothing in subparagraph (A) shall affect
18 the rights of any person to continue to utilize, pur-
19 suant to a lease in effect on April 1, 1993, any right
20 of way acquired pursuant to such lease which au-
21 thorizes such person to use an existing road referred
22 to in subparagraph (A). Except as provided under
23 paragraph (2) relating to access immediately down-
24 stream of the Summersville project, until there is
25 compliance with this paragraph the Secretary is pro-

1 hibited from acquiring or developing any other river
2 access points within the recreation area.”.

3 (d) AMENDMENTS PERTAINING TO THE BLUESTONE
4 NATIONAL SCENIC RIVER.—

5 (1) BOUNDARIES.—Section 3(a)(65) of the
6 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65))
7 is amended by striking out “WSR–BLU/20,000, and
8 dated January 1987” and inserting “BLUE–80,005,
9 dated May 1996”.

10 (2) PUBLIC ACCESS.—Section 3(a)(65) of the
11 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65))
12 is amended by adding the following at the end there-
13 of: “In order to provide reasonable public access and
14 vehicle parking for public use and enjoyment of the
15 river designated by this paragraph, consistent with
16 the preservation and enhancement of the natural
17 and scenic values of such river, the Secretary may,
18 with the consent of the owner thereof, negotiate a
19 memorandum of understanding or cooperative agree-
20 ment, or acquire not more than 10 acres of lands or
21 interests in such lands, or both, as may be necessary
22 to allow public access to the Bluestone River and to
23 provide, outside the boundary of the scenic river,
24 parking and related facilities in the vicinity of the
25 area known as Eads Mill.”.

1 **SEC. 407. TECHNICAL AMENDMENT TO THE WILD AND SCE-**
 2 **NIC RIVERS ACT.**

3 (a) NUMBERING OF PARAGRAPHS.—The unnumbered
 4 paragraphs in section 3(a) of the Wild and Scenic Rivers
 5 Act (16 U.S.C. 1274(a)), relating to each of the following
 6 river segments, are each amended by numbering such
 7 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. 408. 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 et seq.), is amended by adding the following new sec-
 7 tion 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
 18 to prevent the issuance of any permit for the construction
 19 of a new water gauging station on North St. Vrain Creek
 20 at the point of its confluence with Coulson Gulch.”.

21 (b) ENCOURAGEMENT OF EXCHANGES.—

22 (1) LANDS INSIDE ROCKY MOUNTAIN NATIONAL
 23 PARK.—Promptly following enactment of this Act,
 24 the Secretary of the Interior shall seek to acquire by

1 donation or exchange those lands within the bound-
2 aries of Rocky Mountain National Park owned by
3 the city of Longmont, Colorado, that are referred to
4 in section 111(d) of the Act commonly referred to as
5 the “Colorado Wilderness Act of 1980” (Public Law
6 96–560; 94 Stat. 3272; 16 U.S.C. 192b–9(d)).

7 (2) OTHER LANDS.—The Secretary of Agri-
8 culture shall immediately and actively pursue nego-
9 tiations with the city of Longmont, Colorado, con-
10 cerning the city’s proposed exchange of lands owned
11 by the city and located in and near Coulson Gulch
12 for other lands owned by the United States. The
13 Secretary shall report to Congress 2 calendar years
14 after the date of enactment of this Act, and every
15 2 years thereafter on the progress of such negotia-
16 tions until negotiations are complete.

17 **TITLE V—HISTORIC AREAS AND** 18 **CIVIL RIGHTS**

19 **SEC. 501. THE SELMA TO MONTGOMERY NATIONAL HIS-** 20 **TORIC TRAIL.**

21 Section 5(a) of the National Trails System Act (16
22 U.S.C. 1244(a)) is amended by adding at the end thereof
23 the following new paragraph:

24 “() The Selma to Montgomery National Historic
25 Trail, consisting of 54 miles of city streets and United

1 States Highway 80 from Brown Chapel A.M.E. Church
2 in Selma to the State Capitol Building in Montgomery,
3 Alabama, traveled by voting rights advocates during
4 March 1965 to dramatize the need for voting rights legis-
5 lation, as generally described in the report of the Secretary
6 of the Interior prepared pursuant to subsection (b) of this
7 section entitled “Selma to Montgomery” and dated April
8 1993. Maps depicting the route shall be on file and avail-
9 able for public inspection in the Office of the National
10 Park Service, Department of the Interior. The trail shall
11 be administered in accordance with this Act, including sec-
12 tion 7(h). The Secretary of the Interior, acting through
13 the National Park Service, which shall be the lead Federal
14 agency, shall cooperate with other Federal, State and local
15 authorities to preserve historic sites along the route, in-
16 cluding (but not limited to) the Edmund Pettus Bridge
17 and the Brown Chapel A.M.E. Church.”.

18 **SEC. 502. VANCOUVER NATIONAL HISTORIC RESERVE.**

19 (a) ESTABLISHMENT.—There is established the Van-
20 couver National Historic Reserve in the State of Washing-
21 ton (referred to in this section as the “Reserve”), consist-
22 ing of the area described in the report entitled “Vancouver
23 National Historic Reserve Feasibility Study and Environ-
24 mental Assessment” published by the Vancouver Histori-
25 cal Assessment” published by the Vancouver Historical

1 Study Commission and dated April 1993 as authorized by
2 Public Law 101-523 (referred to in this section as the
3 “Vancouver Historic Reserve Report”).

4 (b) ADMINISTRATION.—(1) The Reserve shall be ad-
5 ministered through a general management plan developed
6 in accordance with this section, and approved by the Sec-
7 retary of the Interior and the Secretary of the Army.

8 (2) Not later than three years after the date of enact-
9 ment of this Act, the National Park Service shall submit
10 to the Secretaries a general management plan for the ad-
11 ministration of the Reserve.

12 (3) The general management plan shall be developed
13 by a Partnership comprised of a representative from the
14 National Park Service, a representative of the Historic
15 Preservation Office of the State of Washington, a rep-
16 resentative of the Department of the Army, and a rep-
17 resentative of the City of Vancouver, Washington.

18 (4) The general management plan shall be developed
19 in accordance with the specific findings and recommenda-
20 tions of the Vancouver Historic Reserve Report, along
21 with any other considerations not otherwise in conflict
22 with the Report, and shall include at a minimum a state-
23 ment of purpose, an interpretive plan, and an economic
24 plan for Pearson Field.

1 (5) The Reserve shall not be deemed to be a new unit
2 of the National Park System.

3 (c) NO LIMITATION ON FAA AUTHORITY.—The es-
4 tablishment of the Reserve shall not limit—

5 (1) the authority of the Federal Aviation Ad-
6 ministration over air traffic control, or aviation ac-
7 tivities at Pearson Airpark; or

8 (2) limit operations and airspace in the vicinity
9 of Portland International Airport.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated \$400,000 per year for
12 operational costs for each fiscal year following enactment
13 of this Act and \$5,000,000 for development costs.

14 **SEC. 503. EXTENSION OF KALOKO-HONOKOHAU ADVI-**
15 **SORY COMMISSION.**

16 (a) KALOKO-HONOKOHAU NATIONAL HISTORICAL
17 PARK.—Notwithstanding section 505(f)(7) of Public Law
18 95–625 (16 U.S.C. 396d(f)(7)), the Na Hoa Pili O
19 Kaloko-Honokohau, the Advisory Commission for Kaloko-
20 Honokohau National Historical Park, is hereby re-estab-
21 lished in accordance with section 505(f), as amended by
22 paragraph (2) of this subsection.

23 (b) CONFORMING AMENDMENT.—Section 505(f)(7)
24 of Public Law 95–625 (16 U.S.C. 396d(7)), is amended
25 by striking “this Act” and inserting in lieu thereof, “the

1 Na Hoa Pili Kaloko-Honokohau Re-establishment Act of
2 1996”.

3 **SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORIC**
4 **PARK ACT.**

5 Section 3(b) of the Boston National Historical Park
6 Act of 1974 (16 U.S.C. 410z-1(b)) is amended by insert-
7 ing “(1)” before the first sentence thereof and by adding
8 the following at the end thereof:

9 “(2) The Secretary of the Interior is authorized to
10 enter into a cooperative agreement with the Boston Public
11 Library to provide for the distribution of informational
12 and interpretive materials relating to the park and to the
13 Freedom Trail.”.

14 **SEC. 505. WOMEN’S RIGHTS NATIONAL HISTORICAL PARK.**

15 (a) INCLUSION OF OTHER PROPERTIES.—Section
16 1601(c) of Public Law 96-607 (16 U.S.C. 410ll) is
17 amended to read as follows:

18 “(c) ESTABLISHMENT.—To carry out the purposes of
19 this section there is hereby established the Women’s
20 Rights National Historical Park (hereinafter in this sec-
21 tion referred to as the “park”). The park shall consist of
22 the following designated sites in Seneca Falls and Water-
23 loo, New York:

24 “(1) Stanton House, 32 Washington Street,
25 Seneca Falls;

1 “(2) dwelling, 30 Washington Street, Seneca
2 Falls;

3 “(3) dwelling, 34 Washington Street, Seneca
4 Falls;

5 “(4) lot, 26–28 Washington Street, Seneca
6 Falls;

7 “(5) former Wesleyan Chapel, 126 Fall Street,
8 Seneca Falls;

9 “(6) theater, 128 Fall Street, Seneca Falls;

10 “(7) McClintock House, 16 East Williams
11 Street, Waterloo;

12 “(8) Hunt House, 401 East Williams Street,
13 Waterloo;

14 “(9) not to exceed 1 acre, plus improvements,
15 as determined by the Secretary, in Seneca Falls for
16 development of a maintenance facility;

17 “(10) dwelling, 1 Seneca Street, Seneca Falls;

18 “(11) dwelling, 10 Seneca Street, Seneca Falls;

19 “(12) parcels adjacent to Wesleyan Chapel
20 Block, including Clinton Street, Fall Street, and
21 Mynderse Street, Seneca Falls; and

22 “(13) dwelling, 12 East Williams Street, Water-
23 loo.”.

24 “(b) MISCELLANEOUS AMENDMENTS.—Section 1601
25 of Public Law 96–607 (16 U.S.C. 4101l) is amended by

1 redesignating subsection (i) as “(i)(1)” and inserting at
2 the end thereof the following new paragraph:

3 “(2) In addition to those sums appropriated prior to
4 the date of enactment of this paragraph for land acqui-
5 sition and development, there is hereby authorized to be ap-
6 propriated an additional \$2,000,000.”.

7 **SEC. 506. BLACK PATRIOTS MEMORIAL EXTENSION.**

8 The legislative authority for the Black Revolutionary
9 War Patriots Foundation to establish a commemorative
10 work (as defined by the Commemorative Works Act (40
11 U.S.C. 1001 et seq.)) shall expire October 27, 1998, not-
12 withstanding the time period limitation specified in section
13 10(b) of that Act (40 U.S.C. 1010(b)).

14 **SEC. 507. HISTORICALLY BLACK COLLEGES AND UNIVER-**
15 **SITIES HISTORIC BUILDING RESTORATION**
16 **AND PRESERVATION.**

17 (a) **AUTHORITY TO MAKE GRANTS.**—From the
18 amounts made available to carry out the National Historic
19 Preservation Act, the Secretary of the Interior shall make
20 grants in accordance with this section to eligible histori-
21 cally black colleges and universities for the preservation
22 and restoration of historic buildings and structures on the
23 campus of these institutions.

24 (b) **GRANT CONDITIONS.**—Grants made under sub-
25 section (a) shall be subject to the condition that the grant-

1 ee covenants, for the period of time specified by the Sec-
2 retary, that—

3 (1) no alteration will be made in the property
4 with respect to which the grant is made without the
5 concurrence of the Secretary; and

6 (2) reasonable public access to the property
7 with respect to which the grant is made will be per-
8 mitted by the grantee for interpretive and edu-
9 cational purposes.

10 (c) MATCHING REQUIREMENT FOR BUILDINGS AND
11 STRUCTURES LISTED ON THE NATIONAL REGISTER OF
12 HISTORIC PLACES.—(1) Except as provided by paragraph
13 (2), the Secretary may obligate funds made available
14 under this section for a grant with respect to a building
15 or structure listed on, or eligible for listing on, the Na-
16 tional Register of Historic Places only if the grantee
17 agrees to match, from funds derived from non-Federal
18 sources, the amount of the grant with an amount that is
19 equal or greater than the grant.

20 (2) The Secretary may waive paragraph (1) with re-
21 spect to a grant if the Secretary determines from cir-
22 cumstances that an extreme emergency exists or that such
23 a waiver is in the public interest to assure the preservation
24 of historically significant resources.

1 (d) FUNDING PROVISION.—Pursuant to section 108
2 of the National Historic Preservation Act, \$29,000,000
3 shall be made available to carry out the purposes of this
4 section. Of amounts made available pursuant to this sec-
5 tion, \$5,000,000 shall be available for grants to Fisk Uni-
6 versity, \$2,500,000 shall be available for grants to Knox-
7 ville College, \$2,000,000 shall be available for grants to
8 Miles College, Alabama, \$1,500,000 shall be available for
9 grants to Talladega College, Alabama, \$1,550,000 shall
10 be available for grants to Selma University, Alabama,
11 \$250,000 shall be available for grants to Stillman College,
12 Alabama, \$200,000 shall be available for grants to
13 Concordia College, Alabama, \$2,900,000 shall be available
14 for grants to Allen University, South Carolina, \$1,000,000
15 shall be available for grants to Claflin College, South
16 Carolina, \$2,000,000 shall be available for grants to Voor-
17 hees College, South Carolina, \$1,000,000 shall be avail-
18 able for grants to Rust College, Mississippi, and
19 \$3,000,000 shall be available for grants to Tougaloo Col-
20 lege, Mississippi.

21 (e) REGULATIONS.—The Secretary shall develop such
22 guidelines as may be necessary to carry out this section.

23 (f) DEFINITIONS.—For the purposes of this section:

24 (1) HISTORICALLY BLACK COLLEGES.—The
25 term “historically black colleges and universities”

1 has the same meaning given the term “part B insti-
2 tution” by section 322 of the Higher Education Act
3 of 1965 (20 U.S.C. 1061).

4 (2) HISTORIC BUILDING AND STRUCTURES.—
5 The term “historic building and structures” means
6 a building or structure listed on, or eligible for list-
7 ing on, the National Register of Historic Places or
8 designated a National Historic Landmark.

9 **SEC. 508. MEMORIAL TO MARTIN LUTHER KING, JR.**

10 (a) IN GENERAL.—The Secretary of the Interior is
11 authorized to permit the Alpha Phi Alpha Fraternity to
12 establish a memorial on lands under the administrative ju-
13 risdiction of the Secretary in the District of Columbia or
14 its environs to honor Martin Luther King, Jr., pursuant
15 to the Commemorative Works Act of 1986.

16 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-
17 RATIVE WORKS.—The establishment of the memorial shall
18 be in accordance with the Act entitled “An Act to provide
19 standards for placement of commemorative works on cer-
20 tain Federal lands in the District of Columbia and its en-
21 viron, and for other purposes” approved November 14,
22 1986 (40 U.S.C. 1001 et seq.).

23 (c) PAYMENT OF EXPENSES.—The Alpha Phi Alpha
24 Fraternity shall be solely responsible for acceptance of
25 contributions for, and payment of the expenses of, the es-

1 tabishment of the memorial. No Federal funds may be
2 used to pay any expense of the establishment of the memo-
3 rial.

4 (d) DEPOSIT OF EXCESS FUNDS.—If, upon payment
5 of all expenses of the establishment of the memorial (in-
6 cluding the maintenance and preservation amount pro-
7 vided for in section 8(b) of the Act referred to in section
8 4401(b)), or upon expiration of the authority for the me-
9 morial under section 10(b) of that Act, there remains a
10 balance of funds received for the establishment of the me-
11 morial, the Alpha Phi Alpha Fraternity shall transmit the
12 amount of the balance to the Secretary of the Treasury
13 for deposit in the account provided for in section 8(b)(1)
14 of that Act.

15 **SEC. 509. ADVISORY COUNCIL ON HISTORIC PRESERVA-**
16 **TION REAUTHORIZATION.**

17 (a) REAUTHORIZATION.—The last sentence of section
18 212(a) of the National Historic Preservation Act (16
19 U.S.C. 470 et seq.) is amended to read as follows: “There
20 are authorized to be appropriated for the purposes of this
21 title not to exceed \$4,000,000 in each fiscal year 1997
22 through 2000.”.

23 (b) REPORTING REQUIREMENTS.—Within 18 months
24 after the date of enactment of this Act, the Advisory
25 Council on Historic Preservation shall submit a report to

1 the appropriate congressional committees containing an
2 analysis of alternatives for modifying the regulatory pro-
3 cess for addressing impacts of Federal actions on nationally
4 significant historic properties, as well as alternatives for
5 future promulgation and oversight of regulations for im-
6 plementation of section 106 of the National Historic Pres-
7 ervation Act.

8 (c) TECHNICAL AMENDMENTS.—Title II of the Na-
9 tional Historic Preservation Act (16 U.S.C. 470 et seq.)
10 is amended as follows:

11 (1) By striking “appointed” in section
12 201(a)(4) and inserting “designated”.

13 (2) By striking “and 10” in section 201(c) and
14 inserting “through (11)”.

15 (3) By adding the following new section after
16 section 214:

17 “SEC. 215. Subject to applicable conflict of interest
18 laws, the Council may receive reimbursements from State
19 and local agencies and others pursuant to agreements exe-
20 cuted in furtherance of the purposes of this Act.”.

21 (4) By amending subsection (g) of section 205
22 to read as follows:

23 “(g) Any Federal agency may provide the Council,
24 with or without reimbursement as may be agreed upon by
25 the Chairman and the agency, with such funds, personnel,

1 facilities and services under its jurisdiction and control as
2 may be needed by the Council to carry out its duties, to
3 the extent that such funds, personnel, facilities, and serv-
4 ices are requested by the Council and are otherwise avail-
5 able for the purpose. Any funds provided to the Council
6 pursuant to this subsection must be expended by the end
7 of the fiscal year following the fiscal year in which the
8 funds are received by the Council. To the extent of avail-
9 able appropriations, the Council may obtain by purchase,
10 rental, donation, or otherwise, such additional property fa-
11 cilities, and services as may be needed to carry out its
12 duties and may also receive donations of moneys for such
13 purpose, and the Executive Director is authorized, in his
14 discretion, to accept, hold, use, expend, and administer the
15 same for the purposes of this Act.”.

16 **SEC. 510. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.**

17 (a) PURPOSES.—The purposes of this section are—

18 (1) to preserve and interpret, for the edu-
19 cational and inspirational benefit of the public, the
20 contribution of our national heritage of certain his-
21 toric and cultural lands and edifices of the Great
22 Falls Historic District, with emphasis on harnessing
23 this unique urban environment for its educational
24 and recreational value; and

1 (2) to enhance economic and cultural redevelop-
2 ment within the District.

3 (b) DEFINITIONS.—In this section:

4 (1) DISTRICT.—The term “District” means the
5 Great Falls Historic District established by sub-
6 section (c).

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

9 (3) HISTORIC INFRASTRUCTURE.—The term
10 “historic infrastructure” means the District’s his-
11 toric raceway system, all four stories of the original
12 Colt Gun Mill, including belltower, and any other
13 structure that the Secretary determines to be eligible
14 for the National Register of Historic Places.

15 (c) GREAT FALLS HISTORIC DISTRICT.—

16 (1) ESTABLISHMENT.—There is established the
17 Great Falls Historic District in the city of Paterson,
18 in Passaic County, New Jersey.

19 (2) BOUNDARIES.—The boundaries of the Dis-
20 trict shall be the boundaries specified by the Great
21 Falls Historic District listed on the National Reg-
22 ister of Historic Places.

23 (d) DEVELOPMENT PLAN.—The Secretary may make
24 grants and enter into cooperative agreements with the
25 State of New Jersey, local governments, and private non-

1 profit entities under which the Secretary agrees to pay not
2 more than 50 percent of the costs of—

3 (1) preparation of a plan for the development of
4 historic, architectural, natural, cultural, and inter-
5 pretive resources within the District;

6 (2) implementation of projects approved by the
7 Secretary under the development plan; and

8 (3) a market analysis assessing the economic
9 development potential of the District and rec-
10 ommending steps to be taken to encourage economic
11 development and revitalization in a manner consist-
12 ent with the District's historic character.

13 (e) RESTORATION, PRESERVATION, AND INTERPRE-
14 TATION OF PROPERTIES.—

15 (1) COOPERATIVE AGREEMENTS.—The Sec-
16 retary may enter into cooperative agreements with
17 the State of New Jersey, local governments and non-
18 profit entities owning property within the District
19 under which the Secretary may—

20 (A) pay not more than 50 percent of the
21 cost of restoring, repairing, rehabilitating, and
22 improving historic infrastructure within the
23 District;

1 (B) provide technical assistance with re-
2 spect to the preservation and interpretation of
3 properties within the District; and

4 (C) mark and provide interpretation of
5 properties within the District.

6 (2) PROVISIONS.—A cooperative agreement
7 under paragraph (1) shall provide that—

8 (A) the Secretary shall have the right of
9 access at reasonable times to public portions of
10 the property for interpretive and other pur-
11 poses;

12 (B) no change or alteration may be made
13 in the property except with the agreement of
14 the property owner, the Secretary, and any
15 Federal agency that may have regulatory juris-
16 diction over the property; and

17 (C) any construction grant made under
18 this section shall be subject to an agreement
19 that provides that conversion, use, or disposal
20 of the project so assisted for purposes contrary
21 to the purposes of this section shall result in a
22 right of the United States to compensation
23 from the beneficiary of the grant, and that pro-
24 vides for a schedule for such compensation

1 based on the level of Federal investment and
2 the anticipated useful life of the project.

3 (3) APPLICATIONS.—

4 (A) IN GENERAL.—A property owner that
5 desires to enter into a cooperative agreement
6 under paragraph (1) shall submit to the Sec-
7 retary an application describing how the project
8 proposed to be funded will further the purposes
9 of the District.

10 (B) CONSIDERATION.—In making such
11 funds available under this subsection, the Sec-
12 retary shall give consideration to projects that
13 provide a greater leverage of Federal funds.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated from the Historic Pres-
16 ervation Fund authorized under the National Historic
17 Preservation Act to the Secretary to carry out this sec-
18 tion—

19 (1) \$250,000 for grants and cooperative agree-
20 ments for the development plan under subsection
21 (d); and

22 (2) \$50,000 for the provision of technical as-
23 sistance and \$3,000,000 for the provision of other
24 assistance under cooperative agreements under sub-
25 section (e).

1 **SEC. 511. NEW BEDFORD NATIONAL HISTORIC LANDMARK**
2 **DISTRICT.**

3 (a) FINDINGS AND PURPOSES.—

4 (1) FINDINGS.—The Congress finds that—

5 (A) the New Bedford National Historic
6 Landmark District and associated historic sites
7 as described in subsection (c)(2), including the
8 Schooner Ernestina, are National Historic
9 Landmarks and are listed on the National Reg-
10 ister of Historic Places as historic sites associ-
11 ated with the history of whaling in the United
12 States;

13 (B) the city of New Bedford was the 19th
14 century capital of the world's whaling industry
15 and retains significant architectural features,
16 archival materials, and museum collections il-
17 lustrative of this period;

18 (C) New Bedford's historic resources pro-
19 vide unique opportunities for illustrating and
20 interpreting the whaling industry's contribution
21 to the economic, social, and environmental his-
22 tory of the United States and provide opportu-
23 nities for public use and enjoyment;

24 (D) during the nineteenth century, over
25 two thousand whaling voyages sailed out of
26 New Bedford to the Arctic region of Alaska,

1 and joined Alaska Natives from Barrow, Alaska
2 and other areas in the Arctic region in subsist-
3 ence whaling activities; and

4 (E) the National Park System presently
5 contains no sites commemorating whaling and
6 its contribution to American history.

7 (2) PURPOSES.—The purposes of this section
8 are—

9 (A) to help preserve, protect, and interpret
10 the resources within the areas described in sub-
11 section (c)(2), including architecture, setting,
12 and associated archival and museum collections;

13 (B) to collaborate with the city of New
14 Bedford and with associated historical, cultural,
15 and preservation organizations to further the
16 purposes of the park established under this sec-
17 tion; and

18 (C) to provide opportunities for the inspi-
19 rational benefit and education of the American
20 people.

21 (b) DEFINITIONS.—For the purposes of this sec-
22 tion—

23 (1) the term “park” means the New Bedford
24 Whaling National Historical Park established by
25 subsection (c); and

1 (2) the term “Secretary” means the Secretary
2 of the Interior.

3 (c) NEW BEDFORD WHALING NATIONAL HISTORI-
4 CAL PARK.—

5 (1) ESTABLISHMENT.—In order to preserve for
6 the benefit and inspiration of the people of the Unit-
7 ed States as a national historical park certain dis-
8 tricts structures, and relics located in New Bedford,
9 Massachusetts, and associated with the history of
10 whaling and related social and economic themes in
11 America, there is established the New Bedford
12 Whaling National Historical Park.

13 (2) BOUNDARIES.—(A) The boundaries of the
14 park shall be those generally depicted on the map
15 numbered NAR–P49–80,000–4 and dated June
16 1994. Such map shall be on file and available for
17 public inspection in the appropriate offices of the
18 National Park Service. In case of any conflict be-
19 tween the descriptions set forth in clauses (i)
20 through (iv) and such map, such map shall govern.
21 The park shall include the following:

22 (i) The area included with the New Bed-
23 ford National Historic Landmark District,
24 known as the Bedford Landing Waterfront His-
25 toric District, as listed within the National Reg-

1 ister of Historic Places and in the Massachu-
2 setts State Register of Historic Places.

3 (ii) The National Historic Landmark
4 Schooner Ernestina, with its home port in New
5 Bedford.

6 (iii) The land along the eastern boundary
7 of the New Bedford National Historic Land-
8 mark District over the east side of MacArthur
9 Drive from the Route 6 overpass on the north
10 to an extension of School Street on the south.

11 (iv) The land north of Elm Street in New
12 Bedford, bounded by Acushnet Avenue on the
13 west, Route 6 (ramps) on the north, MacArthur
14 Drive on the east, and Elm Street on the south.

15 (B) In addition to the sites, areas, and relics re-
16 ferred to in subparagraph (A), the Secretary may
17 assist in the interpretation and preservation of each
18 of the following:

19 (i) The southwest corner of the State Pier.

20 (ii) Waterfront Park, immediately south of
21 land adjacent to the State Pier.

22 (iii) The Rotch-Jones-Duff House and
23 Garden Museum, located at 396 County Street.

24 (iv) The Wharfinger Building, located on
25 Piers 3 and 4.

1 (v) The Bourne Counting House, located
2 on Merrill's Wharf.

3 (d) RELATED FACILITIES.—To ensure that the con-
4 tribution of Alaska Natives to the history of whaling in
5 the United States is fully recognized, the Secretary shall
6 provide—

7 (1) financial and other assistance to establish
8 links between the New Bedford Whaling National
9 Historical Park and the North Slope Borough Cul-
10 tural Center, located in Barrow, Alaska; and

11 (2) to provide appropriate assistance and fund-
12 ing for the North Slope Borough Cultural Center.

13 (e) ADMINISTRATION OF PARK.—

14 (1) IN GENERAL.—The park shall be adminis-
15 tered by the Secretary in accordance with this sec-
16 tion and the provisions of law generally applicable to
17 units of the National Park System, including the Act
18 entitled “An Act to establish a National Park Serv-
19 ice, and for other purposes”, approved August 25,
20 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and
21 the Act of August 21, 1935 (49 Stat. 666; 16
22 U.S.C. 461–467).

23 (2) COOPERATIVE AGREEMENTS.—(A) The Sec-
24 retary may consult and enter into cooperative agree-
25 ments with interested entities and individuals to pro-

1 vide for the preservation, development, interpreta-
2 tion, and use of the park.

3 (B) Any payment made by the Secretary pursu-
4 ant to a cooperative agreement under this paragraph
5 shall be subject to an agreement that conversion,
6 use, or disposal of the project so assisted for pur-
7 poses contrary to the purposes of this section, as de-
8 termined by the Secretary, shall result in a right of
9 the United States to reimbursement of all funds
10 made available to such project or the proportion of
11 the increased value of the project attributable to
12 such funds as determined at the time of such con-
13 version, use, or disposal, whichever is greater.

14 (3) NON-FEDERAL MATCHING REQUIRE-
15 MENTS.—(A) Funds authorized to be appropriated
16 to the Secretary for the purposes of—

17 (i) cooperative agreements under para-
18 graph (2) shall be expended in the ratio of one
19 dollar of Federal funds for each four dollars of
20 funds contributed by non-Federal sources; and

21 (ii) construction, restoration, and rehabili-
22 tation of visitors and interpretive facilities
23 (other than annual operation and maintenance
24 costs) shall be expended in the ratio of one dol-

1 lar of Federal funds for each one dollar of
2 funds contributed by non-Federal sources.

3 (B) For the purposes of this paragraph, the
4 Secretary is authorized to accept from non-Federal
5 sources, and to utilize for purposes of this section,
6 any money so contributed. With the approval of the
7 Secretary, any donation of property, services, or
8 goods from a non-Federal source may be considered
9 as a contribution of funds from a non-Federal
10 source for the purposes of this paragraph.

11 (4) ACQUISITION OF REAL PROPERTY.—For the
12 purposes of the park, the Secretary may acquire only
13 by donation such lands, interests in lands, and im-
14 provements thereon within the park as are needed
15 for essential visitor contact and interpretive facili-
16 ties.

17 (5) OTHER PROPERTY, FUNDS, AND SERV-
18 ICES.—The Secretary may accept donated funds,
19 property, and services to carry out this section.

20 (e) GENERAL MANAGEMENT PLAN.—Not later than
21 the end of the second fiscal year beginning after the date
22 of enactment of this Act, the Secretary shall submit to
23 the Committee on Resources of the House of Representa-
24 tives and the Committee on Energy and Natural Re-
25 sources of the Senate a general management plan for the

1 park and shall implement such plan as soon as practically
2 possible. The plan shall be prepared in accordance with
3 section 12(b) of the Act of August 18, 1970 (16 U.S.C.
4 1a–7(b)) and other applicable law.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), there are authorized to be appropriated
8 such sums as may be necessary to carry out annual
9 operations and maintenance with respect to the park
10 and to carry out the activities under section 3(D).

11 (2) EXCEPTIONS.—In carrying out this sec-
12 tion—

13 (A) not more than \$2,000,000 may be ap-
14 propriated for construction, restoration, and re-
15 habilitation of visitor and interpretive facilities,
16 and directional and visitor orientation signage;

17 (B) none of the funds authorized to be ap-
18 propriated by this section may be used for the
19 operation or maintenance of the Schooner
20 Ernestina; and

21 (C) not more than \$50,000 annually of
22 Federal funds may be used for interpretive and
23 education programs for the Schooner Ernestina
24 pursuant to cooperative grants under subsection
25 (d)(2).

1 **SEC. 512. NICODEMUS NATIONAL HISTORIC SITE.**

2 (a) FINDINGS AND PURPOSES.—

3 (1) FINDINGS.—Congress finds that—

4 (A) the town of Nicodemus, in Kansas, has
5 national significance as the only remaining
6 western town established by African-Americans
7 during the Reconstruction period following the
8 Civil War;

9 (B) the town of Nicodemus is symbolic of
10 the pioneer spirit of African-Americans who
11 dared to leave the only region they had been fa-
12 miliar with to seek personal freedom and the
13 opportunity to develop their talents and capa-
14 bilities; and

15 (C) the town of Nicodemus continues to be
16 a valuable African-American community.

17 (2) PURPOSES.—The purposes of this section
18 are—

19 (A) to preserve, protect, and interpret for
20 the benefit and enjoyment of present and future
21 generations, the remaining structures and loca-
22 tions that represent the history (including the
23 settlement and growth) of the town of
24 Nicodemus, Kansas; and

25 (B) to interpret the historical role of the
26 town of Nicodemus in the Reconstruction period

1 in the context of the experience of westward ex-
2 pansion in the United States.

3 (b) DEFINITIONS.—In this section:

4 (1) HISTORIC SITE.—The term “historic site”
5 means the Nicodemus National Historic Site estab-
6 lished by subsection (c).

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

9 (c) ESTABLISHMENT OF NICODEMUS NATIONAL HIS-
10 TORIC SITE.—

11 (1) ESTABLISHMENT.—There is established the
12 Nicodemus National Historic Site in Nicodemus,
13 Kansas.

14 (2) DESCRIPTION.—

15 (A) IN GENERAL.—The historic site shall
16 consist of the first Baptist Church, the St.
17 Francis Hotel, the Nicodemus School District
18 Number 1, the African Methodist Episcopal
19 Church, and the Township Hall located within
20 the approximately 161.35 acres designated as
21 the Nicodemus National Landmark in the
22 Township of Nicodemus, Graham County, Kan-
23 sas, as registered on the National Register of
24 Historic Places pursuant to section 101 of the
25 National Historic Preservation Act (16 U.S.C.

1 470a), and depicted on a map entitled
2 “Nicodemus National Historic Site”, numbered
3 80,000 and dated August 1994.

4 (B) MAP AND BOUNDARY DESCRIPTION.—

5 The map referred to in subparagraph (A) and
6 accompanying boundary description shall be on
7 file and available for public inspection in the of-
8 fice of the Director of the National Park Serv-
9 ice and any other office of the National Park
10 Service that the Secretary determines to be an
11 appropriate location for filing the map and
12 boundary description.

13 (d) ADMINISTRATION OF THE HISTORIC SITE.—

14 (1) IN GENERAL.—The Secretary shall admin-
15 ister the historic site in accordance with this section
16 and the provisions of law generally applicable to
17 units of the National Park System, including the Act
18 entitled “An Act to establish a National Park Serv-
19 ice, and for other purposes”, approved August 25,
20 1916 (16 U.S.C. 1 et seq.), and the Act of August
21 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461
22 et seq.).

23 (2) COOPERATIVE AGREEMENTS.—To further
24 the purposes of this section, the Secretary may enter
25 into a cooperative agreement with any interested in-

1 dividual, public or private agency, organization, or
2 institution.

3 (3) TECHNICAL AND PRESERVATION ASSIST-
4 ANCE.—

5 (A) IN GENERAL.—The Secretary may
6 provide to any eligible person described in sub-
7 paragraph (B) technical assistance for the pres-
8 ervation of historic structures of, the mainte-
9 nance of the cultural landscape of, and local
10 preservation planning for, the historic site.

11 (B) ELIGIBLE PERSONS.—The eligible per-
12 sons described in this subparagraph are—

13 (i) an owner of real property within
14 the boundary of the historic site, as de-
15 scribed in subsection (c)(2); and

16 (ii) any interested individual, agency,
17 organization, or institution that has en-
18 tered into an agreement with the Secretary
19 pursuant to paragraph (2).

20 (e) ACQUISITION OF REAL PROPERTY.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 the Secretary is authorized to acquire by donation,
23 exchange, or purchase with funds made available by
24 donation or appropriation, such lands or interests in
25 lands as may be necessary to allow for the interpre-

1 tation, preservation, or restoration of the First Bap-
2 tist Church, the St. Francis Hotel, the Nicodemus
3 School District Number 1, the African Methodist
4 Episcopal Church, or the Township Hall, as de-
5 scribed in subsection (c)(2)(A), or any combination
6 thereof.

7 (2) LIMITATIONS.—

8 (A) ACQUISITION OF PROPERTY OWNED BY
9 THE STATE OF KANSAS.—Real property that is
10 owned by the State of Kansas or a political sub-
11 division of the State of Kansas that is acquired
12 pursuant to paragraph (1) may only be ac-
13 quired by donation.

14 (B) CONSENT OF OWNER REQUIRED.—No
15 real property may be acquired under this sub-
16 section without the consent of the owner of the
17 real property.

18 (f) GENERAL MANAGEMENT PLAN.—

19 (1) IN GENERAL.—Not later than the last day
20 of the third full fiscal year beginning after the date
21 of enactment of this Act, the Secretary shall, in con-
22 sultation with the officials described in paragraph
23 (2), prepare a general management plan for the his-
24 toric site.

1 (2) CONSULTATION.—In preparing the general
2 management plan, the Secretary shall consult with
3 an appropriate official of each of the following:

4 (A) The Nicodemus Historical Society.

5 (B) The Kansas Historical Society.

6 (C) Appropriate political subdivisions of
7 the State of Kansas that have jurisdiction over
8 all or a portion of the historic site.

9 (3) SUBMISSION OF PLAN TO CONGRESS.—

10 Upon the completion of the general management
11 plan, the Secretary shall submit a copy of the plan
12 to the Committee on Energy and Natural Resources
13 of the Senate and the Committee on Resources of
14 the House of Representatives.

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

19 **SEC. 513. UNALASKA.**

20 (a) SHORT TITLE.—This section may be cited as the
21 “Aleutian World War II National Historic Areas Act of
22 1996”.

23 (b) PURPOSE.—The purpose of this section is to des-
24 ignate and preserve the Aleutian World War II National
25 Historic Area within lands owned by the Ounalaska Cor-

1 poration on the island of Amaknak, Alaska and to provide
2 for the interpretation, for the educational and inspira-
3 tional benefit of present and future generations, of the
4 unique and significant circumstances involving the history
5 of the Aleut people, and the role of the Aleut people and
6 the Aleutian Islands in the defense of the United States
7 in World War II.

8 (c) BOUNDARIES.—The Aleutian World War II Na-
9 tional Historic Area shall be comprised of areas on
10 Amaknak Island depicted on the map entitled “Aleutian
11 World War II National Historic Area”.

12 (d) TERMS AND CONDITIONS.—Nothing in this sec-
13 tion shall—

14 (1) authorize the conveyance of lands between
15 the Ounalaska Corporation and the United States
16 Department of the Interior, nor remove land or
17 structures appurtenant to the land from the exclu-
18 sive control of the Ounalaska Corporation; or

19 (2) provide authority for the Department of the
20 Interior to assume the duties associated with the
21 daily operation for the historic area or any of its fa-
22 cilities or structures.

23 (e) TECHNICAL ASSISTANCE.—The Secretary of the
24 Interior may award grants and provide technical assist-
25 ance to the Ounalaska Corporation and the City of Un-

1 alaska to assist with the planning, development, and his-
2 toric preservation from any program funds authorized by
3 law for technical assistance, land use planning or historic
4 preservation.

5 **SEC. 514. JAPANESE AMERICAN PATRIOTISM MEMORIAL.**

6 (a) PURPOSE.—It is the purpose of this section—

7 (1) to assist in the effort to timely establish
8 within the District of Columbia a national memorial
9 to Japanese American patriotism in World War II;
10 and

11 (2) to improve management of certain parcels
12 of Federal real property located within the District
13 of Columbia,

14 by the transferring jurisdiction over such parcels to the
15 Architect of the Capitol, the Secretary of the Interior, and
16 the Government of the District of Columbia.

17 (b) TRANSFERS OF JURISDICTION.—

18 (1) IN GENERAL.—Effective on the date of the
19 enactment of this Act and notwithstanding any other
20 provision of law, jurisdiction over the parcels of Fed-
21 eral real property described in paragraph (2) is
22 transferred without additional consideration as pro-
23 vided by paragraph (2).

24 (2) SPECIFIC TRANSFERS.—

1 (A) TRANSFERS TO SECRETARY OF THE
2 INTERIOR.—

3 (i) IN GENERAL.—Jurisdiction over
4 the following parcels is transferred to the
5 Secretary of the Interior:

6 (I) That triangle of Federal land,
7 including any contiguous sidewalks
8 and tree space, that is part of the
9 United States Capitol Grounds under
10 the jurisdiction of the Architect of the
11 Capitol bound by D Street, N.W.,
12 New Jersey Avenue, N.W., and Lou-
13 isiana Avenue, N.W., in square W632
14 in the District of Columbia, as shown
15 on the Map Showing Properties
16 Under Jurisdiction of the Architect of
17 the Capitol, dated November 8, 1994.

18 (II) That triangle of Federal
19 land, including any contiguous side-
20 walks and tree space, that is part of
21 the United States Capitol Grounds
22 under the jurisdiction of the Architect
23 of the Capitol bound by C Street,
24 N.W., First Street, N.W., and Louisi-
25 ana Avenue, N.W., in the District of

1 Columbia, as shown on the Map
2 Showing Properties Under Jurisdic-
3 tion of the Architect of the Capitol,
4 dated November 8, 1994.

5 (ii) LIMITATION.—The parcels trans-
6 ferred by clause (i) shall not include those
7 contiguous sidewalks abutting Louisiana
8 Avenue, N.W., which shall remain part of
9 the United States Capitol Grounds under
10 the jurisdiction of the Architect of the
11 Capitol.

12 (iii) CONSIDERATION AS MEMORIAL
13 SITE.—The parcels transferred by sub-
14 clause (I) of clause (i) may be considered
15 as a site for a national memorial to Japa-
16 nese American patriotism in World War II.

17 (B) TRANSFERS TO ARCHITECT OF THE
18 CAPITOL.—Jurisdiction over the following par-
19 cels is transferred to the Architect of the Cap-
20 itol:

21 (i) That portion of the triangle of
22 Federal land in Reservation No. 204 in the
23 District of Columbia under the jurisdiction
24 of the Secretary of the Interior, including
25 any contiguous sidewalks, bound by Con-

1 stitution Avenue, N.E., on the north, the
2 branch of Maryland Avenue, N.E., running
3 in a northeast direction on the west, the
4 major portion of Maryland Avenue, N.E.,
5 on the south, and 2nd Street, N.E., on the
6 east, including the contiguous sidewalks.

7 (ii) That irregular area of Federal
8 land in Reservation No. 204 in the District
9 of Columbia under the jurisdiction of the
10 Secretary of the Interior, including any
11 contiguous sidewalks, northeast of the real
12 property described in clause (i) bound by
13 Constitution Avenue, N.E., on the north,
14 the branch of Maryland Avenue, N.E., run-
15 ning to the northeast on the south, and the
16 private property on the west known as lot
17 7, in square 726.

18 (iii) The two irregularly shaped medi-
19 ans lying north and east of the property
20 described in clause (i), located between the
21 north and south curbs of Constitution Ave-
22 nue, N.E., west of its intersection with
23 Second Street, N.E., all as shown in Land
24 Record No. 268, dated November 22,

1 1957, in the Office of the Surveyor, Dis-
2 trict of Columbia, in Book 138, Page 58.

3 (iv) All sidewalks under the jurisdic-
4 tion of the District of Columbia abutting
5 on and contiguous to the land described in
6 clauses (i), (ii), and (iii).

7 (C) TRANSFERS TO DISTRICT OF COLUM-
8 BIA.—Jurisdiction over the following parcels is
9 transferred to the Government of the District of
10 Columbia:

11 (i) That portion of New Jersey Ave-
12 nue, N.W., between the northernmost point
13 of the intersection of New Jersey Avenue,
14 N.W., and D Street, N.W., and the north-
15 ernmost point of the intersection of New
16 Jersey Avenue, N.W., and Louisiana Ave-
17 nue, N.W., between squares 631 and
18 W632, which remains Federal property.

19 (ii) That portion of D Street, N.W.,
20 between its intersection with New Jersey
21 Avenue, N.W., and its intersection with
22 Louisiana Avenue, N.W., between squares
23 630 and W632, which remains Federal
24 property.

25 (c) MISCELLANEOUS.—

1 (1) COMPLIANCE WITH OTHER LAWS.—Compli-
2 ance with this section shall be deemed to satisfy the
3 requirements of all laws otherwise applicable to
4 transfers of jurisdiction over parcels of Federal real
5 property.

6 (2) LAW ENFORCEMENT RESPONSIBILITY.—
7 Law enforcement responsibility for the parcels of
8 Federal real property for which jurisdiction is trans-
9 ferred by subsection (b) shall be assumed by the per-
10 son acquiring such jurisdiction.

11 (3) UNITED STATES CAPITOL GROUNDS.—

12 (A) DEFINITION.—The first section of the
13 Act entitled “An Act to define the United
14 States Capitol Grounds, to regulate the use
15 thereof, and for other purposes”, approved July
16 31, 1946 (40 U.S.C. 193a), is amended to in-
17 clude within the definition of the United States
18 Capitol Grounds the parcels of Federal real
19 property described in subsection (b)(2)(B).

20 (B) JURISDICTION OF CAPITOL POLICE.—
21 The United States Capitol Police shall have ju-
22 risdiction over the parcels of Federal real prop-
23 erty described in subsection (b)(2)(B) in ac-
24 cordance with section 9 of such Act of July 31,
25 1946 (40 U.S.C. 212a).

1 (4) EFFECT OF TRANSFERS.—A person relin-
2 quishing jurisdiction over a parcel of Federal real
3 property transferred by subsection (b) shall not re-
4 tain any interest in the parcel except as specifically
5 provided by this section.

6 **SEC. 515. MANZANAR NATIONAL HISTORIC SITE.**

7 (a) TERMINATION OF WITHDRAWALS.—

8 (1) UNAVAILABILITY OF CERTAIN LANDS.—The
9 Congress, by enacting the Act entitled “An Act to
10 establish the Manzanar National Historic Site in the
11 State of California, and for other purposes”, ap-
12 proved March 3, 1992 (106 Stat. 40; Public Law
13 102–248), (1) provided for the protection and inter-
14 pretation of the historical, cultural, and natural re-
15 sources associated with the relocation of Japanese-
16 Americans during World War II and established the
17 Manzanar National Historic Site in the State of
18 California, and (2) authorized the Secretary of the
19 Interior to acquire lands or interests therein within
20 the boundary of the Historic Site by donation, pur-
21 chase with donated or appropriated funds, or by ex-
22 change. The public lands identified for disposal in
23 the Bureau of Land Management’s Bishop Resource
24 Area Resource Management Plan that could be
25 made available for exchange in support of acquiring

1 lands within the boundary of the Historic Site are
2 currently unavailable for this purpose because they
3 are withdrawn by an Act of Congress.

4 (2) TERMINATION OF WITHDRAWAL.—To pro-
5 vide a land base with which to allow land exchanges
6 in support of acquiring lands within the boundary of
7 the Manzanar National Historic Site, the withdrawal
8 of the following described lands is terminated and
9 such lands shall not be subject to the Act of March
10 4, 1931 (chapter 517; 46 Stat. 1530):

11 MOUNT DIABLO MERIDIAN

12 Township 2 North, Range 26 East

13 Section 7:

14 North half south half of lot 1 of southwest
15 quarter, north half south half of lot 2 of southwest
16 quarter, north half south half southeast quarter.

17 Township 4 South, Range 33 East

18 Section 31:

19 Lot 1 of southwest quarter, northwest quarter
20 northeast quarter, southeast quarter;

21 Section 32:

22 Southeast quarter northwest quarter, northeast
23 quarter southwest quarter, southwest quarter south-
24 east quarter.

1 Township 5 South, Range 33 East

2 Section 4:

3 West half of lot 1 of northwest quarter, west
4 half of lot 2 of northwest quarter.

5 Section 5:

6 East half of lot 1 of northeast quarter, east half
7 of lot 2 of northeast quarter.

8 Section 9:

9 Northwest quarter southwest quarter northeast
10 quarter.

11 Section 17:

12 Southeast quarter northwest quarter, northwest
13 quarter southeast quarter.

14 Section 22:

15 Lot 1 and 2.

16 Section 27:

17 Lot 2, west half northeast quarter, southeast
18 quarter northwest quarter, northeast quarter south-
19 west quarter, northwest quarter southeast quarter.

20 Section 34:

21 Northeast quarter, northwest quarter, southeast
22 quarter.

23 Township 6 South, Range 31 East

24 Section 19:

25 East half northeast quarter southeast quarter.

1 Township 6 South, Range 33 East

2 Section 10:

3 East half southeast quarter.

4 Section 11:

5 Lot 1 and 2, west half northeast quarter, north-
6 west quarter, west half southwest quarter, northeast
7 quarter southwest quarter.

8 Section 14:

9 Lots 1 through 4, west half northeast quarter,
10 southeast quarter northwest quarter, northeast quar-
11 ter southwest quarter, northwest quarter southeast
12 quarter.

13 Township 7 South, Range 32 East

14 Section 23:

15 South half southwest quarter.

16 Section 25:

17 Lot 2, northeast quarter northwest quarter.

18 Township 7 South, Range 33 East

19 Section 30:

20 South half of lot 2 of northwest quarter, lot 1
21 and 2 of southwest quarter.

22 Section 31:

23 North half of lot 2 of northwest quarter, south-
24 east quarter northeast quarter, northeast quarter
25 southeast quarter.

1 Township 8 South, Range 33 East

2 Section 5:

3 Northwest quarter southwest quarter.

4 Township 13 South, Range 34 East

5 Section 1:

6 Lots 43, 46, and 49 through 51.

7 Section 2:

8 North half northwest quarter southeast quarter
9 southeast quarter.

10 Township 11 South, Range 35 East

11 Section 30:

12 Lots 1 and 2, east half northwest quarter, east
13 half southwest quarter, and west half southwest
14 quarter southeast quarter.

15 Section 31:

16 Lot 8, west half west half northeast quarter,
17 east half northwest quarter, and west half southeast
18 quarter.

19 Township 13 South, Range 35 East

20 Section 18:

21 South half of lot 2 of northwest quarter, lot 1
22 and 2 of southwest quarter, southwest quarter
23 northeast quarter, northwest quarter southeast quar-
24 ter.

25 Section 29:

1 Southeast quarter northeast quarter, northeast
2 quarter southeast quarter.

3 Township 13 South, Range 36 East

4 Section 17:

5 Southwest quarter northwest quarter, southwest
6 quarter.

7 Section 18:

8 South half of lot 1 of northwest quarter, lot 1
9 of southwest quarter, northeast quarter, southeast
10 quarter.

11 Section 19:

12 North half of lot 1 of northwest quarter, east
13 half northeast quarter, northwest quarter northeast
14 quarter.

15 Section 20:

16 Southwest quarter northeast quarter, northwest
17 quarter, northeast quarter southwest quarter, south-
18 east quarter.

19 Section 28:

20 Southwest quarter southwest quarter.

21 Section 29:

22 East half northeast quarter.

23 Section 33:

24 Northwest quarter northwest quarter, southeast
25 quarter northwest quarter.

1 Township 14 South, Range 36 East

2 Section 31:

3 Lots 1 and 2 of southwest quarter, southwest
4 quarter southeast quarter.
5 aggregating 5,630 acres, more or less.

6 (b) AVAILABILITY OF LANDS.—Upon enactment of
7 this Act, the lands specified in subsection (a) shall be open
8 to operation of the public land laws, including the mining
9 and mineral leasing laws, only after the Secretary of the
10 Interior has published a notice in the Federal Register
11 opening such lands.

12 (c) ADDITIONAL AREA.—Section 101 of Public Law
13 102–248 is amended by inserting in subsection (b) after
14 the second sentence “The site shall also include an addi-
15 tional area of approximately 300 acres as demarcated as
16 the new proposed boundaries in the map dated March 8,
17 1996, entitled ‘Manzanar National Historic Site Archae-
18 ological Base Map’.”.

19 **SEC. 516. RECOGNITION AND DESIGNATION OF THE AIDS**
20 **MEMORIAL GROVE AS NATIONAL MEMORIAL.**

21 (a) RECOGNITION OF SIGNIFICANCE OF THE AIDS
22 MEMORIAL GROVE.—The Congress hereby recognizes the
23 significance of the AIDS Memorial Grove located in Gold-
24 en Gate Park in San Francisco, California, as a memo-
25 rial—

1 (1) dedicated to individuals who have died as a
2 result of acquired immune deficiency syndrome; and

3 (2) in support of individuals who are living with
4 acquired immune deficiency syndrome and their
5 loved ones and caregivers.

6 (b) DESIGNATION AS NATIONAL MEMORIAL.—Not
7 later than 90 days after the date of enactment of this Act,
8 the Secretary of the Interior shall designate the AIDS Me-
9 morial Grove as a national memorial.

10 **TITLE VI—CIVIL AND** 11 **REVOLUTIONARY WAR SITES**

12 **SEC. 601. UNITED STATES CIVIL WAR CENTER.**

13 (a) DESIGNATION.—The Civil War Center, located on
14 Raphael Semmes Drive at Louisiana State University in
15 Baton Rouge, Louisiana (hereafter in this section referred
16 to as the “center”) shall be known and designated as the
17 “United States Civil War Center”.

18 (b) LEGAL REFERENCES.—Any reference in any law,
19 regulation, paper, record, map, or any other document of
20 the United States to the center referred to in subsection
21 (b) shall be deemed to be a reference to the “United States
22 Civil War Center”.

23 (c) FLAGSHIP INSTITUTIONS.—The center and the
24 Civil War Institute of Gettysburg College, located at 233
25 North Washington Street in Gettysburg, Pennsylvania,

1 shall be the flagship institutions for planning the sesqui-
2 centennial commemoration of the Civil War.

3 **SEC. 602. CORINTH, MISSISSIPPI, BATTLEFIELD ACT.**

4 (a) PURPOSE.—The purpose of this section is to pro-
5 vide for a center for the interpretation of the Siege and
6 Battle of Corinth and other Civil War actions in the Re-
7 gion and to enhance public understanding of the signifi-
8 cance of the Corinth Campaign in the Civil War relative
9 to the Western theater of operations, in cooperation with
10 State or local governmental entities and private organiza-
11 tions and individuals.

12 (b) ACQUISITION OF PROPERTY AT CORINTH, MIS-
13 SISSIPPI.—The Secretary of the Interior (referred to in
14 this title as the “Secretary”) shall acquire by donation,
15 purchase with donated or appropriated funds, or ex-
16 change, such land and interests in land in the vicinity of
17 the Corinth Battlefield, in the State of Mississippi, as the
18 Secretary determines to be necessary for the construction
19 of an interpretive center to commemorate and interpret
20 the 1862 Civil War Siege and Battle of Corinth.

21 (c) PUBLICLY OWNED LAND.—Land and interests in
22 land owned by the State of Mississippi or a political sub-
23 division of the State of Mississippi may be acquired only
24 by donation.

25 (d) INTERPRETIVE CENTER AND MARKING.—

1 (1) INTERPRETIVE CENTER.—The Secretary
2 shall construct, operate, and maintain on the prop-
3 erty acquired under subsection (b) a center for the
4 interpretation of the Siege and Battle of Corinth
5 and associated historical events for the benefit of the
6 public.

7 (2) MARKING.—The Secretary may mark sites
8 associated with the Siege and Battle of Corinth Na-
9 tional Historic Landmark, as designated on May 6,
10 1991, if the sites are determined by the Secretary to
11 be protected by State or local governmental agencies.

12 (3) ADMINISTRATION.—The land and interests
13 in land acquired, and the facilities constructed and
14 maintained pursuant to this section, shall be admin-
15 istered by the Secretary as a part of Shiloh National
16 Military Park, subject to the appropriate laws (in-
17 cluding regulations) applicable to the Park, the Act
18 entitled “An Act to establish a National Park Serv-
19 ice, and for other purposes”, approved August 25,
20 1916 (16 U.S.C. 1 et seq.), and the Act entitled “An
21 Act to provide for the preservation of historic Amer-
22 ican sites, buildings, objects, and antiquities of na-
23 tional significance, and for other purposes”, ap-
24 proved August 21, 1935 (16 U.S.C. 461 et seq.).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$6,000,000 for develop-
3 ment to carry out this section.

4 **SEC. 603. REVOLUTIONARY WAR AND WAR OF 1812 HIS-**
5 **TORIC PRESERVATION STUDY.**

6 (a) SHORT TITLE.—This section may be cited as the
7 “Revolutionary War and War of 1812 Historic Preserva-
8 tion Study Act of 1996”.

9 (b) FINDINGS.—The Congress finds that—

10 (1) Revolutionary War sites and War of 1812
11 sites provide a means for Americans to understand
12 and interpret the periods in American history during
13 which the Revolutionary War and War of 1812 were
14 fought;

15 (2) the historical integrity of many Revolution-
16 ary War sites and War of 1812 sites is at risk be-
17 cause many of the sites are located in regions that
18 are undergoing rapid urban or suburban develop-
19 ment; and

20 (3) it is important, for the benefit of the United
21 States, to obtain current information on the signifi-
22 cance of, threats to the integrity of, and alternatives
23 of the preservation and interpretation of Revolution-
24 ary War sites and War of 1812 sites.

25 (c) DEFINITIONS.—In this section:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of the National Park Service.

3 (2) REVOLUTIONARY WAR SITE.—The term
4 “Revolutionary War site” means a site or structure
5 situated in the United States that is thematically
6 tied with the nationally significant events that oc-
7 curred during the Revolutionary War.

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

10 (4) WAR OF 1812 SITE.—The term “War of
11 1812 site” means a site or structure situated in the
12 United States that is thematically tied with the na-
13 tionally significant events that occurred during the
14 War of 1812.

15 (d) STUDY.—

16 (1) PREPARATION.—The Secretary, acting
17 through the Director, shall prepare a study of Revo-
18 lutionary War sites and War of 1812 sites.

19 (2) MATTERS TO BE ADDRESSED.—The study
20 under subsection (b) shall—

21 (A) identify Revolutionary War sites and
22 War of 1812 sites, including sites within units
23 of the National Park System in existence on the
24 date of enactment of this Act;

1 (B) determine the relative significance of
2 the sites;

3 (C) assess short- and long-term threats to
4 the integrity of the sites;

5 (D) provide alternatives for the preserva-
6 tion and interpretation of the sites by Federal,
7 State, and local governments, or other public or
8 private entities, including designation of the
9 sites as units of the National Park System; and

10 (E) research and propose land preservation
11 techniques.

12 (3) CONSULTATION.—During the preparation
13 of the study under paragraph (1), the Director shall
14 consult with—

15 (A) the Governor of each affected State;

16 (B) each affected unit of local government;

17 (C) State and local historic preservation
18 organizations;

19 (D) scholarly organizations; and

20 (E) such other interested parties as the
21 Secretary considers advisable.

22 (4) TRANSMITTAL TO CONGRESS.—Not later
23 than 2 years after the date on which funds are made
24 available to carry out the study under paragraph
25 (1), the Director shall transmit a report describing

1 the results of the study to the Committee on Re-
2 sources of the House of Representatives and the
3 Committee on Energy and Natural Resources of the
4 Senate.

5 (5) REPORT.—If the Director submits a report
6 on the study to the Director of the Office of Man-
7 agement and Budget, the Secretary shall concu-
8 rrently transmit copies of the report to the Commit-
9 tee on Resources of the House of Representatives
10 and the Committee on Energy and Natural Re-
11 sources of the Senate.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$750,000, to remain available until expended.

15 **SEC. 604. AMERICAN BATTLEFIELD PROTECTION PRO-**
16 **GRAM.**

17 (a) SHORT TITLE.—This section may be cited as the
18 “American Battlefield Protection Act of 1996”.

19 (b) PURPOSE.—The purpose of this section is to as-
20 sist citizens, public and private institutions, and govern-
21 ments at all levels in planning, interpreting, and protect-
22 ing sites where historic battles were fought on American
23 soil during the armed conflicts that shaped the growth and
24 development of the United States, in order that present
25 and future generations may learn and gain inspiration

1 from the ground where Americans made their ultimate
2 sacrifice.

3 (c) PRESERVATION ASSISTANCE.—

4 (1) IN GENERAL.—Using the established na-
5 tional historic preservation program to the extent
6 practicable, the Secretary of the Interior, acting
7 through the American Battlefield Protection Pro-
8 gram, shall encourage, support, assist, recognize,
9 and work in partnership with citizens, Federal,
10 State, local, and tribal governments, other public en-
11 tities, educational institutions, and private nonprofit
12 organizations in identifying, researching, evaluating,
13 interpreting, and protecting historic battlefields and
14 associated sites on a National, State, and local level.

15 (2) FINANCIAL ASSISTANCE.—To carry out
16 paragraph (1), the Secretary may use a cooperative
17 agreement, grant, contract, or other generally adopt-
18 ed means of providing financial assistance.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated \$3,000,000 annually to
21 carry out this section, to remain available until expended.

22 (e) REPEAL.—

23 (1) IN GENERAL.—This section is repealed as
24 of the date that is 10 years after the date of enact-
25 ment of this section.

1 (2) NO EFFECT ON GENERAL AUTHORITY.—
2 The Secretary may continue to conduct battlefield
3 studies in accordance with other authorities available
4 to the Secretary.

5 (3) UNOBLIGATED FUNDS.—Any funds made
6 available under this section that remain unobligated
7 shall be credited to the general fund of the Treas-
8 ury.

9 **SEC. 605. CHICKAMAUGA AND CHATTANOOGA NATIONAL**
10 **MILITARY PARKS.**

11 Section 1(c) of the Act entitled “An Act to authorize
12 and direct the National Park Service to assist the State
13 of Georgia in relocating a highway affecting the Chicka-
14 mauga and Chattanooga National Military Park in Geor-
15 gia”, approved December 24, 1987 (101 Stat. 1442), is
16 amended by striking “\$30,000,000” and inserting
17 “\$51,900,000”.

18 **SEC. 606. SHENANDOAH VALLEY BATTLEFIELDS.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Shenandoah Valley Battlefields National Historic Dis-
21 trict and Commission Act of 1996”.

22 (b) CONGRESSIONAL FINDINGS.—The Congress finds
23 that—

1 (1) there are situated in the Shenandoah Valley
2 in the Commonwealth of Virginia the sites of several
3 key Civil War battles;

4 (2) certain sites, battlefields, structures, and
5 districts in the Shenandoah Valley are collectively of
6 national significance in the history of the Civil War;

7 (3) in 1992, the Secretary of the Interior issued
8 a comprehensive study of significant sites and struc-
9 tures associated with Civil War battles in the Shen-
10 andoah Valley, and found that many of the sites
11 within the Shenandoah Valley possess national sig-
12 nificance and retain a high degree of historical in-
13 tegrity;

14 (4) the preservation and interpretation of these
15 sites will make a vital contribution to the under-
16 standing of the heritage of the United States;

17 (5) the preservation of Civil War sites within a
18 regional framework requires cooperation among local
19 property owners and Federal, State, and local gov-
20 ernment entities; and

21 (6) partnerships between Federal, State, and
22 local governments, the regional entities of such gov-
23 ernments, and the private sector offer the most ef-
24 fective opportunities for the enhancement and man-

1 agement of the Civil War battlefields and related
2 sites in the Shenandoah Valley.

3 (c) STATEMENT OF PURPOSE.—The purposes of this
4 section are to—

5 (1) preserve, conserve, and interpret the legacy
6 of the Civil War in the Shenandoah Valley;

7 (2) recognize and interpret important events
8 and geographic locations representing key Civil War
9 battles in the Shenandoah Valley, including those
10 battlefields associated with the Thomas J. (Stone-
11 wall) Jackson campaign of 1862 and the decisive
12 campaigns of 1864;

13 (3) recognize and interpret the effect of the
14 Civil War on the civilian population of the Shen-
15 andoah Valley during the war and postwar recon-
16 struction period; and

17 (4) create partnerships among Federal, State,
18 and local governments, the regional entities of such
19 governments, and the private sector to preserve, con-
20 serve, enhance, and interpret the nationally signifi-
21 cant battlefields and related sites associated with the
22 Civil War in the Shenandoah Valley.

23 (d) DEFINITIONS.—As used in this section:

1 (1) The term “District” means the Shenandoah
2 Valley Battlefields National Historic District estab-
3 lished by section 5.

4 (2) The term “Commission” means the Shen-
5 andoah Valley Battlefields National Historic District
6 Commission established by section 9.

7 (3) The term “plan” means the Shenandoah
8 Valley Battlefields National Historic District Com-
9 mission plan approved by the Secretary under sec-
10 tion 6.

11 (4) The term “management entity” means a
12 unit of government or nonprofit organization des-
13 ignated by the plan to manage and administer the
14 District.

15 (5) The term “Secretary” means the Secretary
16 of the Interior.

17 (6) The term “Shenandoah Valley” means the
18 Shenandoah Valley in the Commonwealth of Vir-
19 ginia.

20 (e) SHENANDOAH VALLEY BATTLEFIELDS NA-
21 TIONAL HISTORIC DISTRICT.—

22 (1) ESTABLISHMENT.—To carry out the pur-
23 poses of this section, there is hereby established the
24 Shenandoah Valley Battlefields National Historic
25 District in the Commonwealth of Virginia.

1 (2) BOUNDARIES.—(A) The corridor shall con-
2 sist of lands and interests therein as generally de-
3 picted on the map entitled “Shenandoah Valley Na-
4 tional Battlefields”, numbered SHVA/80,000, and
5 dated April 1994.

6 (B) The District shall consist of historic trans-
7 portation routes linking the units depicted on the
8 map referred to in subparagraph (A).

9 (C) The map referred to in subparagraph (A)
10 shall be on file and available for public inspection in
11 the offices of the Commission, the management en-
12 tity, and in the appropriate offices of the National
13 Park Service.

14 (f) SHENANDOAH VALLEY BATTLEFIELDS NATIONAL
15 HISTORIC DISTRICT PLAN.—

16 (1) IN GENERAL.—The District shall be man-
17 aged and administered by the Commission and the
18 management entity in accordance with the purposes
19 of this Act and the Shenandoah Valley Battlefields
20 National Historic District plan developed by the
21 Commission and approved by the Secretary, as pro-
22 vided in this subsection.

23 (2) SPECIFIC PROVISIONS.—The plan shall in-
24 clude—

1 (A) an inventory which includes any prop-
2 erty in the District which should be preserved,
3 restored, managed, maintained, or acquired be-
4 cause of its national historic significance;

5 (B) provisions for the protection and inter-
6 pretation of the natural, cultural, and historic
7 resources of the District consistent with the
8 purposes of this section;

9 (C) provisions for the establishment of a
10 management entity which shall be a unit of gov-
11 ernment or a private nonprofit organization
12 that administers and manages the District con-
13 sistent with the plan, and possesses the legal
14 ability to—

15 (i) receive Federal funds and funds
16 from other units of government or other
17 organizations for use in preparing and im-
18 plementing the management plan;

19 (ii) disburse Federal funds to other
20 units of government or other nonprofit or-
21 ganizations for use in preparing and imple-
22 menting the plan;

23 (iii) enter into agreements with the
24 Federal, State, or other units of govern-
25 ment and nonprofit organizations;

1 (iv) acquire lands or interests therein
2 by gift or devise, or by purchase from a
3 willing seller using donated or appropriated
4 funds, or by donation and no lands or in-
5 terests therein may be acquired by con-
6 demnation; and

7 (v) make such reasonable and nec-
8 essary modifications to the plan which
9 shall be approved by the Secretary;

10 (D) recommendations to the Common-
11 wealth of Virginia (and political subdivisions
12 thereof) for the management, protection, and
13 interpretation of the natural, cultural, and his-
14 torical resources of the District;

15 (E) identification of appropriate partner-
16 ships between the Federal, State, and local gov-
17 ernments and regional entities, and the private
18 sector, in furtherance of the purposes of this
19 section;

20 (F) locations for visitor contact and major
21 interpretive facilities;

22 (G) provisions for implementing a continu-
23 ing program of interpretation and visitor edu-
24 cation concerning the resources and values of
25 the District;

1 (H) provisions for a uniform historical
2 marker and wayside exhibit program in the Dis-
3 trict, including a provision for marking, with
4 the consent of the owner, historic structures
5 and properties that are contained within the
6 historic core areas and contribute to the under-
7 standing of the District;

8 (I) recommendations for means of ensuring
9 continued local involvement and participation in
10 the management, protection, and development
11 of the District; and

12 (J) provisions for appropriate living history
13 demonstrations and battlefield reenactments.

14 (3) PREPARATION OF DRAFT PLAN.—(A) Not
15 later than 3 years after the date on which the Com-
16 mission conducts its first meeting, the Commission
17 shall submit to the Secretary a draft plan that meets
18 the requirements of paragraph (2).

19 (B) Prior to submitting the draft plan to the
20 Secretary, the Commission shall ensure that—

21 (i) the Commonwealth of Virginia, and any
22 political subdivision thereof that would be af-
23 fected by the plan, receives a copy of the draft
24 plan;

1 (ii) adequate notice of the availability of
2 the draft plan is provided through publication
3 in appropriate local newspapers in the area of
4 the District; and

5 (iii) at least 1 public hearing in the vicinity
6 of the District is conducted by the Commission
7 with respect to the draft plan.

8 (4) REVIEW OF THE PLAN BY THE SEC-
9 RETARY.—The Secretary shall review the draft plan
10 submitted under paragraph (3) and, not later than
11 90 days after the date on which the draft plan is
12 submitted, shall either—

13 (A) approve the draft plan as the plan if
14 the Secretary finds that the plan, when imple-
15 mented, would adequately protect the signifi-
16 cant historical and cultural resources of the
17 District; or

18 (B) reject the draft plan and advise the
19 Commission in writing of the reasons therefore
20 and indicate any recommendations for revisions
21 that would make the draft plan acceptable.

22 (g) DUTIES OF THE SECRETARY.—

23 (1) IN GENERAL.—The Secretary may award
24 grants, provide technical assistance and enter into
25 cooperative agreements with the Commission, man-

1 agement entity, other units of government, or other
2 persons to provide for the preservation and interpre-
3 tation of the natural, cultural, and historical re-
4 sources within the District.

5 (2) TECHNICAL ASSISTANCE.—The Secretary
6 may make grants, provide technical assistance, and
7 enter into cooperative agreements for—

8 (A) the preparation and implementation of
9 the plan pursuant to subsection (f);

10 (B) interpretive and educational programs;

11 (C) acquiring lands or interests in lands
12 from willing sellers;

13 (D) capital projects and improvements un-
14 dertaken pursuant to the plan; and

15 (E) facilitating public access to historic re-
16 sources within the District.

17 (3) EARLY ACTIONS.—After enactment of this
18 Act but prior to approval of the plan, the Secretary
19 may provide technical and financial assistance for
20 early actions which are important to the purposes of
21 this Act and which protect and preserve resources in
22 imminent danger of irreversible damage but for the
23 fact of such early action.

24 (4) ACQUISITION OF LAND.—The Secretary
25 may acquire land and interests in lands from a will-

1 ing seller or donee within the District that have been
2 specifically identified by the Commission for acquisi-
3 tion by the Federal Government. No lands or inter-
4 ests therein may be acquired by condemnation.

5 (5) **DETAIL.**—Each fiscal year during the exist-
6 ence of the Commission and upon request of the
7 Commission, the Secretary shall detail to the Com-
8 mission, on a nonreimbursable basis, 2 employees of
9 the Department of the Interior to enable the Com-
10 mission to carry out the Commission’s duties under
11 section 9. Such detail shall be without interruption
12 or loss of civil service status, benefits, or privileges.

13 (6) **REPORT.**—Not later than 2 years after ap-
14 proval of the plan, the Secretary shall submit to
15 Congress a report recommending whether the Dis-
16 trict or components thereof meet the criteria for des-
17 ignation as a unit of the National Park Service.

18 (7) **OTHER ASSISTANCE.**—Nothing in this sec-
19 tion shall be deemed to prohibit the Secretary or
20 units of government from providing technical or fi-
21 nancial assistance under any other provision of law.

22 (h) **SHENANDOAH VALLEY BATTLEFIELDS NA-**
23 **TIONAL HISTORIC DISTRICT COMMISSION.**—

1 (1) ESTABLISHMENT.—There is hereby estab-
2 lished the Shenandoah Valley Battlefields National
3 Historic District Commission.

4 (2) MEMBERSHIP.—The Commission shall be
5 composed of 19 members, to be appointed by the
6 Secretary as follows:

7 (A) 5 members representing local govern-
8 ments of communities in the vicinity of the Dis-
9 trict, appointed after the Secretary considers
10 recommendations made by appropriate local
11 governing bodies.

12 (B) 10 members representing property
13 owners within the District (1 member within
14 each unit of the battlefields).

15 (C) 1 member with demonstrated expertise
16 in historic preservation.

17 (D) 1 member who is a recognized histo-
18 rian with expertise in Civil War history.

19 (E) The Governor of Virginia, or a des-
20 ignee of the Governor, *ex officio*.

21 (F) The Director of the National Park
22 Service, or a designee of the Director, *ex officio*.

23 (3) APPOINTMENTS.—Members of the Commis-
24 sion shall be appointed for terms of 3 years. Any
25 member of the Commission appointed for a definite

1 term may serve after the expiration of the term until
2 the successor of the member is appointed.

3 (4) ELECTION OF OFFICERS.—The Commission
4 shall elect 1 of its members as Chairperson and 1
5 as Vice Chairperson. The Vice Chairperson shall
6 serve as Chairperson in the absence of the Chair-
7 person.

8 (5) VACANCY.—Any vacancy on the Commis-
9 sion shall be filled in the same manner in which the
10 original appointment was made, except that the Sec-
11 retary shall fill any vacancy within 30 days after the
12 vacancy occurs.

13 (6) QUORUM.—Any majority of the Commission
14 shall constitute a quorum.

15 (7) MEETINGS.—The Commission shall meet at
16 the call of the Chairperson or a majority of the
17 members of the Commission, but not less than quar-
18 terly. Notice of the Commission meetings and agen-
19 das for the meetings shall be published in local
20 newspapers that have a distribution throughout the
21 Shenandoah Valley. Meetings of the Commission
22 shall be subject to section 552b of title 5, United
23 States Code (relating to open meetings).

24 (8) STAFF OF THE COMMISSION.—The Commis-
25 sion shall have the power to appoint and fix the

1 compensation of such staff as may be necessary to
2 carry out its duties.

3 (9) ADMINISTRATIVE SUPPORT SERVICES.—The
4 Administrator of the General Services Administra-
5 tion shall provide to the Commission, without reim-
6 bursement, such administrative support services as
7 the Commission may request.

8 (10) FEDERAL AGENCIES.—Upon request of
9 the Commission, the head of any Federal agency
10 may detail to the Commission or management entity,
11 without reimbursement, personnel of the agency to
12 assist the commission or management entity in car-
13 rying out its duties and such detail shall be without
14 interruption or loss of civil service status, benefits,
15 or privileges.

16 (11) SUBPOENAS.—The Commission may not
17 issue subpoenas or exercise any subpoena authority.

18 (12) EXPENSES.—Members of the Commission
19 shall serve without compensation, but the Secretary
20 may reimburse members for expenses reasonably in-
21 curred in carrying out the responsibilities of the
22 Commission under this Act.

23 (13) MAILS.—The Commission may use the
24 United States mails in the same manner and under

1 the same conditions as other departments and agen-
2 cies of the United States.

3 (14) GIFTS.—The Commission may, for pur-
4 poses of carrying out the duties of the Commission,
5 seek, accept, and dispose of gifts, bequests, or dona-
6 tions of money, personal or real property, or services
7 received from any source.

8 (15) TERMINATION.—The Commission shall
9 terminate at the expiration of the 45-day period be-
10 ginning on the date on which the Secretary approves
11 the plan under subsection (f)(4).

12 (i) DUTIES OF THE COMMISSION.—

13 (1) IN GENERAL.—The Commission shall—

14 (A) develop the plan and draft plan re-
15 ferred to in subsection (f), in consultation with
16 the Secretary;

17 (B) assist the Commonwealth of Virginia,
18 and any political subdivision thereof, in the
19 management, protection, and interpretation of
20 the natural, cultural, and historical resources
21 within the District, except that the Commission
22 shall in no way infringe upon the authorities
23 and policies of the Commonwealth of Virginia
24 or any political subdivision; and

1 (C) take appropriate action to encourage
2 protection of the natural, cultural, and historic
3 resources within the District by landowners,
4 local governments, organizations, and busi-
5 nesses.

6 (j) AUTHORIZATION OF APPROPRIATION.—

7 (1) IN GENERAL.—From the amounts made
8 available to carry out the National Historic Preser-
9 vation Act, there are authorized to be appropriated
10 to the Commission not more than \$250,000 annually
11 to remain available until expended.

12 (2) ASSISTANCE.—(A) From the amounts made
13 available to carry out the National Historic Preser-
14 vation Act, there are authorized to be appropriated
15 to the Secretary for grants and technical assistance
16 pursuant to subsections (g) (1), (2), and (3) not
17 more than \$2,000,000 annually to remain available
18 until expended.

19 (B) The Federal share of any funds awarded
20 under subsection (g)(2) may not exceed the amount
21 of non-Federal funds provided for the preservation,
22 interpretation, planning, development, or implemen-
23 tation with respect to which the grant is awarded.

24 (3) LAND ACQUISITION.—From the amounts
25 made available to carry out the National Historic

1 Preservation Act, there are authorized to be appro-
2 priated for land acquisition pursuant to subsection
3 (g)(4) not more than \$2,000,000 annually to remain
4 available until expended.

5 (4) MANAGEMENT ENTITY.—From the amounts
6 made available to carry out the National Historic
7 Preservation Act, there are authorized to be appro-
8 priated to the management entity not more than
9 \$500,000 annually to remain available until ex-
10 pended.

11 **SEC. 607. WASHITA BATTLEFIELD.**

12 (a) FINDINGS AND PURPOSES.—

13 (1) FINDINGS.—The Congress finds that—

14 (A) the Battle of the Washita, November
15 27, 1868, was one of the largest engagements
16 between Plains tribes and the United States
17 Army on the Southern Great Plains. The site is
18 a registered National Historic Landmark;

19 (B) Lt. Colonel George A. Custer, leading
20 the 7th United States Cavalry, attacked the
21 sleeping Cheyenne village of peace chief Black
22 Kettle. Custer's attack resulted in more than
23 150 Indian casualties, many of them women
24 and children;

1 (C) the Battle of the Washita symbolizes
2 the struggle of the Southern Great Plains tribes
3 to maintain their traditional lifeways and not to
4 submit to reservation confinement; and

5 (D) the Washita battle site possesses a
6 high degree of integrity and the cultural land-
7 scape is essentially intact. The Cheyenne village
8 site has not been altered substantially except by
9 periodic flooding of the Washita River.

10 (2) PURPOSES.—The purposes of this section
11 are to—

12 (A) recognize the importance of the Battle
13 of the Washita as a nationally significant ele-
14 ment of frontier military history and as a sym-
15 bol of the struggles of the Southern Great
16 Plains tribes to maintain control of their tradi-
17 tional use areas; and

18 (B) establish the site of the Battle of the
19 Washita as a national historic site and provide
20 opportunities for American Indian groups in-
21 cluding the Cheyenne-Arapaho Tribe to be in-
22 volved in the formulation of plans and edu-
23 cational programs for the national historic site.

24 (b) ESTABLISHMENT.—

1 (1) IN GENERAL.—In order to provide for the
2 preservation and interpretation of the Battle of the
3 Washita, there is hereby established the Washita
4 Battlefield National Historic Site in the State of
5 Oklahoma (hereafter in this section referred to as
6 the “national historic site”).

7 (2) BOUNDARY.—

8 (A) IN GENERAL.—The national historic
9 site shall consist of—

10 (i) approximately 326 acres, as gen-
11 erally depicted on the map entitled
12 “Washita Battlefield National Historic
13 Site”, numbered 22,000A and dated 12/95;
14 and

15 (ii) the private lands subject to con-
16 servation easements referred to in sub-
17 section (d)(2).

18 (B) MAP.—The map referred to in sub-
19 paragraph (A)(i) shall be on file in the offices
20 of the Director of the National Park Service,
21 Department of the Interior, and other appro-
22 priate offices of the National Park Service. The
23 Secretary of the Interior (hereafter in this sec-
24 tion referred to as the “Secretary”) may, from
25 time to time, make minor revisions in the

1 boundary of the national historic site in accord-
2 ance with section 7(c) of the Land and Water
3 Conservation Act of 1965 (16 U.S.C. 460l-4 et
4 seq.).

5 (c) ADMINISTRATION.—

6 (1) IN GENERAL.—The Secretary, acting
7 through the Director of the National Park Service,
8 shall manage the national historic site in accordance
9 with this section and the provisions of law generally
10 applicable to units of the National Park System, in-
11 cluding “An Act to establish a National Park Serv-
12 ice, and for other purposes”, approved August 25,
13 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act
14 of August 21, 1935 (49 Stat. 666; U.S.C. 461-467).

15 (2) MANAGEMENT PURPOSES.—The Secretary
16 shall manage the national historic site for the follow-
17 ing purposes, among others:

18 (A) To protect and preserve the national
19 historic site, including the topographic features
20 important to the battle site, artifacts and other
21 physical remains of the battle, and the visual
22 scene as closely as possible as it was at the time
23 of the battle.

24 (B) To interpret the cultural and natural
25 resources of the historic site, providing for pub-

1 lic understanding and appreciation of the area
2 in such manner as to perpetuate these qualities
3 and values for future generations.

4 (3) CONSULTATION AND TRAINING.—The Sec-
5 retary, acting through the Director of the National
6 Park Service, shall consult regularly with the Chey-
7 enne-Arapaho Tribe on the formulation of the man-
8 agement plan provisions referred to in subsection
9 (e)(5) and on preparation of educational programs
10 provided to the public. The Secretary is authorized
11 to enter into cooperative agreements with the Chey-
12 enne-Arapaho Tribe, its subordinate boards, commit-
13 tees, enterprises, and traditional leaders to further
14 the purposes of this Act.

15 (d) ACQUISITION OF PROPERTY.—

16 (1) PARK BOUNDARIES.—Within the boundaries
17 of the national historic site, the Secretary is author-
18 ized to acquire lands and interests in lands by dona-
19 tion, purchase with donated or appropriated funds,
20 or exchange, except that—

21 (A) no lands or interests in lands within
22 the historic site may be acquired without the
23 consent of the owner thereof, and

1 (B) lands and interests in lands owned by
2 the State of Oklahoma or any political subdivi-
3 sion thereof may be acquired only by donation.

4 (2) CONSERVATION EASEMENTS.—The Con-
5 gress finds that the State of Oklahoma, acting
6 through the Oklahoma Historical Society, will work
7 with local land owners to acquire and hold in per-
8 petuity conservation easements in the vicinity of the
9 national historic site as deemed necessary for the
10 visual and interpretive integrity of the site. The in-
11 tent of the easements will be to keep occupancy of
12 the land in private ownership and use of the land in
13 general agriculture.

14 (e) MANAGEMENT PLAN.—Within 5 years after the
15 date funds are made available for purposes of this section,
16 the Secretary, acting through the Director of the National
17 Park Service, shall prepare a general management plan
18 for the national historic site. The plan shall address, but
19 not be limited to, each of the following:

20 (1) A resource protection program.

21 (2) A visitor use plan including programs and
22 facilities that will be provided for public use, includ-
23 ing the location and cost of public facilities.

24 (3) A research and curation plan.

25 (4) A highway signing program.

1 (5) Involvement by the Cheyenne-Arapaho
2 Tribe in the formulation of educational programs for
3 the national historic site.

4 (6) Involvement by the State of Oklahoma and
5 other local and national entities willing to share in
6 the responsibilities of developing and supporting the
7 national historic site.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 for land acquisition and development not more than
11 \$5,000,000.

12 **TITLE VII—FEES**

13 **SEC. 701. SKI AREA PERMIT RENTAL CHARGE.**

14 (a) The Secretary of Agriculture shall charge a rental
15 charge for all ski area permits issued pursuant to section
16 3 of the National Forest Ski Area Permit Act of 1986
17 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat.
18 1101, chapter 144; 16 U.S.C. 497), or the 9th through
19 20th paragraphs under the heading “SURVEYING THE
20 PUBLIC LANDS” under the heading “UNDER THE
21 DEPARTMENT OF THE INTERIOR” in the Act of
22 June 4, 1897 (30 Stat. 34, chapter 2), on National Forest
23 System lands. Permit rental charges for permits issued
24 pursuant to the National Forest Ski Area Permit Act of
25 1986 shall be calculated as set forth in subsection (b).

1 Permit rental charges for existing ski area permits issued
2 pursuant to the Act of March 4, 1915, and the Act of
3 June 4, 1897, shall be calculated in accordance with those
4 existing permits: *Provided*, That a permittee may, at the
5 permittee's option, use the calculation method set forth
6 in subsection (b).

7 (b)(1) The ski area permit rental charge (SAPRC)
8 shall be calculated by adding the permittee's gross reve-
9 nues from lift ticket/year-round ski area use pass sales
10 plus revenue from ski school operations (LT+SS) and
11 multiplying such total by the slope transport feet percent-
12 age (STFP) on National Forest System land. That
13 amount shall be increased by the gross year-round revenue
14 from ancillary facilities (GRAF) physically located on na-
15 tional forest land, including all permittee or subpermittee
16 lodging, food service, rental shops, parking and other an-
17 cillary operations, to determine the adjusted gross revenue
18 (AGR) subject to the permit rental charge. The final rent-
19 al charge shall be calculated by multiplying the AGR by
20 the following percentages for each revenue bracket and
21 adding the total for each revenue bracket:

22 (A) 1.5 percent of all adjusted gross revenue
23 below \$3,000,000;

24 (B) 2.5 percent for adjusted gross revenue be-
25 tween \$3,000,000 and \$15,000,000;

1 (C) 2.75 percent for adjusted gross revenue be-
 2 tween \$15,000,000 and \$50,000,000; and

3 (D) 4.0 percent for the amount of adjusted
 4 gross revenue that exceeds \$50,000,000.

5 Utilizing the abbreviations indicated in this subsection the
 6 ski area permit fee (SAPF) formula can be simply illus-
 7 trated as:

$$\text{SAPF} = (\text{LT} + \text{SS}) \times \text{STFP} + \text{GRAF} = \text{AGR}; \text{AGR} \times \% \text{ BRACKETS}$$

8 (2) In cases where ski areas are only partially located
 9 on national forest lands, the slope transport feet percent-
 10 age on national forest land referred to in subsection (b)
 11 shall be calculated as generally described in the Forest
 12 Service Manual in effect as of January 1, 1992. Revenues
 13 from Nordic ski operations shall be included or excluded
 14 from the rental charge calculation according to the per-
 15 centage of trails physically located on national forest land.

16 (3) In order to ensure that the rental charge remains
 17 fair and equitable to both the United States and the ski
 18 area permittees, the adjusted gross revenue figures for
 19 each revenue bracket in paragraph (1) shall be adjusted
 20 annually by the percent increase or decrease in the na-
 21 tional Consumer Price Index for the preceding calendar
 22 year. No later than 3 years after the date of enactment
 23 of this Act and every 5 years thereafter the Secretary shall
 24 submit 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 a report analyzing whether the ski area permit rental
3 charge legislated by this Act is returning a fair market
4 value rental to the United States together with any rec-
5 ommendations the Secretary may have for modifications
6 of the system.

7 (c) The rental charge set forth in subsection (b) shall
8 be due on June 1 of each year and shall be paid or prepaid
9 by the permittee on a monthly, quarterly, annual or other
10 schedule as determined appropriate by the Secretary in
11 consultation with the permittee. Unless mutually agreed
12 otherwise by the Secretary and the permittee, the payment
13 or prepayment schedule shall conform to the permittee's
14 schedule in effect prior to enactment of this Act. To re-
15 duce costs to the permittee and the Forest Service, the
16 Secretary shall each year provide the permittee with a
17 standardized form and worksheets (including annual rent-
18 al charge calculation brackets and rates) to be used for
19 rental charge calculation and submitted with the rental
20 charge payment. Information provided on such forms shall
21 be compiled by the Secretary annually and kept in the Of-
22 fice of the Chief, United States Forest Service.

23 (d) The ski area permit rental charge set forth in this
24 section shall become effective on June 1, 1996 and cover
25 receipts retroactive to June 1, 1995: *Provided*, That if a

1 permittee has paid rental charges for the period June 1,
2 1995, to June 1, 1996, under the graduated rate rental
3 charge system formula in effect prior to the date of enact-
4 ment of this Act, such rental charges shall be credited to-
5 ward the new rental charge due on June 1, 1996. In order
6 to ensure increasing rental charge receipt levels to the
7 United States during transition from the graduated rate
8 rental charge system formula to the formula of this Act,
9 the rental charge paid by any individual permittee shall
10 be—

11 (1) for the 1995–1996 permit year, either the
12 rental charge paid for the preceding 1994–1995
13 base year or the rental charge calculated pursuant
14 to this Act, whichever is higher;

15 (2) for the 1996–1997 permit year, either the
16 rental charge paid for the 1994–1995 base year or
17 the rental charge calculated pursuant to this Act,
18 whichever is higher; and

19 (3) for the 1997–1998 permit year, either the
20 rental charge for the 1994–1995 base year or the
21 rental charge calculated pursuant to this Act, which-
22 ever is higher.

23 If an individual permittee’s adjusted gross revenue for the
24 1995–1996, 1996–1997, or 1997–1998 permit years falls
25 more than 10 percent below the 1994–1995 base year, the

1 rental charge paid shall be the rental charge calculated
2 pursuant to this Act.

3 (e) Under no circumstances shall revenue, or sub-
4 permittee revenue (other than lift ticket, area use pass,
5 or ski school sales) obtained from operations physically lo-
6 cated on non-national forest land be included in the ski
7 area permit rental charge calculation.

8 (f) To reduce administrative costs of ski area permit-
9 tees and the Forest Service the terms “revenue” and
10 “sales”, as used in this section, shall mean actual income
11 from sales and shall not include sales of operating equip-
12 ment, refunds, rent paid to the permittee by sublessees,
13 sponsor contributions to special events or any amounts at-
14 tributable to employee gratuities or employee lift tickets,
15 discounts, or other goods or services (except for bartered
16 goods and complimentary lift tickets) for which the per-
17 mittee does not receive money.

18 (g) In cases where an area of national forest land
19 is under a ski area permit but the permittee does not have
20 revenue or sales qualifying for rental charge payment pur-
21 suant to subsection (a), the permittee shall pay an annual
22 minimum rental charge of \$2 for each national forest acre
23 under permit or a percentage of appraised land value, as
24 determined appropriate by the Secretary.

1 (h) Where the new rental charge provided for in sub-
2 section (b)(1) results in an increase in permit rental
3 charge greater than one-half of 1 percent of the permit-
4 tee's adjusted gross revenue as determined under sub-
5 section (b)(1), the new rental charge shall be phased in
6 over a five-year period in a manner providing for increases
7 of approximately equal increments.

8 (i) To reduce Federal costs in administering the pro-
9 visions of this Act, the reissuance of a ski area permit
10 to provide activities similar in nature and amount to the
11 activities provided under the previous permit shall not con-
12 stitute a major Federal action for the purposes of the Na-
13 tional Environmental Policy Act of 1969 (42 U.S.C. 4331
14 et seq.).

15 (j) Subject to valid existing rights, all lands located
16 within the boundaries of ski area permits issued prior to,
17 on or after the date of enactment of this Act pursuant
18 to authority of the Act of March 4, 1915 (38 Stat. 1101,
19 chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897,
20 or the National Forest Ski Area Permit Act of 1986 (16
21 U.S.C. 497b) are hereby and henceforth automatically
22 withdrawn from all forms of appropriation under the min-
23 ing laws and from disposition under all laws pertaining
24 to mineral and geothermal leasing and all amendments
25 thereto. Such withdrawal shall continue for the full term

1 of the permit and any modification, reissuance, or renewal
2 thereof. Unless the Secretary requests otherwise of the
3 Secretary of the Interior, such withdrawal shall be can-
4 celed automatically upon expiration or other termination
5 of the permit and the land automatically restored to all
6 appropriation not otherwise restricted under the public
7 land laws.

8 **SEC. 702. DELAWARE WATER GAP.**

9 (a) IN GENERAL.—Effective at noon on September
10 30, 2005, the use of Highway 209 within Delaware Water
11 Gap National Recreation Area by commercial vehicles,
12 when such use is not connected with the operation of the
13 recreation area, is prohibited, except as provided in sub-
14 section (b).

15 (b) LOCAL BUSINESS USE PROTECTED.—Subsection
16 (a) does not apply with respect to the use of commercial
17 vehicles to serve businesses located within or in the vicinity
18 of the recreation area, as determined by the Secretary.

19 (c) CONFORMING PROVISIONS.—

20 (1) Paragraphs (1) through (3) of the third un-
21 designated paragraph under the heading “ADMIN-
22 ISTRATIVE PROVISIONS” in chapter VII of title
23 I of Public Law 98–63 (97 Stat. 329) are repealed,
24 effective September 30, 2005.

1 (2) Prior to noon on September 30, 2005, the
2 Secretary shall collect and utilize a commercial use
3 fee from commercial vehicles in accordance with
4 paragraphs (1) through (3) of such third undesig-
5 nated paragraph. Such fee shall not exceed \$25 per
6 trip.

7 **SEC. 703. GLACIER BAY NATIONAL PARK.**

8 Section 3(g) of Public Law 91–383 (16 U.S.C. 1a–
9 2(g)) is amended by: striking “and park programs” and
10 inserting the following at the end: “Sixty percent of the
11 fees paid by permittees for the privilege of entering into
12 Glacier Bay for the period beginning on the first full fiscal
13 year following the date of enactment of this sentence shall
14 be deposited into a special account and that such funds
15 shall be available—

16 “(1) to the extent determined necessary, to ac-
17 quire and preposition necessary and adequate emer-
18 gency response equipment to prevent harm or the
19 threat of harm to aquatic park resources from per-
20 mittees; and

21 “(2) to conduct investigations to quantify any
22 effect of permittees’ activity on wildlife and other
23 natural resource values of Glacier Bay National
24 Park. The investigations provided for in this sub-
25 section shall be designed to provide information of

1 value to the Secretary, in determining any appro-
2 priate limitations on permittees' activity in Glacier
3 Bay. The Secretary may not impose any additional
4 permittee operating conditions in the areas of air,
5 water, and oil pollution beyond those determined and
6 enforced by other appropriate agencies. When com-
7 petitively awarding permits to enter Glacier Bay, the
8 Secretary may take into account the relative impact
9 particular permittees will have on park values and
10 resources, provided that no operating conditions or
11 limitations relating to noise abatement shall be im-
12 posed unless the Secretary determines, based on the
13 weight of the evidence from all available studies in-
14 cluding verifiable scientific information from the in-
15 vestigations provided for in this subsection, that
16 such limitations or conditions are necessary to pro-
17 tect park values and resources. Fees paid by certain
18 permittees for the privilege of entering into Glacier
19 Bay shall not exceed \$5 per passenger. For the pur-
20 poses of this subsection, 'certain permittee' shall
21 mean a permittee which provides overnight accom-
22 modations for at least 500 passengers for an itin-
23 erary of at least 3 nights, and 'permittee' shall mean
24 a concessionaire providing visitor services within
25 Glacier Bay. Nothing in this subsection authorizes

1 the Secretary to require additional categories of per-
2 mits in, or otherwise increase the number of permits
3 to enter Glacier Bay National Park.”.

4 **TITLE VIII—MISCELLANEOUS**
5 **ADMINISTRATIVE AND MAN-**
6 **AGEMENT PROVISIONS**

7 **SEC. 801. LIMITATION ON PARK BUILDINGS.**

8 The 10th undesignated paragraph (relating to a limi-
9 tation on the expenditure of funds for park buildings)
10 under the heading “MISCELLANEOUS OBJECTS, DE-
11 PARTMENT OF THE INTERIOR”, which appears
12 under the heading “UNDER THE DEPARTMENT OF
13 THE INTERIOR”, as contained in the first section of
14 the Act of August 24, 1912 (37 Stat. 460), as amended
15 (16 U.S.C. 451), is hereby repealed.

16 **SEC. 802. APPROPRIATIONS FOR TRANSPORTATION OF**
17 **CHILDREN.**

18 The first section of the Act of August 7, 1946 (16
19 U.S.C. 17j-2), is amended by adding at the end the follow-
20 ing:

21 “(j) Provide transportation for children in nearby
22 communities to and from any unit of the National Park
23 System used in connection with organized recreation and
24 interpretive programs of the National Park Service.”.

1 **SEC. 803. FERAL BURROS AND HORSES.**

2 (a) VEHICLES AND AIRCRAFT.—Section 9 of the Act
3 of December 15, 1971 (16 U.S.C. 1338a), is amended by
4 adding at the end thereof the following: “Nothing in this
5 title shall be deemed to limit the authority of the Secretary
6 in the management of units of the National Park System,
7 and the Secretary may, without regard either to the provi-
8 sions of this title, or the provisions of section 47(a) of title
9 18, United States Code, use motor vehicles, fixed-wing air-
10 craft, or helicopters, or to contract for such use, in fur-
11 therance of the management of the National Park System,
12 and section 47(a) of title 18, United States Code, shall
13 be applicable to such use.”.

14 (b) OZARK NATIONAL SCENIC RIVERWAYS.—Section
15 7 of the Act entitled “An Act to provide for the establish-
16 ment of the Ozark National Scenic Riverways in the State
17 of Missouri, and for other purposes”, approved August 27,
18 1964 (16 U.S.C. 460m–6), is amended to read as follows:

19 “SEC. 7. (a) The Secretary, in accordance with this
20 section, shall allow free-roaming horses in the Ozark Na-
21 tional Scenic Riverways. Within 180 days after enactment
22 of this section, the Secretary shall enter into an agreement
23 with the Missouri Wild Horse League or another qualified
24 nonprofit entity to provide for management of free-roam-
25 ing horses. The agreement shall provide for cost-effective
26 management of the horses and limit Federal expenditures

1 to the costs of monitoring the agreement. The Secretary
2 shall issue permits for adequate pastures to accommodate
3 the historic population level of the free-roaming horse
4 herd, which shall be not less than the number of horses
5 in existence on the date of the enactment of this section
6 nor more than 50.

7 “(b) The Secretary may not remove, or assist in, or
8 permit the removal of any free-roaming horses from Fed-
9 eral lands within the boundary of the Ozark National Sce-
10 nic Riverways unless—

11 “(1) the entity with whom the Secretary has
12 entered into the agreement under subsection (a), fol-
13 lowing notice and a 90-day response period, substan-
14 tially fails to meet the terms and conditions of the
15 agreement;

16 “(2) the number of free-roaming horses exceeds
17 50; or

18 “(3) in the case of an emergency or to protect
19 public health and safety, as defined in the agree-
20 ment.

21 “(c) Nothing in this section shall be construed as cre-
22 ating liability for the United States for any damages
23 caused by the free-roaming horses to property located in-
24 side or outside the boundaries of the Ozark National Sce-
25 nic Riverways.”.

1 **SEC. 804. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.**
2

3 (a) FUNCTIONS.—The Act entitled “An Act to in-
4 crease the public benefits from the National Park System
5 by facilitating the management of museum properties re-
6 lating thereto, and for other purposes” approved July 1,
7 1955 (16 U.S.C. 18f), is amended—

8 (1) in subsection (b) of the first section, by
9 striking out “from such donations and bequests of
10 money”; and

11 (2) by adding at the end thereof the following:

12 **“SEC. 2. ADDITIONAL FUNCTIONS.**

13 “(a) MUSEUM OBJECTS AND COLLECTIONS.—In ad-
14 dition to the functions specified in the first section of this
15 Act, the Secretary of the Interior may perform the follow-
16 ing functions in such manner as he shall consider to be
17 in the public interest:

18 “(1) Transfer museum objects and museum col-
19 lections that the Secretary determines are no longer
20 needed for museum purposes to qualified Federal
21 agencies, including the Smithsonian Institution, that
22 have programs to preserve and interpret cultural or
23 natural heritage, and accept the transfer of museum
24 objects and museum collections for the purposes of
25 this Act from any other Federal agency, without re-
26 imbursement. The head of any other Federal agency

1 may transfer, without reimbursement, museum ob-
2 jects and museum collections directly to the adminis-
3 trative jurisdiction of the Secretary of the Interior
4 for the purpose of this Act.

5 “(2) Convey museum objects and museum col-
6 lections that the Secretary determines are no longer
7 needed for museum purposes, without monetary con-
8 sideration but subject to such terms and conditions
9 as the Secretary deems necessary, to private institu-
10 tions exempt from Federal taxation under section
11 501(c)(3) of the Internal Revenue Code of 1986 and
12 to non-Federal governmental entities if the Secretary
13 determines that the recipient is dedicated to the
14 preservation and interpretation of natural or cultural
15 heritage and is qualified to manage the property,
16 prior to any conveyance under this subsection.

17 “(3) Destroy or cause to be destroyed museum
18 objects and museum collections that the Secretary
19 determines to have no scientific, cultural, historic,
20 educational, esthetic, or monetary value.

21 “(b) REVIEW AND APPROVAL.—The Secretary shall
22 ensure that museum collections are treated in a careful
23 and deliberate manner that protects the public interest.
24 Prior to taking any action under subsection (a), the Sec-
25 retary shall establish a systematic review and approval

1 process, including consultation with appropriate experts,
2 that meets the highest standards of the museum profes-
3 sion for all actions taken under this section.”.

4 (b) APPLICATION AND DEFINITIONS.—The Act enti-
5 tled “An Act to increase the public benefits from the Na-
6 tional Park System by facilitating the management of mu-
7 seum properties relating thereto, and for other purposes”
8 approved July 1, 1955 (16 U.S.C. 18f), as amended by
9 subsection (a), is further amended by adding the following
10 after section 2:

11 **“SEC. 3. APPLICATION AND DEFINITIONS.**

12 “(a) APPLICATION.—Authorities in this Act shall be
13 available to the Secretary of the Interior with regard to
14 museum objects and museum collections that were under
15 the administrative jurisdiction of the Secretary for the
16 purposes of the National Park System before the date of
17 enactment of this section as well as those museum objects
18 and museum collections that may be acquired on or after
19 such date.

20 “(b) DEFINITION.—For the purposes of this Act, the
21 terms ‘museum objects’ and ‘museum collections’ mean
22 objects that are eligible to be or are made part of a mu-
23 seum, library, or archive collection through a formal proce-
24 dure, such as accessioning. Such objects are usually mov-
25 able and include but are not limited to prehistoric and his-

1 toric artifacts, works of art, books, documents, photo-
2 graphs, and natural history specimens.”.

3 **SEC. 805. VOLUNTEERS IN PARKS INCREASE.**

4 Section 4 of the Volunteers in the Parks Act of 1969
5 (16 U.S.C. 18j) is amended by striking out “\$1,000,000”
6 and inserting in lieu thereof “\$3,500,000”.

7 **SEC. 806. CARL GARNER FEDERAL LANDS CLEANUP DAY.**

8 The Federal Lands Cleanup Act of 1985 (36 U.S.C.
9 169i–169–1) is amended by striking the terms “Federal
10 Lands Cleanup Day” each place it appears and inserting
11 “Carl Garner Federal Lands Cleanup Day”.

12 **SEC. 807. FORT PULASKI NATIONAL MONUMENT, GEORGIA.**

13 Section 4 of the Act of June 26, 1936 (ch. 844; 49
14 Stat. 1979), is amended by striking “: *Provided, That*”
15 and all that follows and inserting a period.

16 **SEC. 808. LAURA C. HUDSON VISITOR CENTER.**

17 (a) DESIGNATION.—The visitor center at Jean La-
18 fitte National Historical Park, located at 419 Rue Decatur
19 in New Orleans, Louisiana, is hereby designated as the
20 “Laura C. Hudson Visitor Center”.

21 (b) LEGAL REFERENCES.—Any reference in any law,
22 regulation, paper, record, map, or any other document of
23 the United States to the visitor center referred to in sub-
24 section (a) shall be deemed to be a reference to the “Laura
25 C. Hudson Visitor Center”.

1 **SEC. 809. ROBERT J. LAGOMARSINO VISITOR CENTER.**

2 (a) DESIGNATION.—The visitor center at the Channel
3 Islands National Park, California, is designated as the
4 “Robert J. Lagomarsino Visitor Center”.

5 (b) LEGAL REFERENCES.—Any reference in any law,
6 regulation, document, record, map, or other document of
7 the United States to the visitor center referred to in sec-
8 tion 301 is deemed to be a reference to the “Robert J.
9 Lagomarsino Visitor Center”.

10 **SEC. 810. EXPENDITURE OF FUNDS OUTSIDE AUTHORIZED**
11 **BOUNDARY OF ROCKY MOUNTAIN NATIONAL**
12 **PARK.**

13 The Secretary of the Interior is authorized to collect
14 and expend donated funds and expend appropriated funds
15 for the operation and maintenance of a visitor center to
16 be constructed for visitors to and administration of Rocky
17 Mountain National Park with private funds on privately
18 owned lands located outside the boundary of the park.

19 **SEC. 811. DAYTON AVIATION.**

20 Section 201(b) of the Dayton Aviation Heritage Pres-
21 ervation Act of 1992 (Public Law 102–419, approved Oc-
22 tober 16, 1992), is amended as follows:

23 (1) In paragraph (2), by striking “from rec-
24 ommendations” and inserting “after consideration of
25 recommendations”.

1 (2) In paragraph (4), by striking “from rec-
2 ommendations” and inserting “after consideration of
3 recommendations”.

4 (3) In paragraph (5), by striking “from rec-
5 ommendations” and inserting “after consideration of
6 recommendations”.

7 (4) In paragraph (6), by striking “from rec-
8 ommendations” and inserting “after consideration of
9 recommendations”.

10 (5) In paragraph (7), by striking “from rec-
11 ommendations” and inserting “after consideration of
12 recommendations”.

13 **SEC. 812. PROHIBITION ON CERTAIN TRANSFERS OF NA-**
14 **TIONAL FOREST LANDS.**

15 After the date of the enactment of this Act the Sec-
16 retary of Agriculture shall not transfer (by exchange or
17 otherwise) any lands owned by the United States and
18 managed by the Secretary as part of the Angeles National
19 Forest to any person unless the instrument of conveyance
20 contains a restriction, enforceable by the Secretary, on the
21 future use of such land prohibiting the use of any portion
22 of such land as a solid waste landfill. Such restriction shall
23 be promptly enforced by the Secretary when and if a viola-
24 tion of the restriction occurs.

1 **SEC. 813. GRAND LAKE CEMETERY.**

2 (a) AGREEMENT.—Notwithstanding any other law,
3 not later than 6 months after the date of enactment of
4 this Act, the Secretary of the Interior shall enter into an
5 appropriate form of agreement with the town of Grand
6 Lake, Colorado, authorizing the town to maintain perma-
7 nently, under appropriate terms and conditions, a ceme-
8 tery within the boundaries of the Rocky Mountain Na-
9 tional Park.

10 (b) CEMETERY BOUNDARIES.—The cemetery shall be
11 comprised of approximately 5 acres of land, as generally
12 depicted on the map entitled “Grand Lake Cemetery” and
13 dated February 1995.

14 (c) AVAILABILITY FOR PUBLIC INSPECTION.—The
15 Secretary of the Interior shall place the map described in
16 subsection (b) on file, and make the map available for pub-
17 lic inspection, in the headquarters office of the Rocky
18 Mountain National Park.

19 (d) LIMITATION.—The cemetery shall not be ex-
20 tended beyond the boundaries of the cemetery shown on
21 the map described in subsection (b).

22 **SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE RE-**
23 **FORM.**

24 (a) NATIONAL PARK SERVICE HOUSING IMPROVE-
25 MENT.—

1 (1) PURPOSES.—The purposes of this section
2 are—

3 (A) to develop where necessary an ade-
4 quate supply of quality housing units for field
5 employees of the National Park Service within
6 a reasonable time frame;

7 (B) to expand the alternatives available for
8 construction and repair of essential Government
9 housing;

10 (C) to rely on the private sector to finance
11 or supply housing in carrying out this section,
12 to the maximum extent possible, in order to re-
13 duce the need for Federal appropriations;

14 (D) to ensure that adequate funds are
15 available to provide for long-term maintenance
16 needs of field employee housing; and

17 (E) to eliminate unnecessary Government
18 housing and locate such housing as is required
19 in a manner such that primary resource values
20 are not impaired.

21 (2) GENERAL AUTHORITY.—To enhance the
22 ability of the Secretary of the Interior (hereafter in
23 this subsection referred to as “the Secretary”), act-
24 ing through the Director of the National Park Serv-
25 ice, to effectively manage units of the National Park

1 System, the Secretary is authorized where necessary
2 and justified to make available employee housing, on
3 or off the lands under the administrative jurisdiction
4 of the National Park Service, and to rent or lease
5 such housing to field employees of the National Park
6 Service at rates based on the reasonable value of the
7 housing in accordance with requirements applicable
8 under section 5911 of title 5, United States Code.

9 (3) REVIEW AND REVISION OF HOUSING CRI-
10 TERIA.—Upon the enactment of this Act, the Sec-
11 retary shall review and revise the existing criteria
12 under which housing is provided to employees of the
13 National Park Service. Specifically, the Secretary
14 shall examine the existing criteria with respect to
15 what circumstances the National Park Service re-
16 quires an employee to occupy Government quarters
17 to provide necessary services, protect Government
18 property, or because of a lack of availability of non-
19 Federal housing in the geographic area.

20 (4) SUBMISSION OF REPORT.—A report detail-
21 ing the results of the revisions required by para-
22 graph (3) shall be submitted to the Committee on
23 Resources of the House of Representatives and the
24 Committee on Energy and Natural Resources of the
25 Senate not later than 180 days after the date of the

1 enactment of this Act. The report shall include jus-
2 tifications for keeping, or for changing, each of the
3 criteria or factors used by the Department of the In-
4 terior with regard to the provision of housing to em-
5 ployees of the National Park Service.

6 (5) REVIEW OF CONDITION OF AND COSTS RE-
7 LATING TO HOUSING.—Using the revised criteria de-
8 veloped under paragraph (3), the Secretary shall un-
9 dertake a review, for each unit of the National Park
10 System, of existing government-owned housing pro-
11 vided to employees of the National Park Service.
12 The review shall include an assessment of the phys-
13 ical condition of such housing and the suitability of
14 such housing to effectively carry out the missions of
15 the Department of the Interior and the National
16 Park Service. For each unit of such housing, the
17 Secretary shall determine whether the unit is needed
18 and justified. The review shall include estimates of
19 the cost of bringing each unit that is needed and
20 justified into usable condition that meets all applica-
21 ble legal housing requirements or, if the unit is de-
22 termined to be obsolete but is still warranted to
23 carry out the missions of the Department of the In-
24 terior and the National Park Service, the cost of re-
25 placing the unit.

1 (6) AUTHORIZATION FOR HOUSING AGREE-
2 MENTS.—For those units of the National Park Sys-
3 tem for which the review required by paragraphs (3)
4 and (5) has been completed, the Secretary is author-
5 ized, pursuant to the authorities contained in this
6 subsection and subject to the appropriation of nec-
7 essary funds in advance, to enter into housing agree-
8 ments with housing entities under which such hous-
9 ing entities may develop, construct, rehabilitate, or
10 manage housing, located on or off public lands, for
11 rent or lease to National Park Service employees
12 who meet the housing eligibility criteria developed by
13 the Secretary pursuant to this Act.

14 (7) JOINT PUBLIC-PRIVATE SECTOR HOUSING
15 PROGRAMS.—

16 (A) LEASE TO BUILD PROGRAM.—Subject
17 to the appropriation of necessary funds in ad-
18 vance, the Secretary may—

19 (i) lease Federal land and interests in
20 land to qualified persons for the construc-
21 tion of field employee quarters for any pe-
22 riod not to exceed 50 years; and

23 (ii) lease developed and undeveloped
24 non-Federal land for providing field em-
25 ployee quarters.

1 (B) COMPETITIVE LEASING.—Each lease
2 under subparagraph (A)(i) shall be awarded
3 through the use of publicly advertised, competi-
4 tively bid, or competitively negotiated contract-
5 ing procedures.

6 (C) TERMS AND CONDITIONS.—Each lease
7 under subparagraph (A)(i)—

8 (i) shall stipulate whether operation
9 and maintenance of field employee quar-
10 ters is to be provided by the lessee, field
11 employees or the Federal Government;

12 (ii) shall require that the construction
13 and rehabilitation of field employee quar-
14 ters be done in accordance with the re-
15 quirements of the National Park Service
16 and local applicable building codes and in-
17 dustry standards;

18 (iii) shall contain such additional
19 terms and conditions as may be appro-
20 priate to protect the Federal interest, in-
21 cluding limits on rents the lessee may
22 charge field employees for the occupancy of
23 quarters, conditions on maintenance and
24 repairs, and agreements on the provision of

1 charges for utilities and other infrastruc-
2 ture; and

3 (iv) may be granted at less than fair
4 market value if the Secretary determines
5 that such lease will improve the quality
6 and availability of field employee quarters
7 available.

8 (D) CONTRIBUTIONS BY UNITED
9 STATES.—The Secretary may make payments,
10 subject to appropriations, or contributions in
11 kind either in advance of or on a continuing
12 basis to reduce the costs of planning, construc-
13 tion, or rehabilitation of quarters on or off Fed-
14 eral lands under a lease under this paragraph.

15 (8) RENTAL GUARANTEE PROGRAM.—

16 (A) GENERAL AUTHORITY.—Subject to the
17 appropriation of necessary funds in advance,
18 the Secretary may enter into a lease to build
19 arrangement as set forth in paragraph (7) with
20 further agreement to guarantee the occupancy
21 of field employee quarters constructed or reha-
22 bilitated under such lease. A guarantee made
23 under this paragraph shall be in writing.

24 (B) LIMITATIONS.—The Secretary may not
25 guarantee—

1 (i) the occupancy of more than 75
2 percent of the units constructed or reha-
3 bilitated under such lease; and

4 (ii) at a rental rate that exceeds the
5 rate based on the reasonable value of the
6 housing in accordance with requirements
7 applicable under section 5911 of title 5,
8 United States Code.

9 In no event shall outstanding guarantees be in
10 excess of \$3,000,000.

11 (C) RENTAL TO GOVERNMENT EMPLOY-
12 EES.—A guarantee may be made under this
13 subsection only if the lessee agrees to permit
14 the Secretary to utilize for housing purposes
15 any units for which the guarantee is made.

16 (D) FAILURE TO MAINTAIN A SATISFAC-
17 TORY LEVEL OF OPERATION AND MAINTEN-
18 NANCE.—The lease shall be null and void if the
19 lessee fails to maintain a satisfactory level of
20 operation and maintenance.

21 (9) JOINT DEVELOPMENT AUTHORITY.—The
22 Secretary may use authorities granted by statute in
23 combination with one another in the furtherance of
24 providing where necessary and justified affordable
25 field employee housing.

1 (10) CONTRACTS FOR THE MANAGEMENT OF
2 FIELD EMPLOYEE QUARTERS.—

3 (A) GENERAL AUTHORITY.—Subject to the
4 appropriation of necessary funds in advance,
5 the Secretary may enter into contracts of any
6 duration for the management, repair, and main-
7 tenance of field employee quarters.

8 (B) TERMS AND CONDITIONS.—Any such
9 contract shall contain such terms and condi-
10 tions as the Secretary deems necessary or ap-
11 propriate to protect the interests of the United
12 States and assure that necessary quarters are
13 available to field employees.

14 (11) LEASING OF SEASONAL EMPLOYEE QUAR-
15 TERS.—

16 (A) GENERAL AUTHORITY.—Subject to
17 subparagraph (B), the Secretary may lease
18 quarters at or near a unit of the national park
19 system for use as seasonal quarters for field
20 employees. The rent charged to field employees
21 under such a lease shall be a rate based on the
22 reasonable value of the quarters in accordance
23 with requirements applicable under section
24 5911 of title 5, United States Code.

1 (B) LIMITATION.—The Secretary may only
2 issue a lease under subparagraph (A) if the
3 Secretary finds that there is a shortage of ade-
4 quate and affordable seasonal quarters at or
5 near such unit and that—

6 (i) the requirement for such seasonal
7 field employee quarters is temporary; or

8 (ii) leasing would be more cost effec-
9 tive than construction of new seasonal field
10 employee quarters.

11 (C) UNRECOVERED COSTS.—The Secretary
12 may pay the unrecovered costs of leasing sea-
13 sonal quarters under this paragraph from an-
14 nual appropriations for the year in which such
15 lease is made.

16 (12) SURVEY OF EXISTING FACILITIES.—The
17 Secretary shall—

18 (A) complete a condition assessment for all
19 field employee housing, including the physical
20 condition of such housing and the necessity and
21 suitability of such housing for carrying out the
22 agency mission, using existing information; and

23 (B) develop an agency-wide priority listing,
24 by structure, identifying those units in greatest

1 need for repair, rehabilitation, replacement, or
2 initial construction.

3 (13) USE OF HOUSING-RELATED FUNDS.—Ex-
4 penditure of any funds authorized and appropriated
5 for new construction, repair, or rehabilitation of
6 housing under this section shall follow the housing
7 priority listing established by the agency under para-
8 graph (13), in sequential order, to the maximum ex-
9 tent practicable.

10 (14) ANNUAL BUDGET SUBMITTAL.—The Presi-
11 dent’s proposed budget to Congress for the first fis-
12 cal year beginning after enactment of this Act, and
13 for each subsequent fiscal year, shall include identi-
14 fication of nonconstruction funds to be spent for Na-
15 tional Park Service housing maintenance and oper-
16 ations which are in addition to rental receipts col-
17 lected.

18 (15) STUDY OF HOUSING ALLOWANCES.—With-
19 in 12 months after the date of enactment of this
20 Act, the Secretary shall conduct a study to deter-
21 mine the feasibility of providing eligible employees of
22 the National Park Service with housing allowances
23 rather than Government housing. The study shall
24 specifically examine the feasibility of providing rent-
25 al allowances to temporary and lower paid perma-

1 nent employees. Whenever the Secretary submits a
2 copy of such study to the Office of Management and
3 Budget, he shall concurrently transmit copies of the
4 report to the Resources Committee of the United
5 States House of Representatives and the Committee
6 on Energy and Natural Resources of the United
7 States Senate.

8 (16) STUDY OF SALE OF EMPLOYEE HOUS-
9 ING.—Within 18 months of the date of the enact-
10 ment of the Act, the Secretary shall complete a
11 study of the sale of Government quarters to a coop-
12 erative consisting of field employees. The Secretary
13 shall examine the potential benefits to the Govern-
14 ment as well as the employees and any risks associ-
15 ated with such a program.

16 (17) GENERAL PROVISIONS.—

17 (A) CONSTRUCTION LIMITATIONS ON FED-
18 ERAL LANDS.—The Secretary may not utilize
19 any lands for the purposes of providing field
20 employee housing under this section which will
21 impact primary resource values of the area or
22 adversely affect the mission of the agency.

23 (B) RENTAL RATES.—To the extent prac-
24 ticable, the Secretary shall establish rental rates
25 for all quarters occupied by field employees of

1 the National Park Service that are based on the
2 reasonable value of the quarters in accordance
3 with requirements applicable under section
4 5911 of title 5, United States Code.

5 (C) EXEMPTION FROM LEASING REQUIRE-
6 MENTS.—The provisions of section 5 of the Act
7 of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C.
8 4601–22), and section 321 of the Act of June
9 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall
10 not apply to leases issued by the Secretary
11 under this section.

12 (18) PROCEEDS.—The proceeds from any lease
13 under paragraph (7)(A)(i)(I), any lease under para-
14 graph (11)(B), and any lease of seasonal quarters
15 under subsection (l), shall be retained by the Na-
16 tional Park Service. Such proceeds shall be deposited
17 into the special fund established for maintenance
18 and operation of quarters.

19 (19) DEFINITIONS.—For purposes of this sub-
20 section:

21 (A) The term “field employee” means—

22 (i) an employee of the National Park
23 Service who is exclusively assigned by the
24 National Park Service to perform duties at

1 a field unit, and the members of their fam-
2 ily; and

3 (ii) other individuals who are author-
4 ized to occupy Government quarters under
5 section 5911 of title 5, United States
6 Code, and for whom there is no feasible al-
7 ternative to the provision of Government
8 housing, and the members of their family.

9 (B) The term “land management agency”
10 means the National Park Service, Department
11 of the Interior.

12 (C) The term “primary resource values”
13 means resources which are specifically men-
14 tioned in the enabling legislation for that field
15 unit or other resource value recognized under
16 Federal statute.

17 (D) The term “quarters” means quarters
18 owned or leased by the Government.

19 (E) The term “seasonal quarters” means
20 quarters typically occupied by field employees
21 who are hired on assignments of 6 months or
22 less.

23 (b) MINOR BOUNDARY REVISION AUTHORITY.—Sec-
24 tion 7(c) of the Land and Water Conservation Fund Act
25 of 1965 (16 U.S.C. 4601–9(c)) is amended as follows:

1 (1) In the first sentence, by striking “Committee on Natural” and inserting “Committee on”.

2
3 (2)(A) By striking “: *Provided, however,*” and
4 all that follows through “1965”; and

5 (B) by inserting “(1)” after “(c)” and by inserting at the end the following:

6
7 “(2) For the purposes of clause (i) of paragraph (1),
8 in all cases except the case of technical boundary revisions
9 (resulting from such causes as survey error or changed
10 road alignments), the authority of the Secretary under
11 such clause (i) shall apply only if each of the following
12 conditions is met:

13 “(A) The sum of the total acreage of lands, waters, and interests therein to be added to the area
14 and the total such acreage to be deleted from the
15 area is not more than 5 percent of the total Federal
16 acreage authorized to be included in the area and is
17 less than 200 acres in size.

18
19 “(B) The acquisition, if any, is not a major
20 Federal action significantly affecting the quality of
21 the human environment, as determined by the Secretary.
22

23 “(C) The sum of the total appraised value of
24 the lands, water, and interest therein to be added to
25 the area and the total appraised value of the lands,

1 waters, and interests therein to be deleted from the
2 area does not exceed \$750,000.

3 “(D) The proposed boundary revision is not an
4 element of a more comprehensive boundary modifica-
5 tion proposal.

6 “(E) The proposed boundary has been subject
7 to a public review and comment period.

8 “(F) The Director of the National Park Service
9 obtains written consent for the boundary modifica-
10 tion from all property owners whose lands, water, or
11 interests therein, or a portion of whose lands, water,
12 or interests therein, will be added to or deleted from
13 the area by the boundary modification.

14 “(G) The lands are adjacent to other Federal
15 lands administered by the Director of the National
16 Park Service.

17 “Minor boundary revisions involving only deletions of acre-
18 age owned by the Federal Government and administered
19 by the National Park Service may be made only by Act
20 of Congress.”.

21 (c) AUTHORIZATION FOR PARK FACILITIES TO BE
22 LOCATED OUTSIDE THE BOUNDARIES OF ZION NATIONAL
23 PARK.—In order to facilitate the administration of Zion
24 National Park, the Secretary of the Interior is authorized,
25 under such terms and conditions as he may deem advis-

1 able, to expend donated or appropriated funds for the es-
2 tablishment of essential facilities for park administration
3 and visitor use outside the boundaries, but within the vi-
4 cinity, of the park. Such facilities and the use thereof shall
5 be in conformity with approved plans for the park. The
6 Secretary shall use existing facilities wherever feasible.
7 Such facilities may only be constructed by the Secretary
8 upon a finding that the location of such facilities would—

9 (1) avoid undue degradation of natural or cul-
10 tural resources within the park;

11 (2) enhance service to the public; or

12 (3) provide a cost saving to the Federal Govern-
13 ment.

14 The Secretary is authorized to enter into cooperative
15 agreements with State or local governments or private en-
16 tities to undertake the authority granted under this sub-
17 section. The Secretary is encouraged to identify and utilize
18 funding sources to supplement any Federal funding used
19 for these facilities.

20 (d) ELIMINATION OF UNNECESSARY CONGRES-
21 SIONAL REPORTING REQUIREMENTS.—

22 (1) REPEALS.—The following provisions are
23 hereby repealed:

24 (A) Section 302(c) of the Act entitled “An
25 Act to authorize the establishment of the Chat-

1 tahoochee River National Recreation Area in
2 the State of Georgia, and for other purposes
3 (Public Law 95–344; 92 Stat. 478; 16 U.S.C.
4 2302(c)).

5 (B) Section 503 of the Act of December
6 19, 1980 (Public Law 96–550; 94 Stat. 3228;
7 16 U.S.C. 410ii–2).

8 (C) Subsections (b) and (c) of section 4 of
9 the Act of October 15, 1982 (Public Law 97–
10 335; 96 Stat. 1628; 16 U.S.C. 341 note).

11 (D) Section 7 of Public Law 89–671 (96
12 Stat. 1457; 16 U.S.C. 284f).

13 (E) Section 3(e) of the National Trails
14 System Act (Public Law 90–543; 82 Stat. 919;
15 16 U.S.C. 1242(e)).

16 (F) Section 4(b) of the Act of October 24,
17 1984 (Public Law 98–540; 98 Stat. 2720; 16
18 U.S.C. 1a–8).

19 (G) Section 106(b) of the National Visitor
20 Center Facilities Act of 1968 (Public Law 90–
21 264; 82 Stat. 44; 40 U.S.C. 805(b)).

22 (H) Section 6(f)(7) of the Act of Septem-
23 ber 3, 1964 (Public Law 88–578; 78 Stat. 900;
24 16 U.S.C. 460l–8(f)(7)).

1 (I) Subsection (b) of section 8 of the Act
2 of August 18, 1970 (Public Law 91–383; 90
3 Stat. 1940; 16 U.S.C. 1a–5(b)).

4 (J) The last sentence of section 10(a)(2) of
5 the National Trails System Act (Public Law
6 90–543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

7 (K) Section 4 of the Act of October 31,
8 1988 (Public Law 100–573; Stat. 2891; 16
9 U.S.C. 460o note).

10 (L) Section 104(b) of the Act of November
11 19, 1988 (Public Law 100–698; 102 Stat.
12 4621).

13 (M) Section 1015(b) of the Urban Park
14 and Recreation Recovery Act of 1978 (Public
15 Law 95–625; 92 Stat. 3544; 16 U.S.C.
16 2514(b)).

17 (N) Section 105 of the Act of August 13,
18 1970 (Public Law 91–378; 16 U.S.C. 1705).

19 (O) Section 307(b) of the National His-
20 toric Preservation Act (Public Law 89–665; 16
21 U.S.C. 470w–6(b)).

22 (2) AMENDMENTS.—The following provisions
23 are amended:

24 (A) Section 10 of the Archaeological Re-
25 sources Protection Act of 1979, by striking the

1 last sentence of subsection (c) (Public Law 96–
2 95; 16 U.S.C. 470ii(c)).

3 (B) Section 5(c) of the Act of June 27,
4 1960 (Public Law 86–523; 16 U.S.C. 469a–
5 3(e); 74 Stat. 220), by inserting a period after
6 “Act” and striking “and shall submit” and all
7 that follows.

8 (C) Section 7(a)(3) of the Act of Septem-
9 ber 3, 1964 (Public Law 88–578; 78 Stat. 903;
10 16 U.S.C. 460l–9(a)(3)), by striking the last
11 sentence.

12 (D) Section 111 of the Petroglyph Na-
13 tional Monument Establishment Act of 1990
14 (Public Law 101–313; 104 Stat. 278), by strik-
15 ing the second sentence.

16 (E) Section 307(a) of the National His-
17 toric Preservation Act (Public Law 89–665; 16
18 U.S.C. 470w–6(a)) is amended by striking the
19 first and second sentences.

20 (F) Section 101(a)(1)(B) of the National
21 Historic Preservation Act (Public Law 89–665;
22 16 U.S.C. 470a) by inserting a period after
23 “Register” the last place such term appears
24 and by striking “and submitted” and all that
25 follows.

1 (e) SENATE CONFIRMATION OF THE DIRECTOR OF
2 THE NATIONAL PARK SERVICE.—

3 (1) IN GENERAL.—The first section of the Act
4 entitled “An Act to establish a National Park Serv-
5 ice, and for other purposes”, approved August 25,
6 1916 (39 Stat. 535; 16 U.S.C. 1; commonly referred
7 to as the “National Park Service Organic Act”), is
8 amended in the first sentence by striking “who shall
9 be appointed by the Secretary” and all that follows
10 and inserting “who shall be appointed by the Presi-
11 dent, by and with the advice and consent of the Sen-
12 ate. The Director shall have substantial experience
13 and demonstrated competence in land management
14 and natural or cultural resource conservation. The
15 Director shall select two Deputy Directors. The first
16 Deputy Director shall have responsibility for Na-
17 tional Park Service operations, and the second Dep-
18 uty Director shall have responsibility for other pro-
19 grams assigned to the National Park Service.”.

20 (2) EFFECTIVE DATE AND APPLICATION.—The
21 amendment made by subsection (a) shall take effect
22 on February 1, 1997, and shall apply with respect
23 to the individual (if any) serving as the Director of
24 the National Park Service on that date.

1 (f) NATIONAL PARK SYSTEM ADVISORY BOARD AU-
2 THORIZATION.—

3 (1) NATIONAL PARK SYSTEM ADVISORY
4 BOARD.—Section 3 of the Act of August 21, 1935
5 (49 Stat. 667; 16 U.S.C. 463) is amended as fol-
6 lows:

7 (A) In subsection (a) by striking the first
8 3 sentences and inserting in lieu thereof:
9 “There is hereby established a National Park
10 System Advisory Board, whose purpose shall be
11 to advise the Director of the National Park
12 Service on matters relating to the National
13 Park Service, the National Park System, and
14 programs administered by the National Park
15 Service. The Board shall advise the Director on
16 matters submitted to the Board by the Director
17 as well as any other issues identified by the
18 Board. Members of the Board shall be ap-
19 pointed on a staggered term basis by the Sec-
20 retary for a term not to exceed 4 years and
21 shall serve at the pleasure of the Secretary. The
22 Board shall be comprised of no more than 12
23 persons, appointed from among citizens of the
24 United States having a demonstrated commit-
25 ment to the mission of the National Park Serv-

1 ice. Board members shall be selected to rep-
2 resent various geographic regions, including
3 each of the administrative regions of the Na-
4 tional Park Service. At least 6 of the members
5 shall have outstanding expertise in 1 or more of
6 the following fields: history, archeology, anthro-
7 pology, historical or landscape architecture, bi-
8 ology, ecology, geology, marine science, or social
9 science. At least 4 of the members shall have
10 outstanding expertise and prior experience in
11 the management of national or State parks or
12 protected areas, or national or cultural re-
13 sources management. The remaining members
14 shall have outstanding expertise in 1 or more of
15 the areas described above or in another profes-
16 sional or scientific discipline, such as financial
17 management, recreation use management, land
18 use planning or business management, impor-
19 tant to the mission of the National Park Serv-
20 ice. At least 1 individual shall be a locally elect-
21 ed official from an area adjacent to a park. The
22 Board shall hold its first meeting by no later
23 than 60 days after the date on which all mem-
24 bers of the Advisory Board who are to be ap-
25 pointed have been appointed. Any vacancy in

1 the Board shall not affect its powers, but shall
2 be filled in the same manner in which the origi-
3 nal appointment was made. The Board may
4 adopt such rules as may be necessary to estab-
5 lish its procedures and to govern the manner of
6 its operations, organization, and personnel. All
7 members of the Board shall be reimbursed for
8 travel and per diem in lieu of subsistence ex-
9 penses during the performance of duties of the
10 Board while away from home or their regular
11 place of business, in accordance with sub-
12 chapter 1 of chapter 57 of title 5, United States
13 Code. With the exception of travel and per diem
14 as noted above, a member of the Board who is
15 otherwise an officer or employee of the United
16 States Government shall serve on the Board
17 without additional compensation.”.

18 (B) By redesignating subsections (b) and
19 (c) as (f) and (g) and by striking from the first
20 sentence of subsection (f), as so redesignated
21 “1995” and inserting in lieu thereof “2006”.

22 (C) By adding the following new sub-
23 sections after subsection (a):

24 “(b)(1) The Secretary is authorized to hire 2 full-
25 time staffers to meet the needs of the Advisory Board.

1 “(2) Service of an individual as a member of the
2 Board shall not be considered as service or employment
3 bringing such individual within the provisions of any Fed-
4 eral law relating to conflicts of interest or otherwise im-
5 posing restrictions, requirements, or penalties in relation
6 to the employment of persons, the performance of services,
7 or the payment or receipt of compensation in connection
8 with claims, proceedings, or matters involving the United
9 States. Service as a member of the Board, or as an em-
10 ployee of the Board, shall not be considered service in an
11 appointive or elective position in the Government for pur-
12 poses of section 8344 of title 5, United States Code, or
13 comparable provisions of Federal law.

14 “(c)(1) Upon request of the Director, the Board is
15 authorized to—

16 “(A) hold such hearings and sit and act at such
17 times,

18 “(B) take such testimony,

19 “(C) have such printing and binding done,

20 “(D) enter into such contracts and other ar-
21 rangements.

22 “(E) make such expenditures, and

23 “(F) take such other actions, as the Board may
24 deem advisable. Any member of the Board may ad-

1 minister oaths or affirmations to witnesses appear-
2 ing before the Board.

3 “(2) The Board may establish committees or sub-
4 committees. Any such subcommittees or committees shall
5 be chaired by a voting member of the Board.

6 “(d) The provisions of the Federal Advisory Commit-
7 tee Act shall apply to the Board established under this
8 section with the exception of section 14(b).

9 “(e)(1) The Board is authorized to secure directly
10 from any office, department, agency, establishment, or in-
11 strumentality of the Federal Government such information
12 as the Board may require for the purpose of this section,
13 and each such officer, department, agency, establishment,
14 or instrumentality is authorized and directed to furnish,
15 to the extent permitted by law, such information, sugges-
16 tions, estimates, and statistics directly to the Board, upon
17 request made by a member of the Board.

18 “(2) Upon the request of the Board, the head of any
19 Federal department, agency, or instrumentality is author-
20 ized to make any of the facilities and services of such de-
21 partment, agency, or instrumentality to the Board, on a
22 nonreimbursable basis, to assist the Board in carrying out
23 its duties under this section.

1 “(3) The Board may use the United States mails in
2 the same manner and under the same conditions as other
3 departments and agencies in the United States.”.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—

5 There are authorized to be appropriated to the Na-
6 tional Park System Advisory Board \$200,000 per
7 year to carry out the provisions of section 3 of the
8 Act of August 21, 1935 (49 Stat. 667; 16 U.S.C.
9 463).

10 (3) EFFECTIVE DATE.—This subsection shall
11 take effect on December 7, 1997.

12 (g) CHALLENGE COST-SHARE AGREEMENT AUTHOR-
13 ITY.—

14 (1) DEFINITIONS.—For purposes of this sub-
15 section:

16 (A) The term “challenge cost-share agree-
17 ment” means any agreement entered into be-
18 tween the Secretary and any cooperator for the
19 purpose of sharing costs or services in carrying
20 out authorized functions and responsibilities of
21 the Secretary of the Interior with respect to any
22 unit or program of the National Park System
23 (as defined in section 2(a) of the Act of August
24 8, 1953 (16 U.S.C. 1c(a))), any affiliated area,

1 or any designated National Scenic or Historic
2 Trail.

3 (B) The term “cooperator” means any
4 State or local government, public or private
5 agency, organization, institution, corporation,
6 individual, or other entity.

7 (2) CHALLENGE COST-SHARE AGREEMENTS.—
8 The Secretary of the Interior is authorized to nego-
9 tiate and enter into challenge cost-share agreements
10 with cooperators.

11 (3) USE OF FEDERAL FUNDS.—In carrying out
12 challenge cost-share agreements, the Secretary of
13 the Interior is authorized to provide the Federal
14 funding share from any funds available to the Na-
15 tional Park Service.

16 (h) COST RECOVERY FOR DAMAGE TO NATIONAL
17 PARK RESOURCES.—Public Law 101–337 is amended as
18 follows:

19 (1) In section 1 (16 U.S.C. 19jj), by amending
20 subsection (d) to read as follows:

21 “(d) ‘Park system resource’ means any living or non-
22 living resource that is located within the boundaries of a
23 unit of the National Park System, except for resources
24 owned by a non-Federal entity.”.

1 (2) In section 1 (16 U.S.C. 19jj) by adding at
2 the end thereof the following:

3 “(g) ‘Marine or aquatic park system resource’ means
4 any living or non-living part of a marine or aquatic regi-
5 men within or is a living part of a marine or aquatic regi-
6 men within the boundaries of a unit of the National Park
7 System, except for resources owned by a non-Federal en-
8 tity.”.

9 (3) In section 2(b) (16 U.S.C. 19jj–1(b)), by in-
10 serting “any marine or aquatic park resource” after
11 “any park system resource”.

12 **SEC. 815. WILLIAM B. SMULLIN VISITOR CENTER.**

13 (a) DESIGNATION.—The Bureau of Land Manage-
14 ment’s visitors center in Rand, Oregon is hereby des-
15 ignated as the “William B. Smullin Visitor Center”.

16 (b) LEGAL REFERENCES.—Any reference in any law,
17 regulation, document, record, map, or other document of
18 the United States to the visitor center referred to in sub-
19 section (a) shall be deemed to be a reference to the “Wil-
20 liam B. Smullin Visitor Center”.

21 **SEC. 816. CALUMET ECOLOGICAL PARK.**

22 (a) FEASIBILITY STUDY.—

23 (1) IN GENERAL.—Not later than 6 months
24 after the date of enactment of this Act, the Sec-
25 retary of the Interior shall conduct a study of the

1 feasibility of establishing an urban ecological park to
2 be known as “Calumet Ecological Park”, in the
3 Lake Calumet area situated between the Illinois and
4 Michigan Canal National Heritage Corridor and the
5 Indiana Dunes National Lakeshore.

6 (2) PARTICULARS OF STUDY.—The study under
7 paragraph (1) shall include consideration of the fol-
8 lowing:

9 (A) The suitability of establishing a park
10 in the Lake Calumet area that—

11 (i) conserves and protects the wealth
12 of natural resources threatened by develop-
13 ment and pollution in the Lake Calumet
14 area; and

15 (ii) consists of a number of nonadja-
16 cent sites forming green corridors between
17 the Illinois and Michigan Canal National
18 Heritage Corridor and the Indiana Dunes
19 National Lakeshore, that are based on the
20 lakes and waterways in the area.

21 (B) The long-term future use of the Lake
22 Calumet area.

23 (C) Ways in which a Calumet Ecological
24 Park would—

1 (i) benefit and enhance the cultural,
2 historical, and natural resources of the
3 Lake Calumet area; and

4 (ii) preserve natural lands and habi-
5 tats in the Lake Calumet area and north-
6 west Indiana.

7 (3) REPORT.—Not later than 1 year after the
8 date of enactment of this Act, the Secretary shall
9 submit to the Congress a report containing findings
10 and recommendations of a study under this section.

11 **SEC. 817. ACQUISITION OF CERTAIN PROPERTY ON SANTA**
12 **CRUZ ISLAND.**

13 Section 202 of Public Law 96–199 (16 U.S.C. 410ff–
14 1) is amended by adding the following new subsection at
15 the end thereof:

16 “(e)(1) Notwithstanding any other provision of law,
17 effective 90 days after the date of enactment of this sub-
18 section, all right, title, and interest in and to, and the right
19 to immediate possession of, the real property on the east-
20 ern end of Santa Cruz Island which is known as the
21 Gherini Ranch is hereby vested in the United States, ex-
22 cept for the reserved rights of use and occupancy set forth
23 in Instrument No. 90–027494 recorded in the Official
24 Records of the County of Santa Barbara, California.

1 “(2) The United States shall pay just compensation
2 to the owners of any real property taken pursuant to this
3 subsection, determined as of the date of taking. The full
4 faith and credit of the United States is hereby pledged
5 to the payment of any judgment entered against the Unit-
6 ed States with respect to the taking of such property. Pay-
7 ment shall be in the amount of the agreed negotiated value
8 of such real property plus interest or the valuation of such
9 real property awarded by judgment plus interest. Interest
10 shall accrue from the date of taking to the date of pay-
11 ment. Interest shall be compounded quarterly and com-
12 puted at the rate applicable for the period involved, as de-
13 termined by the Secretary of the Treasury on the basis
14 of the current average market yield on outstanding mar-
15 ketable obligations of the United States of comparable ma-
16 turities from the date of enactment of this subsection to
17 the last day of the month preceding the date on which
18 payment is made.

19 “(3) In the absence of a negotiated settlement, or an
20 action by the owner, within 1 year after the date of enact-
21 ment of this subsection, the Secretary shall initiate a pro-
22 ceeding, seeking in a court of competent jurisdiction a de-
23 termination of just compensation with respect to the tak-
24 ing of such property.

1 “(4) The Secretary shall not allow any unauthorized
2 use of the lands to be acquired under this subsection, ex-
3 cept that the Secretary shall permit the orderly termi-
4 nation of all current activities and the removal of any
5 equipment, facilities, or personal property.”.

6 **SEC. 818. NATIONAL PARK AGREEMENTS.**

7 Section 3 of the Act entitled “An Act to improve the
8 administration of the National Park System by the Sec-
9 retary of the Interior, and to clarify the authorities appli-
10 cable to the system, and for other purposes” approved Au-
11 gust 18, 1970 (16 U.S.C. 1a–2), is amended—

12 (1) in paragraph (i), by striking the period at
13 the end thereof and inserting in lieu thereof “; and”;
14 and

15 (2) by adding at the end thereof the following:

16 “(j) Enter into cooperative agreements with public or
17 private educational institutions, States, and their political
18 subdivisions, for the purpose of developing adequate, co-
19 ordinated, cooperative research and training programs
20 concerning the resources of the National Park System,
21 and, pursuant to any such agreements, to accept from and
22 make available to the cooperator such technical and sup-
23 port staff, financial assistance for mutually agreed upon
24 research projects, supplies and equipment, facilities, and
25 administrative services relating to cooperative research

1 units as the Secretary deems appropriate; except that this
2 paragraph shall not waive any requirements for research
3 projects that are subject to the Federal procurement regu-
4 lations.”.

5 **TITLE IX—HERITAGE AREAS**

6 **SEC. 901. BLACKSTONE RIVER VALLEY NATIONAL HERIT-** 7 **AGE CORRIDOR.**

8 (a) BOUNDARY CHANGES.—Section 2 of the Act enti-
9 tled “An Act to establish the Blackstone River Valley Na-
10 tional Heritage Corridor in Massachusetts and Rhode Is-
11 land”, approved November 10, 1986 (Public Law 99–647;
12 16 U.S.C. 461 note), is amended by striking the first sen-
13 tence and inserting the following new sentence: “The
14 boundaries shall include the lands and water generally de-
15 picted on the map entitled ‘Blackstone River Valley Na-
16 tional Heritage Corridor Boundary Map’, numbered
17 BRV–80–80,011, and dated May 2, 1993.”.

18 (b) TERMS.—Section 3(c) of the Act entitled “An Act
19 to establish the Blackstone River Valley National Heritage
20 Corridor in Massachusetts and Rhode Island”, approved
21 November 10, 1986 (Public Law 99–647; 16 U.S.C. 461
22 note), is amended by inserting before the period at the
23 end the following: “, but may continue to serve after the
24 expiration of this term until a successor has been ap-
25 pointed”.

1 (c) REVISION OF PLAN.—Section 6 of the Act enti-
2 tled “An Act to establish the Blackstone River Valley Na-
3 tional Heritage Corridor in Massachusetts and Rhode Is-
4 land”, approved November 10, 1986 (Public Law 99–647;
5 16 U.S.C. 461 note), is amended by adding at the end
6 the following new subsection:

7 “(d) REVISION OF PLAN.—(1) Not later than 1 year
8 after the date of the enactment of this subsection, the
9 Commission, with the approval of the Secretary, shall re-
10 vise the Cultural Heritage and Land Management Plan.
11 The revision shall address the boundary change and shall
12 include a natural resource inventory of areas or features
13 that should be protected, restored, managed, or acquired
14 because of their contribution to the understanding of na-
15 tional cultural landscape values.

16 “(2) No changes other than minor revisions may be
17 made in the approval plan as amended without the ap-
18 proval of the Secretary. The Secretary shall approve or
19 disapprove any proposed changes in the plan, except minor
20 revisions, in accordance with subsection (b).”.

21 (d) EXTENSION OF COMMISSION.—Section 7 of the
22 Act entitled “An Act to establish the Blackstone River
23 Valley National Heritage Corridor in Massachusetts and
24 Rhode Island”, approved November 10, 1986 (Public Law

1 99–647; 16 U.S.C. 461 note), is amended to read as fol-
2 lows:

3 **“SEC. 7. TERMINATION OF COMMISSION.**

4 “The Commission shall terminate on the date that
5 is 10 years after the date of enactment of this section.”.

6 (e) IMPLEMENTATION OF PLAN.—Subsection (c) of
7 section 8 of the Act entitled “An Act to establish the
8 Blackstone River Valley National Heritage Corridor in
9 Massachusetts and Rhode Island”, approved November
10 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is
11 amended to read as follows:

12 “(c) IMPLEMENTATION.—(1) To assist in the imple-
13 mentation of the Cultural Heritage and Land Manage-
14 ment Plan in a manner consistent with purposes of this
15 Act, the Secretary is authorized to undertake a limited
16 program of financial assistance for the purpose of provid-
17 ing funds for the preservation and restoration of struc-
18 tures on or eligible for inclusion on the National Register
19 of Historic Places within the Corridor which exhibit na-
20 tional significance or provide a wide spectrum of historic,
21 recreational, or environmental education opportunities to
22 the general public.

23 “(2) To be eligible for funds under this section, the
24 Commission shall submit an application to the Secretary
25 that includes—

1 “(A) a 10-year development plan including
2 those resource protection needs and projects critical
3 to maintaining or interpreting the distinctive char-
4 acter of the Corridor; and

5 “(B) specific descriptions of annual work pro-
6 grams that have been assembled, the participating
7 parties, roles, cost estimates, cost-sharing, or cooper-
8 ative agreements necessary to carry out the develop-
9 ment plan.

10 “(3) Funds made available pursuant to this sub-
11 section shall not exceed 50 percent of the total cost of the
12 work programs.

13 “(4) In making the funds available, the Secretary
14 shall give priority to projects that attract greater non-Fed-
15 eral funding sources.

16 “(5) Any payment made for the purposes of conserva-
17 tion or restoration of real property or structures shall be
18 subject to an agreement either—

19 “(A) to convey a conservation or preservation
20 easement to the Department of Environmental Man-
21 agement or to the Historic Preservation Commis-
22 sion, as appropriate, of the State in which the real
23 property or structure is located; or

24 “(B) that conversion, use, or disposal of the re-
25 sources so assisted for purposes contrary to the pur-

1 poses of this Act, as determined by the Secretary,
2 shall result in a right of the United States for reim-
3 bursement of all funds expended upon such re-
4 sources or the proportion of the increased value of
5 the resources attributable to such funds as deter-
6 mined at the time of such conversion, use, or dis-
7 posal, whichever is greater.

8 “(6) The authority to determine that a conversion,
9 use, or disposal of resources has been carried out contrary
10 to the purposes of this Act in violation of an agreement
11 entered into under paragraph (5)(A) shall be solely at the
12 discretion of the Secretary.”.

13 (f) LOCAL AUTHORITY.—Section 5 of the Act entitled
14 “An Act to establish the Blackstone River Valley National
15 Heritage Corridor in Massachusetts and Rhode Island”,
16 approved November 10, 1986 (Public Law 99–647; 16
17 U.S.C. 461 note), is amended by adding at the end the
18 following new subsection:

19 “(j) LOCAL AUTHORITY AND PRIVATE PROPERTY
20 NOT AFFECTED.—Nothing in this Act shall be construed
21 to affect or to authorize the Commission to interfere
22 with—

23 “(1) the rights of any person with respect to
24 private property; or

1 “(2) any local zoning ordinance or land use
2 plan of the Commonwealth of Massachusetts or any
3 political subdivision of the Commonwealth.”.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—Notwith-
5 standing any other provisions of law regarding limitations
6 on funding for heritage areas, section 10 of the Act enti-
7 tled “An Act to establish the Blackstone River Valley Na-
8 tional Heritage Corridor in Massachusetts and Rhode Is-
9 land”, approved November 10, 1986 (Public Law 99–647;
10 16 U.S.C. 461 note), as amended, is further amended:

11 (1) in subsection (a), by striking “\$350,000”
12 and inserting “\$650,000”; and

13 (2) by amending subsection (b) to read as fol-
14 lows:

15 “(b) DEVELOPMENT FUNDS.—For fiscal year 1996,
16 1997, and 1998, there is authorized to be appropriated
17 to carry out section 8(c) not to exceed \$5,000,000.”.

18 **SEC. 902. ILLINOIS AND MICHIGAN CANAL NATIONAL HER-**
19 **ITAGE CORRIDOR.**

20 The Illinois and Michigan Canal National Heritage
21 Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461
22 note) is amended by inserting after section 117 the follow-
23 ing new section:

1 **“SEC. 118. STUDY OF POSSIBLE ADDITIONS TO CORRIDOR.**

2 “The Commission shall undertake a study to deter-
3 mine whether the Joliet Army Ammunition Plant and the
4 Calumet-Sag and Chicago Sanitary and Ship Canals
5 should be added to the corridor. The study shall specifi-
6 cally examine the relationship between the purposes of this
7 Act and the areas proposed for study and shall identify
8 any specific resources which are related to the purposes
9 for which the corridor was established. The study shall
10 propose boundaries which provide for the inclusion of any
11 related resources within the corridor. The Commission
12 shall submit the study to the Secretary and the appro-
13 priate congressional committees. Upon receipt of the
14 study, the Secretary shall determine which lands (if any)
15 should be added to the corridor and shall so notify the
16 appropriate congressional committees.”.

17 **TITLE X—MISCELLANEOUS**
18 **Subtitle A—Tallgrass Prairie**
19 **National Preserve**

20 **SEC. 1001. SHORT TITLE.**

21 This subtitle may be cited as the “Tallgrass Prairie
22 National Preserve Act of 1996”.

23 **SEC. 1002. FINDINGS AND PURPOSES.**

24 (a) FINDINGS.—Congress finds that—

25 (1) of the 400,000 square miles of tallgrass
26 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 the 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 Unit-
11 ed States is subject to the terms and conditions of
12 the Federal Tort Claims Act, as amended, 28 U.S.C.
13 2671 et seq., with respect to the claims arising by
14 virtue of the Secretary's administration of the Pre-
15 serve 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. 4601–6a).

18 (f) AGREEMENT 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-

1 department of Wildlife and Parks, the Kansas
2 Historical Society, and other interested parties.

3 (3) CONTENT OF PLAN.—The general manage-
4 ment plan shall provide for the following:

5 (A) Maintaining and enhancing the tall
6 grass prairie within the boundaries of the Pre-
7 serve.

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 (15 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 interests 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. RECREATION LAKES.**

20 (a) FINDINGS AND PURPOSES.—The Congress finds
21 that the Federal Government, under the authority of the
22 Reclamation Act and other statutes, has developed man-
23 made lakes and reservoirs that have become a powerful
24 magnet for diverse recreational activities and that such ac-
25 tivities contribute to the well-being of families and individ-

1 uals and the economic viability of local communities. The
2 Congress further finds that in order to further the pur-
3 poses of the Land and Water Conservation Fund, the
4 President should appoint an advisory commission to re-
5 view the current and anticipated demand for recreational
6 opportunities at federally-managed manmade lakes and
7 reservoirs through creative partnerships involving Federal,
8 State, and local governments and the private sector and
9 to develop alternatives for enhanced recreational use of
10 such facilities.

11 (b) COMMISSION.—The Land and Water Conserva-
12 tion Fund Act of 1965 (Public Law 88–578, 78 Stat. 897)
13 is amended by adding at the end the following new section:

14 “SEC. 13. (a) The President shall appoint an advisory
15 commission to review the opportunities for enhanced op-
16 portunities for water-based recreation which shall submit
17 a report to the President and to the Committee on Energy
18 and Natural Resources of the Senate and to the Commit-
19 tee on Transportation and Infrastructure and the Com-
20 mittee on Resources of the House of Representatives with-
21 in one year from the date of enactment of this section.

22 “(b) The members of the Commission shall include—

23 “(1) the Secretary of the Interior, or his des-
24 ignee;

25 “(2) the Secretary of the Army, or his designee;

1 “(3) the Chairman of the Tennessee Valley Au-
2 thority, or his designee;

3 “(4) the Secretary of Agriculture, or his des-
4 ignee;

5 “(5) a person nominated by the National Gov-
6 ernor’s Association; and

7 “(6) four persons familiar with the interests of
8 the recreation and tourism industry, conservation
9 and recreation use, Indian tribes, and local govern-
10 ments, at least one of whom shall be familiar with
11 the economics and financing of recreation related in-
12 frastructure.

13 “(c) The President shall appoint one member to serve
14 as Chairman. Any vacancy on the Commission shall be
15 filled in the same manner as the original appointment.
16 Members of the Commission shall serve without compensa-
17 tion but shall be reimbursed for travel, subsistence, and
18 other necessary expenses incurred by them in the perform-
19 ance of their duties. The Secretary of the Interior shall
20 provide all financial, administrative, and staffing require-
21 ments for the Commission, including office space, furnish-
22 ings, and equipment. The heads of other Federal agencies
23 are authorized, at the request of the Commission, to pro-
24 vide such information or personnel, to the extent per-
25 mitted by law and within the limits of available funds, to

1 the Commission as may be useful to accomplish the pur-
2 poses of this section.

3 “(d) The Commission may hold such hearings, sit
4 and act at such times and places, take such testimony,
5 and receive such evidence as it deems advisable: *Provided*,
6 That, to the maximum extent possible, the Commission
7 shall use existing data and research. The Commission is
8 authorized to use the United States mail in the same man-
9 ner and upon the same conditions as other departments
10 and agencies of the United States.

11 “(e) The report shall review the extent of water relat-
12 ed recreation at Federal manmade lakes and reservoirs
13 and shall develop alternatives to enhance the opportunities
14 for such use by the public. In developing the report, the
15 Commission shall—

16 “(1) review the extent to which recreation com-
17 ponents identified in specific authorizations associ-
18 ated with individual Federal manmade lakes and
19 reservoirs have been accomplished;

20 “(2) evaluate the feasibility of enhancing recre-
21 ation opportunities at federally-managed lakes and
22 reservoirs under existing statutes;

23 “(3) consider legislative changes that would en-
24 hance recreation opportunities consistent with and

1 subject to the achievement of the authorized pur-
2 poses of Federal water projects; and

3 “(4) make recommendations on alternatives for
4 enhanced recreation opportunities including, but not
5 limited to, the establishment of a National Recre-
6 ation Lake System under which specific lakes would
7 receive national designation and which would be
8 managed through innovative partnership-based
9 agreements between Federal agencies, State and
10 local units of government, and the private sector.

11 Any such alternatives shall be consistent with and subject
12 to the authorized purposes for any manmade lakes and
13 reservoirs and shall emphasize private sector initiatives in
14 concert with State and local units of government.”.

15 **SEC. 1022. BISTI/DE-NA-ZIN WILDERNESS EXPANSION AND**
16 **FOSSIL FOREST PROTECTION.**

17 (a) **SHORT TITLE.**—This section may be cited as the
18 “Bisti/De-Na-Zin Wilderness Expansion and Fossil Forest
19 Protection Act”.

20 (b) **WILDERNESS DESIGNATION.**—Section 102 of the
21 San Juan Basin Wilderness Protection Act of 1984 (98
22 Stat. 3155) is amended—

23 (1) in subsection (a)—

24 (A) by striking “wilderness, and, there-
25 fore,” and all that follows through “System—

1 ” and inserting “wilderness areas, and as one
2 component of the National Wilderness Preser-
3 vation System, to be known as the ‘Bisti/De-
4 Na-Zin Wilderness’—”;

5 (B) in paragraph (1), by striking “, and
6 which shall be known as the Bisti Wilderness;
7 and” and inserting a semicolon;

8 (C) in paragraph (2), by striking “, and
9 which shall be known as the De-Na-Zin Wilder-
10 ness.” and inserting “; and ”; and

11 (D) by adding at the end the following new
12 paragraph:

13 “(3) certain lands in the Farmington District of
14 the Bureau of Land Management, New Mexico,
15 which comprise approximately 16,525 acres, as gen-
16 erally depicted on a map entitled ‘Bisti/De-Na-Zin
17 Wilderness Amendment Proposal’, dated May
18 1992.”;

19 (2) in the first sentence of subsection (c), by in-
20 serting after “of this Act” the following: “with re-
21 gard to the areas described in paragraphs (1) and
22 (2) of subsection (a), and as soon as practicable
23 after the date of enactment of subsection (a)(3) with
24 regard to the area described in subsection (a)(3)”;

1 (3) in subsection (d), by inserting after “of this
2 Act” the following: “with regard to the areas de-
3 scribed in paragraphs (1) and (2) of subsection (a),
4 and where established prior to the date of enactment
5 of subsection (a)(3) with regard to the area de-
6 scribed in subsection (a)(3)”; and

7 (4) by adding at the end the following new sub-
8 section:

9 “(e)(1) Subject to valid existing rights, the lands de-
10 scribed in subsection (a)(3) are withdrawn from all forms
11 of appropriation under the mining laws and from disposi-
12 tion under all laws pertaining to mineral leasing, geo-
13 thermal leasing, and mineral material sales.

14 “(2) The Secretary of the Interior may issue coal
15 leases in New Mexico in exchange for any preference right
16 coal lease application within the area described in sub-
17 section (a)(3). Such exchanges shall be made in accord-
18 ance with applicable existing laws and regulations relating
19 to coal leases after a determination has been made by the
20 Secretary that the applicant is entitled to a preference
21 right lease and that the exchange is in the public interest.

22 “(3) Operations on oil and gas leases issued prior to
23 the date of enactment of subsection (a)(3) shall be subject
24 to the applicable provisions of Group 3100 of title 43,
25 Code of Federal Regulations (including section 3162.5–

1 1), and such other terms, stipulations, and conditions as
2 the Secretary of the Interior considers necessary to avoid
3 significant disturbance of the land surface or impairment
4 of the ecological, educational, scientific, recreational, sce-
5 nic, and other wilderness values of the lands described in
6 subsection (a)(3) in existence on the date of enactment
7 of subsection (a)(3). In order to satisfy valid existing
8 rights on the lands described in subsection (a)(3), the Sec-
9 retary of the Interior may exchange any oil and gas lease
10 within this area for an unleased parcel outside this area
11 of like mineral estate and with similar appraised mineral
12 values.”.

13 (c) EXCHANGES FOR STATE LANDS.—Section 104 of
14 the San Juan Basin Wilderness Protection Act of 1984
15 (98 Stat. 3156) is amended—

16 (1) in the first sentence of subsection (b), by in-
17 serting after “of this Act” the following: “with re-
18 gard to the areas described in paragraphs (1) and
19 (2) of subsection (a), and not later than 120 days
20 after the date of enactment of subsection (a)(3) with
21 regard to the area described in subsection (a)(3)”;

22 (2) in subsection (c), by inserting before the pe-
23 riod the following: “with regard to the areas de-
24 scribed in paragraphs (1) and (2) of subsection (a),
25 and as of the date of enactment of subsection (a)(3)

1 with regard to the area described in subsection
2 (a)(3)”; and

3 (3) in the last sentence of subsection (d), by in-
4 serting before the period the following: “with regard
5 to the areas described in paragraphs (1) and (2) of
6 subsection (a), and not later than 2 years after the
7 date of enactment of subsection (a)(3) with regard
8 to the area described in subsection (a)(3)”.

9 (d) EXCHANGES FOR INDIAN LANDS.—Section 105
10 of the San Juan Basin Wilderness Protection Act of 1984
11 (98 Stat. 3157) is amended by adding at the end the fol-
12 lowing new subsection:

13 “(d)(1) The Secretary of the Interior shall exchange
14 any lands held in trust for the Navajo Tribe by the Bureau
15 of Indian Affairs that are within the boundary of the area
16 described in subsection (a)(3).

17 “(2) The lands shall be exchanged for lands within
18 New Mexico approximately equal in value that are selected
19 by the Navajo Tribe.

20 “(3) After the exchange, the lands selected by the
21 Navajo Tribe shall be held in trust by the Secretary of
22 the Interior in the same manner as the lands described
23 in paragraph (1).”.

1 (e) FOSSIL FOREST RESEARCH NATURAL AREA.—
2 Section 103 of the San Juan Basin Wilderness Protection
3 Act of 1984 (98 Stat. 3156) is amended to read as follows:

4 **“SEC. 103. FOSSIL FOREST RESEARCH NATURAL AREA.**

5 “(a) ESTABLISHMENT.—To conserve and protect
6 natural values and to provide scientific knowledge, edu-
7 cation, and interpretation for the benefit of future genera-
8 tions, there is established the Fossil Forest Research Nat-
9 ural Area (referred to in this section as the ‘Area’), con-
10 sisting of the approximately 2,770 acres in the Farming-
11 ton District of the Bureau of Land Management, New
12 Mexico, as generally depicted on a map entitled ‘Fossil
13 Forest’, dated June 1983.

14 “(b) MAP AND LEGAL DESCRIPTION.—

15 “(1) IN GENERAL.—As soon as practicable
16 after the date of enactment of this paragraph, the
17 Secretary of the Interior shall file a map and legal
18 description of the Area with the Committee on En-
19 ergy and Natural Resources of the Senate and the
20 Committee on Natural Resources of the House of
21 Representatives.

22 “(2) FORCE AND EFFECT.—The map and legal
23 description described in paragraph (1) shall have the
24 same force and effect as if included in this Act.

1 “(3) TECHNICAL CORRECTIONS.—The Sec-
2 retary of the Interior may correct clerical, typo-
3 graphical, and cartographical errors in the map and
4 legal description subsequent to filing the map pursu-
5 ant to paragraph (1).

6 “(4) PUBLIC INSPECTION.—The map and legal
7 description shall be on file and available for public
8 inspection in the Office of the Director of the Bu-
9 reau of Land Management, Department of the Inte-
10 rior.

11 “(c) MANAGEMENT.—

12 “(1) IN GENERAL.—The Secretary of the Inte-
13 rior, acting through the Director of the Bureau of
14 Land Management, shall manage the Area—

15 “(A) to protect the resources within the
16 Area; and

17 “(B) in accordance with this Act, the Fed-
18 eral Land Policy and Management Act of 1976
19 (43 U.S.C. 1701 et seq.), and other applicable
20 provisions of law.

21 “(2) MINING.—

22 “(A) WITHDRAWAL.—Subject to valid ex-
23 isting rights, the lands within the Area are
24 withdrawn from all forms of appropriation
25 under the mining laws and from disposition

1 under all laws pertaining to mineral leasing,
2 geothermal leasing, and mineral material sales.

3 “(B) COAL PREFERENCE RIGHTS.—The
4 Secretary of the Interior is authorized to issue
5 coal leases in New Mexico in exchange for any
6 preference right coal lease application within
7 the Area. Such exchanges shall be made in ac-
8 cordance with applicable existing laws and regu-
9 lations relating to coal leases after a determina-
10 tion has been made by the Secretary that the
11 applicant is entitled to a preference right lease
12 and that the exchange is in the public interest.

13 “(C) OIL AND GAS LEASES.—Operations
14 on oil and gas leases issued prior to the date of
15 enactment of this paragraph shall be subject to
16 the applicable provisions of Group 3100 of title
17 43, Code of Federal Regulations (including sec-
18 tion 3162.5–1), and such other terms, stipula-
19 tions, and conditions as the Secretary of the In-
20 terior considers necessary to avoid significant
21 disturbance of the land surface or impairment
22 of the natural, educational, and scientific re-
23 search values of the Area in existence on the
24 date of enactment of this paragraph.

1 “(3) GRAZING.—Livestock grazing on lands
2 within the Area may not be permitted.

3 “(d) INVENTORY.—Not later than 3 full fiscal years
4 after the date of enactment of this subsection, the Sec-
5 retary of the Interior, acting through the Director of the
6 Bureau of Land Management, shall develop a baseline in-
7 ventory of all categories of fossil resources within the
8 Area. After the inventory is developed, the Secretary shall
9 conduct monitoring surveys at intervals specified in the
10 management plan developed for the Area in accordance
11 with subsection (e).

12 “(e) MANAGEMENT PLAN.—

13 “(1) IN GENERAL.—Not later than 5 years
14 after the date of enactment of this Act, the Sec-
15 retary of the Interior shall develop and submit to the
16 Committee on Energy and Natural Resources of the
17 Senate and the Committee on Natural Resources of
18 the House of Representatives a management plan
19 that describes the appropriate use of the Area con-
20 sistent with this Act.

21 “(2) CONTENTS.—The management plan shall
22 include—

23 “(A) a plan for the implementation of a
24 continuing cooperative program with other
25 agencies and groups for—

1 “(i) laboratory and field interpreta-
2 tion; and

3 “(ii) public education about the re-
4 sources and values of the Area (including
5 vertebrate fossils);

6 “(B) provisions for vehicle management
7 that are consistent with the purpose of the Area
8 and that provide for the use of vehicles to the
9 minimum extent necessary to accomplish an in-
10 dividual scientific project;

11 “(C) procedures for the excavation and col-
12 lection of fossil remains, including botanical fos-
13 sils, and the use of motorized and mechanical
14 equipment to the minimum extent necessary to
15 accomplish an individual scientific project; and

16 “(D) mitigation and reclamation standards
17 for activities that disturb the surface to the det-
18 riment of scenic and environmental values.”.

19 **SEC. 1023. OPAL CREEK WILDERNESS AND SCENIC RECRE-**
20 **ATION AREA.**

21 (a) **DEFINITIONS.**—In this section:

22 (1) **BULL OF THE WOODS WILDERNESS.**—The
23 term “Bull of the Woods Wilderness” means the
24 land designated as wilderness by section 3(4) of the

1 Oregon Wilderness Act of 1984 (Public Law 98–
2 328; 16 U.S.C. 1132 note).

3 (2) OPAL CREEK WILDERNESS.—The term
4 “Opal Creek Wilderness” means certain land in the
5 Willamette National Forest in the State of Oregon
6 comprising approximately 12,800 acres, as generally
7 depicted on the map entitled “Proposed Opal Creek
8 Wilderness and Scenic Recreation Area”, dated July
9 1996.

10 (3) SCENIC RECREATION AREA.—The term
11 “Scenic Recreation Area” means the Opal Creek
12 Scenic Recreation Area, comprising approximately
13 13,000 acres, as generally depicted on the map enti-
14 tled “Proposed Opal Creek Wilderness and Scenic
15 Recreation Area”, dated July 1996 and established
16 under subsection (c)(1)(C).

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Agriculture.

19 (b) PURPOSES.—The purposes of this section are—

20 (1) to establish a wilderness and scenic recre-
21 ation area to protect and provide for the enhance-
22 ment of the natural, scenic, recreational, historic
23 and cultural resources of the area in the vicinity of
24 Opal Creek;

1 (2) to protect and support the economy of the
2 communities of the Santiam Canyon; and

3 (3) to provide increased protection for an im-
4 portant drinking water source for communities
5 served by the North Santiam River.

6 (c) ESTABLISHMENT OF OPAL CREEK WILDERNESS
7 AND SCENIC RECREATION AREA.—

8 (1) ESTABLISHMENT.—On a determination by
9 the Secretary under paragraph (2)—

10 (A) the Opal Creek Wilderness, as depicted
11 on the map described in subsection (a)(2), is
12 hereby designated as wilderness, subject to the
13 provisions of the Wilderness Act of 1964, shall
14 become a component of the National Wilderness
15 System, and shall be known as the Opal Creek
16 Wilderness;

17 (B) the part of the Bull of the Woods Wil-
18 derness that is located in the Willamette Na-
19 tional Forest shall be incorporated into the
20 Opal Creek Wilderness; and

21 (C) the Secretary shall establish the Opal
22 Creek Scenic Recreation Area in the Willamette
23 National Forest in the State of Oregon, com-
24 prising approximately 13,000 acres, as gen-

1 erally depicted on the map described in sub-
2 section (a)(3).

3 (2) CONDITIONS.—The designations in para-
4 graph (1) shall not take effect unless the Secretary
5 makes a determination, not later than 2 years after
6 the date of enactment of this title, that the following
7 conditions have been met:

8 (A) the following have been donated to the
9 United States in an acceptable condition and
10 without encumbrances:

11 (i) all right, title, and interest in the
12 following patented parcels of land—

13 (I) Santiam Number 1, mineral
14 survey number 992, as described in
15 patent number 39–92–0002, dated
16 December 11, 1991;

17 (II) Ruth Quartz Mine Number
18 2, mineral survey number 994, as de-
19 scribed in patent number 39–91–
20 0012, dated February 12, 1991;

21 (III) Morning Star Lode, mineral
22 survey number 993, as described in
23 patent number 36–91–0011, dated
24 February 12, 1991;

1 (ii) all right, title, and interest held by
2 any entity other than the Times Mirror
3 Land and Timber Company, its successors
4 and assigns, in and to lands located in sec-
5 tion 18, township 8 south, range 5 east,
6 Marion County, Oregon, Eureka numbers
7 6, 7, 8, and 13 mining claims; and

8 (iii) an easement across the Hewitt,
9 Starvation, and Poor Boy Mill Sites, min-
10 eral survey number 990, as described in
11 patent number 36-91-0017, dated May 9,
12 1991. In the sole discretion of the Sec-
13 retary, such easement may be limited to
14 administrative use if an alternative access
15 route, adequate and appropriate for public
16 use, is provided.

17 (B) a binding agreement has been executed
18 by the Secretary and the owners of record as of
19 March 29, 1996, of the following interests,
20 specifying the terms and conditions for the dis-
21 position of such interests to the United States
22 Government—

23 (i) The lode mining claims known as
24 Princess Lode, Black Prince Lode, and
25 King Number 4 Lode, embracing portions

1 of sections 29 and 32, township 8 south,
2 range 5 east, Willamette Meridian, Marion
3 County, Oregon, the claims being more
4 particularly described in the field notes
5 and depicted on the plat of mineral survey
6 number 887, Oregon; and

7 (ii) Ruth Quartz Mine Number 1,
8 mineral survey number 994, as described
9 in patent number 39–91–0012, dated Feb-
10 ruary 12, 1991.

11 (3) ADDITIONS TO THE WILDERNESS AND SCE-
12 NIC RECREATION AREAS.—

13 (A) Lands or interests in lands conveyed to
14 the United States under this subsection shall be
15 included in and become part of, as appropriate,
16 Opal Creek Wilderness or the Opal Creek Sce-
17 nic Recreation Area.

18 (B) On acquiring all or substantially all of
19 the land located in section 36, township 8
20 south, range 4 east, of the Willamette Meridian,
21 Marion County, Oregon, commonly known as
22 the Rosboro section by exchange, purchase from
23 a willing seller, or by donation, the Secretary
24 shall expand the boundary of the Scenic Reere-
25 ation Area to include such land.

1 (C) On acquiring all or substantially all of
2 the land located in section 18, township 8
3 south, range 5 east, Marion County, Oregon,
4 commonly known as the Time Mirror property,
5 by exchange, purchase from a willing seller, or
6 by donation, such land shall be included in and
7 become a part of the Opal Creek Wilderness.

8 (d) ADMINISTRATION OF THE SCENIC RECREATION
9 AREA.—

10 (1) IN GENERAL.—The Secretary shall admin-
11 ister the Scenic Recreation Area in accordance with
12 this section and the laws (including regulations) ap-
13 plicable to the National Forest System.

14 (2) OPAL CREEK MANAGEMENT PLAN.—

15 (A) IN GENERAL.—Not later than 2 years
16 after the date of establishment of the Scenic
17 Recreation Area, the Secretary, in consultation
18 with the advisory committee established under
19 subsection (e)(1), shall prepare a comprehensive
20 Opal Creek Management Plan (Management
21 Plan) for the Scenic Recreation Area.

22 (B) INCORPORATION IN LAND AND RE-
23 SOURCE MANAGEMENT.—Upon its completion,
24 the Opal Creek Management Plan shall become
25 part of the land and resource management plan

1 for the Willamette National Forest and super-
2 sede any conflicting provision in such land and
3 resource management plan. Nothing in this
4 paragraph shall be construed to supersede the
5 requirements of the Endangered Species Act or
6 the National Forest Management Act or regula-
7 tions promulgated under those Acts, or any
8 other law.

9 (C) REQUIREMENTS.—The Opal Creek
10 Management Plan shall provide for a broad
11 range of land uses, including—

12 (i) recreation;

13 (ii) harvesting of nontraditional forest
14 products, such as gathering mushrooms
15 and material to make baskets; and

16 (iii) educational and research opportu-
17 nities.

18 (D) PLAN AMENDMENTS.—The Secretary
19 may amend the Opal Creek Management Plan
20 as the Secretary may determine to be nec-
21 essary, consistent with the procedures and pur-
22 poses of this section.

23 (3) CULTURAL AND HISTORIC RESOURCE IN-
24 VENTORY.—

1 (A) IN GENERAL.—Not later than 1 year
2 after the date of establishment of the Scenic
3 Recreation Area, the Secretary shall review and
4 revise the inventory of the cultural and historic
5 resources on the public land in the Scenic
6 Recreation Area developed pursuant to the Or-
7 egon Wilderness Act of 1984 (Public Law 98-
8 328; 16 U.S.C. 1132).

9 (B) INTERPRETATION.—Interpretive activi-
10 ties shall be developed under the management
11 plan in consultation with State and local his-
12 toric preservation organizations and shall in-
13 clude a balanced and factual interpretation of
14 the cultural, ecological, and industrial history of
15 forestry and mining in the Scenic Recreation
16 Area.

17 (4) TRANSPORTATION PLANNING.—

18 (A) IN GENERAL.—Except as provided in
19 this subparagraph, motorized vehicles shall not
20 be permitted in the Scenic Recreation Area. To
21 maintain reasonable motorized and other access
22 to recreation sites and facilities in existence on
23 the date of enactment of this title, the Sec-
24 retary shall prepare a transportation plan for
25 the Scenic Recreation Area that—

1 (i) evaluates the road network within
2 the Scenic Recreation Area to determine
3 which roads should be retained and which
4 roads should be closed;

5 (ii) provides guidelines for transpor-
6 tation and access consistent with this sec-
7 tion;

8 (iii) considers the access needs of per-
9 sons with disabilities in preparing the
10 transportation plan for the Scenic Recre-
11 ation Area;

12 (iv) allows forest road 2209 beyond
13 the gate to the Scenic Recreation Area, as
14 depicted on the map described in sub-
15 section (a)(2), to be used by motorized ve-
16 hicles only for administrative purposes and
17 for access by private inholders, subject to
18 such terms and conditions as the Secretary
19 may determine to be necessary; and

20 (v) restricts construction or improve-
21 ment of forest road 2209 beyond the gate
22 to the Scenic Recreation Area to maintain-
23 ing the character of the road as it existed
24 upon the date of enactment of this Act,
25 which shall not include paving or widening.

1 In order to comply with subsection (f)(2), the Sec-
2 retary may make improvements to forest road 2209
3 and its bridge structures consistent with the char-
4 acter of the road as it existed on the date of enact-
5 ment of this Act.

6 (5) HUNTING AND FISHING.—

7 (A) IN GENERAL.—Subject to applicable
8 Federal and State law, the Secretary shall per-
9 mit hunting and fishing in the Scenic Recre-
10 ation Area.

11 (B) LIMITATION.—The Secretary may des-
12 ignate zones in which, and establish periods
13 when, no hunting or fishing shall be permitted
14 for reasons of public safety, administration, or
15 public use and enjoyment of the Scenic Recre-
16 ation Area.

17 (C) CONSULTATION.—Except during an
18 emergency, as determined by the Secretary, the
19 Secretary shall consult with the Oregon State
20 Department of Fish and Wildlife before issuing
21 any regulation under this subsection.

22 (6) TIMBER CUTTING.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), the Secretary shall prohibit the cut-

1 ting and/or selling of trees in the Scenic Res-
2 ervation Area.

3 (B) PERMITTED CUTTING.—

4 (i) IN GENERAL.—Subject to clause
5 (ii), the Secretary may allow the cutting of
6 trees in the Scenic Recreation Area only—

7 (I) for public safety, such as to
8 control the continued spread of a for-
9 est fire in the Scenic Recreation Area
10 or on land adjacent to the Scenic
11 Recreation Area;

12 (II) for activities related to ad-
13 ministration of the Scenic Recreation
14 Area, consistent with the Opal Creek
15 Management Plan; or

16 (III) for removal of hazard trees
17 along trails and roadways.

18 (ii) SALVAGE SALES.—The Secretary
19 may not allow a salvage sale in the Scenic
20 Recreation Area.

21 (7) WITHDRAWAL.—

22 (A) subject to valid existing rights, all
23 lands in the Scenic Recreation Area are with-
24 drawn from—

- 1 (i) any form of entry, appropriation,
2 or disposal under the public lands laws;
3 (ii) location, entry, and patent under
4 the mining laws; and
5 (iii) disposition under the mineral and
6 geothermal leasing laws.

7 (8) BORNITE PROJECT.—

8 (A) Nothing in this section shall be con-
9 strued to interfere with or approve any explo-
10 ration, mining, or mining-related activity in the
11 Bornite Project Area, depicted on the map de-
12 scribed in subsection (a)(3), conducted in ac-
13 cordance with applicable laws.

14 (B) Nothing in this section shall be con-
15 strued to interfere with the ability of the Sec-
16 retary to approve and issue, or deny, special use
17 permits in connection with exploration, mining,
18 and mining-related activities in the Bornite
19 Project Area.

20 (C) Motorized vehicles, roads, structures,
21 and utilities (including but not limited to power
22 lines and water lines) may be allowed inside the
23 Scenic Recreation Area to serve the activities
24 conducted on land within the Bornite Project.

1 (D) After the date of enactment of this
2 Act, no patent shall be issued for any mining
3 claim under the general mining laws located
4 within the Bornite Project Area.

5 (9) WATER IMPOUNDMENTS.—Notwithstanding
6 the Federal Power Act (16 U.S.C. 791a et seq.), the
7 Federal Energy Regulatory Commission may not li-
8 cense the construction of any dam, water conduit,
9 reservoir, powerhouse, transmission line, or other
10 project work in the Scenic Recreation Area, except
11 as may be necessary to comply with the provisions
12 of paragraph (8) with regard to the Bornite Project.

13 (10) RECREATIONS.—

14 (A) RECOGNITION.—Congress recognizes
15 recreation as an appropriate use of the Scenic
16 Recreation Area.

17 (B) MINIMUM LEVELS.—The management
18 plan shall permit recreation activities at not less
19 than the levels in existence on the date of en-
20 actment of this Act.

21 (C) HIGHER LEVELS.—The management
22 plan may provide for levels of recreation use
23 higher than the levels in existence on the date
24 of enactment of this Act if such uses are con-

1 sistent with the protection of the resource val-
2 ues of the Scenic Recreation Area.

3 (D) The management plan may include
4 public trail access through section 28, township
5 8 south, range 5 east, Willamette Meridian, to
6 Battle Ax Creek, Opal Pool and other areas in
7 the Opal Creek Wilderness and the Opal Creek
8 Scenic Recreation Area.

9 (11) PARTICIPATION.—So that the knowledge,
10 expertise, and views of all agencies and groups may
11 contribute affirmatively to the most sensitive present
12 and future use of the Scenic Recreation Area and its
13 various subareas for the benefit of the public:

14 (A) ADVISORY COUNCIL.—The Secretary
15 shall consult on a periodic and regular basis
16 with the advisory council established under sub-
17 section (e) with respect to matters relating to
18 management of the Scenic Recreation Area.

19 (B) PUBLIC PARTICIPATION.—The Sec-
20 retary shall seek the views of private groups, in-
21 dividuals, and the public concerning the Scenic
22 Recreation Area.

23 (C) OTHER AGENCIES.—The Secretary
24 shall seek the views and assistance of, and co-
25 operate with, any other Federal, State, or local

1 agency with any responsibility for the zoning,
2 planning, or natural resources of the Scenic
3 Recreation Area.

4 (D) NONPROFIT AGENCIES AND ORGANIZA-
5 TIONS.—The Secretary shall seek the views of
6 any nonprofit agency or organization that may
7 contribute information or expertise about the
8 resources and the management of the Scenic
9 Recreation Area.

10 (e) ADVISORY COUNCIL.—

11 (1) ESTABLISHMENT.—Not later than 90 days
12 after the establishment of the Scenic Recreation
13 Area, the Secretary shall establish an advisory coun-
14 cil for the Scenic Recreation Area.

15 (2) MEMBERSHIP.—The advisory council shall
16 consist of not more than 13 members, of whom—

17 (A) 1 member shall represent Marion
18 County, Oregon, and shall be designated by the
19 governing body of the county;

20 (B) 1 member shall represent the State of
21 Oregon and shall be designated by the Governor
22 of Oregon;

23 (C) 1 member shall represent the City of
24 Salem, and shall be designated by the mayor of
25 Salem, Oregon;

1 (D) 1 member from a city within a 25-mile
2 radius of the Opal Creek Scenic Recreation
3 Area, to be designated by the Governor of the
4 State of Oregon from a list of candidates pro-
5 vided by the mayors of the cities located within
6 a 25-mile radius of the Opal Creek Scenic
7 Recreation Area; and

8 (E) not more than 9 members shall be ap-
9 pointed by the Secretary from among persons
10 who, individually or through association with a
11 national or local organization, have an interest
12 in the administration of the Scenic Recreation
13 Area, including, but not limited to, representa-
14 tives of the timber industry, environmental or-
15 ganizations, the mining industry, inholders in
16 the Opal Creek Wilderness and Scenic Recre-
17 ation Area, economic development interests and
18 Indian tribes.

19 (3) STAGGERED TERMS.—Members of the advi-
20 sory council shall serve for staggered terms of 3
21 years.

22 (4) CHAIRMAN.—The Secretary shall designate
23 1 member of the advisory council as chairman.

1 (5) VACANCIES.—The Secretary shall fill a va-
2 cancy on the advisory council in the same manner as
3 the original appointment.

4 (6) COMPENSATION.—Members of the advisory
5 council shall receive no compensation for their serv-
6 ice on the advisory council.

7 (f) GENERAL PROVISIONS.—

8 (1) LAND ACQUISITION.—

9 (A) IN GENERAL.—Subject to the other
10 provisions of this section, the Secretary may ac-
11 quire any lands or interests in land in the Sce-
12 nic Recreation Area or the Opal Creek Wilder-
13 ness that the Secretary determines are needed
14 to carry out this section.

15 (B) PUBLIC LAND.—Any lands or interests
16 in land owned by a State or a political subdivi-
17 sion of a State may be acquired only by dona-
18 tion or exchange.

19 (C) CONDEMNATION.—Within the bound-
20 aries of the Opal Creek Wilderness or the Sce-
21 nic Recreation Area, the Secretary may not ac-
22 quire any privately owned land or interest in
23 land without the consent of the owner unless
24 the Secretary finds that—

1 (i) the nature of land use has changed
2 significantly, or the landowner has dem-
3 onstrated intent to change the land use
4 significantly, from the use that existed on
5 the date of the enactment of this Act; and

6 (ii) acquisition by the Secretary of the
7 land or interest in land is essential to en-
8 sure use of the land or interest in land in
9 accordance with the purposes of this title
10 or the management plan prepared under
11 subsection (d)(2).

12 (D) Nothing in this section shall be con-
13 strued to enhance or diminish the condemnation
14 authority available to the Secretary outside the
15 boundaries of the Opal Creek Wilderness or the
16 Scenic Recreation Area.

17 (2) ENVIRONMENTAL RESPONSE ACTIONS AND
18 COST RECOVERY.—

19 (A) RESPONSE ACTIONS.—Nothing in this
20 section shall limit the authority of the Secretary
21 or a responsible party to conduct an environ-
22 mental response action in the Scenic Recreation
23 Area in connection with the release, threatened
24 release, or cleanup of a hazardous substance,
25 pollutant, or contaminant, including a response

1 action conducted under the Comprehensive En-
2 vironmental Response, Compensation, and Li-
3 ability Act of 1980 (42 U.S.C. 9601 et seq.).

4 (B) LIABILITY.—Nothing in this section
5 shall limit the authority of the Secretary or a
6 responsible party to recover costs related to the
7 release, threatened release, or cleanup of any
8 hazardous substance or pollutant or contami-
9 nant in the Scenic Recreation Area.

10 (3) MAPS AND DESCRIPTION.—

11 (A) IN GENERAL.—As soon as practicable
12 after the date of enactment of this Act, the Sec-
13 retary shall file a map and a boundary descrip-
14 tion for the Opal Creek Wilderness and for the
15 Scenic Recreation Area with the Committee on
16 Resources of the House of Representatives and
17 the Committee on Energy and Natural Re-
18 sources of the Senate.

19 (B) FORCE AND EFFECT.—The boundary
20 description and map shall have the same force
21 and effect as if the description and map were
22 included in this section, except that the Sec-
23 retary may correct clerical and typographical
24 errors in the boundary description and map.

1 (C) AVAILABILITY.—The map and bound-
2 ary description shall be on file and available for
3 public inspection in the Office of the Chief of
4 the Forest Service, Department of Agriculture.

5 (4) SAVINGS PROVISION.—Nothing in this sec-
6 tion shall interfere with activity for which a special
7 use permit has been issued, has not been revoked,
8 and has not expired, before the date of enactment of
9 this Act, subject to the terms of the permit.

10 (g) ROSBORO LAND EXCHANGE.—

11 (1) AUTHORIZATION.—Notwithstanding any
12 other law, if the Rosboro Lumber Company (referred
13 to in this subsection as “Rosboro”) offers and con-
14 veys marketable title to the United States to the
15 land described in paragraph (2), the Secretary of
16 Agriculture shall convey all right, title and interest
17 held by the United States to sufficient lands de-
18 scribed in paragraph (3) to Rosboro, in the order in
19 which they appear in this subsection, as necessary to
20 satisfy the equal value requirements of paragraph
21 (4).

22 (2) LAND TO BE OFFERED BY ROSBORO.—The
23 land referred to in paragraph (1) as the land to be
24 offered by Rosboro shall comprise Section 36, Town-
25 ship 8 South, Range 4 East, Willamette Meridian.

1 (3) LAND TO BE CONVEYED BY THE UNITED
2 STATES.—The land referred to in paragraph (1) as
3 the land to be conveyed by the United States shall
4 comprise sufficient land from the following
5 prioritized list to be equal value under paragraph
6 (4):

7 (A) Section 5, Township 17 South, Range
8 4 East, Lot 7 (37.63 acres);

9 (B) Section 2, Township 17 South, Range
10 4 East, Lot 3 (29.28 acres);

11 (C) Section 13, Township 17 South, Range
12 4 East, S $\frac{1}{2}$ SE $\frac{1}{4}$ (80 acres);

13 (D) Section 2, Township 17 South, Range
14 4 East, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres);

15 (E) Section 2, Township 17 South, Range
16 4 East, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (40 acres);

17 (F) Section 8, Township 17 South, Range
18 4 East, SE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres);

19 (G) Section 11, Township 17 South, Range
20 4 East, W $\frac{1}{2}$ NW $\frac{1}{4}$ (80 acres);

21 (4) EQUAL VALUE.—The land and interests in
22 land exchanged under this subsection shall be of
23 equal market value as determined by nationally rec-
24 ognized appraisal standards, including, to the extent
25 appropriate, the Uniform Standards for Federal

1 Land Acquisition, the Uniform Standards of Profes-
2 sional Appraisal Practice, or shall be equalized by
3 way of payment of cash pursuant to the provisions
4 of section 206(d) of the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C. 1716(d)), and
6 other applicable law. The appraisal shall consider ac-
7 cess costs for the parcels involved.

8 (5) TIMETABLE.—

9 (A) The exchange directed by this sub-
10 section shall be consummated not later than
11 120 days after the date Rosboro offers and con-
12 veys the property described in paragraph (2) to
13 the United States.

14 (B) The authority provided by this sub-
15 section shall lapse if Rosboro fails to offer the
16 land described in paragraph (2) within 2 years
17 after the date of enactment of this Act.

18 (6) CHALLENGE.—Rosboro shall have the right
19 to challenge in the United States District Court for
20 the District of Oregon a determination of market-
21 ability under paragraph (1) and a determination of
22 value for the lands described in paragraphs (2) and
23 (3) by the Secretary of Agriculture. The court shall
24 have the authority to order the Secretary to com-

1 plete the transaction contemplated in this sub-
2 section.

3 (7) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated such sums
5 as are necessary to carry out this subsection.

6 (h) DESIGNATION OF ELKHORN CREEK AS A WILD
7 AND SCENIC RIVER.—Section 3(a) of the Wild and Scenic
8 Rivers Act (16 U.S.C. 1274(a)) is amended by adding at
9 the end the following:

10 “() (A) ELKHORN CREEK.—The 6.4-mile segment
11 traversing federally administered lands from that point
12 along the Willamette National Forest boundary on the
13 common section line between Sections 12 and 13, Town-
14 ship 9 South, Range 4 East, Willamette Meridian, to that
15 point where the segment leaves Federal ownership along
16 the Bureau of Land Management boundary in Section 1,
17 Township 9 South, Range 3 East, Willamette Meridian,
18 in the following classes:

19 “(i) a 5.8-mile wild river area, extending from
20 that point along the Willamette National Forest
21 boundary on the common section line between Sec-
22 tions 12 and 13, Township 9 South, Range 4 East,
23 Willamette Meridian, to its confluence with Buck
24 Creek in Section 1, Township 9 South, Range 3
25 East, Willamette Meridian, to be administered as

1 agreed on by the Secretaries of Agriculture and the
2 Interior, or as directed by the President; and

3 “(ii) a 0.6-mile scenic river area, extending
4 from the confluence with Buck Creek in Section 1,
5 Township 9 South, Range 3 East, Willamette Merid-
6 ian, to that point where the segment leaves Federal
7 ownership along the Bureau of Land Management
8 boundary in Section 1, Township 9 South, Range 3
9 East, Willamette Meridian, to be administered by
10 the Secretary of Interior, or as directed by the
11 President.

12 “(B) Notwithstanding section 3(b) of this Act, the
13 lateral boundaries of both the wild river area and the sce-
14 nic river area along Elkhorn Creek shall include an aver-
15 age of not more than 640 acres per mile measured from
16 the ordinary high water mark on both sides of the river.”.

17 (i) ECONOMIC DEVELOPMENT.—

18 (1) ECONOMIC DEVELOPMENT PLAN.—As a
19 condition for receiving funding under paragraph (2),
20 the State of Oregon, in consultation with Marion
21 County, Oregon, and the Secretary of Agriculture,
22 shall develop a plan for economic development
23 projects for which grants under this subsection may
24 be used in a manner consistent with this section and
25 to benefit local communities in the vicinity of the

1 Opal Creek area. Such plan shall be based on an
2 economic opportunity study and other appropriate
3 information.

4 (2) FUNDS PROVIDED TO THE STATES FOR
5 GRANTS.—Upon completion of the Opal Creek Man-
6 agement Plan, and receipt of the plan referred to in
7 paragraph (1), the Secretary shall provide, subject
8 to appropriations, \$15,000,000 to the State of Or-
9 egon. Such funds shall be used to make grants or
10 loans for economic development projects that further
11 the purposes of this section and benefit the local
12 communities in the vicinity of the Opal Creek area.

13 (3) REPORT.—The State of Oregon shall—

14 (A) prepare and provide the Secretary and
15 Congress with an annual report on the use of
16 the funds made available under this subsection;

17 (B) make available to the Secretary and to
18 Congress, upon request, all accounts, financial
19 records, and other information related to grants
20 and loans made available pursuant to this sub-
21 section; and

22 (C) as loans are repaid, make additional
23 grants and loans with the money made available
24 for obligation by such repayments.

1 **SEC. 1024. UPPER KLAMATH BASIN ECOLOGICAL RES-**
2 **TORATION PROJECTS.**

3 (a) DEFINITIONS.—In this section:

4 (1) ECOSYSTEM RESTORATION OFFICE.—The
5 term “Ecosystem Restoration Office” means the
6 Klamath Basin Ecosystem Restoration Office oper-
7 ated cooperatively by the United States Fish and
8 Wildlife Service, Bureau of Reclamation, Bureau of
9 Land Management, and Forest Service.

10 (2) WORKING GROUP.—The term “Working
11 Group” means the Upper Klamath Basin Working
12 Group, established before the date of enactment of
13 this title, consisting of members nominated by their
14 represented groups, including—

15 (A) three tribal members;

16 (B) one representative of the City of Klam-
17 ath Falls, Oregon;

18 (C) one representative of Klamath County,
19 Oregon;

20 (D) one representative of institutions of
21 higher education in the Upper Klamath Basin;

22 (E) four representatives of the environ-
23 mental community, including at least one such
24 representative from the State of California with
25 interests in the Klamath Basin National Wild-
26 life Refuge Complex;

1 (F) four representatives of local businesses
2 and industries, including at least one represent-
3 ative of the forest products industry and one
4 representative of the ocean commercial fishing
5 industry and/or the recreational fishing industry
6 based in either Oregon or California;

7 (G) four representatives of the ranching
8 and farming community, including representa-
9 tives of Federal lease-land farmers and ranch-
10 ers and of private land farmers and ranchers in
11 the Upper Klamath Basin;

12 (H) two representatives from State of Or-
13 egon agencies with authority and responsibility
14 in the Klamath River Basin, including one from
15 the Oregon Department of Fish and Wildlife
16 and one from the Oregon Water Resources De-
17 partment;

18 (I) four representatives from the local com-
19 munity;

20 (J) one representative each from the fol-
21 lowing Federal resource management agencies
22 in the Upper Klamath Basin: Fish and Wildlife
23 Service, Bureau of Reclamation, Bureau of
24 Land Management, Bureau of Indian Affairs,
25 Forest Service, Natural Resources Conservation

1 Service, National Marine Fisheries Service and
2 Ecosystem Restoration Office; and

3 (K) one representative of the Klamath
4 County Soil and Water Conservation District.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (4) TASK FORCE.—The term “Task Force”
8 means the Klamath River Basin Fisheries Task
9 Force as established by the Klamath River Basin
10 Fishery Resource Restoration Act (Public Law 99–
11 552, 16 U.S.C. 460ss–3 et seq.).

12 (5) COMPACT COMMISSION.—The term “Com-
13 pact Commission” means the Klamath River Basin
14 Compact Commission created pursuant to the Klam-
15 ath River Compact Act of 1954.

16 (6) CONSENSUS.—The term “consensus” means
17 a unanimous agreement by the Working Group
18 members present and consisting of at least a
19 quorum at a regularly scheduled business meeting.

20 (7) QUORUM.—The term “quorum” means one
21 more than half of those qualified Working Group
22 members appointed and eligible to serve.

23 (8) TRINITY TASK FORCE.—The term “Trinity
24 Task Force” means the Trinity River Restoration

1 Task Force created by Public Law 98–541, as
2 amended by Public Law 104–143.

3 (b) IN GENERAL.—

4 (1) The Working Group through the Ecosystem
5 Restoration Office, with technical assistance from
6 the Secretary, will propose ecological restoration
7 projects, economic development and stability
8 projects, and projects designed to reduce the impacts
9 of drought conditions to be undertaken in the Upper
10 Klamath Basin based on a consensus of the Working
11 Group membership.

12 (2) The Secretary shall pay, to the greatest ex-
13 tent feasible, up to 50 percent of the cost of per-
14 forming any project approved by the Secretary or his
15 designee, up to a total amount of \$1,000,000 during
16 each of fiscal years 1997 through 2001.

17 (3) Funds made available under this title
18 through the Department of the Interior or the De-
19 partment of Agriculture shall be distributed through
20 the Ecosystem Restoration Office.

21 (4) The Ecosystem Restoration Office may uti-
22 lize not more than 15 percent of all Federal funds
23 administered under this section for administrative
24 costs relating to the implementation of this section.

1 (5) All funding recommendations developed by
2 the Working Group shall be based on a consensus of
3 Working Group members.

4 (c) COORDINATION.—(1) The Secretary shall formu-
5 late a cooperative agreement among the working group,
6 the Task Force, the Trinity Task Force and the Compact
7 Commission for the purposes of ensuring that projects
8 proposed and funded through the Working Group are con-
9 sistent with other basin-wide fish and wildlife restoration
10 and conservation plans, including but not limited to plans
11 developed by the Task Force and the Compact Commis-
12 sion.

13 (2) To the greatest extent practicable, the Working
14 Group shall provide notice to, and accept input from, two
15 members each of the Task Force, the Trinity Task Force,
16 and the Compact Commission, so appointed by those enti-
17 ties, for the express purpose of facilitating better commu-
18 nication and coordination regarding additional basin-wide
19 fish and wildlife and ecosystem restoration and planning
20 efforts. The roles and relationships of the entities involved
21 shall be clarified in the cooperative agreement.

22 (d) PUBLIC MEETINGS.—The Working Group shall
23 conduct all meetings subject to Federal open meeting and
24 public participation laws. The chartering requirements of

1 the Federal Advisory Committee Act (5 U.S.C. App.) are
2 hereby deemed to have been met by this section.

3 (e) TERMS AND VACANCIES.—Working Group Mem-
4 bers shall serve for three-year terms, beginning on the
5 date of enactment of this title. Vacancies which occur for
6 any reason after the date of enactment of this title shall
7 be filled by direct appointment of the Governor of the
8 State of Oregon, in consultation with the Secretary of the
9 Interior and the Secretary of Agriculture, in accordance
10 with nominations from the appropriate groups, interests,
11 and government agencies outlined in subsection (a)(2).

12 (f) RIGHTS, DUTIES AND AUTHORITIES UNAF-
13 FECTED.—The Working Group will supplement, rather
14 than replace, existing efforts to manage the natural re-
15 sources of the Klamath Basin. Nothing in this section af-
16 fects any legal right, duty or authority of any person or
17 agency, including any member of the Working Group.

18 (g) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 \$1,000,000 for each of fiscal years 1997 through 2002.

21 **SEC. 1025. DESCHUTES BASIN ECOSYSTEM RESTORATION**
22 **PROJECTS.**

23 (a) DEFINITIONS.—In this section:

24 (1) WORKING GROUP.—The term “Working
25 Group” means the Deschutes River Basin Working

1 Group established before the date of enactment of
2 this title, consisting of members nominated by their
3 represented groups, including—

4 (A) five representatives of private interests
5 including one each from hydroelectric produc-
6 tion, livestock grazing, timber, land develop-
7 ment, and recreation/tourism;

8 (B) four representatives of private inter-
9 ests including two each from irrigated agri-
10 culture and the environmental community;

11 (C) two representatives from the Confed-
12 erated Tribes of the Warm Springs Reservation
13 of Oregon;

14 (D) two representatives from Federal
15 agencies with authority and responsibility in the
16 Deschutes River Basin, including one from the
17 Department of the Interior and one from the
18 Agriculture Department;

19 (E) two representatives from the State of
20 Oregon agencies with authority and responsibil-
21 ity in the Deschutes River Basin, including one
22 from the Oregon Department of Fish and Wild-
23 life and one from the Oregon Water Resources
24 Department; and

1 (F) four representatives from county or
2 city governments within the Deschutes River
3 Basin county and/or city governments.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (3) FEDERAL AGENCIES.—The term “Federal
7 agencies” means agencies and departments of the
8 United States, including, but not limited to, the Bu-
9 reau of Reclamation, Bureau of Indian Affairs, Bu-
10 reau of Land Management, Fish and Wildlife Serv-
11 ice, Forest Service, Natural Resources Conservation
12 Service, Farm Services Agency, the National Marine
13 Fisheries Service, and the Bonneville Power Admin-
14 istration.

15 (4) CONSENSUS.—The term “consensus” means
16 a unanimous agreement by the Working Group
17 members present and constituting at least a quorum
18 at a regularly scheduled business meeting.

19 (5) QUORUM.—The term “quorum” means one
20 more than half of those qualified Working Group
21 members appointed and eligible to serve.

22 (b) IN GENERAL.—

23 (1) The Working Group will propose ecological
24 restoration projects on both Federal and non-Fed-
25 eral lands and waters to be undertaken in the

1 Deschutes River Basin based on a consensus of the
2 Working Group, provided that such projects, when
3 involving Federal land or funds, shall be proposed to
4 the Bureau of Reclamation in the Department of the
5 Interior and any other Federal agency with affected
6 land or funds.

7 (2) The Working Group will accept donations,
8 grants or other funds and place such funds received
9 into a trust fund, to be expended on ecological res-
10 toration projects which, when involving Federal land
11 or funds, are approved by the affected Federal agen-
12 cy.

13 (3) The Bureau of Reclamation shall pay from
14 funds authorized under subsection (h) of this title
15 up to 50 percent of the cost of performing any
16 project proposed by the Working Group and ap-
17 proved by the Secretary, up to a total amount of
18 \$1,000,000 during each of the fiscal years 1997
19 through 2001.

20 (4) Non-Federal contributions to project costs
21 for purposes of computing the Federal matching
22 share under paragraph (3) of this subsection may
23 include in-kind contributions.

24 (5) Funds authorized in subsection (h) of this
25 section shall be maintained in and distributed by the

1 Bureau of Reclamation in the Department of the In-
2 terior. The Bureau of Reclamation shall not expend
3 more than 5 percent of amounts appropriated pursu-
4 ant to subsection (h) for Federal administration of
5 such appropriations pursuant to this section.

6 (6) The Bureau of Reclamation is authorized to
7 provide by grant to the Working Group not more
8 than 5 percent of funds appropriated pursuant to
9 subsection (h) of this title for not more than 50 per-
10 cent of administration costs relating to the imple-
11 mentation of this section.

12 (7) The Federal agencies with authority and re-
13 sponsibility in the Deschutes River Basin shall pro-
14 vide technical assistance to the Working Group and
15 shall designate representatives to serve as members
16 of the Working Group.

17 (8) All funding recommendations developed by
18 the Working Group shall be based on a consensus of
19 the Working Group members.

20 (c) PUBLIC NOTICE AND PARTICIPATION.—The
21 Working Group shall conduct all meetings subject to appli-
22 cable open meeting and public participation laws. The ac-
23 tivities of the Working Group and the Federal agencies
24 pursuant to the provisions of this title are exempt from

1 the provisions of title 5, United States Code, Appendix 2,
2 sections 1–15.

3 (d) PRIORITIES.—The Working Group shall give pri-
4 ority to voluntary market-based economic incentives for
5 ecosystem restoration including, but not limited to, water
6 leases and purchases; land leases and purchases; tradable
7 discharge permits; and acquisition of timber, grazing, and
8 land development rights to implement plans, programs,
9 measures, and projects.

10 (e) TERMS AND VACANCIES.—Members of the Work-
11 ing Group representing governmental agencies or entities
12 shall be named by the represented government. Members
13 of the Working Group representing private interests shall
14 be named in accordance with the articles of incorporation
15 and bylaws of the Working Group. Representatives from
16 Federal agencies will serve for terms of 3 years. Vacancies
17 which occur for any reason after the date of enactment
18 of this title shall be filled in accordance with this title.

19 (f) ADDITIONAL PROJECTS.—Where existing author-
20 ity and appropriations permit, Federal agencies may con-
21 tribute to the implementation of projects recommended by
22 the Working Group and approved by the Secretary.

23 (g) RIGHTS, DUTIES AND AUTHORITIES UNAF-
24 FECTED.—The Working Group will supplement, rather
25 than replace, existing efforts to manage the natural re-

1 sources of the Deschutes Basin. Nothing in this title af-
2 fects any legal right, duty or authority of any person or
3 agency, including any member of the Working Group.

4 (h) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this title
6 \$1,000,000 for each of fiscal years 1997 through 2001.

7 **SEC. 1026. BULL RUN PROTECTION.—**

8 (a) AMENDMENTS TO PUBLIC LAW 95–200.—

9 (1) The first sentence of section 2(a) of the
10 Public Law 95–200 is amended by striking “2(b)”
11 and inserting in lieu thereof “2(c)”.

12 (2) The first sentence of section 2(b) of Public
13 Law 95–200 is amended after “the policy set forth
14 in subsection (a)” by inserting “and (b)”.

15 (3) Subsections (b), (c), (d), and (e) of section
16 2 of Public Law 95–200 are redesignated as sub-
17 sections (c), (d), (e), and (f), respectively.

18 (4) Section 2 of Public Law 95–200 is amended
19 by inserting after subsection (a) the following new
20 subsection:

21 “(b) TIMBER CUTTING.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 the Secretary of Agriculture shall prohibit the cut-
24 ting of trees in that part of the unit consisting of
25 the hydrographic boundary of the Bull Run River

1 Drainage, including certain lands within the unit
2 and located below the headworks of the city of Port-
3 land, Oregon’s water storage and delivery project,
4 and as depicted in a map dated July 22, 1996, and
5 entitled ‘Bull Run River Drainage’.

6 “(2) PERMITTED CUTTING.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the Secretary of Agriculture shall
9 prohibit the cutting of trees in the area de-
10 scribed in subparagraph (1).

11 “(B) PERMITTED CUTTING.—Subject to
12 subparagraph (C), the Secretary may only allow
13 the cutting of trees in the area described in
14 subparagraph (1)—

15 “(i) for the protection or enhancement
16 of water quality in the area described in
17 subparagraph (1);

18 “(ii) for the protection, enhancement,
19 or maintenance of water quantity available
20 from the area described in subparagraph
21 (1);

22 “(iii) for the construction, expansion,
23 protection or maintenance of municipal
24 water supply facilities; or

1 “(iv) for the construction, expansion,
2 protection or maintenance of facilities for
3 the transmission of energy through and
4 over the unit or previously authorized hy-
5 droelectric facilities or hydroelectric
6 projects associated with municipal water
7 supply facilities.

8 “(C) SALVAGE SALES.—The Secretary of
9 Agriculture may not authorize a salvage sale in
10 the area described in subparagraph (1).”.

11 (b) REPORT TO CONGRESS.—The Secretary of Agri-
12 culture shall, in consultation with the city of Portland and
13 other affected parties undertake a study of that part of
14 the Little Sandy Watershed that is within the unit (herein-
15 after referred to as the “study area”). The study shall
16 determine—

17 (1) the impact of management activities within
18 the study area on the quality of drinking water pro-
19 vided to the Portland Metropolitan area;

20 (2) the identity and location of certain ecologi-
21 cal features within the study area, including late
22 successional forest characteristics, aquatic and ter-
23 restrial wildlife habitat, significant hydrological val-
24 ues, or other outstanding natural features; and

1 (3) the location and extent of any significant
2 cultural or other values within the study area.

3 (c) RECOMMENDATIONS.—The study referred to in
4 subsection (b) shall include both legislative and regulatory
5 recommendations to Congress on the future management
6 of the study area. In formulating such recommendations,
7 the Secretary shall consult with the City of Portland and
8 other affected parties.

9 (d) EXISTING DATA AND PROCESSES.—To the great-
10 est extent possible, the Secretary shall use exiting data
11 and processes to carry out the study and report.

12 (e) SUBMISSION TO CONGRESS.—The study referred
13 to in subsection (b) shall be submitted to the Senate Com-
14 mittees on Energy and Natural Resources and Agriculture
15 and the House Committees on Resources and Agriculture
16 not later than one year from the date of enactment of this
17 section.

18 (f) MORATORIUM.—The Secretary is prohibited from
19 advertising, offering or awarding any timber sale within
20 the study area for a period of two years after the date
21 of enactment of this section.

22 (g) WATER RIGHTS.—Nothing in this section shall
23 in any way affect any State or Federal law governing ap-
24 propriation, use of or Federal right to water on or flowing
25 through National Forest System lands. Nothing in this

1 section is intended to influence the relative strength of
2 competing claims to the waters of the Little Sandy River.
3 Nothing in this section shall be construed to expand or
4 diminish Federal, State, or local jurisdiction, responsibil-
5 ity, interests, or rights in water resources development or
6 control, including rights in and current uses of water re-
7 sources in the unit.

8 (h) OTHER LANDS IN UNIT.—Lands within the Bull
9 Run Management Unit, as defined in Public Law 95–200,
10 but not contained within the Bull Run River Drainage,
11 as described in the amendment made by subsection (a)(4)
12 of this section and as depicted on the map dated July 22,
13 1996, and entitled “Bull Run River Drainage”, shall con-
14 tinue to be managed in accordance with Public Law 95–
15 200.

16 **SEC. 1027. OREGON ISLANDS WILDERNESS, ADDITIONS.**

17 (a) DESIGNATION.—In furtherance of the purposes of
18 the Wilderness Act of 1964, certain lands within the
19 boundaries of the Oregon Islands National Wildlife Ref-
20 uge, Oregon, comprising approximately 95 acres and as
21 generally depicted on a map entitled “Oregon Island Wil-
22 derness Additions—Proposed” dated August 1996, are
23 hereby designated as wilderness. The map shall be on file
24 and available for public inspection in the offices of the
25 Fish and Wildlife Service, Department of Interior.

1 (b) OTHER AREAS WITHIN REFUGE BOUNDARIES.—

2 All other federally-owned named, unnamed, surveyed and
3 unsurveyed rocks, reefs, islets and islands lying within
4 three geographic miles off the coast of Oregon and above
5 mean high tide, not currently designated as wilderness and
6 also within the Oregon Islands National Wildlife Refuge
7 boundaries under the administration of the United States
8 Fish and Wildlife Service, Department of Interior, as des-
9 ignated by Executive Order 7035, Proclamation 2416,
10 Public Land Orders 4395, 4475 and 6287, and Public
11 Laws 91–504 and 95–450, are hereby designated as wil-
12 derness.

13 (c) AREAS UNDER BLM JURISDICTION.—All feder-
14 ally-owned named, unnamed, surveyed and unsurveyed
15 rocks, reefs, islets and islands lying within three geo-
16 graphic miles off the coast of Oregon and above mean high
17 tide, and presently under the jurisdiction of the Bureau
18 of Land Management, except Chiefs Islands, are hereby
19 designated as wilderness, shall become part of the Oregon
20 Islands National Wildlife Refuge and the Oregon Islands
21 Wilderness and shall be under the jurisdiction of the Unit-
22 ed States Fish and Wildlife Service, Department of the
23 Interior.

24 (d) MAP AND DESCRIPTION.—As soon as practicable
25 after this Act takes effect, a map of the wilderness area

1 and a description of its boundaries shall be filed with the
2 Senate Committee on Energy and Natural Resources and
3 the House Committee on Resources, and such map shall
4 have the same force and effect as if included in this sec-
5 tion: *Provided however*, That correcting clerical and typo-
6 graphical errors in the map and land descriptions may be
7 made.

8 (e) ORDER 6287.—Public Land Order 6287 of June
9 16, 1982, which withdrew certain rocks, reefs, islets, and
10 islands lying within three geographical miles off the coast
11 of Oregon and above mean high tide, including the 95
12 acres described in subsection (a), as an addition to the
13 Oregon Islands National Wildlife Refuge is hereby made
14 permanent.

15 **SEC. 1028. UMPQUA RIVER LAND EXCHANGE STUDY: POL-**
16 **ICY AND DIRECTION.**

17 (a) IN GENERAL.—The Secretaries of the Interior
18 and Agriculture (Secretaries) are hereby authorized and
19 directed to consult, coordinate and cooperate with the
20 Umpqua Land Exchange Project (ULEP), affected units
21 and agencies of State and local government, and, as ap-
22 propriate, the World Forestry Center and National Fish
23 and Wildlife Foundation, to assist ULEP's ongoing efforts
24 in studying and analyzing land exchange opportunities in
25 the Umpqua River basin and to provide scientific, tech-

1 nical, research, mapping and other assistance and infor-
2 mation to such entities. Such consultation, coordination
3 and cooperation shall at a minimum include, but not be
4 limited to—

5 (1) working with ULEP to develop or assemble
6 comprehensive scientific and other information (in-
7 cluding comprehensive and integrated mapping) con-
8 cerning the Umpqua River basin's resources of for-
9 est, plants, wildlife, fisheries (anadromous and
10 other), recreational opportunities, wetlands, riparian
11 habitat and other physical or natural resources;

12 (2) working with ULEP to identify general or
13 specific areas within the basin where land exchanges
14 could promote consolidation of forestland ownership
15 for long-term, sustained timber production; protec-
16 tion and restoration of habitat for plants, fish and
17 wildlife (including any federally listed threatened or
18 endangered species); protection of drinking water
19 supplies; recovery of threatened and endangered spe-
20 cies; protection and restoration of wetlands, riparian
21 lands and other environmentally sensitive areas; con-
22 solidation of land ownership for improved public ac-
23 cess and a broad array of recreational uses; and con-
24 solidation of land ownership to achieve management
25 efficiency and reduced costs of administration; and

1 (3) developing a joint report for submission to
2 the Congress which discusses land exchange oppor-
3 tunities in the basin and outlines either a specific
4 land exchange proposal or proposals which may
5 merit consideration by the Secretaries or the Con-
6 gress, or ideas and recommendations for new au-
7 thorizations, direction, or changes in existing law or
8 policy to expedite and facilitate the consummation of
9 beneficial land exchanges in the basin via adminis-
10 trative means.

11 (b) MATTERS FOR SPECIFIC STUDY.—In analyzing
12 land exchange opportunities with ULEP, the Secretaries
13 shall give priority to assisting ULEP’s ongoing efforts in:

14 (1) studying, identifying, and mapping areas
15 where the consolidation of land ownership via land
16 exchanges could promote the goals of long term spe-
17 cies and watershed protection and utilization, includ-
18 ing but not limited to the goals of the Endangered
19 Species Act of 1973 more effectively than current
20 land ownership patterns and whether any changes
21 in law or policy applicable to such lands after con-
22 summation of an exchange would be advisable or
23 necessary to achieve such goals;

24 (2) studying, identifying and mapping areas
25 where land exchanges might be utilized to better sat-

1 isfy the goals of sustainable timber harvest, includ-
2 ing studying whether changes in existing law or pol-
3 icy applicable to such lands after consummation of
4 an exchange would be advisable or necessary to
5 achieve such goals;

6 (3) identifying issues and studying options and
7 alternatives, including possible changes in existing
8 law or policy, to ensure that combined post-exchange
9 revenues to units of local government from State
10 and local property, severance and other taxes or lev-
11 ies and shared Federal land receipts will approxi-
12 mate pre-exchange revenues;

13 (4) identifying issues and studying whether pos-
14 sible changes in law, special appraisal instruction, or
15 changes in certain Federal appraisal procedures
16 might be advisable or necessary to facilitate the ap-
17 praisal of potential exchange lands which may have
18 special characteristics or restrictions affecting land
19 values;

20 (5) identifying issues and studying options and
21 alternatives, including changes in existing laws or
22 policy, for achieving land exchanges without reduc-
23 ing the net supply of timber available to small busi-
24 nesses;

1 (6) identifying, mapping, and recommending
2 potential changes in land use plans, land classifica-
3 tions, or other actions which might be advisable or
4 necessary to expedite, facilitate or consummate land
5 exchanges in certain areas;

6 (7) analyzing potential sources for new or en-
7 hanced Federal, State, or other funding to promote
8 improved resource protection, species recovery, and
9 management in the basin; and

10 (8) identifying and analyzing whether increased
11 efficiency and better land and resource management
12 could occur through either consolidation of Federal
13 forest management under one agency or exchange of
14 lands between the Forest Service and Bureau of
15 Land Management.

16 (c) REPORT TO CONGRESS.—No later than February
17 1, 1998, ULEP and the Secretaries shall submit a joint
18 report to the Committee on Resources of the United
19 States House of Representatives and to the Committee on
20 Energy and Natural Resources of the United States Sen-
21 ate concerning their studies, findings, recommendations,
22 mapping and other activities conducted pursuant to this
23 section.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—In fur-
25 therance of the purposes of this section, there is hereby

1 authorized to be appropriated the sum of \$2,000,000, to
2 remain available until expended.

3 **SEC. 1029. BOSTON HARBOR ISLANDS RECREATION AREA.**

4 (a) PURPOSES.—The purposes of this section are—

5 (1) to preserve for public use and enjoyment
6 the lands and waters that comprise the Boston Har-
7 bor Islands National Recreation Area;

8 (2) to manage the recreation area in partner-
9 ship with the private sector, the Commonwealth of
10 Massachusetts, municipalities surrounding Massa-
11 chusetts and Cape Cod Bays, the Thompson Island
12 Outward Bound Education Center, and Trustees of
13 Reservations, and with historical, business, cultural,
14 civic, recreational and tourism organizations;

15 (3) to improve access to the Boston Harbor Is-
16 lands through the use of public water transportation;
17 and

18 (4) to provide education and visitor information
19 programs to increase public understanding of and
20 appreciation for the natural and cultural resources
21 of the Boston Harbor Islands, including the history
22 of Native American use and involvement.

23 (b) DEFINITIONS.—For the purposes of this sec-
24 tion—

1 (1) the term recreation area means the Boston
2 Harbor Islands National Recreation Area established
3 by subsection (c); and

4 (2) the term “Secretary” means the Secretary
5 of the Interior.

6 (c) BOSTON HARBOR ISLANDS NATIONAL RECRE-
7 ATION AREA.—

8 (1) ESTABLISHMENT.—In order to preserve for
9 the benefit and inspiration of the people of the Unit-
10 ed States as a national recreation area certain lands
11 located in Massachusetts Bay, there is established as
12 a unit of the National Park System the Boston Har-
13 bor Islands National Recreation Area.

14 (2) BOUNDARIES.—(A) The recreation area
15 shall be comprised of the lands, waters, and sub-
16 merged lands generally depicted on the map entitled
17 “Proposed Boston Harbor Islands NRA”, numbered
18 BOHA 80,002, and dated September 1996. Such
19 map shall be on file and available for public inspec-
20 tion in the appropriate offices of the National Park
21 Service. After advising the Committee on Resources
22 of the House of Representatives and the Committee
23 on Energy and Natural Resources of the Senate, in
24 writing, the Secretary may make minor revisions of
25 the boundaries of the recreation area when necessary

1 by publication of a revised drawing or other bound-
2 ary description in the Federal Register.

3 (B) The recreation area shall include the follow-
4 ing:

5 (i) The areas depicted on the map ref-
6 erence in subparagraph (A).

7 (ii) Landside points required for access,
8 visitor services, and administration in the city
9 of Boston along its Harborwalk and at Long
10 Wharf, Fan Pier, John F. Kennedy Library,
11 and the Custom House; Charlestown Navy
12 Yard; Old Northern Avenue Bridge; the city of
13 Quincy at Squantum Point/Marina Bay, the
14 Fore River Shipyard, and Town River; the
15 Town of Hingham at Hewitt's Cove; the Town
16 of Hull; the city of Salem at Salem National
17 Historic Site; and the city of Lynn at the Herit-
18 age State Park.

19 (d) ADMINISTRATION OF RECREATION AREA.—

20 (1) IN GENERAL.—The recreation area shall be
21 administered in partnership by the Secretary, the
22 Commonwealth of Massachusetts, City of Boston
23 and its applicable subdivisions and others in accord-
24 ance with the provisions of law generally applicable
25 to units of the National Park System, including the

1 Act entitled “An Act to establish a National Park
2 Service, and for other purposes”, approved August
3 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4),
4 and the Act of August 21, 1935 (49 Stat. 666; 16
5 U.S.C. 461–467) as amended and supplemented and
6 in accordance with the integrated management plan
7 specified in subsection (f).

8 (2) STATE AND LOCAL JURISDICTION.—Noth-
9 ing in this section shall be construed to diminish, en-
10 large, or modify any right of the Commonwealth of
11 Massachusetts or any political subdivision thereof, to
12 exercise civil and criminal jurisdiction or to carry
13 out State laws, rules, and regulations within the
14 recreation area, including those relating to fish and
15 wildlife, or to tax persons, corporations, franchises,
16 or private property on the lands and waters included
17 in the recreation area.

18 (3) COOPERATIVE AGREEMENTS.—The Sec-
19 retary may consult and enter into cooperative agree-
20 ments with the Commonwealth of Massachusetts or
21 its political subdivisions to acquire from and provide
22 to the Commonwealth or its political subdivisions
23 goods and services to be used in the cooperative
24 management of lands within the recreation area, if
25 the Secretary determines that appropriations for

1 that purpose are available and the agreement is in
2 the best interest of the United States.

3 (4) CONSTRUCTION OF FACILITIES ON NON-
4 FEDERAL LANDS.—In order to facilitate the admin-
5 istration of the recreation area, the Secretary is au-
6 thORIZED, subject to the appropriation of necessary
7 funds in advance, to construct essential administra-
8 tive or visitor use facilities on non-Federal public
9 lands within the recreation area. Such facilities and
10 the use thereof shall be in conformance with applica-
11 ble plans

12 (5) OTHER PROPERTY, FUNDS, AND SERV-
13 ICES.—The Secretary may accept and use donated
14 funds, property, and services to carry out this sec-
15 tion.

16 (6) RELATIONSHIP OF RECREATION AREA TO
17 BOSTON-LOGAN INTERNATIONAL AIRPORT.—With re-
18 spect to the recreation area, the present and future
19 maintenance, operation, improvement and use of
20 Boston-Logan International Airport and associated
21 flight patterns from time to time in effect shall not
22 be deemed to constitute the use of publicly owned
23 land of a public park, recreation area, or other re-
24 source within the meaning of section 303(c) of title
25 49, United States Code, and shall not be deemed to

1 have a significant effect on natural, scenic, and
2 recreation assets within the meaning of section
3 47101(h)(2) of title 49, United States Code.

4 (7) MANAGEMENT IN ACCORDANCE WITH INTE-
5 GRATED MANAGEMENT PLAN.—The Secretary shall
6 preserve, interpret, manage, and provide educational
7 and recreational uses for the recreation area, in con-
8 sultation with the owners and managers of lands in
9 the recreation area, in accordance with the inte-
10 grated management plan.

11 (e) BOSTON HARBOR ISLANDS PARTNERSHIP ESTAB-
12 LISHMENT.—

13 (1) ESTABLISHMENT.—There is hereby estab-
14 lished the Boston Harbor Islands Partnership whose
15 purpose shall be to coordinate the activities of Fed-
16 eral, State, and local authorities and the private sec-
17 tor in the development and implementation of an in-
18 tegrated resource management plan for the recre-
19 ation area.

20 (2) MEMBERSHIP.—The Partnership shall be
21 composed of 13 members, as follows:

22 (A) One individual, appointed by the Sec-
23 retary, to represent the National Park Service.

1 (B) One individual, appointed by the Sec-
2 retary of Transportation, to represent the Unit-
3 ed States Coast Guard.

4 (C) Two individuals, appointed by the Sec-
5 retary, after consideration of recommendations
6 by the Governor of Massachusetts, to represent
7 the Department of Environmental Management
8 and the Metropolitan District Commission.

9 (D) One individual, appointed by the Sec-
10 retary, after consideration of recommendations
11 by the Chair, to represent the Massachusetts
12 Port Authority.

13 (E) One individual, appointed by the Sec-
14 retary, after consideration of recommendations
15 by the Chair, to represent the Massachusetts
16 Water Resources Authority.

17 (F) One individual, appointed by the Sec-
18 retary, after consideration of recommendations
19 by the Mayor of Boston, to represent the Office
20 of Environmental Services of the City of Bos-
21 ton.

22 (G) One individual, appointed by the Sec-
23 retary, after consideration of recommendations
24 by the Chair, to represent the Boston Redevel-
25 opment Authority.

1 (H) One individual, appointed by the Sec-
2 retary, after consideration of recommendations
3 of the President of the Thompson Island Out-
4 ward Bound Education Center, to represent the
5 Center.

6 (I) One individual, appointed by the Sec-
7 retary, after consideration of recommendations
8 of the Chair, to represent the Trustees of Res-
9 ervations.

10 (J) One individual, appointed by the Sec-
11 retary, after consideration of recommendations
12 of the President of the Island Alliance, to rep-
13 resent the Alliance, a nonprofit organization
14 whose sole purpose is to provide financial sup-
15 port for the Boston Harbor Islands National
16 Recreation Area.

17 (K) Two individuals, appointed by the Sec-
18 retary, to represent the Boston Harbor Islands
19 Advisory Council, established in subsection (g).

20 (3) TERMS OF OFFICE; REAPPOINTMENT.—(A)
21 Members of the Partnership shall serve for terms of
22 three years. Any member may be reappointed for
23 one additional 3-year term.

24 (B) The Secretary shall appoint the first mem-
25 bers of the Partnership within 30 days after the

1 date on which the Secretary has received all of the
2 recommendations for appointment pursuant to sub-
3 sections (b) (3), (4), (5), (6), (7), (8), (9), and (10).

4 (C) A member may serve after the expiration of
5 his or her term until a successor has been appointed.

6 (4) COMPENSATION.—Members of the Partner-
7 ship shall serve without pay, but while away from
8 their homes or regular places of business in the per-
9 formance of services for the Partnership, members
10 shall be allowed travel expenses, including per diem
11 in lieu of subsistence, in the same manner as per-
12 sons employed intermittently in the Government
13 service are allowed expenses under section 5703 of
14 title 5, United States Code.

15 (5) ELECTION OF OFFICERS.—The Partnership
16 shall elect one of its members as Chairperson and
17 one as Vice Chairperson. The term of office of the
18 Chairperson and Vice Chairperson shall be one year.
19 The Vice Chairperson shall serve as chairperson in
20 the absence of the Chairperson.

21 (6) VACANCY.—Any vacancy on the Partnership
22 shall be filled in the same manner in which the origi-
23 nal appointment was made.

1 (7) MEETINGS.—The Partnership shall meet at
2 the call of the Chairperson or a majority of its mem-
3 bers.

4 (8) QUORUM.—A majority of the Partnership
5 shall constitute a quorum.

6 (9) STAFF OF THE PARTNERSHIP.—The Sec-
7 retary shall provide the Partnership with such staff
8 and technical assistance as the Secretary, after con-
9 sultation with the Partnership, considers appropriate
10 to enable the Partnership to carry out its duties.
11 The Secretary may accept the services of personnel
12 detailed from the Commonwealth of Massachusetts,
13 any political subdivision of the Commonwealth or
14 any entity represented on the Partnership.

15 (10) HEARINGS.—The Partnership may hold
16 such hearings, sit and act at such times and places,
17 take such testimony, and receive such evidence as
18 the Partnership may deem appropriate.

19 (11) DONATIONS.—Notwithstanding any other
20 provision of law, the Partnership may seek and ac-
21 cept donations of funds, property, or services from
22 individuals, foundations, corporations, and other pri-
23 vate and public entities for the purpose of carrying
24 out this section.

1 (12) USE OF FUNDS TO OBTAIN MONEY.—The
2 Partnership may use its funds to obtain money from
3 any source under any program or law requiring the
4 recipient of such money to make a contribution in
5 order to receive such money.

6 (13) MAILS.—The Partnership may use the
7 United States mails in the same manner and upon
8 the same conditions as other departments and agen-
9 cies of the United States.

10 (14) OBTAINING PROPERTY.—The Partnership
11 may obtain by purchase, rental, donation, or other-
12 wise, such property, facilities, and services as may
13 be needed to carry out its duties, except that the
14 Partnership may not acquire any real property or in-
15 terest in real property.

16 (15) COOPERATIVE AGREEMENTS.—For pur-
17 poses of carrying out the plan described in sub-
18 section (f), the Partnership may enter into coopera-
19 tive agreements with the Commonwealth of Massa-
20 chusetts, any political subdivision thereof, or with
21 any organization or person.

22 (f) INTEGRATED RESOURCE MANAGEMENT PLAN.—

23 (1) IN GENERAL.—Within three years after the
24 date of enactment of this Act, the Partnership shall
25 submit to the Secretary a management plan for the

1 recreation area to be developed and implemented by
2 the Partnership.

3 (2) CONTENTS OF PLAN.—The plan shall in-
4 clude (but not be limited to) each of the following:

5 (A) A program providing for coordinated
6 administration of the recreation area with pro-
7 posed assignment of responsibilities to the ap-
8 propriate governmental unit at the Federal,
9 State, and local levels, and nonprofit organiza-
10 tions, including each of the following:

11 (i) A plan to finance and support the
12 public improvements and services rec-
13 ommended in the plan, including allocation
14 of non-Federal matching requirements set
15 forth in subsection (h)(2) and a delineation
16 of profit sector roles and responsibilities.

17 (ii) A program for the coordination
18 and consolidation, to the extent feasible, of
19 activities that may be carried out by Fed-
20 eral, State, and local agencies having juris-
21 diction over land and waters within the
22 recreation area, including planning and
23 regulatory responsibilities.

24 (B) Policies and programs for the follow-
25 ing purposes:

1 (i) Enhancing public outdoor rec-
2 reational opportunities in the recreation
3 area.

4 (ii) Conserving, protecting, and main-
5 taining the scenic, historical, cultural, nat-
6 ural and scientific values of the islands.

7 (iii) Developing educational opportuni-
8 ties in the recreation area.

9 (iv) Enhancing public access to the Is-
10 lands, including development of transpor-
11 tation networks.

12 (v) Identifying potential sources of
13 revenue from programs or activities carried
14 out within the recreation area.

15 (vi) Protecting and preserving Native
16 American burial grounds connected with
17 the King Philip's War internment period
18 and other periods.

19 (C) A policy statement that recognizes ex-
20 isting economic activities within the recreation
21 area.

22 (3) DEVELOPMENT OF PLAN.—In developing
23 the plan, the Partnership shall—

24 (A) consult on a regular basis with appro-
25 priate officials of any local government or Fed-

1 eral or State agency which has jurisdiction over
2 lands and waters within the recreation area;

3 (B) consult with interested conservation,
4 business, professional, and citizen organiza-
5 tions; and

6 (C) conduct public hearings or meetings
7 for the purposes of providing interested persons
8 with the opportunity to testify with respect to
9 matters to be addressed by the plan.

10 (4) APPROVAL OF PLAN.—(A) The Partnership
11 shall submit the plan to the Governor of Massachu-
12 setts for review. The Governor shall have 90 days to
13 review and make any recommendations. After con-
14 sidering the Governor’s recommendations, the Part-
15 nership shall submit the plan to the Secretary, who
16 shall approve or disapprove the plan within 90 days.
17 In reviewing the plan the Secretary shall consider
18 each of the following:

19 (i) The adequacy of public participation.

20 (ii) Assurances of plan implementation
21 from State and local officials.

22 (iii) The adequacy of regulatory and finan-
23 cial tools that are in place to implement the
24 plan.

1 (B) If the Secretary disapproves the plan, the
2 Secretary shall within 60 days after the date of such
3 disapproval, advise the Partnership in writing of the
4 reasons therefore, together with recommendations
5 for revision. Within 90 days of receipt of such notice
6 of disapproval, the Partnership shall revise and re-
7 submit the plan to the Secretary who shall approve
8 or disapprove the revision within 60 days.

9 (5) INTERIM PROGRAM.—Prior to adoption of
10 the Partnership’s plan, the Secretary and the Part-
11 nership shall assist the owners and managers of
12 lands and waters within the recreation area to en-
13 sure that existing programs, services, and activities
14 that promote the purposes of this section are sup-
15 ported.

16 (g) BOSTON HARBOR ISLANDS ADVISORY COUN-
17 CIL.—

18 (1) ESTABLISHMENT.—The Secretary, acting
19 through the Director of the National Park Service,
20 shall establish an advisory committee to be known as
21 the Boston Harbor Islands Advisory Council. The
22 purpose of the Advisory Council shall be to represent
23 various groups with interests in the recreation area
24 and make recommendations to the Boston Harbor
25 Islands Partnership on issues related to the develop-

1 ment and implementation of the integrated resource
2 management plan developed under subsection (f).
3 The Advisory Council is encouraged to establish
4 committees relating to specific recreation area man-
5 agement issues, including (but not limited to) edu-
6 cation, tourism, transportation, natural resources,
7 cultural and historic resources, and revenue raising
8 activities. Participation on any such committee shall
9 not be limited to members of the Advisory Council.

10 (2) MEMBERSHIP.—The Advisory Council shall
11 consist of not fewer than 18 individuals, to be ap-
12 pointed by the Secretary, acting through the Direc-
13 tor of the National Park Service. The Secretary
14 shall appoint no fewer than three individuals to rep-
15 resent each of the following categories of entities:
16 municipalities; educational and cultural institutions;
17 environmental organizations; business and commer-
18 cial entities, including those related to transpor-
19 tation, tourism and the maritime industry; and Bos-
20 ton Harbor-related advocacy organizations; and or-
21 ganizations representing Native American interests.

22 (3) PROCEDURES.—Each meeting of the Advi-
23 sory Council and its committees shall be open to the
24 public.

1 (4) FACA.—The provisions of section 14 of the
2 Federal Advisory Committee Act (5 U.S.C. App.),
3 are hereby waived with respect to the Advisory
4 Council.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There are authorized to be
7 appropriated such sums as may be necessary to
8 carry out this section, provided that no funds may
9 be appropriated for land acquisition.

10 (2) MATCHING REQUIREMENT.—Amounts ap-
11 propriated in any fiscal year to carry out this section
12 may only be expended on a matching basis in a ra-
13 tion of at least three non-Federal dollars to every
14 Federal dollar. The non-Federal share of the match
15 may be in the form of cash, services, or in-kind con-
16 tributions, fairly valued.

17 **SEC. 1030. NATCHEZ NATIONAL HISTORICAL PARK.**

18 Section 3 of the Act of October 8, 1988, entitled “An
19 Act to create a national park at Natchez, Mississippi” (16
20 U.S.C. 4100o et seq.), is amended—

21 (1) by inserting “(a) IN GENERAL.—” after
22 “SEC. 3.”; and

23 (2) by adding at the end the following:

24 “(b) BUILDING FOR JOINT USE BY THE SECRETARY
25 AND THE CITY OF NATCHEZ.—

1 “(1) CONTRIBUTION TOWARD CONSTRU-
2 TION.—The Secretary may enter into an agreement
3 with the City of Natchez under which the Secretary
4 agrees to pay not to exceed \$3,000,000 toward the
5 planning and construction by the City of Natchez of
6 a structure to be partially used by the Secretary as
7 an administrative headquarters, administrative site,
8 and visitors’ center for Natchez National Historical
9 Park.

10 “(2) USE FOR SATISFACTION OF MATCHING RE-
11 QUIREMENTS.—The amount of payment under para-
12 graph (1) may be available for matching Federal
13 grants authorized under other law notwithstanding
14 any limitations in any such law.

15 “(3) AGREEMENT.—Prior to the execution of
16 an agreement under paragraph (1), and subject to
17 the appropriation of necessary funds in advance, the
18 Secretary may enter into a contract, lease, coopera-
19 tive agreement, or other appropriate form of agree-
20 ment with the City of Natchez providing for the use
21 and occupancy of a portion of the structure con-
22 structed under paragraph (1) (including appropriate
23 use of the land on which it is situated), at no cost
24 to the Secretary (except maintenance, utility, and
25 other operational costs), for a period of 50 years,

1 with an option for renewal by the Secretary for an
2 additional 50 years.

3 “(4) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated \$3,000,000
5 to carry out this subsection.”.

6 **SEC. 1031. SUBSTITUTION OF TIMBER FOR CANCELED TIM-**
7 **BER SALE.**

8 (a) IN GENERAL.—Notwithstanding the provisions of
9 the Act of July 31, 1947 (30 U.S.C. 601 et seq.), and
10 the requirements of section 5402.0–6 of title 43, Code of
11 Federal Regulations, the Secretary of the Interior, acting
12 through the Bureau of Land Management, is authorized
13 to substitute, without competition, a contract for timber
14 identified for harvest located on public lands administered
15 by the Bureau of Land Management in the State of Cali-
16 fornia of comparable value for the following terminated
17 timber contract: Elkhorn Ridge Timber Sale, Contract No.
18 CA–050–TS–88–01.

19 (b) DISCLAIMER.—Nothing in this section shall be
20 construed as changing any law or policy of the Federal
21 Government beyond the timber sale substitution specified
22 in this section.

23 **SEC. 1032. RURAL ELECTRIC AND TELEPHONE FACILITIES.**

24 (a) IN GENERAL.—Section 504(g) of the Federal
25 Land Policy and Management Act of 1976 (43 U.S.C.

1 1764(g)) is amended by striking “financed pursuant to the
2 Rural Electrification Act of 1936, as amended,” in the
3 last sentence and inserting “eligible for financing pursu-
4 ant to the Rural Electrification Act of 1936, as amended,
5 determined without regard to any application requirement
6 under that Act,”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall apply with respect to rights-of-way
9 leases held on or after the date of enactment of this Act.

10 **SEC. 1033. FEDERAL BOROUGH RECOGNITION.**

11 (a) Section 6901(2) of title 31, United States Code,
12 is amended to read as follows:

13 “(2)(A) ‘unit of general local government’
14 means—

15 “(i) a county (or parish), township, bor-
16 ough, or city where the city is independent of
17 any other unit of general local government,
18 that—

19 “(I) is within the class or classes of
20 such political subdivision in a State that
21 the Secretary of the Interior, in his discre-
22 tion, determines to be the principal pro-
23 vider or providers of governmental services
24 within the State; and

1 “(II) is a unit of general government,
2 as determined by the Secretary of the Inte-
3 rior on the basis of the same principles as
4 were used by the Secretary of Commerce
5 on January 1, 1983, for general statistical
6 purposes;

7 “(ii) any area in Alaska that is within the
8 boundaries of a census area used by the Sec-
9 retary of Commerce in the decennial census,
10 but that is not included within the boundary of
11 a governmental entity described under clause
12 (i);

13 “(iii) the District of Columbia;

14 “(iv) the Commonwealth of Puerto Rico;

15 “(v) Guam; and

16 “(vi) the Virgin Islands.

17 “(B) the term ‘governmental services’ includes,
18 but is not limited to, those services that relate to
19 public safety, the environment, housing, social serv-
20 ices, transportation, and governmental administra-
21 tion.”.

22 (b) PAYMENT IN LIEU OF TAXES.—Section 6902(a)
23 of title 31, United States Code, is amended to read as
24 follows:

1 “(a)(1) Except as provided in paragraph (2), the Sec-
2 retary of the Interior shall make a payment for each fiscal
3 year to each unit of general local government in which en-
4 titlement land is located as set forth in this chapter. A
5 unit of general local government may use the payment for
6 any governmental purpose.

7 “(2) For each unit of general local government de-
8 scribed in section 6901(2)(A)(ii), the Secretary of the In-
9 terior shall make a payment for each fiscal year to the
10 State of Alaska for entitlement land located within such
11 unit as set forth in this chapter. The State of Alaska shall
12 distribute such payment to home rule cities and general
13 law cities (as such cities are defined by the State) located
14 within the boundaries of the unit of general local govern-
15 ment for which the payment was received. Such cities may
16 use monies received under this paragraph for any govern-
17 mental purpose.”.

18 **SEC. 1034. EXTENSION OF STATUTE OF LIMITATIONS.**

19 Notwithstanding any other provision of law, any of
20 the Alaska Native Village Corporations of Tyonek Native
21 Corporation, Ninilchik Native Association, Inc., Knikatnu
22 Inc., Seldovia Native Association, Inc., Chikaloon Moose
23 Creek Native Association, Inc., and the Alaska Native Re-
24 gional Corporation, Cook Inlet Region, Inc. may com-
25 mence litigation at any time within 12 months of enact-

1 ment of this Act in Federal District Court for Alaska to
2 challenge any determination by the Department of the In-
3 terior that such native corporations will not receive con-
4 veyance of lands described in “Appendix C” of the Defi-
5 ciency Agreement dated August 31, 1976.

6 **SEC. 1035. REGULATIONS OF FISHING IN CERTAIN WATERS**
7 **OF ALASKA.**

8 (a) IN GENERAL.—Local residents who are descend-
9 ants of Katmai residents who lived in the Naknek Lake
10 and River Drainage shall be permitted, subject to reason-
11 able regulations established by the Secretary of the Inte-
12 rior, to continue their traditional fishery for red fish with-
13 in Katmai National Park (the national park and national
14 preserve redesignated, established, and expanded under
15 section 202(2) of the Alaska National Interest Lands Con-
16 servation Act (16 U.S.C. 410hh–1)).

17 (b) RED FISH DEFINED.—For the purposes of sub-
18 section (a), the term “red fish” means spawned-out sock-
19 eye salmon that has no significant commercial value.

20 (c) TITLE.—No provision of this section shall be con-
21 strued to invalidate or validate or in any other way affect
22 any claim by the State of Alaska to title to any or all
23 submerged lands, nor shall any actions taken pursuant to
24 or in accordance with this Act operate under any provision
25 or principle of the law to bar the State of Alaska from

1 asserting at any time its claim of title to any or all of
2 the submerged lands.

3 (d) JURISDICTION.—Nothing in this section nor in
4 any actions taken pursuant to this section shall be con-
5 strued as expanding or diminishing Federal or State juris-
6 diction, responsibility, interests, or rights in management,
7 regulation, or control over waters of the State of Alaska
8 or submerged lands under any provision of Federal or
9 State law.

10 **SEC. 1036. CREDIT FOR RECONVEYANCE.**

11 Within 24 months after the date of the enactment
12 of this Act, the Cape Fox Corporation may transfer all
13 or part of its right, title, and interest in and to the ap-
14 proximately 320-acre parcel that includes Beaver Falls
15 Hydroelectric power-house site to the United States as
16 part of an equal value exchange.

17 **SEC. 1037. RADIO SITE REPORT.**

18 The Secretary of Agriculture (1) shall have a period
19 of 180 days from the date of enactment of this Act to
20 review management of Inspiration Point, San Bernadino
21 National Forest, make determination whether the contin-
22 ued presence of the KATY–FM antenna on the site is in
23 the public interest, and report the determination with the
24 reasons therefor to the Committee on Energy and Natural
25 Resources, United States Senate, and the Committee on

1 Resources, House of Representatives, and (2) shall take
2 no action within such period which causes or results in,
3 directly or indirectly, the removal of the antenna from the
4 site.

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 California
19 and the Federal Government”, dated December 15,
20 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 Public Law 102–575) and other currently au-
17 thorized 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.

9 **DIVISION II**
10 **TITLE I—NATIONAL COAL**
11 **HERITAGE AREA**

12 **SEC. 101. SHORT TITLE.**

13 This title may be cited as the “National Coal Herit-
14 age Area Act of 1996”.

15 **SEC. 102. FINDINGS.**

16 (a) FINDINGS.—The Congress finds as follows:

17 (1) Certain events that led to the development
18 of southern West Virginia’s coalfields during the lat-
19 ter part of the 19th Century and the early part of
20 the current century are of national historic and cul-
21 tural significance in terms of their contribution to
22 the industrialization of the United States, the orga-
23 nization of workers into trade unions, and the
24 unique culture of the Appalachian Region.

1 (2) It is in the national interest to preserve and
2 protect physical remnants of this era for the edu-
3 cation and benefit of present and future generations.

4 (3) There is a need to provide assistance for the
5 preservation and promotion of those vestiges of
6 southern West Virginia's coal heritage which have
7 outstanding cultural, historic, and architectural
8 value.

9 **SEC. 103. ESTABLISHMENT.**

10 (a) IN GENERAL.—For the purpose of preserving and
11 interpreting for the educational and inspirational benefit
12 of present and future generations certain lands and struc-
13 tures with unique and significant historic and cultural
14 value associated with the coal mining heritage of the State
15 of West Virginia and the Nation, there is hereby estab-
16 lished the National Coal Heritage Area (hereafter in this
17 title referred to as the “Area”).

18 (b) BOUNDARIES.—The Area shall be comprised of
19 the counties in the State of West Virginia that are the
20 subject of the study by the National Park Service, dated
21 1993, entitled “A Coal Mining Heritage Study: Southern
22 West Virginia” conducted pursuant to title VI of Public
23 Law 100–699.

24 (c) ADMINISTRATION.—The Area shall be adminis-
25 tered in accordance with this title.

1 **SEC. 104. CONTRACTUAL AGREEMENT.**

2 The Secretary of the Interior (hereafter in this title
3 referred to as the “Secretary”) is authorized to enter into
4 a contractual agreement with the Governor of the State
5 of West Virginia, acting through the Division of Culture
6 and History and the Division of Tourism and Parks, pur-
7 suant to which the Secretary shall assist the State of West
8 Virginia, its units of local government, and nonprofit orga-
9 nizations in each of the following:

10 (1) The development and implementation of in-
11 tegrated cultural, historical, and land resource man-
12 agement policies and programs in order to retain,
13 enhance, and interpret the significant values of the
14 lands, water, and structures of the Area.

15 (2) The preservation, restoration, maintenance,
16 operation, interpretation, and promotion of build-
17 ings, structures, facilities, sites, and points of inter-
18 est for public use that possess cultural, historical,
19 and architectural values associated with the coal
20 mining heritage of the Area.

21 (3) The coordination of activities by Federal,
22 State, and local governments and private businesses
23 and organizations in order to further historic preser-
24 vation and compatible economic revitalization.

25 (4) The development of guidelines and stand-
26 ards for projects, consistent with standards estab-

1 lished by the National Park Service, for the preser-
2 vation and restoration of historic properties, includ-
3 ing interpretative methods, that will further history
4 preservation in the region.

5 **SEC. 105. ELIGIBLE RESOURCES.**

6 The resources eligible for the assistance under para-
7 graphs (2) and (5) of section 104 shall include those set
8 forth in appendix D of the study by the National Park
9 Service, dated 1993, entitled “A Coal Mining Heritage
10 Study: Southern West Virginia”, conducted pursuant to
11 title VI of Public Law 100–699. Priority consideration
12 shall be given to those sites listed as “Conservation Prior-
13 ities” and “Important Historic Resources” as depicted on
14 the map entitled “Study Area: Historic Resources” in
15 such study.

16 **SEC. 106. COAL HERITAGE MANAGEMENT PLAN.**

17 (a) IN GENERAL.—Pursuant to the contractual
18 agreement referred to in section 104, within three years
19 after the date of enactment of this title, the Governor of
20 the State of West Virginia, acting through the Division
21 of Culture and History and the Division of Tourism and
22 Parks, shall submit to the Secretary a Coal Heritage Man-
23 agement Plan for the Area. The plan shall at a mini-
24 mum—

1 (1) set forth the integrated cultural, historical,
2 and land resource management policies and pro-
3 grams referred to in section 104;

4 (2) describe the guidelines and standards for
5 projects referred to in section 104; and

6 (3) set forth the responsibilities of the State of
7 West Virginia, units of local government, nonprofit
8 entities, or Secretary to administer any properties
9 acquired pursuant to section 104.

10 (b) **PLAN APPROVAL.**—The Secretary shall approve
11 the plan submitted under subsection (a) unless he deter-
12 mines that it would meet the objectives of this title.

13 **SEC. 107. SUNSET.**

14 The Secretary may not make any grant or provide
15 any assistance under this title after September 30, 2012.

16 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) **IN GENERAL.**—There is authorized to be appro-
18 priated under this title not more than \$1,000,000 for any
19 fiscal year. Not more than a total of \$10,000,000 may
20 be appropriated for the Area under this title.

21 (b) **50 PERCENT MATCH.**—Federal funding provided
22 under this title may not exceed 50 percent of the total
23 cost of any assistance or grant provided or authorized
24 under this title.

1 **TITLE II—TENNESSEE CIVIL**
2 **WAR HERITAGE AREA**

3 **SEC. 201. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) there are situated in the State of Tennessee
6 the sites of several key Civil War battles, campaigns,
7 and engagements;

8 (2) certain sites, battlefields, structures, and
9 areas in Tennessee are collectively of national sig-
10 nificance in the history of the Civil War;

11 (3) the Civil War Sites Advisory Commission,
12 established by Congress in 1991, identified 38 sites
13 in Tennessee as significant;

14 (4) the preservation and interpretation of these
15 sites will make an important contribution to the un-
16 derstanding of the heritage of the United States;

17 (5) the preservation of Civil War sites within a
18 regional framework requires cooperation among local
19 property owners and Federal, State, and local gov-
20 ernment entities; and

21 (6) partnerships between Federal, State, and
22 local governments and their regional entities, and
23 the private sector, offer the most effective opportuni-
24 ties for the enhancement and management of the

1 Civil War battlefields and related sites located in
2 Tennessee.

3 (b) PURPOSES.—The purposes of this title are—

4 (1) to preserve, conserve, and interpret the leg-
5 acy of the Civil War in Tennessee;

6 (2) to recognize and interpret important events
7 and geographic locations representing key Civil War
8 battles, campaigns, and engagements in Tennessee;

9 (3) to recognize and interpret the effect of the
10 Civil War on the civilian population of Tennessee
11 during the war and postwar reconstruction period;
12 and

13 (4) to create partnerships among Federal,
14 State, and local governments and their regional enti-
15 ties, and the private sector to preserve, conserve, en-
16 hance, and interpret the battlefields and associated
17 sites associated with the Civil War in Tennessee.

18 **SEC. 202. DEFINITIONS.**

19 For purposes of this title:

20 (1) The term “national heritage area” means
21 the Tennessee Civil War Heritage Area as des-
22 ignated pursuant to section 203.

23 (2) The term “Secretary” means the Secretary
24 of the Interior.

1 (3) The term “compact” means the compact
2 approved under section 204.

3 (4) The term “management plan” means the
4 management plan submitted under section 205.

5 **SEC. 203. TENNESSEE CIVIL WAR HERITAGE AREA.**

6 (a) DESIGNATION.—Upon publication by the Sec-
7 retary in the Federal Register of notice that a compact
8 regarding the Tennessee Civil War Heritage Area has
9 been approved by the Secretary in accordance with this
10 title, there is hereby designated the Tennessee Civil War
11 Heritage Area.

12 (b) BOUNDARIES.—The Tennessee Civil War Herit-
13 age Area shall be comprised of areas of the State of Ten-
14 nessee depicted on the map entitled “Tennessee Civil War
15 Heritage Area”. The map shall be on file and available
16 for public inspection in the office of the Director of the
17 National Park Service.

18 (c) ADMINISTRATION.—The national heritage area
19 shall be administrated in accordance with the compact and
20 the management plan.

21 **SEC. 204. COMPACT.**

22 (a) COMPACT.—The compact referred to in section
23 203(a) shall include information relating to the objectives
24 and management of the area proposed for designation as

1 the national heritage area. Such information shall include
2 (but not be limited to) each of the following:

3 (1) A delineation of the boundaries of the pro-
4 posed national heritage area.

5 (2) A discussion of the goals and objectives of
6 the proposed national heritage area, including an ex-
7 planation of the approach proposed by the partners
8 referred to in paragraph (4), to conservation and in-
9 terpretation of resources.

10 (3) An identification and description of the
11 management entity that will administer the proposed
12 national heritage area.

13 (4) A list of the initial partners to be involved
14 in developing and implementing the management
15 plan for the proposed national heritage area, and a
16 statement of the financial commitment of the part-
17 ners.

18 (5) A description of the role of the State of
19 Tennessee.

20 (b) PREPARATION OF AND ACTIONS CALLED FOR IN
21 COMPACT.—The compact shall be prepared with public
22 participation. Actions called for in the compact shall be
23 likely to be initiated within a reasonable time after des-
24 ignation of the proposed national heritage area and shall

1 ensure effective implementation of the State and local as-
2 pects of the compact.

3 (c) APPROVAL AND DISAPPROVAL OF COMPACTS.—

4 (1) IN GENERAL.—The Secretary, in consulta-
5 tion with the Governor of Tennessee, shall approve
6 or disapprove the proposed compact not later than
7 90 days after receiving such compact.

8 (2) PROCEDURES IF DISAPPROVED.—If the Sec-
9 retary disapproves a proposed compact, the Sec-
10 retary shall advise, in writing, of the reasons for the
11 disapproval and shall make recommendations for re-
12 visions of the proposed compact. The Secretary shall
13 approve or disapprove a proposed revision to such a
14 compact within 90 days after the date on which the
15 revision is submitted to the Secretary.

16 **SEC. 205. MANAGEMENT.**

17 (a) MANAGEMENT PLANS.—A management plan sub-
18 mitted under this title for the national heritage area shall
19 present comprehensive recommendations for the conserva-
20 tion, funding, management, and development of the area.
21 The management plan shall—

22 (1) be prepared with public participation;

23 (2) take into consideration existing Federal,
24 State, county, and local plans and involve residents,

1 public agencies, and private organizations in the
2 area;

3 (3) include a description of actions that units of
4 government and private organizations are rec-
5 ommended to take to protect the resources of the
6 area;

7 (4) specify existing and potential sources of
8 funding for the conservation, management, and de-
9 velopment of the area; and

10 (5) include the following, as appropriate:

11 (A) An inventory of the resources con-
12 tained in the national heritage area, including a
13 list of property in the area that should be con-
14 served, restored, managed, developed, or main-
15 tained because of the natural, cultural, or his-
16 toric significance of the property as it relates to
17 the themes of the area.

18 (B) A recommendation of policies for re-
19 source management that consider and detail the
20 application of appropriate land and water man-
21 agement techniques, including (but not limited
22 to) the development of intergovernmental coop-
23 erative agreements to manage the historical,
24 cultural, and natural resources and the rec-
25 reational opportunities of the area in a manner

1 consistent with the support of appropriate and
2 compatible economic viability.

3 (C) A program, including plans for res-
4 toration and construction, for implementation
5 of the management plan by the management
6 entity specified in the compact for the area and
7 specific commitments, for the first 5 years of
8 operation of the plan, by the partners identified
9 in the compact.

10 (D) An analysis of means by which Fed-
11 eral, State, and local programs may best be co-
12 ordinated to promote the purposes of this title.

13 (E) An interpretive plan for the national
14 heritage area.

15 (b) MANAGEMENT ENTITIES.—The management en-
16 tity for the national heritage area shall do each of the fol-
17 lowing:

18 (1) Develop and submit to the Secretary a man-
19 agement plan not later than three years after the
20 date of the designation of the area as a national her-
21 itage area.

22 (2) Give priority to the implementation of ac-
23 tions, goals, and policies set forth in the compact
24 and management plan for the area, including—

1 (A) assisting units of government, regional
2 planning organizations, and nonprofit organiza-
3 tions—

4 (i) in conserving the national heritage
5 area;

6 (ii) in establishing and maintaining
7 interpretive exhibits in the area;

8 (iii) in developing recreational oppor-
9 tunities in the area;

10 (iv) in increasing public awareness of
11 and appreciation for the natural, historical,
12 and cultural resources of the area;

13 (v) in the restoration of historic build-
14 ings that are located within the boundaries
15 of the area and relate to the themes of the
16 area; and

17 (vi) in ensuring that clear, consistent,
18 and environmentally appropriate signs
19 identifying access points and sites of inter-
20 est are put in place throughout the area;
21 and

22 (B) consistent with the goals of the man-
23 agement plan, encouraging economic viability in
24 the affected communities by appropriate means.

1 (3) In developing and implementing the man-
2 agement plan for the area, consider the interests of
3 diverse units of government, businesses, private
4 property owners, and nonprofit groups within the ge-
5 ographic area.

6 (4) Conduct public meetings at least quarterly
7 regarding the implementation of the management
8 plan for the area.

9 (c) CLEARING HOUSE.—The Congress recognizes the
10 Center for Historic Preservation at Middle Tennessee
11 State University as the clearing house for the Tennessee
12 Civil War Heritage Area.

13 **SEC. 206. DUTIES AND AUTHORITIES OF SECRETARY.**

14 The Secretary—

15 (1) may provide technical assistance and grants
16 to units of government and private nonprofit organi-
17 zations regarding the compact and, upon request of
18 the management entity for the national heritage
19 area, regarding the management plan and its imple-
20 mentation;

21 (2) may not, as a condition of the award of
22 technical assistance or grants under this section, re-
23 quire any recipient of such technical assistance or
24 grants to enact or modify land use restrictions; and

1 (3) may not make limitations on fishing, hunt-
2 ing, or trapping a condition for the approval of the
3 compact or the determination of eligibility for tech-
4 nical assistance or grants under this section.

5 **SEC. 207. SAVINGS PROVISIONS.**

6 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-
7 MENTS.—Nothing in this title shall be construed to mod-
8 ify, enlarge, or diminish any authority of the Federal,
9 State, or local governments to regulate any use of land
10 as provide for by law or regulation.

11 (b) LACK OF ZONING OR LAND USE POWERS OF EN-
12 TITY.—Nothing in this title shall be construed to grant
13 powers of zoning or land use to any management entity
14 for the national heritage area.

15 (c) FISH AND WILDLIFE.—The designation of the
16 national heritage area shall not diminish the authority of
17 the State of Tennessee to manage fish and wildlife, includ-
18 ing the regulation of fishing and hunting within such area.

19 **SEC. 208. SUNSET.**

20 The Secretary may not make any grant or provide
21 any assistance under this title after September 30, 2012.

22 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There is authorized to be appro-
24 priated under this title not more than \$1,000,000 for any
25 fiscal year. Not more than a total of \$10,000,000 may

1 be appropriated for the national heritage area under this
2 title.

3 (b) 50 PERCENT MATCH.—Federal funding provided
4 under this title, after the designation of the national herit-
5 age area, may not exceed 50 percent of the total cost of
6 any assistance or grant provided or authorized under this
7 title.

8 **TITLE III—AUGUSTA CANAL** 9 **NATIONAL HERITAGE AREA**

10 **SEC. 301. FINDINGS.**

11 The Congress finds that—

12 (1) the Augusta Canal National Landmark in
13 the State of Georgia, listed on the National Historic
14 Register of Historic Places, and designated by the
15 Governor of Georgia as one of four regionally impor-
16 tant resources in the State, is one of the last un-
17 spoiled areas in the State of Georgia;

18 (2) the Augusta Canal National Historic Land-
19 mark possesses excellent water quality, beautiful
20 rural and historic cultural landscapes, architecturally
21 significant mill structures and mill villages, and
22 large acreages of parks and permanent open space;

23 (3) three national historic districts, the Harris-
24 burg, Laney Walker, and Greene Street districts,
25 and two national historic landmarks, Stallings Is-

1 land, located in the Savannah River, and Meadow
2 Garden, are connected by the Augusta Canal Area;

3 (4) the beautiful rural landscapes and historic
4 cultural landscapes, scenic vistas and excellent water
5 quality of the Augusta Canal contain significant un-
6 developed recreational opportunities for people
7 throughout the United States;

8 (5) the Augusta Canal and related mill sites,
9 structures, and associated neighborhoods are rep-
10 resentatives of the development of the cotton textile
11 industry and associated agriculture and trade in the
12 South;

13 (6) the transformation of the agrarian economy
14 of the area into an early industrial economy was
15 precipitated by the development and use of the Au-
16 gusta Canal;

17 (7) several significant sites associated with the
18 American Revolution, the Civil War, Native Ameri-
19 cans, Colonial Americans, African Americans, Chi-
20 nese Americans, and Irish Americans are located
21 within the Augusta Canal area;

22 (8) despite the efforts by the State of Georgia,
23 political subdivisions of the State, volunteer organi-
24 zations, and private businesses, the cultural, histori-
25 cal, natural, and recreational resources of the area

1 have not realized full potential and may be lost with-
2 out assistance from the Federal Government;

3 (9) the Secretary of the Interior considers this
4 landmark to be threatened and has designated it a
5 priority for protection;

6 (10) many local, regional, and State agencies,
7 businesses, and private citizens have expressed an
8 overwhelming desire to combine forces to work coop-
9 eratively to preserve and enhance the resources of
10 the Augusta Canal National Historic Landmark and
11 better plan for its future; and

12 (11) the Augusta Canal Authority, a public
13 body established under the law of the State of Geor-
14 gia, would be an appropriate management entity for
15 a National Heritage Area established in the area of
16 the Augusta Canal.

17 **SEC. 302. PURPOSE.**

18 It is the purpose of this title to provide a cooperative
19 management framework to assist the State of Georgia, its
20 units of local government, and area citizens in retaining,
21 enhancing, and interpreting the significant features of the
22 lands, water, and structures of the Augusta Canal, in a
23 manner that is consistent with positive economic impact
24 and development for the benefit and inspiration of present

1 and future generations in the State of Georgia and the
2 United States.

3 **SEC. 303. DESIGNATION OF AUGUSTA CANAL NATIONAL**
4 **HERITAGE AREA.**

5 (a) DESIGNATION.—There is hereby designated in
6 the State of Georgia the Augusta Canal National Heritage
7 Area (referred to in this title as the “Heritage Area”).

8 (b) BOUNDARIES.—

9 (1) IN GENERAL.—The Heritage Area shall in-
10 clude the land generally depicted on the map entitled
11 “The Augusta Canal”, numbered AUCA–80,000,
12 and dated August 1994, which shall be on file and
13 available for public inspection in the Office of the
14 Director of the National Park Service, Washington,
15 D.C.

16 (2) LEGAL DESCRIPTION.—As soon as prac-
17 ticable after the date of enactment of this title, the
18 Secretary of the Interior (referred to in this title as
19 the “Secretary”) shall prepare and place on file with
20 the map described in paragraph (1) a legal descrip-
21 tion of the boundaries of the Heritage Area.

22 **SEC. 304. MANAGEMENT.**

23 The Secretary, acting through the Director of the Na-
24 tional Park Service, shall enter into a cooperative agree-
25 ment with the Augusta Canal Authority, a public body es-

1 tablished under the law of the State of Georgia, providing
2 for the management of the Heritage Area by the Augusta
3 Canal Authority under terms and conditions stated in the
4 cooperative agreement. The Secretary shall consult with
5 the Augusta Canal Authority before carrying out any man-
6 agement authority with respect to the Heritage Area
7 which is not provided for by the cooperative agreement.

8 **SEC. 305. MANAGEMENT PLAN.**

9 (a) PREPARATION OF PLAN.—Not later than three
10 years after the date of enactment of this title, the Augusta
11 Canal Authority shall prepare and submit to the Secretary
12 for review and approval a plan for the management and
13 administration of the Heritage Area.

14 (b) CONTENTS.—The plan shall be based on Federal,
15 State, and local plans in existence on the date of enact-
16 ment of this title, including the Augusta Canal Master
17 Plan. The Augusta Canal Authority shall coordinate and
18 combine such plans and present an integrated and cooper-
19 ative approach for the protection, enhancement, and inter-
20 pretation of the cultural, natural, scenic, and recreational
21 resources of the Heritage Area.

22 (c) ASSISTANCE.—The Secretary may provide tech-
23 nical and financial assistance in the preparation of the
24 management plan.

25 (d) APPROVAL.—

1 (1) IN GENERAL.—Not later than 180 days
2 after receipt of the plan submitted under subsection
3 (a), the Secretary shall approve or disapprove the
4 plan.

5 (2) CRITERIA.—In determining whether to ap-
6 prove a plan, the Secretary shall consider—

7 (A) whether the plan has strong local sup-
8 port from a diversity of landowners, business
9 interests, nonprofit organizations, and govern-
10 ments within the area;

11 (B) whether the plan is consistent with
12 and complements continued economic activity in
13 the area;

14 (C) whether the plan has a high potential
15 for effective partnership mechanisms;

16 (D) whether the plan improperly infringes
17 on private property rights; and

18 (E) whether the plan will take appropriate
19 action to ensure private property rights are ob-
20 served.

21 (3) DISAPPROVAL.—

22 (A) IN GENERAL.—If the Secretary dis-
23 approves the proposed management plan, the
24 Secretary shall notify the Augusta Canal Au-
25 thority of the disapproval in writing.

1 (B) CONTENTS.—A notification under sub-
2 paragraph (A) shall include—

- 3 (i) the reasons for the disapproval;
4 and
5 (ii) recommendations for revision.

6 (C) REVISED PLAN.—The Augusta Canal
7 Authority shall revise and resubmit the man-
8 agement plan to the Secretary for approval. Not
9 later than 180 days after receipt of the revised
10 plan, the Secretary shall approve or disapprove
11 the plan as provided in paragraph (2). The Au-
12 gusta Canal Authority shall revise and submit
13 the management plan until the management
14 plan is approved by the Secretary.

15 (e) IMPLEMENTATION.—

16 (1) IN GENERAL.—Upon approval of the man-
17 agement plan as provided in subsection (d), the Sec-
18 retary, in conjunction with the Augusta Canal Au-
19 thority, shall take appropriate steps to implement
20 the management plan.

21 (2) COOPERATIVE AGREEMENTS.—The Sec-
22 retary is authorized to enter into cooperative agree-
23 ments with the State of Georgia, political subdivi-
24 sions of the State, the Augusta Canal Authority, or

1 any organization or individual to implement the
2 management plan.

3 (f) ECONOMIC DEVELOPMENT.—It is the sense of
4 Congress that the Augusta Canal Authority, the State of
5 Georgia, the City of Augusta, and other political subdivi-
6 sions of the State of Georgia should encourage, by appro-
7 priate means, enhanced economic and industrial develop-
8 ment in the area consistent with the goals of the Augusta
9 Canal Master Plan.

10 **SEC. 306. GRANTS AND TECHNICAL ASSISTANCE.**

11 The Secretary may provide grants and technical as-
12 sistance for the purposes of this title.

13 **SEC. 307. ACQUISITION OF REAL PROPERTY.**

14 The Augusta Canal Authority may not use any Fed-
15 eral funds that it may receive pursuant to this title to ac-
16 quire real property or an interest in real property.

17 **SEC. 308. OCCUPATIONAL, SAFETY, CONSERVATION, AND**
18 **ENVIRONMENTAL REGULATION.**

19 Nothing in this title shall be construed to—

20 (1) impose any occupational, safety, conserva-
21 tion, or environmental regulation on the Heritage
22 Area that is more stringent than the regulations
23 that would be applicable to the Heritage Area but
24 for the designation of the Heritage Area under sec-
25 tion 303; or

1 (2) authorize any Federal agency to promulgate
2 an occupational, safety, conservation, or environ-
3 mental regulation for the Heritage Area that is more
4 stringent than the regulations applicable to the Her-
5 itage Area in existence on the date of enactment of
6 this title, solely as a result of the designation of the
7 Heritage Area under section 303.

8 **SEC. 309. LAND USE REGULATION.**

9 Nothing in this title shall be construed to—

10 (1) modify, enlarge, or diminish any authority
11 of Federal, State, and local governments to regulate
12 any use of land as provided for by law or regulation;
13 or

14 (2) grant powers of zoning or land use to the
15 Augusta Canal Authority.

16 **SEC. 310. SUNSET.**

17 The Secretary may not make any grant or provide
18 any assistance under this title after September 30, 2012.

19 **SEC. 311. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) **IN GENERAL.**—There is authorized to be appro-
21 priated under this title not more than \$1,000,000 for any
22 fiscal year. Not more than a total of \$10,000,000 may
23 be appropriated for the Heritage Area under this title.

24 (b) **50 PERCENT MATCH.**—Federal funding provided
25 under this title, after the designation of the Heritage

1 Area, may not exceed 50 percent of the total cost of any
2 assistance or grant provided or authorized under this title.

3 **TITLE IV—STEEL INDUSTRY**
4 **HERITAGE PROJECT**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Steel Industry Amer-
7 ican Heritage Area Act of 1996”.

8 **SEC. 402. FINDINGS AND PURPOSE.**

9 (a) FINDINGS.—The Congress finds that—

10 (1) the industrial and cultural heritage of
11 southwestern Pennsylvania, including the city of
12 Pittsburgh, and the counties of Allegheny, Arm-
13 strong, Beaver, Fayette, Greene, Washington, and
14 Westmoreland, related directly to steel and steel-re-
15 lated industries, is nationally significant;

16 (2) these industries include steelmaking,
17 ironmaking, aluminum, specialty metals, glass, coal
18 mining, coke production, machining and foundries,
19 transportation, and electrical industries;

20 (3) the industrial and cultural heritage of the
21 steel and related industries in this region includes
22 the social history and living cultural traditions of the
23 people of the region;

24 (4) the labor movement of the region played a
25 significant role in the development of the Nation, in-

1 including the formation of many key unions such as
2 the Congress of Industrial Organizations (CIO) and
3 the United Steel Workers of America (USWA), and
4 crucial struggles to improve wages and working con-
5 ditions, such as the Rail Strike of 1877, the Home-
6 stead Strike of 1892, and the Great Steel Strike of
7 1919;

8 (5) the Department of the Interior is respon-
9 sible for protecting the Nation's cultural and historic
10 resources, and there are significant examples of
11 these resources within this seven-county region to
12 merit the involvement of the Federal Government to
13 develop programs and projects, in cooperation with
14 the Steel Industry Heritage Corporation, the Com-
15 monwealth of Pennsylvania, and other local and gov-
16 ernmental bodies, to adequately conserve, protect,
17 and interpret this heritage for future generations,
18 while providing opportunities for education and revi-
19 talization; and

20 (6) the Steel Industry Heritage Corporation
21 would be an appropriate management entity for a
22 Heritage Area established in the region.

23 (b) STATEMENT OF PURPOSE.—The objectives of the
24 Steel Industry American Heritage Area are—

1 (1) to foster a close working relationship with
2 all levels of government, the private sector, and the
3 local communities in the steel industry region of
4 southwestern Pennsylvania and empower the com-
5 munities to conserve their heritage while continuing
6 to pursue economic opportunities; and

7 (2) to conserve, interpret, and develop the his-
8 torical, cultural, natural, and recreational resources
9 related to the industrial and cultural heritage of the
10 seven-county region of southwestern Pennsylvania.

11 **SEC. 403. STEEL INDUSTRY AMERICAN HERITAGE AREA.**

12 (a) **ESTABLISHMENT.**—There is hereby established
13 the Steel Industry American Heritage Area (in this title
14 referred to as the “Heritage Area”).

15 (b) **BOUNDARIES.**—The Heritage Area shall be com-
16 prised of the counties of Allegheny, Armstrong, Beaver,
17 Fayette, Greene, Washington, and Westmoreland in Penn-
18 sylvania.

19 (c) **MANAGEMENT ENTITY.**—The management entity
20 for the Heritage Area shall be the Steel Industry Heritage
21 Corporation.

22 **SEC. 404. COMPACT.**

23 (a) **IN GENERAL.**—To carry out the purposes of this
24 title, the Secretary of the Interior (in this title referred
25 to as the “Secretary”) shall enter into a compact with the

1 management entity. The compact shall include informa-
2 tion relating to the objectives and management of the
3 area, including the following:

4 (1) A delineation of the boundaries of the pro-
5 posed Heritage Area.

6 (2) A discussion of the goals and objectives of
7 the proposed Heritage Area, including an expla-
8 nation of the proposed approach to conservation and
9 interpretation and a general outline of the protection
10 measures committed to by the partners referred to
11 in paragraph (4).

12 (3) An identification and description of the
13 management entity that will administer the proposed
14 Heritage Area.

15 (4) A list of the initial partners to be involved
16 in developing and implementing the management
17 plan for the proposed Heritage Area, and a state-
18 ment of the financial commitment of the partners.

19 (5) A description of the role of the Common-
20 wealth of Pennsylvania.

21 (b) **ADDITIONAL REQUIREMENTS.**—The compact
22 shall be prepared with public participation. Actions called
23 for in the compact shall be likely to be initiated within
24 a reasonable time after designation of the proposed Herit-

1 age Area and shall ensure effective implementation of the
2 State and local aspects of the compact.

3 **SEC. 405. MANAGEMENT PLAN.**

4 The management entity shall develop a management
5 plan for the Heritage Area that presents comprehensive
6 recommendations for the Heritage Area's conservation,
7 funding, management and development. Such plan shall
8 take into consideration existing State, county, and local
9 plans and involve residents, public agencies, and private
10 organizations working in the Heritage Area. It shall in-
11 clude actions to be undertaken by units of government and
12 private organizations to protect the resources of the Herit-
13 age Area. It shall specify the existing and potential
14 sources of funding to protect, manage, and develop the
15 Heritage Area. Such plan shall include, as appropriate,
16 the following:

17 (1) An inventory of the resources contained in
18 the Heritage Area, including a list of any property
19 in the Heritage Area that is related to the themes
20 of the Heritage Area and that should be preserved,
21 restored, managed, developed, or maintained because
22 of its natural, cultural, historic, recreational, or sce-
23 nic significance.

24 (2) A recommendation of policies for resource
25 management which considers and details application

1 of appropriate land and water management tech-
2 niques, including but not limited to, the development
3 of intergovernmental cooperative agreements to pro-
4 tect the Heritage Area's historical, cultural, rec-
5 reational, and natural resources in a manner consist-
6 ent with supporting appropriate and compatible eco-
7 nomic viability.

8 (3) A program for implementation of the man-
9 agement plan by the management entity, including
10 plans for restoration and construction, and specific
11 commitments of the identified partners for the first
12 5 years of operation.

13 (4) An analysis of ways in which local, State,
14 and Federal programs may best be coordinated to
15 promote the purposes of the title.

16 (5) An interpretation plan for the Heritage
17 Area.

18 **SEC. 406. AUTHORITIES AND DUTIES OF MANAGEMENT EN-**
19 **TITY.**

20 (a) **AUTHORITIES OF THE MANAGEMENT ENTITY.—**
21 The management entity may, for purposes of preparing
22 and implementing the management plan under section
23 405, use Federal funds made available through this title—

24 (1) to make loans and grants to, and enter into
25 cooperative agreements with, States and their politi-

1 cal subdivisions, private organizations, or any per-
2 son; and

3 (2) to hire and compensate staff.

4 (b) DUTIES OF THE MANAGEMENT ENTITY.—The
5 management entity shall—

6 (1) develop and submit to the Secretary for ap-
7 proval a management plan as described in section
8 405 within 3 years after the date of the enactment
9 of this title;

10 (2) give priority to implementing actions set
11 forth in the compact and the management plan, in-
12 cluding taking steps to—

13 (A) assist units of government, regional
14 planning organizations, and nonprofit organiza-
15 tions in preserving the Heritage Area;

16 (B) assist units of government, regional
17 planning organizations, and nonprofit organiza-
18 tions in establishing and maintaining interpre-
19 tive exhibits in the Heritage Area;

20 (C) assist units of government, regional
21 planning organizations, and nonprofit organiza-
22 tions in developing recreational resources in the
23 Heritage Area;

24 (D) assist units of government, regional
25 planning organizations, and nonprofit organiza-

1 tions in increasing public awareness of and ap-
2 preciation for the natural, historical and archi-
3 tectural resources and sites in the Heritage
4 Area;

5 (E) assist units of government, regional
6 planning organizations and nonprofit organiza-
7 tions in the restoration of any historic building
8 relating to the themes of the Heritage Area;

9 (F) encourage by appropriate means eco-
10 nomic viability in the Heritage Area consistent
11 with the goals of the plan;

12 (G) encourage local governments to adopt
13 land use policies consistent with the manage-
14 ment of the Heritage Area and the goals of the
15 plan; and

16 (H) assist units of government, regional
17 planning organizations and nonprofit organiza-
18 tions to ensure that clear, consistent, and envi-
19 ronmentally appropriate signs identifying access
20 points and sites of interest are put in place
21 throughout the Heritage Area;

22 (3) consider the interests of diverse govern-
23 mental, business, and nonprofit groups within the
24 Heritage Area;

1 (4) conduct public meetings at least quarterly
2 regarding the implementation of the management
3 plan;

4 (5) submit substantial changes (including any
5 increase of more than 20 percent in the cost esti-
6 mates for implementation) to the management plan
7 to the Secretary for the Secretary's approval;

8 (6) for any year in which Federal funds have
9 been received under this title, submit an annual re-
10 port to the Secretary setting forth its accomplish-
11 ments, its expenses and income, and the entity to
12 which any loans and grants were made during the
13 year for which the report is made; and

14 (7) for any year in which Federal funds have
15 been received under this title, make available for
16 audit all records pertaining to the expenditure of
17 such funds and any matching funds, and require, for
18 all agreements authorizing expenditure of Federal
19 funds by other organizations, that the receiving or-
20 ganizations make available for audit all records per-
21 taining to the expenditure of such funds.

22 If a management plan is not submitted to the Secretary
23 as required under paragraph (1) within the specified time,
24 the Heritage Area shall no longer qualify for Federal
25 funding.

1 (c) PROHIBITION ON THE ACQUISITION OF REAL
2 PROPERTY.—The management entity may not use Fed-
3 eral funds received under this title to acquire real property
4 or an interest in real property. Nothing in this title shall
5 preclude any management entity from using Federal funds
6 from other sources for their permitted purposes.

7 **SEC. 407. DUTIES AND AUTHORITIES OF FEDERAL AGEN-**
8 **CIES.**

9 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

10 (1) IN GENERAL.—The Secretary may, upon re-
11 quest of the management entity, provide technical
12 and financial assistance to the Heritage Area to de-
13 velop and implement the management plan. In as-
14 sisting the Heritage Area, the Secretary shall give
15 priority to actions that in general assist in—

16 (A) conserving the significant natural, his-
17 toric, and cultural resources which support its
18 themes; and

19 (B) providing educational, interpretive, and
20 recreational opportunities consistent with its re-
21 sources and associated values.

22 (2) SPENDING FOR NON-FEDERALLY OWNED
23 PROPERTY.—The Secretary may spend Federal
24 funds directly on non-federally owned property to
25 further the purposes of this title, especially in assist-

1 ing units of government in appropriate treatment of
2 districts, sites, buildings, structures, and objects list-
3 ed or eligible for listing on the National Register of
4 Historic Places. The Historic American Building
5 Survey/Historic American Engineering Record shall
6 conduct those studies necessary to document the in-
7 dustrial, engineering, building, and architectural his-
8 tory of the region.

9 (b) APPROVAL AND DISAPPROVAL OF COMPACTS AND
10 MANAGEMENT PLANS.—

11 (1) IN GENERAL.—The Secretary, in consulta-
12 tion with the Governor of Pennsylvania shall approve
13 or disapprove a compact or management plan sub-
14 mitted under this title not later than 90 days after
15 receiving such compact or management plan.

16 (2) ACTION FOLLOWING DISAPPROVAL.—If the
17 Secretary disapproves a submitted compact or man-
18 agement plan, the Secretary shall advise the man-
19 agement entity in writing of the reasons therefor
20 and shall make recommendations for revisions in the
21 compact or plan. The Secretary shall approve or dis-
22 approve a proposed revision within 90 days after the
23 date it is submitted.

24 (c) APPROVING AMENDMENTS.—The Secretary shall
25 review substantial amendments to the management plan

1 for the Heritage Area. Funds appropriated pursuant to
2 this title may not be expended to implement the changes
3 made by such amendments until the Secretary approves
4 the amendments.

5 **SEC. 408. SUNSET.**

6 The Secretary may not make any grant or provide
7 any assistance under this title after September 30, 2012.

8 **SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-
10 priated under this title not more than \$1,000,000 for any
11 fiscal year. Not more than a total of \$10,000,000 may
12 be appropriated for the Heritage Area under this title.

13 (b) 50 PERCENT MATCH.—Federal funding provided
14 under this title, after the designation of this Heritage
15 Area, may not exceed 50 percent of the total cost of any
16 assistance or grant provided or authorized under this title.

17 **TITLE V—ESSEX NATIONAL**
18 **HERITAGE AREA**

19 **SEC. 501. FINDINGS AND PURPOSE.**

20 (a) FINDINGS.—The Congress finds that—

21 (1) Essex County, Massachusetts, was host to
22 a series of historic events that influenced the course
23 of the early settlement of the United States; its
24 emergence as a maritime power; and its subsequent
25 industrial development;

1 (2) the North Shore of Essex County and the
2 Merrimack River valley in Essex County contain ex-
3 amples of significant early American architecture
4 and significant Federal-period architecture, many
5 sites and buildings associated with the establishment
6 of the maritime trade in the United States, the site
7 of the witchcraft trials of 1692, the birthplace of
8 successful iron manufacture, and the establishment
9 of the textile and leather industries in and around
10 the cities of Peabody, Beverly, Lynn, Lawrence, and
11 Haverhill;

12 (3) Salem, Massachusetts, has a rich heritage
13 as one of the earliest landing sites of the English
14 colonists, the first major world harbor for the Unit-
15 ed States, and an early thriving hub of American in-
16 dustries;

17 (4) the Saugus Iron Works National Historic
18 Site is the site of the first sustained, integrated iron
19 works in Colonial America, and the technology em-
20 ployed at the Iron Works was dispersed throughout
21 the Colonies and was critical to the development of
22 industry and technology in America;

23 (5) the Salem Maritime National Historic Site
24 contains nationally significant resources that explain
25 the manner in which the Nation was settled, its evo-

1 lution into a maritime power, and its development as
2 a major industrial force;

3 (6) the story told at the Salem Maritime and
4 Saugus Iron Works National Historic Sites would be
5 greatly enhanced through the interpretation of sig-
6 nificant theme-related resources in Salem and
7 Saugus and throughout Essex County;

8 (7) partnerships between the private and public
9 sectors have been created and additional partner-
10 ships will be encouraged to preserve the rich cultural
11 heritage of the region, which will stimulate cultural
12 awareness, preservation, and economic development
13 through tourism;

14 (8) a visitors' center that has already been con-
15 structed at the Salem Maritime National Historic
16 Site in Salem, Massachusetts, will be available to in-
17 terpret the themes of the Essex National Heritage
18 Area established by this title and to coordinate the
19 interpretive and preservation activities of the Area;
20 and

21 (9) the resident and business communities of
22 the region have formed the Essex Heritage Ad Hoc
23 Commission for the preservation, interpretation, pro-
24 motion, and development of the historic, cultural,
25 and natural resources of the region and are invest-

1 ing significant private funds and energy to develop
2 a plan to preserve the nationally significant re-
3 sources of Essex County.

4 (b) PURPOSE.—It is the purpose of this title—

5 (1) to establish the Essex National Heritage
6 Area to recognize, preserve, promote, interpret, and
7 make available for the benefit of the public the his-
8 toric, cultural, and natural resources of the North
9 Shore and lower Merrimack River valley in Essex
10 County, Massachusetts, which encompass the three
11 primary themes of the Salem Maritime National
12 Historic Site and Saugus Iron Works National His-
13 toric Site (the histories of early settlement, maritime
14 trade, and the textile and leather industries);

15 (2) to implement the appropriate alternative as
16 described in the document entitled “The Salem
17 Project: A Study of Alternatives”, dated January
18 1990, within the boundaries of Essex County; and

19 (3) to provide a management framework to as-
20 sist the Commonwealth of Massachusetts and its
21 units of local government in the development and
22 implementation of an integrated cultural, historical,
23 and land resource management program in order to
24 retain, enhance, and interpret the significant values

1 of the lands, waters, and structures located in the
2 Essex National Heritage Area.

3 **SEC. 502. DEFINITIONS.**

4 For purposes of this title:

5 (1) The terms “Area” and “National Heritage
6 Area” mean the Essex National Heritage Area es-
7 tablished by section 503.

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

10 **SEC. 503. DESIGNATION OF NATIONAL HERITAGE AREA.**

11 (a) DESIGNATION.—For the purpose of preserving
12 and interpreting, for the educational and inspirational
13 benefit of present and future generations, the unique and
14 significant contributions to our national heritage of cer-
15 tain historic and cultural lands, natural waterways, and
16 structures within the County of Essex in the Common-
17 wealth of Massachusetts, there is hereby established the
18 Essex National Heritage Area.

19 (b) BOUNDARIES.—The Area shall comprise the
20 lands generally depicted on the map numbered NAR–51–
21 80,000 and dated August 1994. The map shall be on file
22 and available for public inspection in the office of the Di-
23 rector of the National Park Service.

24 (c) ADMINISTRATION.—The Area shall be adminis-
25 tered in accordance with the provisions of this title.

1 **SEC. 504. MANAGEMENT ENTITY.**

2 (a) IN GENERAL.—The management entity for the
3 National Heritage Area shall be an entity which is selected
4 by the Essex Heritage Ad Hoc Commission or its designee,
5 reflects a broad cross-section of interests within the Area,
6 and includes—

7 (1) at least 1 representative of one or more
8 units of government in each State in which the Na-
9 tional Heritage Area is located; and

10 (2) private property owners who reside within
11 the National Heritage Area.

12 (b) DUTIES.—The management entity for the Area
13 shall fulfill each of the following requirements:

14 (1) HERITAGE PLAN.—Not later than 3 years
15 after the date of the designation of the Area as a
16 National Heritage Area, the management entity
17 shall develop and forward to the Secretary, and to
18 the Governor of Massachusetts, a heritage plan for
19 the Area.

20 (2) PRIORITIES.—The management entity shall
21 give priority to the implementation of action, goals,
22 and policies set forth in the compact and heritage
23 plan for the Area, including assisting units of gov-
24 ernment and others in—

25 (A) carrying out programs which recognize
26 important resource values within the Area;

1 (B) encouraging economic viability in the
2 affected communities;

3 (C) establishing and maintaining interpre-
4 tive exhibits in the Area;

5 (D) developing recreational and edu-
6 cational opportunities in the Area;

7 (E) increasing public awareness of and ap-
8 preciation for the natural, historical, and cul-
9 tural resources of the Area;

10 (F) restoring historic buildings that are lo-
11 cated within the boundaries of the Area and re-
12 late to the theme of the Area; and

13 (G) ensuring that clear, consistent, and ap-
14 propriate signs identifying public access points
15 and sites of interest are put in place throughout
16 the Area.

17 (3) CONSIDERATION OF INTERESTS OF LOCAL
18 GROUPS.—The management entity shall, in develop-
19 ing and implementing the heritage plan for the Area,
20 consider the interests of diverse units of government,
21 businesses, private property owners, and nonprofit
22 groups within the geographic area.

23 (4) PUBLIC MEETINGS.—The management en-
24 tity shall conduct public meetings at least annually
25 regarding the implementation of the heritage plan

1 for the Area. The management entity shall place a
2 notice of each such meeting in a newspaper of gen-
3 eral circulation in the Area and shall make the min-
4 utes of the meeting available to the public.

5 **SEC. 505. DUTIES OF THE SECRETARY.**

6 (a) IN GENERAL.—To carry out the purpose of this
7 title, the Secretary shall assist the management entity in
8 preparing such studies and plans as the Secretary consid-
9 ers appropriate and in implementing the recommendations
10 contained in a study report prepared by the management
11 entity. The Secretary is authorized to enter into agree-
12 ments with the Commission or with any owner of property
13 with national historic or cultural significance within the
14 Area for the purpose of facilitating public use and enjoy-
15 ment of such resources or to otherwise further the objec-
16 tives of the management entity. Any such agreement shall
17 provide whenever appropriate that—

18 (1) the public may have access to such re-
19 sources at specified, reasonable times for the pur-
20 pose of viewing the property or exhibits or attending
21 programs or other activities, as may be appropriate;

22 (2) the Secretary may make improvements to
23 such resources as the management entity or the Sec-
24 retary deem necessary to enhance the public use and
25 enjoyment of the resources, or to render such prop-

1 erty usable by the Secretary, the management entity,
2 or any person for the purpose of this title; and

3 (3) the Secretary may occupy, utilize, and ac-
4 quire easements or leasehold interests in resources
5 as required to implement the programs and purpose
6 of this title.

7 (b) **TECHNICAL ASSISTANCE AND GRANTS.**—The
8 Secretary may provide, upon request, technical assistance
9 and grants to the management entity to assist the man-
10 agement entity in the performance of its powers and func-
11 tions as authorized under this title. The Secretary may
12 provide to any owner of property within the Area, to the
13 Commonwealth of Massachusetts, to the City of Salem
14 and other participating municipalities, to any other Fed-
15 eral or State entity, to any institution, or to any person
16 such technical assistance and grants as the Secretary con-
17 siders appropriate to carry out the purpose of this title.

18 **SEC. 506. PRIVATE PROPERTY.**

19 No privately owned property shall be included within
20 the boundaries of the Area unless the government of the
21 county, city, or town in which the property is located
22 agrees to be so included and submits notification of such
23 agreement to the Secretary.

1 **SEC. 507. SUNSET.**

2 The Secretary may not make any grant or provide
3 any assistance under this title after September 30, 2012.

4 **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated under this title not more than \$1,000,000 for any
7 fiscal year. Not more than a total of \$10,000,000 may
8 be appropriated for the Area under this title.

9 (b) 50 PERCENT MATCH.—Federal funding provided
10 under this title, after the designation of the Area, may
11 not exceed 50 percent of the total cost of any assistance
12 or grant provided or authorized under this title.

13 **TITLE VI—SOUTH CAROLINA NA-**
14 **TIONAL HERITAGE CORRIDOR**

15 **SEC. 601. SHORT TITLE.**

16 This title may be cited as the “South Carolina Na-
17 tional Heritage Corridor Act of 1996”.

18 **SEC. 602. FINDINGS AND PURPOSE.**

19 (a) FINDINGS.—Congress finds that—

20 (1) the South Carolina National Heritage Cor-
21 ridor, more than 250 miles in length, possesses a
22 wide diversity of significant rare plants, animals,
23 and ecosystems, agricultural and timber lands, shell-
24 fish harvesting areas, historic sites and structures,
25 and cultural and multicultural landscapes related to
26 the past and current commerce, transportation, mar-

1 itime, textile, agricultural, mining, cattle, pottery,
2 and national defense industries of the region, which
3 provide significant ecological, natural, tourism, rec-
4 reational, timber management, educational, and eco-
5 nomic benefits;

6 (2) there is a national interest in protecting,
7 conserving, restoring, promoting, and interpreting
8 the benefits of the Corridor for the residents of, and
9 visitors to, the Corridor area;

10 (3) a primary responsibility for conserving, pre-
11 serving, protecting, and promoting the benefits re-
12 sides with the State of South Carolina and the units
13 of local government having jurisdiction over the Cor-
14 ridor area; and

15 (4) in view of the longstanding Federal practice
16 of assisting States in creating, protecting, conserv-
17 ing, preserving, and interpreting areas of significant
18 natural and cultural importance, and in view of the
19 national significance of the Corridor, the Federal
20 Government has an interest in assisting the State of
21 South Carolina, the units of local government of the
22 State, and the private sector in fulfilling the respon-
23 sibilities described in paragraph (3).

24 (b) PURPOSES.—The purposes of this title are—

1 (1) to protect, preserve, conserve, restore, pro-
2 mote, and interpret the significant land and water
3 resource values and functions of the Corridor;

4 (2) to encourage and support, through financial
5 and technical assistance, the State of South Caro-
6 lina, the units of local government of the State, and
7 the private sector in the development of a heritage
8 plan for the Corridor to ensure coordinated public
9 and private action in the Corridor area in a manner
10 consistent with subsection (a);

11 (3) to provide, during the development of an in-
12 tegrated heritage plan, Federal financial and tech-
13 nical assistance for the protection, preservation, and
14 conservation of land and water areas in the Corridor
15 that are in danger of being adversely affected or de-
16 stroyed;

17 (4) to encourage and assist the State of South
18 Carolina and the units of local government of the
19 State to identify the full range of public and private
20 technical and financial assistance programs and
21 services available to implement the heritage plan;

22 (5) to encourage adequate coordination of all
23 government programs affecting the land and water
24 resources of the Corridor; and

1 (6) to develop a management framework with
2 the State of South Carolina and the units of local
3 government of the State for—

4 (A) planning and implementing the herit-
5 age plan; and

6 (B) developing policies and programs that
7 will preserve, conserve, protect, restore, en-
8 hance, and interpret the cultural, historical,
9 natural, economic, recreational, and scenic re-
10 sources of the Corridor.

11 **SEC. 603. DEFINITIONS.**

12 For purposes of this title—

13 (1) CORRIDOR.—The term “Corridor” means
14 the South Carolina National Heritage Corridor es-
15 tablished by section 604.

16 (2) GOVERNOR.—The term “Governor” means
17 the Governor of the State of South Carolina.

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 **SEC. 604. SOUTH CAROLINA NATIONAL HERITAGE COR-**
21 **RIDOR.**

22 (a) ESTABLISHMENT.—There is established in the
23 State of South Carolina the South Carolina National Her-
24 itage Corridor.

25 (b) BOUNDARIES.—

1 (1) IN GENERAL.—The boundaries of the Cor-
2 ridor are generally the boundaries of the western
3 counties of the State of South Carolina, extending
4 from the western Piedmont along the Savannah Val-
5 ley to Augusta, Georgia, along the route of the old
6 Southern Railroad, along the Ashley River to
7 Charleston.

8 (2) INCLUDED COUNTIES.—The Corridor shall
9 consist of the following counties of South Carolina,
10 in part or in whole, as the heritage plan may specify
11 on the recommendations of the units of local govern-
12 ment with the Corridor area:

- 13 (A) Oconee.
- 14 (B) Pickens.
- 15 (C) Anderson.
- 16 (D) Abbeville.
- 17 (E) Greenwood.
- 18 (F) McCormick.
- 19 (G) Edgefield.
- 20 (H) Aiken.
- 21 (I) Barnwell.
- 22 (J) Orangeburg.
- 23 (K) Bamberg.
- 24 (L) Dorchester.
- 25 (M) Colleton.

1 (N) Charleston.

2 (3) **DETAIL.**—The boundaries shall be specified
3 in detail in the heritage plan.

4 **SEC. 605. MANAGEMENT ENTITY.**

5 (a) **IN GENERAL.**—The management entity for the
6 National Heritage Corridor shall be an entity selected by
7 the Governor of the State of South Carolina which reflects
8 a broad cross-section of interests within the Corridor and
9 which includes—

10 (1) at least 1 representative of one or more
11 units of government in South Carolina; and

12 (2) private property owners who reside within
13 the National Heritage Corridor.

14 (b) **DUTIES.**—The management entity for the Na-
15 tional Heritage Corridor shall fulfill each of the following
16 requirements:

17 (1) **HERITAGE PLAN.**—Not later than 3 years
18 after the date of the designation of the area as a
19 National Heritage Corridor, the management entity
20 shall develop and forward to the Secretary, and to
21 the Governor of South Carolina, a heritage plan.

22 (2) **PRIORITIES.**—The management entity shall
23 give priority to the implementation of actions, goals,
24 and policies set forth in the compact and heritage

1 plan for the Corridor, including assisting units of
2 government and others in—

3 (A) carrying out programs which recognize
4 important resource values within the National
5 Heritage Corridor;

6 (B) encouraging economic viability in the
7 affected communities;

8 (C) establishing and maintaining interpre-
9 tive exhibits in the Corridor;

10 (D) developing recreational and edu-
11 cational opportunities in the Corridor;

12 (E) increasing public awareness of and ap-
13 preciation for the natural, historical, and cul-
14 tural resources of the Corridor;

15 (F) restoring historic buildings that are lo-
16 cated within the boundaries of the Corridor and
17 relate to the theme of the Corridor; and

18 (G) ensuring that clear, consistent, and ap-
19 propriate signs identifying public access points
20 and sites of interest are put in place throughout
21 the Corridor.

22 (3) CONSIDERATION OF INTERESTS OF LOCAL
23 GROUPS.—The management entity shall, in develop-
24 ing and implementing the heritage plan for the Cor-
25 ridor, consider the interest of diverse units of gov-

1 ernment, businesses, private property owners, and
2 nonprofit groups within the geographic area.

3 (4) PUBLIC MEETINGS.—The management en-
4 tity shall conduct public meetings at least annually
5 regarding the implementation of the heritage plan
6 for the Corridor. The management entity shall place
7 a notice of each such meeting in a newspaper of gen-
8 eral circulation in the Corridor and shall make the
9 minutes of the meeting available to the public.

10 **SEC. 606. DUTIES OF THE SECRETARY.**

11 (a) ASSISTANCE.—On request of the management en-
12 tity, and subject to the availability of funds appropriated
13 specifically for the purpose, or made available on a reim-
14 bursable basis, the Secretary shall provide administrative,
15 technical, financial, development, and operations assist-
16 ance for the purposes of this title. The assistance may in-
17 clude—

18 (1) general administrative support in planning,
19 finance, personnel, procurement, property manage-
20 ment, environmental and historical compliance, and
21 land acquisition;

22 (2) personnel;

23 (3) office space and equipment;

1 (4) planning and design services for visitor use
2 facilities, trails, interpretive exhibits, publications,
3 signs, and natural resource management;

4 (5) development and construction assistance, in-
5 cluding visitor use facilities, trails, river use and ac-
6 cess facilities, scenic byways, signs, waysides, and re-
7 habilitation of historic structures; and

8 (6) operations functions, including interpreta-
9 tion and visitor services, maintenance, and natural
10 resource management services conducted within the
11 boundaries of the Corridor.

12 (b) LOANS, GRANTS, AND COOPERATIVE AGREE-
13 MENTS.—For the purposes of assisting in the development
14 and implementation of the heritage plan, the Secretary
15 may, in consultation with the management entity, make
16 loans and grants to, and enter into cooperative agreements
17 with, the State of South Carolina (or a political subdivi-
18 sion of the State), private nonprofit organizations, cor-
19 porations, or other persons.

20 (c) APPROVAL OF HERITAGE PLAN.—

21 (1) IN GENERAL.—Not later than 180 days
22 after receipt of the plan submitted under section
23 605(b), the Secretary shall approve or disapprove
24 the plan.

1 (2) CRITERIA.—In determining whether to ap-
2 prove a plan under this title, the Secretary shall con-
3 sider—

4 (A) whether the plan has strong local sup-
5 port from a diversity of landowners, business
6 interests, nonprofit organizations, and govern-
7 ments within the area;

8 (B) whether the plan is consistent with
9 and complements continued economic activity in
10 the area;

11 (C) whether the plan has a high potential
12 for effective partnership mechanisms;

13 (D) whether the plan improperly infringes
14 on private property rights; and

15 (E) whether the plan will take appropriate
16 action to ensure private property rights are ob-
17 served.

18 (3) DISAPPROVAL.—

19 (A) IN GENERAL.—If the Secretary dis-
20 approves the proposed heritage plan, the Sec-
21 retary shall notify the management entity.

22 (B) CONTENTS.—A notification under sub-
23 paragraph (A) shall include—

24 (i) the reasons for the disapproval;

25 and

1 (ii) recommendations for revision.

2 (C) REVISED PLAN.—The management en-
3 tity shall revise and resubmit the heritage plan
4 to the Secretary for approval. Not later than
5 180 days after receipt of the revised plan, the
6 Secretary shall approve or disapprove the plan
7 as provided in paragraph (2). The management
8 entity shall revise and submit the heritage plan
9 until the heritage plan is approved by the Sec-
10 retary.

11 **SEC. 607. SUNSET.**

12 The Secretary may not make any grant or provide
13 any assistance under this title after September 30, 2012.

14 **SEC. 608. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There is authorized to be appro-
16 priated under this title not more than \$1,000,000 for any
17 fiscal year. Not more than a total of \$10,000,000 may
18 be appropriated for the Corridor under this title.

19 (b) 50 PERCENT MATCH.—Federal funding provided
20 under this title, after the designation of this Corridor, may
21 not exceed 50 percent of the total cost of any assistance
22 or grant provided or authorized under this title.

1 **TITLE VII—AMERICA’S AGRICUL-**
2 **TURAL HERITAGE PARTNER-**
3 **SHIP**

4 **SEC. 701. FINDINGS AND PURPOSES.**

5 (a) The Congress finds that—

6 (1) the city of Waterloo, Iowa, and northeast
7 Iowa posses many important elements of the nation-
8 ally significant story of American agriculture, includ-
9 ing Native American agriculture, agricultural mecha-
10 nization, seed hybridization, farm cooperative move-
11 ments, rural electrification, farm-to-market systems,
12 rural to urban migration, veterinary practice, food
13 processing and preservation, national farm organiza-
14 tions, international hunger relief, and the develop-
15 ment of national and international agribusiness;

16 (2) these resources offer outstanding and
17 unique opportunities to acknowledge and appreciate
18 the development of American agriculture;

19 (3) the National Park Service has determined
20 that the story of American agriculture is nationally
21 significant, that northeast Iowa is an ideal place to
22 tell that story, and that this story could be divided
23 into 4 principal topics for interpretation in northeast
24 Iowa: the Amazing Science of Agriculture, Agri-

1 culture as a Way of Life, Organizing for Survival,
2 and Crops from Field to Table;

3 (4) the responsibility for interpreting, retaining,
4 enhancing, and promoting the resources, values, and
5 amenities of Waterloo, Iowa, and northeast Iowa re-
6 sides with volunteer associations, private businesses,
7 political subdivisions of the State, and the State of
8 Iowa; and

9 (5) despite the efforts by volunteer associations,
10 private businesses, political subdivisions of the State,
11 and the State of Iowa, the cultural and historical re-
12 sources of the area have not realized full potential
13 and may be lost without some assistance from the
14 Federal Government.

15 (b) PURPOSES.—The purposes of this title are—

16 (1) to interpret, retain, enhance, and promote
17 the unique and significant contributions to national
18 and international agriculture of certain natural, his-
19 toric, and cultural resources within Waterloo, Iowa,
20 and northeast Iowa;

21 (2) to provide a partnership management
22 framework to assist volunteer associations, private
23 businesses, political subdivisions of the State, and
24 the State of Iowa in developing and implementing
25 Management Plan policies and programs that will

1 assist in the interpretation, retention, enhancement,
2 and promotion of the cultural, natural, and rec-
3 reational resources of northeast Iowa;

4 (3) to allow for local, State, and Federal con-
5 tributions through limited grants and technical as-
6 sistance to create America’s Agricultural Heritage
7 Partnership through cooperative agreements among
8 volunteer associations, private businesses, political
9 subdivisions of the State, the State of Iowa, and
10 residents of the area; and

11 (4) to provide for an economically self-sustain-
12 ing Partnership for the educational and inspirational
13 benefit of current and future generations concerning
14 the story of American agriculture.

15 **SEC. 702. DEFINITIONS.**

16 As used in this title:

17 (1) PARTNERSHIP.—The term “Partnership”
18 means the America’s Agricultural Heritage Partner-
19 ship as established by section 703(a).

20 (2) MANAGEMENT ENTITY.—The term “man-
21 agement entity” means the management entity as
22 established by section 704(a).

23 (3) POLITICAL SUBDIVISION.—The term “politi-
24 cal subdivision” means a political subdivision of the
25 State of Iowa, any part of which is located in or ad-

1 jacent to the area in which the Partnership’s activi-
2 ties occur, including a county, city, or town.

3 (4) STATE.—The term “State” means the State
4 of Iowa.

5 (5) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture.

7 (6) PARTNERSHIP MANAGEMENT PLAN.—The
8 term “Partnership Management Plan” means the
9 plan approved pursuant to section 705(a).

10 (7) ACTIVITIES.—The term “activities” means
11 the activities referred to in section 703(b).

12 **SEC. 703. ESTABLISHMENT OF THE AMERICA’S AGRICUL-**
13 **TURAL HERITAGE PARTNERSHIP.**

14 (a) ESTABLISHMENT.—To carry out this title, there
15 is established in the State of Iowa the “America’s Agricul-
16 tural Heritage Partnership” (in this title referred to as
17 the “Partnership”), upon publication by the Secretary in
18 the Federal Register of notice that a Partnership Manage-
19 ment Plan has been approved by the Secretary under this
20 title.

21 (b) ACTIVITIES.—The Partnership’s activities shall
22 be limited to the counties of northeast Iowa that are gen-
23 erally depicted in “Alternatives #2 and #3” described in
24 the 1995 National Park Service “Special Resource Study,
25 Cedar Valley, Iowa.”.

1 (c) PARTICIPATION.—Nothing in this title shall re-
 2 quire any resident located in the area in which the Part-
 3 nership’s activities occur to participate in or be associated
 4 with the Partnership or the Partnership’s activities.

5 (d) AFFILIATIONS.—Nothing in this title shall pro-
 6 hibit future affiliations or designations of the Partnership
 7 or Partnership Management Entity.

8 (e) GRANTS, TECHNICAL ASSISTANCE, AND COOPER-
 9 ATIVE AGREEMENTS.—

10 (1) GRANTS AND TECHNICAL ASSISTANCE.—

11 The Secretary may make grants and provide tech-
 12 nical assistance to America’s Agricultural Heritage
 13 Partnership to assist it in carrying out its purposes.

14 (2) COOPERATIVE AGREEMENTS.—The Sec-
 15 retary is authorized to enter into cooperative agree-
 16 ments with private entities, the State of Iowa, any
 17 political subdivision thereof, and other Federal enti-
 18 ties, to further the purposes of this title, the Part-
 19 nership, or the Partnership Management Entity.

20 **SEC. 704. ESTABLISHMENT OF THE AMERICA’S AGRICUL-**
 21 **TURAL HERITAGE PARTNERSHIP MANAGE-**
 22 **MENT ENTITY.**

23 (a) ESTABLISHMENT.—There is established a man-
 24 agement entity for the Partnership based on the “Manage-
 25 ment Option #5” outlined in the 1995 National Park Serv-

1 ice “Special Resource Study, Cedar Valley, Iowa” and
2 subject to the approval of the Secretary.

3 (b) PARTNERSHIP MANAGEMENT PLAN.—The Part-
4 nership management entity shall be established in accord-
5 ance with the Partnership Management Plan referred to
6 in section 705(a).

7 (c) COMPOSITION.—The members of the management
8 entity may include persons affiliated with the following en-
9 tities: the American Association of Museums, American
10 Farm Bureau, American Farmland Trust, Effigy Mounds
11 National Monument and Herbert Hoover National His-
12 toric Site, Iowa Department of Agriculture and Land
13 Stewardship, Iowa Department of Corrections, Iowa De-
14 partment of Cultural Affairs, Iowa Department of Eco-
15 nomic Development, National Trust for Historic Preserva-
16 tion, the Smithsonian Institution, the State Historic Pres-
17 ervation Office of the State of Iowa, the United States
18 Department of Agriculture, the United States Department
19 of Transportation, and the America’s Agricultural/Indus-
20 trial Heritage Landscape, Inc.

21 **SEC. 705. PARTNERSHIP MANAGEMENT PLAN.**

22 (a) PREPARATION OF PARTNERSHIP MANAGEMENT
23 PLAN.—A Partnership Management Plan shall be submit-
24 ted to the Secretary for approval no later than three years
25 after the date of the enactment of this title.

1 (b) ASSISTANCE.—The Secretary may provide tech-
2 nical assistance in the preparation of the Partnership
3 Management Plan.

4 **SEC. 706. LAND USE REGULATION AND PRIVATE PROPERTY**
5 **PROTECTION.**

6 (a) REGULATION.—Nothing in this title shall be con-
7 strued to modify, enlarge, or diminish any authority of
8 Federal, State, and local governments to regulate any use
9 of privately owned land provided by law or regulation.

10 (b) LAND USE.—Nothing in this title shall be con-
11 strued to grant the powers of zoning, land use, or con-
12 demnation to the Partnership Management Entity, the
13 Secretary or any other Federal, State, or local government
14 entity.

15 **SEC. 707. SUNSET.**

16 The Secretary may not make any grant or provide
17 any assistance under this title after September 30, 2012.

18 **SEC. 708. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There is authorized to be appro-
20 priated under this title not more than \$1,000,000 for any
21 fiscal year. Not more than a total of \$10,000,000 may
22 be appropriated for the Partnership under this title.

23 (b) 50 PERCENT MATCH.—Federal funding provided
24 under this title, after the designation of this Partnership,

1 may not exceed 50 percent of the total cost of any assist-
2 ance or grant provided or authorized under this title.

3 **TITLE VIII—OHIO & ERIE CANAL**
4 **NATIONAL HERITAGE COR-**
5 **RIDOR**

6 **SEC. 801. SHORT TITLE.**

7 This title may be cited as the “Ohio & Erie Canal
8 National Heritage Corridor Act of 1996”.

9 **SEC. 802. FINDINGS AND PURPOSE.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) The Ohio & Erie Canal, which opened for
12 commercial navigation in 1832, was the first inland
13 waterway to connect the Great Lakes at Lake Erie
14 with the Gulf of Mexico via the Ohio and Mississippi
15 Rivers and a part of a canal network in Ohio that
16 was one of America’s most extensive and successful
17 systems during a period in history when canals were
18 essential to the Nation’s growth.

19 (2) The Ohio & Erie Canal spurred economic
20 growth in the State of Ohio that took the State from
21 near bankruptcy to the third most economically
22 prosperous State in the Union in just 20 years.

23 (3) A 4-mile section of the Ohio & Erie Canal
24 was designated a National Historic Landmark in
25 1966 and other portions of the Ohio & Erie Canal

1 and many associated structures were placed on the
2 National Register of Historic Places.

3 (4) In 1974, 19 miles of the Ohio & Erie Canal
4 were declared nationally significant under National
5 Park Service new area criteria with the designation
6 of Cuyahoga Valley National Recreation Area.

7 (5) The National Park Service found the Ohio
8 & Erie Canal nationally significant in a 1975 study
9 entitled “Suitability/Feasibility Study, Proposed
10 Ohio & Erie Canal”.

11 (6) A 1993 Special Resources Study of the
12 Ohio & Erie Canal Corridor conducted by the Na-
13 tional Park Service entitled “A Route to Prosperity”
14 has concluded that the corridor is eligible as a Na-
15 tional Heritage Corridor.

16 (7) Local governments, the State of Ohio, and
17 private sector interests have embraced the heritage
18 corridor concept and desire to enter into partnership
19 with the Federal Government to preserve, protect,
20 and develop the corridor for public benefit.

21 (b) PURPOSES.—The purposes of this title are—

22 (1) to preserve and interpret for the educational
23 and inspirational benefit of present and future gen-
24 erations the unique and significant contributions to
25 our national heritage of certain historic and cultural

1 lands, waterways, and structures within the 87-mile
2 Ohio & Erie Canal Corridor between Cleveland and
3 Zoar;

4 (2) to encourage within the corridor a broad
5 range of economic opportunities enhancing the qual-
6 ity of life for present and future generations;

7 (3) to provide a management framework to as-
8 sist the State of Ohio, its political subdivisions, and
9 nonprofit organizations, or combinations thereof, in
10 preparing and implementing an integrated Corridor
11 Management Plan and in developing policies and
12 programs that will preserve, enhance, and interpret
13 the cultural, historical, natural, recreation, and sce-
14 nic resources of the corridor; and

15 (4) to authorize the Secretary to provide finan-
16 cial and technical assistance to the State of Ohio, its
17 political subdivisions, and nonprofit organizations, or
18 combinations thereof, in preparing and implementing
19 a Corridor Management Plan.

20 **SEC. 803. DEFINITIONS.**

21 For the purposes of this title:

22 (1) The term “corridor” means the Ohio & Erie
23 Canal National Heritage Corridor established by sec-
24 tion 804.

1 (2) The term “Committee” means the Ohio &
2 Erie Canal National Heritage Area Committee es-
3 tablished by section 805.

4 (3) The term “Corridor Management Plan”
5 means the management plan developed under section
6 808.

7 (4) The term “Secretary” means the Secretary
8 of the Interior.

9 (5) The term “technical assistance” means any
10 guidance, advice, help, or aid, other than financial
11 assistance, provided by the Secretary of the Interior.

12 (6) The term “financial assistance” means
13 funds appropriated by Congress and made available
14 to the management entity for the purposes of pre-
15 paring and implementing a Corridor Management
16 Plan.

17 (7) The term “management entity” means the
18 entity recognized by the Secretary pursuant to sec-
19 tion 807(a) to receive, distribute, and account for
20 Federal funds appropriated for the purposes of this
21 title.

1 **SEC. 804. OHIO & ERIE CANAL NATIONAL HERITAGE COR-**
2 **RIDOR.**

3 (a) ESTABLISHMENT.—There is established in the
4 State of Ohio the Ohio & Erie Canal National Heritage
5 Corridor.

6 (b) BOUNDARIES.—

7 (1) IN GENERAL.—The boundaries of the cor-
8 ridor shall be composed of the lands that are gen-
9 erally the route of the Ohio & Erie Canal from
10 Cleveland to Zoar, Ohio, as depicted in the 1993
11 National Park Service Special Resources Study, “A
12 Route to Prosperity”, subject to paragraph (2). The
13 specific boundaries shall be those specified in the
14 management plan submitted under section 808. The
15 Secretary shall prepare a map of the corridor which
16 shall be on file and available for public inspection in
17 the office of the Director of the National Park Serv-
18 ice.

19 (2) CONSENT OF LOCAL GOVERNMENTS.—No
20 privately owned property shall be included within the
21 boundaries of the corridor unless the municipality in
22 which the property is located agrees to be so in-
23 cluded and submits notification of such agreement to
24 the Secretary.

25 (c) ADMINISTRATION.—The corridor shall be admin-
26 istered in accordance with the provisions of this title.

1 **SEC. 805. THE OHIO & ERIE CANAL NATIONAL HERITAGE**
2 **CORRIDOR COMMITTEE.**

3 (a) ESTABLISHMENT.—There is hereby established a
4 Committee to be known as the “Ohio & Erie Canal Na-
5 tional Heritage Corridor Committee”, whose purpose shall
6 be to assist Federal, State, and local authorities and the
7 private sector in the preparation and implementation of
8 an integrated Corridor Management Plan.

9 (b) MEMBERSHIP.—The Committee shall be com-
10 prised of 21 members, as follows:

11 (1) Four individuals, appointed by the Sec-
12 retary after consideration of recommendations sub-
13 mitted by the Greater Cleveland Growth Association,
14 the Akron Regional Development Board, the Stark
15 Development Board, and the Tuscarawas County
16 Chamber of Commerce, who shall include one rep-
17 resentative of business and industry from each of
18 Ohio counties of Cuyahoga, Summit, Stark, and
19 Tuscarawas.

20 (2) One individuals, appointed by the Secretary
21 after consideration of recommendations submitted by
22 the Director of the Ohio Department of Travel and
23 Tourism, who is a director of a convention and tour-
24 ism bureau within the corridor.

25 (3) One individual, appointed by the Secretary
26 after consideration of recommendations submitted by

1 the Ohio Historic Preservation Officer, with knowl-
2 edge and experience in the field of historic preserva-
3 tion.

4 (4) One individual, appointed by the Secretary
5 after consideration of recommendations submitted by
6 the Director of the National Park Service, with
7 knowledge and experience in the field of historic
8 preservation.

9 (5) Three individuals appointed by the Sec-
10 retary after consideration of recommendations sub-
11 mitted by the county or metropolitan park boards in
12 the Ohio counties of Cuyahoga, Summit, and Stark.

13 (6) Eight individuals appointed by the Sec-
14 retary after consideration of recommendations sub-
15 mitted by the county commissioners or county chief
16 executive of the Ohio counties of Cuyahoga, Summit,
17 Stark and Tuscarawas, including—

18 (A) from each county, one representative
19 of the planning offices of the county; and

20 (B) from each county, one representative
21 of a municipality in the county.

22 (7) Two individuals appointed by the Secretary
23 after consideration of recommendations submitted by
24 the Governor of Ohio, who shall be representatives
25 of the Directors of the Ohio Department of Natural

1 Resources and the Ohio Department of Transpor-
2 tation.

3 (8) The Superintendent of the Cuyahoga Valley
4 National Recreation Area, ex officio.

5 (c) APPOINTMENTS.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), members of the Committee shall be ap-
8 pointed for terms of three years and may be re-
9 appointed.

10 (2) INITIAL APPOINTMENTS.—The Secretary
11 shall appoint the initial members of the Committee
12 within 30 days after the date on which the Secretary
13 has received all recommendations pursuant to sub-
14 section (b). Of the members first appointed—

15 (A) the members appointed pursuant to
16 subsection (b)(6)(B) shall be appointed to a
17 term of two years and may not be reappointed
18 to a consecutive term; and

19 (B) the member appointed pursuant to
20 subsection (b)(2) shall be appointed to a term
21 of two years and may not be reappointed to a
22 consecutive term.

23 (d) CHAIR AND VICE CHAIR.—The chair and vice
24 chair of the Committee shall be elected by the members

1 of the Committee. The terms of the chair and vice chair
2 shall be two years.

3 (e) VACANCY.—A vacancy in the Committee shall be
4 filled in the manner in which the original appointment was
5 made. Any member appointed to fill a vacancy occurring
6 before the expiration of the term for which their prede-
7 cessor was appointed shall be appointed only for the re-
8 mainder of such term. Any member of the Committee ap-
9 pointed for a definite term may serve after the expiration
10 of their term until their successor has taken office.

11 (f) COMPENSATION AND EXPENSES.—Members of
12 the Committee shall serve without compensation for their
13 service on the Committee.

14 (g) QUORUM.—Eleven members of the Committee
15 shall constitute a quorum.

16 (h) MEETINGS.—The Committee shall meet at least
17 quarterly at the call of the chairperson or 11 of its mem-
18 bers. Meetings of the Committee shall be subject to section
19 552b of title 5, United States Code (relating to open meet-
20 ings).

21 (i) NOT TREATED AS ADVISORY COMMITTEE.—The
22 Committee shall not be treated as an Advisory Committee
23 for purposes of the Federal Advisory Committee Act (5
24 U.S.C. App.).

1 **SEC. 806. POWERS AND DUTIES OF THE NATIONAL HERIT-**
2 **AGE CORRIDOR COMMITTEE.**

3 (a) HEARINGS.—The Committee may, for the pur-
4 pose of carrying out this title, hold such hearings, sit and
5 act at such times and places, take such testimony, and
6 receive such evidence, as the Committee considers appro-
7 priate. The Committee may not issue subpoenas or exer-
8 cise any subpoena authority.

9 (b) BYLAWS.—The Committee may make such by-
10 laws and rules, consistent with this title, as it considers
11 necessary to carry out its functions under this title.

12 (c) POWERS OF MEMBERS AND AGENTS.—Any mem-
13 ber or agent of the Committee, if so authorized by the
14 Committee, may take any action which the Committee is
15 authorized to take by this title.

16 (d) CORRIDOR MANAGEMENT PLAN.—Upon submis-
17 sion of a draft Corridor Management Plan to the Commit-
18 tee from the management entity, the Committee shall,
19 within 60 days, review such plan for consistency with the
20 purposes of this title and endorse the plan or return it
21 to the management entity for revision. Upon endorsement
22 of the Corridor Management Plan, the Committee shall
23 submit such plan to the Secretary for approval pursuant
24 to section 808.

25 (e) REVIEW OF BUDGET.—The Committee shall re-
26 view on an annual basis the proposed expenditures of Fed-

1 eral funds by the management entity for consistency with
2 the purpose of this title and the Corridor Management
3 Plan.

4 **SEC. 807. MANAGEMENT ENTITY.**

5 (a) ENTITY.—Upon petition, the Secretary is author-
6 ized to recognize the Ohio & Erie Canal Association as
7 the management entity for the Heritage Corridor.

8 (b) ELIGIBILITY.—To be eligible for designation as
9 the management entity of the corridor, an entity must pos-
10 sess the legal ability to—

11 (1) receive Federal funds for use in preparing
12 and implementing the management plan for the cor-
13 ridor;

14 (2) disburse Federal funds to other units of
15 government or other organizations for use in prepar-
16 ing and implementing the management plan for the
17 corridor;

18 (3) account for all Federal funds received or
19 disbursed; and

20 (4) sign agreements with the Federal Govern-
21 ment.

22 (c) FEDERAL FUNDING.—

23 (1) AUTHORIZATION TO RECEIVE.—The man-
24 agement entity is authorized to receive appropriated
25 Federal funds.

1 (2) DISQUALIFICATION.—If a management plan
2 for the corridor is not submitted to the Secretary as
3 required under section 808 within the time specified
4 herein, the management entity shall cease to be eli-
5 gible for Federal funding under this title until such
6 a plan regarding the corridor is submitted to the
7 Secretary.

8 (d) AUTHORITIES OF MANAGEMENT ENTITY.—The
9 management entity of the corridor may, for purposes of
10 preparing and implementing the management plan for the
11 corridor, use Federal funds made available under this
12 title—

13 (1) to make grants and loans to the State of
14 Ohio, its political subdivisions, nonprofit organiza-
15 tions, and other persons;

16 (2) to enter into cooperative agreements with,
17 or provide technical assistance to, Federal agencies,
18 the State of Ohio, its political subdivision, nonprofit
19 organizations, and other persons;

20 (3) to hire and compensate staff;

21 (4) to obtain money from any source under any
22 program or law requiring the recipient of such
23 money to make a contribution in order to receive
24 such money; and

25 (5) to contract for goods and services.

1 (e) PROHIBITION OF ACQUISITION OF REAL PROP-
2 ERTY.—The management entity for the corridor may not
3 use Federal funds received under this title to acquire real
4 property or any interest in real property.

5 **SEC. 808. DUTIES OF THE MANAGEMENT ENTITY.**

6 (a) CORRIDOR MANAGEMENT PLAN.—

7 (1) SUBMISSION FOR REVIEW BY COMMIT-
8 TEE.—Within 3 years after the date on which the
9 Secretary has recognized the management entity for
10 the corridor, the management entity shall develop
11 and submit for review to the Committee a manage-
12 ment plan for the corridor.

13 (2) PLAN REQUIREMENTS.—A management
14 plan submitted under this title shall present com-
15 prehensive recommendations for the conservation,
16 funding, management, and development of the cor-
17 ridor. The plan shall be prepared with public partici-
18 pation. The plan shall take into consideration exist-
19 ing Federal, State, county, and local plans and in-
20 volve residents, public agencies, and private organi-
21 zations in the corridor. The plan shall include a de-
22 scription of actions that units of government and
23 private organizations are recommended to take to
24 protect the resources of the corridor. The plan shall
25 specify existing and potential sources of funding for

1 the conservation, management, and development of
2 the corridor. The plan also shall include the follow-
3 ing, as appropriate:

4 (A) An inventory of the resources con-
5 tained in the corridor, including a list of prop-
6 erty in the corridor that should be conserved,
7 restored, managed, developed, or maintained be-
8 cause of the natural, cultural, or historic sig-
9 nificance of the property as it relates to the
10 themes of the corridor.

11 (B) A recommendation of policies for re-
12 source management that consider and detail the
13 application of appropriate land and water man-
14 agement techniques, including (but not limited
15 to) the development of intergovernmental coop-
16 erative agreements to manage the historical,
17 cultural, and natural resources and recreational
18 opportunities of the corridor in a manner con-
19 sistent with the support of appropriate and
20 compatible economic viability.

21 (C) A program, including plans for res-
22 toration and construction, for implementation
23 of the management plan by the management
24 entity and specific commitments, for the first

1 six years of operation of the plan by the part-
2 ners identified in said plan.

3 (D) An analysis of means by which Fed-
4 eral, State, and local programs may best be co-
5 ordinated to promote the purposes of this title.

6 (E) An interpretive plan for the corridor.

7 (3) APPROVAL AND DISAPPROVAL OF THE COR-
8 RIDOR MANAGEMENT PLAN.—

9 (A) IN GENERAL.—Upon submission of the
10 Corridor Management Plan from the Commit-
11 tee, the Secretary shall approve or disapprove
12 said plan not later than 60 days after receipt
13 of the plan. If the Secretary has taken no ac-
14 tion after 60 days upon receipt, the plan shall
15 be considered approved.

16 (B) DISAPPROVAL AND REVISIONS.—If the
17 Secretary disapproves the Corridor Manage-
18 ment Plan, the Secretary shall advise the Com-
19 mittee, in writing, of the reasons for the dis-
20 approval and shall make recommendations for
21 revision of the plan. The Secretary shall ap-
22 prove or disapprove proposed revisions to the
23 plan not later than 60 days after receipt of
24 such revision. If the Secretary has taken no ac-

1 tion for 60 days after receipt, the plan shall be
2 considered approved.

3 (b) PRIORITIES.—The management entity shall give
4 priority to the implementation of actions, goals, and poli-
5 cies set forth in the management plan for the corridor,
6 including—

7 (1) assisting units of government, regional plan-
8 ning organizations, and nonprofit organizations—

9 (A) in conserving the corridor;

10 (B) in establishing and maintaining inter-
11 pretive exhibits in the corridor;

12 (C) in developing recreational opportunities
13 in the corridor;

14 (D) in increasing public awareness of and
15 appreciation for the natural, historical, and cul-
16 tural resources of the corridor;

17 (E) in the restoration of historic buildings
18 that are located within the boundaries of the
19 corridor and relate to the themes of the cor-
20 ridor; and

21 (F) in ensuring that clear, consistent, and
22 environmentally appropriate signs identifying
23 access points and sites of interest are put in
24 place throughout the corridor; and

1 (2) consistent with the goals of the manage-
2 ment plan, encouraging economic viability in the af-
3 fected communities by appropriate means.

4 (c) CONSIDERATION OF INTERESTS OF LOCAL
5 GROUPS.—The management entity shall, in preparing and
6 implementing the management plan for the corridor, con-
7 sider the interest of diverse units of government, busi-
8 nesses, private property owners, and nonprofit groups
9 within the geographic area.

10 (d) PUBLIC MEETINGS.—The management entity
11 shall conduct public meetings at least quarterly regarding
12 the implementation of the Corridor Management Plan.

13 (e) ANNUAL REPORTS.—The management entity
14 shall, for any fiscal year in which it receives Federal funds
15 under this title or in which a loan made by the entity with
16 Federal funds under section 807(d)(1) is outstanding,
17 submit an annual report to the Secretary setting forth its
18 accomplishments, its expenses and income, and the enti-
19 ties to which it made any loans and grants during the year
20 for which the report is made.

21 (f) COOPERATION WITH AUDITS.—The management
22 entity shall, for any fiscal year in which its receives Fed-
23 eral funds under this title or in which a loan made by
24 the entity with Federal funds under section 807(d)(1) is
25 outstanding, make available for audit by the Congress, the

1 Secretary, and appropriate units of government all records
2 and other information pertaining to the expenditure of
3 such funds and any matching funds, and require, for all
4 agreements authorizing expenditure of Federal funds by
5 other organizations, that the receiving organizations make
6 available for such audit all records and other information
7 pertaining to the expenditure of such funds.

8 **SEC. 809. DUTIES AND AUTHORITIES OF FEDERAL AGEN-**
9 **CIES.**

10 (a) TECHNICAL ASSISTANCE AND GRANTS.—

11 (1) IN GENERAL.—The Secretary may provide
12 technical assistance and grants to units of govern-
13 ment, nonprofit organizations, and other persons,
14 upon request of the management entity of the cor-
15 ridor, and to the management entity, regarding the
16 management plan and its implementation.

17 (2) PROHIBITION OF CERTAIN REQUIRE-
18 MENTS.—The Secretary may not, as a condition of
19 the award of technical assistance or grants under
20 this section, require any recipient of such technical
21 assistance or grant to enact or modify land use re-
22 strictions.

23 (3) DETERMINATIONS REGARDING ASSIST-
24 ANCE.—The Secretary shall decide if the corridor
25 shall be awarded technical assistance or grants and

1 the amount of that assistance. Such decisions shall
2 be based on the relative degree to which the corridor
3 effectively fulfills the objectives contained in the Cor-
4 ridor Management Plan and achieves the purposes
5 of this title. Such decisions shall give consideration
6 to projects which provide a greater leverage of Fed-
7 eral funds.

8 (b) PROVISION OF INFORMATION.—In cooperation
9 with other Federal agencies, the Secretary shall provide
10 the general public with information regarding the location
11 and character of the corridor.

12 (c) OTHER ASSISTANCE.—Upon request, the Super-
13 intendent of Cuyahoga Valley National Recreation Area
14 may provide to public and private organizations within the
15 corridor (including the management entity for the cor-
16 ridor) such operational assistance as appropriate to sup-
17 port the implementation of the Corridor Management
18 Plan, subject to the availability of appropriated funds. The
19 Secretary is authorized to enter into cooperative agree-
20 ments with public and private organizations for the pur-
21 poses of implementing this subsection.

22 (d) DUTIES OF OTHER FEDERAL AGENCIES.—Any
23 Federal entity conducting any activity directly affecting
24 the corridor shall consider the potential effect of the activ-
25 ity on the Corridor Management Plan and shall consult

1 with the management entity of the corridor with respect
2 to the activity to minimize the adverse effects of the activ-
3 ity on the corridor.

4 **SEC. 810. LACK OF EFFECT ON LAND USE REGULATION**
5 **AND PRIVATE PROPERTY.**

6 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-
7 MENTS.—Nothing in this title shall be construed to mod-
8 ify, enlarge, or diminish any authority of Federal, State,
9 or local governments to regulate any use of land as pro-
10 vided for by law or regulation.

11 (b) LACK OF ZONING OR LAND USE POWERS.—
12 Nothing in this title shall be construed to grant powers
13 of zoning or land use control to the Committee or manage-
14 ment entity of the corridor.

15 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY
16 NOT AFFECTED.—Nothing in this title shall be construed
17 to affect or to authorize the Committee to interfere with—

18 (1) the rights of any person with respect to pri-
19 vate property; or

20 (2) any local zoning ordinance or land use plan
21 of the State of Ohio or a political subdivision there-
22 of.

23 **SEC. 811. SUNSET.**

24 The Secretary may not make any grant or provide
25 any assistance under this title after September 30, 2012.

1 **SEC. 812. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated under this title not more than \$1,000,000 for any
4 fiscal year. Not more than a total of \$10,000,000 may
5 be appropriated for the corridor under this title.

6 (b) 50 PERCENT MATCH.—Federal funding provided
7 under this title, after the designation of this corridor, may
8 not exceed 50 percent of the total cost of any assistance
9 or grant provided or authorized under this title.

10 **TITLE IX—HUDSON RIVER VAL-**
11 **LEY NATIONAL HERITAGE**
12 **AREA**

13 **SEC. 901. SHORT TITLE.**

14 This title may be cited as the “Hudson River Valley
15 National Heritage Area Act of 1996”.

16 **SEC. 902. FINDINGS.**

17 The Congress finds the following:

18 (1) The Hudson River Valley between Yonkers,
19 New York, and Troy, New York, possesses impor-
20 tant historical, cultural, and natural resources, rep-
21 resenting themes of settlement and migration, trans-
22 portation, and commerce.

23 (2) The Hudson River Valley played an impor-
24 tant role in the military history of the American
25 Revolution.

1 (3) The Hudson River Valley gave birth to im-
2 portant movements in American art and architecture
3 through the work of Andrew Jackson Downing, Al-
4 exander Jackson Davis, Thomas Cole, and their as-
5 sociates, and played a central role in the recognition
6 of the esthetic value of the landscape and the devel-
7 opment of an American esthetic ideal.

8 (4) The Hudson River Valley played an impor-
9 tant role in the development of the iron, textile, and
10 collar and cuff industries in the 19th century, exem-
11 plified in surviving structures such as the Harmony
12 Mills complex at Cohoes, and in the development of
13 early men’s and women’s labor and cooperative orga-
14 nizations, and is the home of the first women’s labor
15 union and the first women’s secondary school.

16 (5) The Hudson River Valley, in its cities and
17 towns and in its rural landscapes—

18 (A) displays exceptional surviving physical
19 resources illustrating these themes and the so-
20 cial, industrial, and cultural history of the 19th
21 and early 20th centuries; and

22 (B) includes many National Historic Sites
23 and Landmarks.

24 (6) The Hudson River Valley is the home of
25 traditions associated with Dutch and Huguenot set-

1 tlements dating to the 17th and 18th centuries, was
2 the locus of characteristic American stories such as
3 “Rip Van Winkle” and the “Legend of Sleepy Hol-
4 low”, and retains physical, social, and cultural evi-
5 dence of these traditions and the traditions of other
6 more recent ethnic and social groups.

7 (7) New York State has established a structure
8 for the Hudson River Valley communities to join to-
9 gether to preserve, conserve, and manage these re-
10 sources, and to link them through trails and other
11 means, in the Hudson River Greenway Communities
12 Council and the Greenway Conservancy.

13 **SEC. 903. PURPOSES.**

14 The purposes of this title are the following:

15 (1) To recognize the importance of the history
16 and the resources of the Hudson River Valley to the
17 Nation.

18 (2) To assist the State of New York and the
19 communities of the Hudson River Valley in preserv-
20 ing, protecting, and interpreting these resources for
21 the benefit of the Nation.

22 (3) To authorize Federal financial and technical
23 assistance to serve these purposes.

1 **SEC. 904. HUDSON RIVER VALLEY NATIONAL HERITAGE**
2 **AREA.**

3 (a) ESTABLISHMENT.—There is hereby established a
4 Hudson River Valley National Heritage Area (in this title
5 referred to as the “Heritage Area”).

6 (b) BOUNDARIES.—

7 (1) IN GENERAL.—Except as otherwise pro-
8 vided in paragraph (2), the Heritage Area shall be
9 comprised of the counties of Albany, Rensselaer, Co-
10 lumbia, Greene, Ulster, Dutchess, Orange, Putnam,
11 Westchester, and Rockland, New York, and the Vil-
12 lage of Waterford in Saratoga County, New York.

13 (2) AREAS EXCLUDED.—The Heritage Area
14 shall not include any of the following:

15 (A) The counties of Greene and Columbia.

16 (B) Those portions of the counties of
17 Rensselaer and Dutchess located entirely within
18 the 22d Congressional District of New York (as
19 such district exists on the date of the enact-
20 ment of this Act).

21 (c) MANAGEMENT ENTITIES.—The management en-
22 tities for the Heritage Area shall be the Hudson River Val-
23 ley Greenway Communities Council and the Greenway
24 Conservancy (agencies established by the State of New
25 York in its Hudson River Greenway Act of 1991, in this
26 title referred to as the “management entities”). The man-

1 agement entities shall jointly establish a Heritage Area
2 Committee to manage the Heritage Area.

3 **SEC. 905. COMPACT.**

4 To carry out the purposes of this title, the Secretary
5 of the Interior (in this title referred to as the “Secretary”)
6 shall enter into a compact with the management entities.
7 The compact shall include information relating to the ob-
8 jectives and management of the area, including the follow-
9 ing:

10 (1) A discussion of the goals and objectives of
11 the Heritage Area, including an explanation of a
12 proposed approach to conservation and interpreta-
13 tion, and a general outline of the protection meas-
14 ures committed to by the parties to the compact.

15 (2) A description of the respective roles of the
16 management entities.

17 (3) A list of the initial partners to be involved
18 in developing and implementing a management plan
19 for the Heritage Area, and a statement of the finan-
20 cial commitment of such partners.

21 (4) A description of the role of the State of
22 New York.

23 **SEC. 906. MANAGEMENT PLAN.**

24 The management entities shall develop a manage-
25 ment plan for the Heritage Area that presents comprehen-

1 sive recommendations for the Heritage Area's conserva-
2 tion, funding, management and development. Such plan
3 shall take into consideration existing State, county, and
4 local plans and involve residents, public agencies, and pri-
5 vate organizations working in the Heritage Area. It shall
6 include actions to be undertaken by units of government
7 and private organizations to protect the resources of the
8 Heritage Area. It shall specify the existing and potential
9 sources of funding to protect, manage, and develop the
10 Heritage Area. Such plan shall include specifically as ap-
11 propriate the following:

12 (1) An inventory of the resources contained in
13 the Heritage Area, including a list of any property
14 in the Heritage Area that is related to the themes
15 of the Heritage Area and that should be preserved,
16 restored, managed, developed, or maintained because
17 of its natural, cultural, historic, recreational, or sce-
18 nic significance.

19 (2) A recommendation of policies of resource
20 management which consider and detail application of
21 appropriate land and water management techniques,
22 including but not limited to, the development of
23 intergovernmental cooperative agreements to protect
24 the Heritage Area's historical, cultural, recreational,
25 and natural resources in a manner consistent with

1 supporting appropriate and compatible economic via-
2 bility.

3 (3) A program for implementation of the man-
4 agement plan by the management entities, including
5 plans for restoration and construction, and specific
6 commitments of the identified partners for the first
7 5 years of operation.

8 (4) An analysis of ways in which local, State,
9 and Federal programs may best be coordinated to
10 promote the purposes of this title.

11 (5) An interpretation plan for the Heritage
12 Area.

13 **SEC. 907. AUTHORITIES AND DUTIES OF MANAGEMENT EN-**
14 **TITIES.**

15 (a) **AUTHORITIES OF THE MANAGEMENT ENTI-**
16 **TIES.**—The management entities may, for purposes of pre-
17 paring and implementing the management plan under sec-
18 tion 906, use Federal funds made available through this
19 title—

20 (1) to make loans and grants to, and enter into
21 cooperative agreements with, States and their politi-
22 cal subdivisions, private organizations, or any per-
23 son; and

24 (2) to hire and compensate staff.

1 (b) DUTIES OF THE MANAGEMENT ENTITIES.—The
2 management entities shall—

3 (1) develop and submit to the Secretary for ap-
4 proval a management plan as described in section
5 906 within 5 years after the date of the enactment
6 of this title.

7 (2) give priority to implementing actions as set
8 forth in the compact and the management plan, in-
9 cluding taking steps to—

10 (A) assist units of government, regional
11 planning organizations, and nonprofit organiza-
12 tions in preserving the Heritage Area;

13 (B) assist units of government, regional
14 planning organizations, and nonprofit organiza-
15 tions in establishing, and maintaining interpre-
16 tive exhibits in the Heritage Area;

17 (C) assist units of government, regional
18 planning organizations, and nonprofit organiza-
19 tions in developing recreational resources in the
20 Heritage Area;

21 (D) assist units of government, regional
22 planning organizations, and nonprofit organiza-
23 tions in increasing public awareness of an ap-
24 preciation for the natural, historical and archi-

1 tectural resources and sites in the Heritage
2 Area;

3 (E) assist units of government, regional
4 planning organizations and nonprofit organiza-
5 tions in the restoration of any historic building
6 relating to the themes of the Heritage Area;

7 (F) encourage by appropriate means eco-
8 nomic viability in the corridor consistent with
9 the goals of the plan;

10 (G) encourage local governments to adopt
11 land use policies consistent with the manage-
12 ment of the Heritage Area and the goals of the
13 plan; and

14 (H) assist units of government, regional
15 planning organizations and nonprofit organiza-
16 tions to ensure that clear, consistent, and envi-
17 ronmentally appropriate signs identifying access
18 points and sites of interest are put in place
19 throughout the Heritage Area;

20 (3) consider the interests of diverse govern-
21 mental, business, and nonprofit groups within the
22 Heritage Area;

23 (4) conduct public meetings at least quarterly
24 regarding the implementation of the management
25 plan;

1 (5) submit substantial changes (including any
2 increase of more than 20 percent in the cost esti-
3 mates for implementation) to the management plan
4 to the Secretary for the Secretary's approval;

5 (6) for any year in which Federal funds have
6 been received under this title, submit an annual re-
7 port to the Secretary setting forth its accomplish-
8 ments, its expenses and income, and the entities to
9 which any loans and grants were made during the
10 year for which the report is made; and

11 (7) for any year in which Federal funds have
12 been received under this title, make available for
13 audit all records pertaining to the expenditure of
14 such funds and any matching funds, and require, for
15 all agreements authorizing expenditure of Federal
16 funds by other organizations, that the receiving or-
17 ganizations make available for audit all records per-
18 taining to the expenditure of such funds.

19 If a management plan is not submitted to the Secretary
20 as required under paragraph (1) within the specified time,
21 the Heritage Area shall no longer qualify for Federal
22 funding.

23 (c) PROHIBITION ON THE ACQUISITION OF REAL
24 PROPERTY.— The management entities may not use Fed-
25 eral funds received under this title to acquire real property

1 or an interest in real property. Nothing in this title shall
2 preclude any management entity from using Federal funds
3 from other sources for their permitted purposes.

4 (d) ELIGIBILITY FOR RECEIVING FINANCIAL ASSIST-
5 ANCE.—

6 (1) ELIGIBILITY.—The management entities
7 shall be eligible to receive funds appropriated
8 through this title for a period of 10 years after the
9 day on which the compact under section 905 is
10 signed by the Secretary and the management enti-
11 ties, except as provided in paragraph (2).

12 (2) EXCEPTION.—The management entities' eli-
13 gibility for funding under this title may be extended
14 for a period of not more than 5 additional years if—

15 (A) the management entities determine
16 such extension is necessary in order to carry
17 out the purposes of this title and notify the Sec-
18 retary not later than 180 days prior to the ter-
19 mination date;

20 (B) the management entities, not later
21 than 180 days prior to the termination date,
22 present to the Secretary a plan of their activi-
23 ties for the period of the extension, including
24 provisions for becoming independent of the
25 funds made available through this title; and

1 (C) the Secretary, with the advice of the
2 Governor of New York, approves such extension
3 of funding.

4 **SEC. 908. DUTIES AND AUTHORITIES OF FEDERAL AGEN-**
5 **CIES.**

6 (a) DUTIES AND AUTHORITIES OF THE SEC-
7 RETARY.—

8 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

9 (A) IN GENERAL.—The Secretary may,
10 upon request of the management entities, pro-
11 vide technical and financial assistance to the
12 Heritage Area to develop and implement the
13 management plan. In assisting the Heritage
14 Area, the Secretary shall give priority to actions
15 that in general assist in—

16 (i) conserving the significant natural
17 historic, and cultural resources which sup-
18 port its themes; and

19 (ii) providing educational, interpretive,
20 and recreational opportunities consistent
21 with its resources and associated values.

22 (B) SPENDING FOR NON-FEDERALLY
23 OWNED PROPERTY.—The Secretary may spend
24 Federal funds directly on nonfederally owned
25 property to further the purposes of this title,

1 especially in assisting units of government in
2 appropriate treatment of districts, sites, build-
3 ings, structures, and objects listed or eligible
4 for listing on the National Register of Historic
5 Places.

6 (2) APPROVAL AND DISAPPROVAL OF COMPACTS
7 AND MANAGEMENT PLANS.—

8 (A) IN GENERAL.—The Secretary, in con-
9 sultation with the Governor of New York, shall
10 approve or disapprove a compact or manage-
11 ment plan submitted under this title not later
12 than 90 days after receiving such compact or
13 management plan.

14 (B) ACTION FOLLOWING DISAPPROVAL.—
15 If the Secretary disapproves a submitted com-
16 pact or management plan, the Secretary shall
17 advise the management entities in writing of
18 the reasons therefor and shall make rec-
19 ommendations for revisions in the compact or
20 plan. The Secretary shall approve or disapprove
21 a proposed revision within 90 days after the
22 date it is submitted.

23 (3) APPROVING AMENDMENTS.—The Secretary
24 shall review substantial amendments to the manage-
25 ment plan for the Heritage Area. Funds appro-

1 priated pursuant to this title may not be expended
2 to implement the changes until the Secretary ap-
3 proves the amendments.

4 (4) PROMULGATING REGULATIONS.—The Sec-
5 retary shall promulgate such regulations as are nec-
6 essary to carry out the purposes of this title.

7 (b) DUTIES OF FEDERAL ENTITIES.—Any Federal
8 entity conducting or supporting activities directly affecting
9 the Heritage Area, and any unit of government acting pur-
10 suant to a grant of Federal funds or a Federal permit
11 or agreement conducting or supporting such activities,
12 shall to the maximum extent practicable—

13 (1) consult with the Secretary and the manage-
14 ment entities with respect to such activities;

15 (2) cooperate with the Secretary and the man-
16 agement entities in carrying out their duties under
17 this title and coordinate such activities with the car-
18 rying out of such duties; and

19 (3) conduct or support such activities in a man-
20 ner consistent with the management plan unless the
21 Federal entity, after consultation with the manage-
22 ment entities, determines there is no practicable al-
23 ternative.

1 **SEC. 909. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) COMPACTS AND MANAGEMENT PLAN.—There is
3 authorized to be appropriated to the Secretary, for grants
4 for developing a compact under section 905 and providing
5 assistance for a management plan under section 906, not
6 more than \$300,000, to remain available until expended,
7 subject to the following conditions:

8 (1) No grant for a compact or management
9 plan may exceed 75 percent of the grantee's cost for
10 such study or plan.

11 (2) The total amount of Federal funding for the
12 compact for the Heritage Area may not exceed
13 \$150,000.

14 (3) The total amount of Federal funding for a
15 management plan for the Heritage Area may not ex-
16 ceed \$150,000.

17 (b) MANAGEMENT ENTITY OPERATIONS.—There is
18 authorized to be appropriated to the Secretary for the
19 management entities, amounts as follows:

20 (1) For the operating costs of each manage-
21 ment entity, pursuant to section 907, not more than
22 \$250,000 annually.

23 (2) For technical assistance pursuant to section
24 908, not more than \$50,000 annually.

1 The Federal contribution to the operations of the manage-
2 ment entities shall not exceed 50 percent of the annual
3 operating costs of the entities.

4 (c) IMPLEMENTATION.—There is authorized to be ap-
5 propriated to the Secretary, for grants (and the adminis-
6 tration thereof) for the implementation of the manage-
7 ment plans for the Heritage Area pursuant to section 908,
8 not more than \$10,000,000, to remain available until ex-
9 pended, subject to the following conditions:

10 (1) No grant for implementation may exceed 50
11 percent of the grantee's cost of implementation.

12 (2) Any payment made shall be subject to an
13 agreement that conversion, use, or disposal of the
14 project so assisted for purposes contrary to the pur-
15 poses of this title, as determined by the Secretary,
16 shall result in a right of the United States of reim-
17 bursement of all funds made available to such
18 project or the proportion of the increased value of
19 the project attributable to such funds as determined
20 at the time of such conversion, use, or disposal,
21 whichever is greater.

1 **SEC. 910. SUNSET.**

2 The Secretary may not make any grant or provide
3 any assistance under this title after September 30, 2012.

 Passed the House of Representatives September 28,
1996.

Attest:

ROBIN H. CARLE,
Clerk.