

Calendar No. 236

106TH CONGRESS }
1st Session }

SENATE

{ REPORT
106-125

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1999

JULY 28, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 149]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands, having considered the same, reports favorably thereon with amendments and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. On page 2, after line 25, add the following:

(4) In section 104(b) (110 Stat. 4101), by:

(A) adding the following after the end of the first sentence, “The National Park Service or any other federal agency is authorized to enter into agreements, leases, contracts and other arrangements with the Presidio Trust which are necessary and appropriate to carry out the purposes of this title.”;

(B) inserting after “June 30, 1932 (40 U.S.C. 303b).”, “The Trust may use alternative means of dispute resolution authorized under Subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 571 et seq.)”; and

(C) by inserting at the end of the paragraph “The Trust is authorized to use funds available to the Trust to purchase insurance and for reasonable reception and representation expenses, including membership dues, business cards and business related meal expenditures.”.

(5) Section 104(g) (110 Stat. 4103) is amended to read as follows:

“(g) FINANCIAL MANAGEMENT.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds and other revenues received by the Trust shall be retained by the Trust. Those proceeds shall be available, without further appropriation, to the Trust for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest, at the direction of the Trust, such excess moneys that the Trust determines are not required to meet current withdrawals. Such investment shall be in public debt securities with maturities suitable to the needs of the Trust and bearing interest at rates determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity.”

(6) In section 104(j) (110 Stat. 4103), by striking “exercised.” and inserting “exercised, including rules and regulations for the use and management of the property under the Trust’s jurisdiction.”

(7) In section 104 (110 Stat. 4101, 4104), by adding after subsection (o) the following:

“(p) EXCLUSIVE RIGHTS TO NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words “Presidio Trust” and any seal, emblem, or other insignia adopted by its Board of Directors. Without express written authority of the Trust, no person may use the words “Presidio Trust,” or any combination or variation of those words alone or with other words, as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.”

(8) In section 104(n) (110 Stat. 4103), by inserting after “implementation of the” in the first sentence the words “general objectives of the”.

(9) Subsection 104(d) (110 Stat. 4103), is amended—
In paragraph (3) by striking “after determining that the projects to be funded from the proceeds thereof are credit-worthy and that a repayment schedule is established and only” and by inserting “including a review of the credit-worthiness of the loan and establishment of a repayment schedule,” after “and subject to such terms and conditions,”.

(10) In section 105(a)(2) (110 Stat. 4104), by striking “not more than \$3,000,000 annually” and inserting after “Of such sums,” the word “funds”.

(11) In section 105(c) (110 Stat. 4104), by inserting before “including” the words “on a reimbursable basis.”.

2. At the end of SEC. 126. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA. add the following subsection.—

“(6) In subsection (h)(2), by striking ‘ration’ and inserting ‘ratio’.”

3. At the end of Title I, add the following new section:

“SEC. 129. BOUNDARY REVISIONS.—Section 814(b)(2)(g) of P.L. 104–333 is amended by striking ‘are adjacent to’ and inserting in lieu thereof ‘abut’.”

4. At the end of the bill add the following sections:

“SEC. 305. NATIONAL PARK FOUNDATION.—Section 4 of Public Law 90–209 is amended—

“(A) by inserting ‘with or’ between ‘practicable’ and ‘without’ in the final sentence thereof; and

“(B) by adding at the end thereof a new sentence as follows: ‘Funds reimbursed to either Department shall be retained by the Department and may, without further appropriation be expended, in accordance with the Historic Preservation Act, as amended.’

“SEC. 306. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.—(a) Section 603(c)(1) of Public Law 105–391 is amended by striking ‘10’ and inserting in lieu thereof ‘15’.

“SEC. 307. GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT.—Section 201(d) of Public Law 105–355 is amended by inserting ‘and/or Tropic Utah,’ after the words ‘school district, Utah,’; and by striking ‘Public Purposes Act,’ and the remainder of the sentence and inserting in lieu thereof ‘Public Purposes Act.’

“SEC. 308. SPIRIT MOUND.—Section 112(a) of Division C of Public Law 105–277 (112 Stat. 2681–592) is amended—

“(1) by striking ‘is authorized to acquire’ and inserting in lieu thereof ‘is authorized: (1) to acquire’;

“(2) by striking ‘South Dakota.’ and inserting in lieu thereof ‘South Dakota; or’; and

“(3) by adding at the end thereof the following new paragraph:

“(2) to transfer available funds for the acquisition of the tract to the State of South Dakota upon the completion of a binding agreement with the State to provide for the acquisition and long-term preservation, interpretation, and restoration of the Spirit Mound tract.’

“SEC. 309. AMERICA’S AGRICULTURAL HERITAGE PARTNERSHIP ACT AMENDMENT.—Section 702(5) of division II of the Public Law 104–333 (110 Stat. 4265), is amended by striking ‘Secretary of Agriculture’ and inserting in lieu thereof, ‘Secretary of the Interior’.

“SEC. 310. NATIONAL PARK SERVICE ENTRANCE AND RECREATIONAL USE FEES.—(a) The Secretary of the Interior is authorized to retain and expend revenues from entrance and recreation use fees at units of the National Park System where such fees are collected under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C.

4601–6a), notwithstanding the provisions of section 4(i) of such Act. Fees shall be retained and expended in the same manner and for the same purposes as provided under the Recreational Fee Demonstration Program (section 315 of Public Law 104–134, as amended (16 U.S.C. 4601–6a note)).

“(b) Nothing in this section shall affect the collection of fees at units of the National Park System designated as fee demonstration projects under the Recreational Fee Demonstration Program.

“(c) The authorities in this section shall expire upon the termination of the Recreational Fee Demonstration Program.”

“SEC. 311. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.

Section 404 of the National Parks Omnibus Management Act of 1998 (P.L. 105–391; 112 Stat. 3508; 16 U.S.C. 5953) is amended by striking “contract terms and conditions,” and inserting “contract terms and conditions,”.

5. On page 22, after line 8, add the following new paragraph:

“(5) Section 10(g)(5)(A) of such Act (112 Stat. 3050) is amended by striking ‘Daggett County’ and inserting in lieu thereof ‘Dutch John’.”

PURPOSE OF THE MEASURE

The purposes of H.R. 149, as ordered reported, are to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 (P.L. 104–333); to provide additional authorities to the Presidio Trust; to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission; to amend the Arches National Park Expansion Act of 1998 (P.L. 105–329); to amend the Dutch John Federal Property Disposition and Assistance Act of 1999 (P.L. 105–326); to amend the Oregon Public Lands Transfer and Protection Act of 1998 (P.L. 105–321); and to authorize certain units of the National Park System to retain and expend a portion of the revenues collected from entrance and recreation use fees.

BACKGROUND AND NEED

Public Law 104–333, the Omnibus Parks and Public Lands Management Act of 1996, was enacted on November 12, 1996. The Act, as enacted, contained several erroneous map references, along with spelling, punctuation and grammatical errors. H.R. 149 makes a number of technical and conforming amendments to provisions regarding specific national historical parks, preserves, memorials, battlefields, visitor centers, recreation lakes and areas, heritage areas and historic reserves, districts and sites to correct the errors found in the original Act.

In addition, H.R. 149 also makes technical and conforming amendments to a number of other Public Laws.

LEGISLATIVE HISTORY

H.R. 149 was introduced by Congressman Hansen on January 6, 1999. The House of Representatives passed H.R. 149 on February 23, 1999.

The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on H.R. 149 on April 15, 1999.

At its business meeting on June 30, 1999, the Committee on Energy and Natural Resources ordered H.R. 149 favorably reported, as amended.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 30, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 149, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of H.R. 149, the Committee adopted a number of technical and clarifying amendments which are explained in detail in the section-by-section analysis, below.

In addition to the technical and clarifying amendments, the Committee adopted amendments which expand the authorities of the Presidio Trust. The amendments: (1) authorize the Trust to expend funds for insurance and business related expenses appropriate to the business activities of the Trust; (2) make clear that the Administrative Dispute Resolution Act applies to the Presidio Trust and that the Trust has the same authority to pursue binding arbitration under that Act as any other executive agency as defined in sections 103 and 105 of title 5 of the United States Code; (3) clarify that the term "proceeds" as used in section 104(g) of Public Law 104-333 includes all revenues of the Trust; (4) clarify that the scope of the Trust's rules and regulations include rules and regulations for the use and management of the property under the Trust's jurisdiction; (5) grant the Trust exclusive right to its name and insignia; (6) clarify that tenants, as well as occupants, may be eligible for loans under the Trust's loan guarantee program and also clarifies congressional intent to provide a cap on obligations (Treasury borrowing) of \$50 billion at any one time; and (7) deletes the annual cap on law enforcement funding to allow for more managerial flexibility for the Trust to determine adequate levels of law enforcement services.

Finally, the Committee adopted an amendment to authorize certain units of the National Park System to retain and expend revenues from entrance and recreation use fees in the same manner as those units currently participating in the Recreational Fee Demonstration Program. Currently, 85% of entrance and recreation use fees authorized under the Land and Water Conservation Act are returned to the Treasury. This amendment will allow park units which are not participating in the Recreational Fee Demonstration Program to realize the same benefits as other park areas, without authorizing new or additional fees.

SECTION-BY-SECTION ANALYSIS

TITLE I—TECHNICAL CORRECTIONS TO DIVISION I

Section 1 designates the bill's short title as the "Omnibus Parks Technical Corrections Act of 1999". Any references to the "Omnibus Parks Act" means Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4093) (hereafter referred to as "the Act".)

Section 101 provides additional authorities to the Presidio Trust.

Paragraph (1) amends section 101(2) of the Act to correct the fact that the U.S. was no longer using the Presidio as a military base when the Act was enacted.

Paragraph (2) amends section 103(b)(1) of the Act to correct the spelling of "administered".

Paragraph (3) amends section 105(a)(2) of the Act to correct an erroneous cross-reference.

Paragraph (4) amends section 104(b)(110 Stat. 4101) of the Act as follows:

Subparagraph (A) authorizes the National Park Service and other Federal agencies to enter into agreements, leases, contracts and other arrangements with the Trust to carry out purposes of the Act.

Subparagraph (B) allows the Trust to use alternative means of dispute resolution, including binding arbitration.

Subparagraph (C) authorizes the Trust to use funds to purchase insurance, for reception and reception expenses, membership dues and business meal expenses.

Paragraph (5) amends section 104(g) of the Act to clarify that revenues raised by the Trust are to be retained by the Trust and available without further appropriation. At the direction of the Trust, the Secretary of the Treasury is to invest excess funds in public debt securities in interest bearing accounts.

Paragraph (6) amends section 104(j) of the Act to clarify that the scope of the Trust's rules and regulations include the management of the property under the Trust's jurisdiction.

Paragraph (7) amends section 104 of the Act to add subsection (p), which provides that the Trust is to have sole and exclusive use of the words "Presidio Trust" and any logo or insignia adopted by the Board of Directors.

Paragraph (8) amends section 104(n) of the Act to make leasing section consistent with an earlier reference to the Presidio General Management Plan (GMP) in section 104(a). The general objectives of the GMP are to be considered.

Paragraph (9) amends section 104(d)(3) of the Act to clarify that the Federal Credit Reform Act applies to the Trust's direct loan and loan guarantee programs and that creditworthiness review and repayment schedule are to be considered among the terms and conditions placed on the Treasury borrowing by the Secretary of the Treasury. It also clarifies congressional intent to provide a cap on obligations (Treasury borrowing) of \$50 million at any one time.

Paragraph (10) amends section 105(a)(2) of the Act to delete the \$3 million annual cap on law enforcement funding.

Paragraph (11) amends section 105(c) of the Act to provide for reimbursement to the General Services Administration for the formulation and submission of the Trust's annual budget.

Section 102. Colonial National Historical Park—Corrects a map reference.

Section 103. Merced Irrigation District—Corrects an incorrect reference to the Omnibus Parks Act.

Section 104. Big Thicket National Preserve—Corrects language to reflect that the report of the land exchange is due at the time the land exchange is completed or by July 1, 1998, whichever comes first.

Section 105. Kenai Natives Association Land Exchange—Adds a period in a reference to a parcel of land and corrects the spelling of “known”.

Section 106. Lamprey Wild and Scenic River—Corrects the spelling of cooperative agreements and corrects the reference to the Wild and Scenic River Act.

Section 107. Vancouver National Historical Reserve—Eliminates duplicate language.

Section 108. Memorial to Martin Luther King, Jr.—Corrects cross references to the Commemorative Works Act.

Section 109. Advisory Council on Historic Preservation—Changes “the purpose” to “that purpose”.

Section 110. Great Falls Historic District, New Jersey—Changes a preposition.

Section 111. New Bedford Whaling National Historical Park—Inserts the correct name of the park; inserts a comma and corrects a reference to the historic district; strikes two unnecessary words; corrects a duplicate subsection by redesignating two subsections; and corrects two erroneous cross references.

Section 112. Nicodemus National Historic Site—Corrects the spelling of “African-Americans”.

Section 113. Unalaska—Corrects the spelling of “shall”.

Section 114. Revolutionary War and War of 1812 Historic Preservation Study—Corrects a subsection reference.

Section 115. Shenandoah Valley Battlefields—Corrects four cross references and two incorrect references to the Omnibus Parks Act.

Section 116. Washita Battlefield—Corrects an incorrect reference to the Omnibus Parks Act and corrects the spelling of “landowners”.

Section 117. Ski Area Permit Rental Charge—Corrects incorrect references to the Omnibus Parks Act, clarifies the rental charge reference and clarifies the complimentary lift ticket term.

Section 118. Glacier Bay National Park—Changes a comma to a period, reformats the existing law by making each section a stand-alone sentence and conforming the margins of the last section with those of the previous sections.

Section 119. Robert J. Lagomarsino Visitor Center (Channel Islands National Park)—Corrects a cross reference.

Section 120. National Park Service Administrative Reform—Corrects an incorrect reference to the Omnibus Parks Act; corrects the spelling in the paragraph title; corrects the spelling of “competitive”; inserts a hyphen; corrects a cross reference; eliminates a reference to a section dropped from the final bill; eliminates two re-

dundant words; makes the use of a similar phrase parallel in two places used; and inserts the missing word “or”.

Section 121. Blackstone River Valley National Heritage Corridor—Corrects the spelling of “approved”.

Section 122. Tallgrass Prairie National Preserve—Changes “to purchase” to “to acquire” to be consistent with the authority in section 1006 that allows acquisition of land only by donation, not by purchase. It also changes a preposition, corrects an incorrect reference to the Omnibus Parks Act and corrects the spelling of “tallgrass” to make it consistent throughout the section.

Section 123. Recreation Lakes—Corrects the spelling of “man-made, federally managed, recreation-related, and water-related” in several locations.

Section 124. Fossil Forest Protection—Corrects the name of the House of Representatives Committee and the incorrect reference to the Omnibus Parks Act.

Section 125. Opal Creek Wilderness and Scenic Recreation Area—Strikes the dates in reference to the Wilderness Act.

Section 126. Boston Harbor Islands National Recreation Area—Inserts the full name of the national recreation area; inserts quotation marks around recreation area; corrects a cross reference; and corrects the spelling of “private-sector roles, revenue-raising and ratio”.

Section 127. Natchez National Historical Park—Corrects the spelling of the term “visitor center” makes a conforming correction.

Section 128. Regulations of Fishing in Certain Waters of Alaska—Corrects the spelling of “regulation” and the incorrect reference to the Omnibus Parks Act.

Section 129. Minor Boundary Revision Authority of the Land and Water Conservation Fund Act of 1965—Amends Section 814(b)(2)(G) of Public Law 104–333 to change the words: lands “adjacent” to lands “that abut” other Federal lands.

TITLE II—TECHNICAL CORRECTIONS TO DIVISION II

Section 201. National Coal Heritage Area—Corrects the spelling of “historic preservation” and eliminates a redundant cross reference that was from a previous version of the bill that permitted land acquisition and inserts “the” before “Secretary of the Interior”.

Section 202. Tennessee Civil War Heritage Area—Eliminates one of the redundant words “associated” and corrects the spelling of “provided”.

Section 203. Augusta Canal National Heritage Area—Corrects the title “National Register of Historic Places”.

Section 204. Essex National Heritage Area—Corrects the spelling of “visitor center”.

Section 205. Ohio & Erie Canal National Heritage Corridor—Corrects the spelling of “one individual” and changes a period to a comma.

Section 206. Hudson River Valley National Heritage Area—Corrects the spelling of “non-federally owned property”.

TITLE III—TECHNICAL CORRECTIONS TO OTHER PUBLIC LAWS

Section 301. Reauthorization of Delaware Water Gap National Recreation Area Citizen Advisory Commission, of Public Law 105–355—Corrects the reference to “Public law 100–573”.

Section 302. Arches National Park Expansion Act of 1998 (Public Law 105–329)—Corrects the legal description of the BLM section to be conveyed and strikes subsection 8(d) concerning the time limit for the land exchange to make it consistent with subsection 8(a) which allows one year for the transfer.

Section 303. Dutch John Federal Property Disposition and Assistance Act of 1999 (Public Law 105–326)—Clarifies the property to be transferred from the Secretary of the Interior, Bureau of Reclamation, to the Secretary of Agriculture, U.S. Forest Service. It also clarifies the property to be transferred from the Secretary of Agriculture, U.S. Forest Service in Ashley National Forest, to the Secretary of the Interior, Bureau of Reclamation. This will correct a technical error in the map references. Therefore the boundaries are adjusted as a result of the Act and the paragraph requiring the Secretary of Agriculture to adjust the boundaries is no longer needed.

This section also clarifies that the electric power to be made available to the Dutch John community is for “project use as firm electric service” and corrects an incorrect reference to Daggett County to Dutch John County.

Section 304. Oregon Public Lands Transfer and Protection Act of 1998 (Public Law 105–321)—Strikes the section defining “public domain land” and clarifies the “Policy of no net loss of Oregon and California Railroad grant land (O&C land) and the Coos Bay Wagon Road grant land (CBWR land)” and to use “October 2, 1998” as the benchmark date concerning minimum acres of O&C Land and CBWR Land.

Section 305. National Park Foundation (Public Law 90–209)—Authorizes the Foundation to use services and facilities with or without reimbursement. It also provides that any funds reimbursed to the Department of the Interior may be used without further appropriation, in accordance with the National Historic Preservation Act, as amended.

Section 306. National Park Passport Program (Public Law 105–391)—Changes from 10 percent to 15 percent, the amount of the sales proceeds that can be used for the administration of the passport program.

Section 307. Boundary Adjustments and Conveyances, Grand Staircase—Escalante National Monument, Utah (Public Law 105–355)—Clarifies that a land transfer to Garfield County School may include the town of Tropic, Utah.

Section 308. Spirit Mount, South Dakota on the Lewis and Clark Trail (Public Law 105–277)—Authorizes the transfer of funds to the State of South Dakota upon the completion of a binding agreement concerning the Spirit Mound Tract.

Section 309. America’s Agricultural Heritage Partnership of Public Law 104–333—Transfers jurisdiction and coordination responsibilities from the Secretary of Agriculture to the Secretary of the Interior.

Section 310. National Park Service Entrance and Recreational Use Fees—Authorizes units of the National Park System, that are not currently participating in the Recreational Fee Demonstration Program, to retain and expend entrance and recreational-use fees under the same formula as directed by the provisions of the Recreational Fee Demonstration Program.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 7, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 149, the Omnibus Parks Technical Corrections Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Victoria Heid Hall.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 149—Omnibus Parks Technical Corrections Act of 1999

H.R. 149 would make technical amendments to numerous provisions of the Omnibus Parks and Public Lands Management Act of 1996 (Omnibus Parks Act) and other statutes affecting public lands. Most of these amendments would correct spelling and punctuation errors or make other nonsubstantive changes in the original law. Two provisions of the act, however, would increase direct spending by an estimated \$18 million over the next five years. As a result, pay-as-you-go procedures would apply.

Section 304 of H.R. 149 would modify the Secretary of the Interior's authority to sell, purchase, or exchange certain federal land in six districts within Oregon managed by the Bureau of Land Management. For specified types of land affected in those districts, the act would require the Secretary to ensure that there is no net decrease in acreage over the next 10 years or over subsequent 10-year periods. This provision could affect direct spending (including offsetting receipts) if it resulted in changes to timber harvests on federal land and the associated payments to the state and counties. CBO expects that any such effects would probably be insignificant over the next 10 years.

Section 310 would authorize the Secretary to spend, without further appropriation action, all amounts earned from recreation fees at all units of the National Park System rather than just those units participating in the recreational fee demonstration program.

Under current law, 85 percent of the receipts earned at nonparticipating sites must be appropriated before they can be spent. (The remaining 15 percent is used, without further appropriation, to cover collection costs.) CBO estimates that allowing the National Park Service to spend all such amounts earned through 2001 (when the demonstration program ends) would increase direct spending by \$18 million over the 2000–2004 period.

H.R. 149 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes on outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

| | By fiscal year, in millions of dollars— | | | | | | | | | | |
|---------------------------|-----------------------------------------|------|------|------|------|------|------|------|------|------|------|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
| Changed in outlays | 0 | 5 | 7 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Changed in receipts | Not applicable | | | | | | | | | | |

On February 10, 1999, CBO prepared a cost estimate for H.R. 149 as ordered reported by the House Committee on Resources on February 3, 1999. That version of the legislation did not contain the authority to spend recreation fees at all park units.

The CBO staff contacts are Deborah Reis and Victoria Heid Hall. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 149. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No person information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of H.R. 149, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 25, 1999, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 149. These reports had not been received at the time the report on H.R. 149 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSOCIATE
DIRECTOR, CULTURAL RESOURCES STEWARDSHIP AND
PARTNERSHIP

Mr. Chairman, and members of the committee; thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 149, a bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

The Department of Interior supports enactment of H.R. 149 with the additional amendments included in this testimony.

Public Law 104-333, the Omnibus Parks and Public Lands Management Act of 1996 (Omnibus Parks Act) was an important achievement of the 104th Congress. This law is composed of 116 individual titles, including 76 that affect national parks. During the final two weeks of the second session, Congress worked hard to craft a bill that could be supported by most members as well as the Administration. Because of the complexity of this task and the need to finish before Congress adjourned, a number of minor errors occurred involving cross-references, titled, citations, spelling and grammar.

While many of these errors could easily be dismissed as inconsequential, it would assist park employees and those involved with interpreting Congressional intent to correct these mistakes to help avoid any misunderstandings in the future. Some of these changes involve deleting references to parts of bills that were dropped from the final agreement that became law. Others would standardize references made throughout various parts of a title to assure the correct intent is achieved.

In the last Congress, the Administration transmitted the original version of this legislation to Congress and it was introduced as S. 991. While the bill was reported from the Senate Energy and Natural Resources Committee, it was not before the 105th Congress adjourned. In the 106th Congress, H.R. 149 was introduced to correct the errors from the Omnibus Parks Act and to address some additional technical changes from other public laws. This bill passed the House on February 23, 1999.

There is one substantive section whose timely enactment is important to the National Park Service. Section 102 of H.R. 149 would provide a new map reference for the boundary adjustment at Colonial National Historical Park, which was authorized by Section 211 of division I of the Omnibus Parks Act. The map referenced in the Omnibus Parks Act was incorrect as it included only part of Lot 49 in the Page Landing Addition authorized for the park. The excluded portion of the lot would be covered with the new map reference. This change is needed as completion of the purchase of this property has now been delayed two years pending correction of the map reference.

Since the time of House passage of H.R. 149, the need for two other technical changes has been brought to our attention. The first technical change is proposed to provide the National Park Service and other federal agencies with reciprocal authority to carry out the purposes of Title I of the Omnibus Parks Act concerning the Presidio of San Francisco. In particular, the Presidio Trust (Trust), the Park Service, and the Army have been negotiating an environmental cleanup agreement at the Presidio that would shift certain responsibilities and liabilities to the Trust. Our proposed technical amendment is necessary to give legal certainty to this agreement and to others that may be necessary to carry out the purposes of this title of the act.

The second technical change concerns a misspelling in the Boston Harbor Islands section of the Omnibus Parks Act. We recommend that H.R. 149 be amended to address these two changes. We have included the language of our proposed amendments at the end of this testimony.

We also have a concern about the National Park Passport, authorized in Title VI of Public Law 105-391, the National Parks Omnibus Management Act of 1998. In Title VI an annual administrative cap of ten percent (10%) was established for the National Park Passport Program. To our knowledge no analysis was undertaken to determine the feasibility of a 10% administrative cap for the program. At the time this program was being reviewed in Congress, the National Park Service, through the National Park Foundation and a private marketing research firm, was analyzing the proposed program and the estimated costs to institute and to administer such a program. We testified before Congress that we were involved in this research and that findings from the research would be useful in formulating the National Park Passport Program.

Our research showed that there may be a need to adjust the cap for administrative costs. We are currently reviewing this with the Office of Management and Budget and will get back to the committee shortly.

I appreciate the opportunity to appear before you and I would be pleased to answer any questions you may have.

PROPOSED AMENDMENTS TO HOUSE-PASSED VERSION OF
H.R. 149

(1) Add to Title I, SEC. 126. BOSTON HARBOR ISLANDS
NATIONAL RECREATION AREA

(6) In subsection (h)(2), by striking "ration" and inserting "ratio".

(2) Add to Title I, SEC. 101. PRESIDIO OF SAN FRANCISCO.

(4) In Section 104(b) (110 Stat. 4101), by adding the following after the end of the first sentence, "The National Park Service or any other federal agency is authorized to enter into agreements, leases, contracts and other arrangements with the Presidio Trust which

are necessary and appropriate to carry out the purpose of this title.”.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act, H.R. 149, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

* * * * *

DIVISION I

TITLE I—THE PRESIDIO OF SAN FRANCISCO

SEC. 101. FINDINGS.

The Congress finds that—

(1) * * *

(2) the Presidio [is] *was* the oldest continuously operated military post in the Nation dating from 1776, and was designated a National Historic Landmark in 1962;

* * * * *

SEC. 103. ESTABLISHMENT OF THE PRESIDIO TRUST.

(a) * * *

(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as Area B on the map entitled “Presidio Trust Number 1”, dated December 7, 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Secretary shall transfer to the Trust administrative jurisdiction over all remaining parcels within Area B. Such map shall be on file and available for public inspection in the offices of the Trust and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. The Secretary shall retain jurisdiction over those portions of the building identified as number 102 as the Secretary deems essential for use as a visitor center. The Building shall be named the “William Penn Mott Visitor Center”. Any parcel of land, the jurisdiction over which is transferred pursuant to this subsection, shall remain within the boundary of the Golden Gate National Recreation Area. With the consent of the Secretary, the Trust may at any time transfer to the administrative jurisdiction of the Secretary any other properties within the Presidio which are surplus to the needs of the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary open space areas

which have high public use potential and are contiguous to other lands [administrated] administered by the Secretary.

* * * * *

SEC. 104 DUTIES AND AUTHORITIES OF THE TRUST.

(a) * * *

(b) **AUTHORITIES.**—The Trust may participate in the development of programs and activities at the properties transferred to the Trust, except that the Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State and local governments as are necessary and appropriate to carry out its authorized activities. *The National Park Service or any other Federal agency is authorized to enter into agreements, leases, contracts and other arrangements with the Presidio Trust which are necessary and appropriate to carry out the purposes of this title.* Any such agreement may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b). *The Trust may use alternatives means of dispute resolution authorized under Subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 571 et seq.).* The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Presidio facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition. The Trust may not dispose of or convey fee title to any real property transferred to it under this title. Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal government contracts government working conditions and wage rates, including the provisions of sections 276a–276a–6 of title 40, United States Code (Davis-Bacon Act), and any civil rights provisions otherwise applicable thereto. The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and service including, but not limited to the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition. *The Trust is authorized to use funds available to the Trust to purchase insurance and for reasonable reception and representation expenses, including membership dues, business cards and business related meal expenditures.*

(c) * * *

(d) **FINANCIAL AUTHORITIES.**—To augment or encourage the use of non-Federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the following authorities, subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.):

(1) The authority to guarantee any lender against loss or principle or interest on any loan: Provided, that—

(A) the terms of the guarantee are approved by the Secretary of the Treasury;

(B) adequate subsidy budget authority is provided in advance in appropriation Acts; and

(C) such guarantees are structured so as to minimize potential cost to the Federal Government. No loan guarantee under this title shall cover more than 75 percent of the unpaid balance of the loan. The Trust may collect a fee sufficient to cover this title. The authority to enter into any such loan guarantee agreement shall expire at the end of 15 years after the date of enactment of this title.

(2) The authority, subject to appropriations, to make loans to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

(3) The authority to issue obligations to the Secretary of the Treasury agrees to purchase such obligations [after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established and only] to the extent authorized in advance of appropriation acts. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and for the purposes for which securities may be issued under such chapter are extended to include any new purchases of such notes or obligations acquired by the Secretary of the Treasury under this subsection. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions *including a review of the creditworthiness of the loan and establishment of a repayment schedule.*

* * * * *

(e) * * *

* * * * *

(g) [PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.] *FINANCIAL MANAGEMENT.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds and other revenues received by the Trust shall be retained by the Trust. Those proceeds shall be available, without further appropriation, to the Trust for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest, at the direction of the Trust, such excess moneys that the Trust determines are not required to meet current withdrawals. Such investment shall be in public debt securities with maturities suitable to the needs of the Trust and bearing interest at rates determined by the Secretary of the Treasury taking into consideration the current average yield on*

outstanding marketable obligations of the United States of comparable maturity.

(h) * * *

* * * * *

(j) **BYLAWS, RULES, AND REGULATIONS.**—The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be **[exercised]** *exercised, including rules and regulations for the use and management of the property under the Trust’s jurisdiction.* The Trust is authorized, in consultation with the Secretary, to adopt and enforce those rules and regulations that are applicable to the Golden Gate National Recreation Area and that may be necessary and appropriate to carry out its duties and responsibilities under this title. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.

(k) * * *

* * * * *

(n) **LEASING.**—In managing and leasing the properties transferred to it, the Trust shall consider the extent to which prospective tenants contribute to the implementation of the *general objectives of the* General Management Plan for the Presidio and to the reduction of cost to the Federal Government. The Trust shall give priority to the following categories of tenants: Tenants that enhance the financial viability of the Presidio and tenants that facilitate the cost-effective preservation of historic buildings through their reuse of such buildings.

(o) * * *

(p) **EXCLUSIVE RIGHTS TO NAME AND INSIGNIA.**—*The Trust shall have the sole and exclusive right to use the words “Presidio Trust” and any seal, emblem, or other insignia adopted by its Board of Directors. Without express written authority of the Trust, no person may use the words “Presidio Trust,” or any combination or variation of those words alone or with other words, as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or any manner that may falsely suggest any connection with the Trust.*

SEC. 105. LIMITATIONS ON FUNDING.

(a)(1) * * *

(2) After the plan required in subsection (b) is submitted, and for each of the 14 fiscal years thereafter, there are authorized to be appropriated to the Trust no more than the amounts specified in such plan. Such sums shall remain available until expended. Of such sums, **[not more than \$3,000,000 annually]** *funds* shall be available through the Trust for law enforcement activities and services to be provided by the United States Park Police at the Presidio in accordance with section 104(h) of this title.

(b) * * *

(c) The Administrator of the General Services Administration shall provide necessary assistance, including *on a reimbursable basis*, detailees as necessary, to the Trust in the formulation and

submission of the annual budget request for the administration, operation, and maintenance of the Presidio.

* * * * *

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

* * * * *

SEC. 211. COLONIAL NATIONAL HISTORICAL PARK.

(a) * * *

* * * * *

(d) INCLUSION OF LAND IN COLONIAL NATIONAL HISTORICAL PARK.—Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b et seq.), limiting the average width of the Colonial Parkway, the Secretary of the Interior is authorized to include within the boundaries of Colonial National Historical Park and to acquire by donation, exchange, or purchase with donated or appropriated funds the lands or interests in lands (with or without improvements) within the areas [depicted on the map dated August 1993, numbered 333/80031A,] *depicted on the map dated August 1996, numbered 333/80031B*, and entitled “Page Landing Addition to Colonial National Historical Park”. Such map shall be on file and available for inspection in the offices of the National Park Service at Colonial National Historical Park and in Washington, District of Columbia.

* * * * *

SEC. 218. MERCED IRRIGATION DISTRICT LAND EXCHANGE.

(a) CONVEYANCE.—(1) The Secretary of the Interior may convey the Federal lands described in subsection (d)(1) in exchange for the non-Federal lands described in subsection (d)(2), in accordance with the provisions of this [Act] *section*.

* * * * *

TITLE III—EXCHANGES

* * * * *

SEC. 306. BIG THICKET NATIONAL PRESERVE.

(a) * * *

* * * * *

(d) REPORTING REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter until the earlier of the consummation of the exchange [of] or July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments

made by the Big Thicket National Preserve Addition Act of 1993 (Public Law 103-46).

* * * * *

(f) LANDS DESCRIBED.—

(1) * * *

(2) FEDERAL LANDS.—The Federal lands described in this paragraph are approximately 2.38 acres of lands located in *the* Menard Creek Corridor Unit of the Big Thicket National Preserve, as generally depicted on the map referred to in paragraph (1).

* * * * *

SEC. 311. KENAI NATIVES ASSOCIATION LAND EXCHANGE.

(a) * * *

* * * * *

(d) ACQUISITION OF LANDS.—

(1) * * *

(2) ACQUISITION LANDS.—

(A) * * *

(B) LANDS TO BE CONVEYED TO KNA.—The rights provided or lands to be conveyed by the United States to KNA, are the following:

(i) * * *

(ii) The remaining subsurface estate held by the United States to approximately 13,651 acres, including portions of the Beaver Creek Patented Tract, the Beaver Creek Selected Tract, and portions of the Swanson River Road West Tract and the Swanson River Road East Tract, where the surface was previously or will be conveyed to KNA pursuant to this Act but excluding the SW¼ of section 21, T. 6 N., R. 9 [W,] W., Seward Meridian, Alaska, which will be retained by the United States. The conveyance of these subsurface interests will be subject to the rights of CIRI to the coal, oil, gas, and to all rights CIRI, its successors, and assigns would have under paragraph 1(B) of the Terms and Conditions, including the right to sand and gravel, to construct facilities, to have rights-of-way, and to otherwise develop its subsurface interests.

* * * * *

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

(1) PURPOSE.—To balance the potential effects on fish, wildlife, and habitat of the removal of KNA lands from the Refuge System, the Secretary is hereby directed to withdraw, subject to valid existing rights, from location, entry, and patent under the mining laws and to create as a special management unit for the protection of fish, wildlife, and habitat, certain unappropriated and unreserved public lands, totaling approximately 37,000 acres adjacent to the west boundary of the Kanuti National Wildlife Refuge to be [know] *known* as the “Lake Todatonten Special Management Area”, as depicted on the map

entitled "Proposed: Lake Todatonten Special Management Area", dated June 13, 1996, and to be managed by the Bureau of Land Management.

* * * * *

TITLE IV—RIVERS AND TRAILS

* * * * *

SEC. 405. LAMPREY WILD AND SCENIC RIVER.

(a) * * *

(b) MANAGEMENT.—

(1) COMMITTEE.—The Secretary of the Interior shall coordinate his management responsibilities under [this Act] *the Wild and Scenic Rivers Act* with respect to the segment designated by subsection (a) with the Lamprey River Advisory Committee established pursuant to New Hampshire RSA 483.

* * * * *

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

* * * * *

SEC. 502. VANCOUVER NATIONAL HISTORIC RESERVE.

(a) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this section as the "Reserve"), consisting of the area described in the report entitled "Vancouver National Historic Reserve Feasibility Study and Environmental Assessment" published [by the Vancouver Historical Assessment" published] by the Vancouver Historical Study Commission and dated April 1993 as authorized by Public Law 101-523 (referred to in this section as the "Vancouver Historic Reserve Report").

* * * * *

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

(a) IN GENERAL.—The Secretary of the Interior is authorized to permit the Alpha Phi Alpha Fraternity to establish a memorial on lands under the administrative jurisdiction of the Secretary in the District of Columbia or its environs to honor Martin Luther King, Jr., pursuant to the Commemorative Works Act [of 1986] (40 U.S.C. 1001 et seq.).

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with [the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986] *the Commemorative Works Act* (40 U.S.C. 1001 et seq.).

* * * * *

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of [the Act re-

ferred to in section 4401(b))] *the Commemorative Works Act*), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance of funds received for the establishment of the memorial, the Alpha Phi Alpha Fraternity shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

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

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

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution [of] to our national heritage of certain historic and cultural lands and edifices of the Great Falls Historic District, with emphasis on harnessing this unique urban environment for its educational and recreational value; and

* * * * *

SEC. 511. NEW BEDFORD [NATIONAL HISTORIC LANDMARK DISTRICT] WHALING NATIONAL HISTORICAL PARK.

(a) * * *

* * * * *

(c) NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain [districts] *districts*, structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

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

(i) [The area included with the New Bedford National Historic Landmark District, known as the] *The area included within the New Bedford Historic District (a National Landmark District), also known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.*

* * * * *

(d) RELATED FACILITIES.—To ensure that the contribution of Alaska Natives to the history of whaling in the United States is fully recognized, the Secretary shall provide—

(1) * * *

(2) [to provide] appropriate assistance and funding for the North Slope Borough Cultural Center.

* * * * *

[(e)] (f) GENERAL MANAGEMENT PLAN.—Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan as soon as practically possible. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)) and other applicable law.

[(f)] (g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out annual operations and maintenance with respect to the park and to carry out the activities under [section 3(D)] subsection (d).

(2) EXCEPTIONS.—In carrying out this section—

(A) * * *

* * * * *

(C) not more than \$50,000 annually of Federal funds may be used for interpretive and education programs for the Schooner Ernestina pursuant to [cooperative grants under subsection (d)(2)] cooperative agreements under subsection (e)(2).

SEC. 512. NICODEMUS NATIONAL HISTORIC SITE.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) * * *

(B) the town of Nicodemus is symbolic of the pioneer spirit of [African-Americans] African-Americans who dared to leave the only region they had been familiar with to seek personal freedom and the opportunity to develop their talents and capabilities; and

* * * * *

SEC. 513. UNALASKA.

(a) * * *

* * * * *

(c) BOUNDARIES.—The Aleutian World War II National Historic Area [whall] shall be comprised of areas on Amaknak Island depicted on the map entitled "Aleutian World War II National Historic Area".

* * * * *

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

* * * * *

SEC. 603. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

(a) * * *

* * * * *

(d) STUDY.—

(1) * * *

(2) MATTERS TO BE ADDRESSED.—The study under [sub-
section (b)] *paragraph (1)* shall—

(A) * * *

* * * * *

SEC. 606. SHENANDOAH VALLEY BATTLEFIELDS.

* * * * *

(a) * * *

* * * * *

(d) DEFINITIONS.—As used in this section:

(1) The term “District” means the Shenandoah Valley Battle-
fields National Historic District established by [section 5.]
subsection (e).

(2) The term “Commission” means the Shenandoah Valley
Battlefields National Historic District Commission established
by [section 9.] *subsection (h)*.

(3) The term “plan” means the Shenandoah Valley Battle-
fields National Historic District [Commission plan approved by
the Secretary under section 6.] *plan developed and approved
under subsection (f)*.

* * * * *

(f) SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC DIS-
TRICT PLAN.—

(1) IN GENERAL.—The District shall be managed and admin-
istered by the Commission and the management entity in ac-
cordance with the purposes of this [Act] *section* and the Shen-
andoah Valley Battlefields National Historic District plan de-
veloped by the Commission and approved by the Secretary, as
provided in this subsection.

* * * * *

(g) DUTIES OF THE SECRETARY.—

(1) * * *

* * * * *

(3) EARLY ACTIONS.—After enactment of this Act but prior to
approval of the plan, the Secretary may provide technical and
financial assistance for early actions which are important to
the purposes of this [Act] *section* and which protect and pre-
serve resources in imminent danger of irreversible damage but
for the fact of such early action.

* * * * *

(5) DETAIL.—Each fiscal year during the existence of the
Commission and upon request of the Commission, the Sec-
retary shall detail to the Commission, on a nonreimbursable
basis, 2 employees of the Department of the Interior to enable
the Commission to carry out the Commission’s duties under
[section 9.] *subsection (i)*. Such detail shall be without inter-
ruption or loss of civil service status, benefits, or privileges.

* * * * *

(h) SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC DISTRICT COMMISSION.—

(1) * * *

* * * * *

(12) EXPENSES.—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the Commission under this [Act] section.

* * * * *

SEC. 607. WASHITA BATTLEFIELD.

(a) * * *

* * * * *

(c) ADMINISTRATION.—

(1) * * *

* * * * *

(3) CONSULTATION AND TRAINING.—The Secretary, acting through the Director of the National Park Service, shall consult regularly with the Cheyenne-Arapaho Tribe on the formulation of the management plan provisions referred to in subsection (e)(5) and on preparation of educational programs provided to the public. The Secretary is authorized to enter into cooperative agreements with the Cheyenne-Arapaho Tribe, its subordinate boards, committees, enterprises, and traditional leaders to further the purposes of this [Act] section.

(d) ACQUISITION OF PROPERTY.—

(1) * * *

(2) CONSERVATION EASEMENTS.—The Congress finds that the State of Oklahoma, acting through the Oklahoma Historical Society, will work with local [land owners] landowners to acquire and hold in perpetuity conservation easements in the vicinity of the national historic site as deemed necessary for the visual and interpretive integrity of the site. The intent of the easements will be to keep occupancy of the land in private ownership and use of the land in general agriculture.

* * * * *

TITLE VII—FEES

SEC. 701. SKI AREA PERMIT RENTAL CHARGE.

(a) * * *

(b)(1) * * *

* * * * *

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and the ski area permittees, the adjusted gross revenue figures for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 3 years after the date of enactment of this Act and every 5 years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United

States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge [legislated by this Act] *required by this section* is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

(d) The ski area permit rental charge set forth in this section shall become effective on June 1, 1996 and cover receipts retroactive to June 1, 1995: *Provided*, That if a permittee has paid rental charges for the period June 1, 1995, to June 1, 1996, under the graduated rate rental charge system formula in effect prior to the date of enactment of this Act, such rental charges shall be credited toward the new rental charge due on June 1, 1996. In order to ensure increasing rental charge receipt levels to the United States during transition from the graduated rate rental charge system formula to the formula of this [Act] *section*, the rental charge paid by any individual permittee shall be—

(1) for the 1995–1996 permit year, either the rental charge paid for the preceding *adjusted gross revenue for the 1994–1995* base year or the rental charge calculated pursuant to this [Act] *section*, whichever is higher;

(2) for the 1996–1997 permit year, either the rental charge paid for the *adjusted gross revenue for the 1994–1995* base year or the rental charge calculated pursuant to this [Act] *section*, whichever is higher; and

(3) for the 1997–1998 permit year, either the rental charge for the *adjusted gross revenue for the 1994–1995* base year or the rental charge calculated pursuant to this [Act] *section*, whichever is higher.

If an individual permittee’s adjusted gross revenue for the 1995–1996, 1996–1997, or 1997–1998 permit years falls more than 10 percent below the *adjusted gross revenue for the 1994–1995* base year, the rental charge paid shall be the rental charge calculated pursuant to this [Act] *section*.

* * * * *

(f) To reduce administrative costs of ski area permittees and the Forest Service the terms “revenue” and “sales”, as used in this section, shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets *offered for commercial or other promotional purposes*) for which the permittee does not receive money.

* * * * *

(i) To reduce Federal costs in administering the provisions of this [Act] *section*, the reissuance of a ski area permit to provide activities similar in nature and amount to the activities provided under the previous permit shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

* * * * *

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

* * * * *

SEC. 809. ROBERT J. LAGOMARSINO VISITOR CENTER.

(a) * * *

(b) **LEGAL REFERENCES.**—Any reference in any law, regulation, document, record, map, or other document of the United States to the visitor center referred to in [section 301] *subsection (a)* is deemed to be a reference to the “Robert J. Lagomarsino Visitor Center”.

* * * * *

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) **NATIONAL PARK SERVICE HOUSING IMPROVEMENT.**—

(1) * * *

* * * * *

(6) **AUTHORIZATION FOR HOUSING AGREEMENTS.**—For those units of the National Park System for which the review required by paragraphs (3) and (5) has been completed, the Secretary is authorized, pursuant to the authorities contained in this subsection and subject to the appropriation of necessary funds in advance, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this [Act] *section*.

(7) **JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAMS.**—

(A) * * *

(B) **[COMPETITIVE LEASING.—] COMPETITIVE LEASING.**—

Each lease under subparagraph (A)(i) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

* * * * *

(9) **JOINT DEVELOPMENT AUTHORITY.**—The Secretary may use authorities granted by [statue] *statute* in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(11) **LEASING OF SEASONAL EMPLOYEE QUARTERS.**—

(A) * * *

(B) **LIMITATION.**—The Secretary may only issue a lease under subparagraph (A) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—

(i) the requirement for such seasonal field employee quarters is temporary; or

(ii) leasing would be more [cost effective] *cost-effective* than construction of new seasonal field employee quarters.

* * * * *

(13) USE OF HOUSING-RELATED FUNDS.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under paragraph ~~[(13)]~~ (12), in sequential order, to the maximum extent practicable.

* * * * *

(18) PROCEEDS.—The proceeds from any lease ~~[under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (1),]~~ *under paragraph (7)(A) and any lease under paragraph (11)* shall be retained by the National Park Service. Such proceeds shall be deposited into the special fund established for maintenance and operation of quarters.

* * * * *

(b) MINOR BOUNDARY REVISION AUTHORITY.—Section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)) is amended as follows:

(1) * * *

* * * * *

(2)(A) * * *

* * * * *

(G) The lands ~~[are adjacent to]~~ *abut* other Federal lands administered by the Director of the National Park Service.

* * * * *

(d) ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS.—

(1) * * *

(2) AMENDMENTS.—The following provisions are amended:

(A) * * *

* * * * *

(E) Section 307(a) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470w–6(a)) ~~[is amended]~~ by striking the first and second sentences.

* * * * *

TITLE X—MISCELLANEOUS

* * * * *

Subtitle A—Tallgrass Prairie National Preserve

* * * * *

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) * * *

* * * * *

(4) the National Park Trust, which owns the Spring Hill Ranch, has agreed to permit the National Park Service—

(A) to [purchase] *acquire* a portion of the ranch, as specified in the subtitle; and

* * * * *

SEC. 1004. ESTABLISHMENT OF TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) * * *

(b) DESCRIPTION.—The Preserve shall consist of the lands and interests in land, including approximately 10,894 acres, generally depicted on the map entitled “Boundary Map, Flint Hills Prairie National Monument” numbered NM–TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. [of] on June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L–106 at pages 328 through 339, inclusive. In the case of any difference between the map and the legal description, the legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map, the Secretary shall make changes to the map as appropriate, and the boundaries of the Preserve shall be adjusted accordingly. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

* * * * *

SEC. 1005. ADMINISTRATION OF NATIONAL PRESERVE.

(a) * * *

* * * * *

(d) LIABILITY.—

(1) LIABILITY OF THE UNITED STATES AND ITS OFFICERS AND EMPLOYEES.—Except as otherwise provided in this subsection, the liability of the United States is subject to the terms and conditions of the Federal Tort Claims Act, as amended, 28 U.S.C. 2671 et seq., with respect to the claims arising by virtue of the Secretary’s administration of the Preserve pursuant to this [Act] *subtitle*.

* * * * *

(g) GENERAL MANAGEMENT PLAN.—

(1) * * *

* * * * *

(3) CONTENT OF PLAN.—The general management plan shall provide for the following:

(A) Maintaining and enhancing the [tall grass] *tallgrass* prairie within the boundaries of the Preserve.

* * * * *

Subtitle C—Additional Provisions

SEC. 1021. RECREATION LAKES.

(a) FINDINGS AND PURPOSES.—The Congress finds that the Federal Government, under the authority of the Reclamation Act and

other statutes, has developed [manmade] *man-made* lakes and reservoirs that have become a powerful magnet for diverse recreational activities and that such activities contribute to the well-being of families and individuals and the economic viability of local communities. The Congress further finds that in order to further the purposes of the Land and Water Conservation Fund, the President should appoint an advisory commission to review the current and anticipated demand for recreational opportunities at [federally-managed manmade] *federally managed man-made* lakes and reservoirs through creative partnerships involving Federal, State, and local governments and the private sector and to develop alternatives for enhanced recreational use of such facilities.

* * * * *

SEC. 1023. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

(a) * * *

* * * * *

(c) ESTABLISHMENT OF OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.—

(1) ESTABLISHMENT.—On a determination by the Secretary under paragraph (2)—

(A) the Opal Creek Wilderness, as depicted on the map described in subsection (a)(2), is hereby designated as wilderness, subject to the provisions of the Wilderness Act [of 1964], shall become a component of the National Wilderness System, and shall be known as the Opal Creek Wilderness;

* * * * *

SEC. 1029. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) * * *

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

(1) the term “recreation area” means the Boston Harbor Islands National Recreation Area established by subsection (c); and

* * * * *

(e) BOSTON HARBOR ISLANDS PARTNERSHIP ESTABLISHMENT.—

(1) * * *

* * * * *

(3) TERMS OF OFFICE; REAPPOINTMENT.—(A) Members of the Partnership shall serve for terms of three years. Any member may be reappointed for one additional 3-year term.

(B) The Secretary shall appoint the first members of the Partnership within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to [subsections (b) (3), (4), (5), (6), (7), (8), (9), and (10).] *subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2).*

* * * * *

(f) INTEGRATED RESOURCE MANAGEMENT PLAN.—

(1) * * *

(2) CONTENTS OF PLAN.—The plan shall include (but not be limited to) each of the following:

(A) A program providing for coordinated administration of the recreation area with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, and local levels, and nonprofit organizations, including each of the following:

(i) A plan to finance and support the public improvements and services recommended in the plan, including allocation of non-Federal matching requirements set forth in subsection (h)(2) and a delineation of [profit sector] private-sector roles and responsibilities.

* * * * *

(g) BOSTON HARBOR ISLANDS ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Park Service, shall establish an advisory committee to be known as the Boston Harbor Islands Advisory Council. The purpose of the Advisory Council shall be to represent various groups with interests in the recreation area and make recommendations to the Boston Harbor Islands Partnership on issues related to the development and implementation of the integrated resource management plan developed under subsection (f). The Advisory Council is encouraged to establish committees relating to specific recreation area management issues, including (but not limited to) education, tourism, transportation, natural resources, cultural and historic resources, and [revenue raising] revenue-raising activities. Participation on any such committee shall not be limited to members of the Advisory Council.

* * * * *

(h) * * *

(1) * * *

(2) MATCHING REQUIREMENT. —Amounts appropriated in any fiscal year to carry out this section may only be expended on a matching basis in a [ration] ratio of at least three non-Federal dollars to every Federal dollar. The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

* * * * *

SEC. 1035. [REGULATIONS] REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

(a) * * *

* * * * *

(c) TITLE.—No provision of this section shall be construed to invalidate or validate or in any other way affect any claim by the State of Alaska to title to any or all submerged lands, nor shall any actions taken pursuant to or in accordance with this [Act] section operate under any provision or principle of the law to bar the State of Alaska from asserting at any time its claim of title to any or all of the submerged lands.

* * * * *

DIVISION II

TITLE I—NATIONAL COAL HERITAGE AREA

* * * * *

SEC. 104. CONTRACTUAL AGREEMENT.

The Secretary of the Interior (hereafter in this title referred to as the “Secretary”) is authorized to enter into a contractual agreement with the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, pursuant to which the Secretary shall assist the State of West Virginia, its units of local government, and non-profit organizations in each of the following:

(1) * * *

* * * * *

(4) The development of guidelines and standards for projects, consistent with standards established by the National Park Service, for the preservation and restoration of historic properties, including interpretative methods, that will further [his-
tory] *historic* preservation in the region.

SEC. 105. ELIGIBLE RESOURCES.

The resources eligible for the assistance under [paragraphs (2) and (5) of section 104] *paragraph (2) of section 104* shall include those set forth in appendix D of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia”, conducted pursuant to title VI of Public Law 100–699. Priority consideration shall be given to those sites listed as “Conservation Priorities” and “Important Historic Resources” as depicted on the map entitled “Study Area: Historic Resources” in such study.

SEC. 106. COAL HERITAGE MANAGEMENT PLAN.

(a) IN GENERAL.—Pursuant to the contractual agreement referred to in section 104, within three years after the date of enactment of this title, the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, shall submit to the Secretary a Coal Heritage Management Plan for the Area. The plan shall at a minimum—

(1) * * *

* * * * *

(3) set forth the responsibilities of the State of West Virginia, units of local government, nonprofit entities, or *the* Secretary to administer any properties acquired pursuant to section 104.

* * * * *

TITLE II—TENNESSEE CIVIL WAR HERITAGE AREA

SEC. 201. FINDINGS AND PURPOSES.

(a) * * *

(b) PURPOSES.—The purposes of this title are—

(1) * * *

* * * * *

(4) to create partnerships among Federal, State, and local governments and their regional entities, and the private sector to preserve, conserve, enhance, and interpret the battlefields [and associated sites associated] and sites associated with the Civil War in Tennessee.

* * * * *

SEC. 207. SAVINGS PROVISIONS.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as [provide] provided for by law or regulation.

* * * * *

TITLE III—AUGUSTA CANAL NATIONAL HERITAGE AREA

SEC. 301. FINDINGS.

The Congress finds that—

(1) the Augusta Canal National Landmark in the State of Georgia, listed on the National [Historic] Register of Historic Places, and designated by the Governor of Georgia as one of four regionally important resources in the State, is one of the last unspoiled areas in the State of Georgia;

* * * * *

TITLE V—ESSEX NATIONAL HERITAGE AREA

* * * * *

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) * * *

* * * * *

(8) a [visitors'] visitor center that has already been constructed at the Salem Maritime National Historic Site in Salem, Massachusetts, will be available to interpret the themes of the Essex National Heritage Area established by this title and to coordinate the interpretive and preservation activities of the Area; and

* * * * *

TITLE VII—AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP

* * * * *

SEC. 702. DEFINITIONS

As used in this title:

(1) * * *

* * * * *

(5) SECRETARY.—The term ‘Secretary’ means the [Secretary of Agriculture] *Secretary of the Interior*.

* * * * *

TITLE VIII—OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR

* * * * *

SEC. 805. THE OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR COMMITTEE.

* * * * *

(a) * * *

(b) MEMBERSHIP.—The Committee shall be comprised of 21 members, as follows:

(1) * * *

(2) One [individuals,] *individual*, appointed by the Secretary after consideration of recommendations submitted by the Director of the Ohio Department of Travel and Tourism, who is a director of a convention and tourism bureau within the corridor.

* * * * *

SEC. 808. DUTIES OF THE MANAGEMENT ENTITY.

(a) CORRIDOR MANAGEMENT PLAN.—

(1) * * *

* * * * *

(3) APPROVAL AND DISAPPROVAL OF THE CORRIDOR MANAGEMENT PLAN.—

(A) IN GENERAL.—Upon submission of the Corridor Management Plan from the [Committee.] *Committee*, the Secretary shall approve or disapprove said plan not later than 60 days after receipt of the plan. If the Secretary has taken no action after 60 days upon receipt, the plan shall be considered approved.

* * * * *

TITLE IX—HUDSON RIVER VALLEY NATIONAL HERITAGE AREA

* * * * *

SEC. 908. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) * * *

(B) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly [on non-federally owned property] *for non-federally owned property* to further the purposes of this title, especially in assisting

units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

* * * * *

Public Law 90–209

AN ACT To establish the National Park Foundation

* * * * *

SEC. 4. Except as otherwise required by; the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine. The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer, and may retain any property accepted by the Foundation. The Foundation may utilize the services and facilities of the Department of the Interior and the Department of Justice, and such services and facilities may be made available on request to the extent practicable *with or without* reimbursement, therefor. *Funds reimbursed to either Department shall be retained by the Department and may, without further appropriation be expended, in accordance with the Historic Preservation Act, as amended.*

Public Law 105–277

Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999

DIVISION C

* * * * *

SEC. 112. INCLUSION OF SPIRIT MOUND, SOUTH DAKOTA, ON THE LEWIS AND CLARK TRAIL.

(a) ACQUISITION.—The Secretary of the Interior [is authorized to acquire] *is authorized:*

(1) *to acquire* on a willing seller basis, at a cost of not to exceed \$600,000, the tract of land known as “Sprit Mound”, located on South Dakota Highway 19 near Vermillion, [South Dakota.] *or;*

(2) *to transfer available funds for the acquisition of the tract to the State of South Dakota upon the completion of a binding agreement with the State to provide for the acquisition and long-term preservation, interpretation, and restoration of the Spirit Mound Tract.*

Public Law 105-391

National Parks Omnibus Management Act of 1998

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

SEC. 601. * * *

* * * * *

SEC. 603. ADMINISTRATION.

(a) * * *

* * * * *

(c) USE OF PROCEEDS.—

(1) The Secretary may use not more than **[10]** 15 percent of the revenues derived from the sale of national park passports (including stamps) to administer and promote the national park passport program and the National Park System

SECTION 3 OF THE WILD AND SCENIC RIVERS ACT

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) * * *

* * * * *

() LAMPREY RIVER, NEW HAMPSHIRE.—The 11.5-mile segment extending from the southern Lee town line to the confluence with the Piscassic River in the vicinity of the Durham-Newmarket town line (hereinafter in this paragraph referred to as the “segment”) as a recreational river. The segment shall be administered by the Secretary of the Interior through **[cooperation]** *cooperative* agreements between the Secretary and the State of New Hampshire and its relevant political subdivisions, namely the towns of Durham, Lee, and Newmarket, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Lamprey River Management Plan dated January 10, 1995, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of this Act.

* * * * *

SECTION 205 OF THE NATIONAL HISTORIC PRESERVATION ACT

SEC. 205. (a) * * *

* * * * *

(g) Any Federal agency may provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the agency, with such funds, personnel, facilities and services under its

jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for **[the]** *that* purpose. Any funds provided to the Council pursuant to this subsection must be expended by the end of the fiscal year following the fiscal year in which the funds are received by the Council. To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise, such additional property facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act.

* * * * *

SECTION 3 OF THE ACT OF AUGUST 18, 1970

(Popularly Known as the National Park System General Authorities Act)

AN ACT To improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes

SEC. 3. In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to carry out the following activities:

(a) **[provide]** *Provide* transportation of employees located at isolated areas of the national park system and to members of their families, where (1) such areas not adequately served by commercial transportation, and (2) such transportation is incidental to official transportation services**;**.

(b) **[provide]** *Provide* recreation facilities, equipment, and services for use by employees and their families located at isolated areas of the national park system**;**.

(c) **[appoint]** *Appoint* and establish such advisory committees in regard to the functions of the National Park Service as he may deem advisable, members of which shall receive no compensation for their services as such but who shall be allowed necessary travel expenses as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703)**;**.

(d) **[purchase]** *Purchase* field and special purpose equipment required by employees for the performance of assigned functions which shall be regarded and listed as park equipment**;**.

(e) **[enter]** *Enter* into contracts which provide for the sale or lease to persons, States, or their political subdivisions, of services, resources, or water available within an area of the national park system, as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved, if such person, State, or its political subdivision—

(1) provides public accommodations or services within the immediate vicinity of an area of the national park system to persons visiting the area; and

(2) has demonstrated to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water[;].

(f) [acquire,] *Acquire*, and have installed, air-conditioning units for any Government-owned passenger motor vehicles used by the National Park Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged[;].

(g) [sell] *Sell* at fair market value without regard to the requirements of the Federal Property and Administrative Services Act of 1949, as amended, products and services produced in the conduct of living exhibits and interpretive demonstrations in areas of the national park system, to enter into contracts including cooperative arrangements with respect to such living exhibits and interpretive demonstrations, and to credit the proceeds therefrom to the appropriation bearing the cost of such exhibits and [demonstrations;] *demonstrations*. Sixty percent of the fees paid by permittees for the privilege of entering into Glacier Bay for the period beginning on the first full fiscal year following the date of enactment of this sentence shall be deposited into a special account and that such funds shall be available—

(1) to the extent determined necessary, to acquire and preposition necessary and adequate emergency response equipment to prevent harm or the threat of harm to aquatic park resources from permittees; and

(2) to conduct investigations to quantify any effect of permittees' activity on wildlife and other natural resource values of Glacier Bay National Park. The investigations provided for in this subsection shall be designed to provide information of value to the Secretary, in determining any appropriate limitations on permittees' activity in Glacier Bay. The Secretary may not impose any additional permittee operating conditions in the areas of air, water, and oil pollution beyond those determined and enforced by other appropriate agencies. When competitively awarding permits to enter Glacier Bay, the Secretary may take into account the relative impact particular permittees will have on park values and resources, provided that no operating conditions or limitations relating to noise abatement shall be imposed unless the Secretary determines, based on the weight of the evidence from all available studies including verifiable scientific information from the investigations provided for in this subsection, that such limitations or conditions are necessary to protect park values and resources. Fees paid by certain permittees for the privilege of entering into Glacier Bay shall not exceed \$5 per passenger. For the purposes of this subsection, "certain permittee" shall mean a permittee which provides overnight accommodations for at least 500 passengers for an itinerary of at least 3 nights, and "permittee" shall mean a concessionaire providing visitor services within Glacier Bay. Nothing in this subsection authorizes the Secretary to require additional categories of permits in, or otherwise increase the number of permits to enter Glacier Bay National Park.

(h) [promulgate] *Promulgate* and enforce regulations concerning boating and other activities on or relating to waters located within

areas of the National Park System, including waters subject to the jurisdiction of the United States: *Provided*, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States[;].

(i) [provide] *Provide* meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior[; and].

(j) Enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to any such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.

* * * * *

LAND AND WATER CONSERVATION FUND ACT OF 1965

* * * * *

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

* * * * *

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 7. (a) * * *

* * * * *

(c)(1) * * *

(2) For the purposes of clause (i) of paragraph (1), in all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under such clause (i) shall apply only if each of the following conditions is met:

(A) * * *

* * * * *

(C) The sum of the total appraised value of the [lands, water, and interest therein] *lands, waters, and interests therein* to be added to the area and the total appraised value of the

lands, waters, and interests therein to be deleted from the area does not exceed \$750,000.

* * * * *

(F) The Director of the National Park Service obtains written consent for the boundary modification from all property owners whose [lands, water, or interests therein, or a portion of whose lands, water, or interests therein,] *lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,* will be added to or deleted from the area by the boundary modification.

* * * * *

SEC. 13. (a) * * *

(b) The members of the Commission shall include—

(1) * * *

* * * * *

(6) four persons familiar with the interests of the recreation and tourism industry, conservation and recreation use, Indian tribes, and local governments, at least one of whom shall be familiar with the economics and financing of [recreation related] *recreation-related* infrastructure.

* * * * *

(e) The report shall review the extent of [water related] *water-related* recreation at Federal [manmade] *man-made* lakes and reservoirs and shall develop alternatives to enhance the opportunities for such use by the public. In developing the report, the Commission shall—

(1) review the extent to which recreation components identified in specific authorizations associated with individual Federal [manmade] *man-made* lakes and reservoirs have been accomplished;

(2) evaluate the feasibility of enhancing recreation opportunities at [federally-managed] *federally managed* lakes and reservoirs under existing statutes;

* * * * *

Any such alternatives shall be consistent with and subject to the authorized purposes for any [manmade] *man-made* lakes and reservoirs and shall emphasize private sector initiatives in concert with State and local units of government.

SECTION 2 OF THE ACT OF JULY 27, 1990

AN ACT To improve the ability of the Secretary of the Interior to properly manage certain resources of the National Park System

SEC. 2. LIABILITY.

(a) * * *

(b) LIABILITY IN REM.—Any instrumentality, including but not limited to a vessel, vehicle, aircraft, or other equipment that destroys, causes the loss of, or injures any park system resource or any marine or aquatic park resource shall be liable in rem to the United States for response costs and damages resulting from such

destruction, loss, or injury to the same extent as a person is liable under subsection (a).

* * * * *

SECTION 6 OF THE ACT OF NOVEMBER 10, 1986

AN ACT To establish the Blackstone River National Heritage Corridor in Massachusetts and Rhode Island

DUTIES OF THE COMMISSION

SEC. 6. (a) * * *

* * * * *

(d) REVISION OF PLAN.—(1) Not later than 1 year after the date of the enactment of this subsection, the Commission, with the approval of the Secretary, shall revise the Cultural Heritage and Land Management Plan. The revision shall address the boundary change and shall include a natural resource inventory of areas or features that should be protected, restored, managed, or acquired because of their contribution to the understanding of national cultural landscape values.

(2) No changes other than minor revisions [may be made in the approval plan] *may be made in the approved plan* as amended without the approval of the Secretary. The Secretary shall approve or disapprove any proposed changes in the plan, except minor revisions, in accordance with subsection (b).

* * * * *

SECTION 103 OF THE SAN JUAN BASIN WILDERNESS PROTECTION ACT OF 1984

SEC. 103. FOSSIL FOREST RESEARCH NATURAL AREA.

(a) * * *

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this paragraph, the Secretary of the Interior shall file a map and legal description of the Area with the Committee on Energy and [Natural] Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

* * * * *

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall develop and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on [Natural] Resources of the House of Representatives a management plan that describes the appropriate use of the Area consistent with this [Act] section.

* * * * *

SECTION 3 OF THE ACT OF OCTOBER 8, 1988

AN ACT To create a national park at Natchez, Mississippi

SEC. 3. ACQUISITION OF PROPERTY.

* * * * *

(b) BUILDING FOR JOINT USE BY THE SECRETARY AND THE CITY OF NATCHEZ.—

(1) CONTRIBUTION TOWARD CONSTRUCTION.—The Secretary may enter into an agreement with the City of Natchez under which the Secretary agrees to pay not to exceed \$3,000,000 toward the planning and construction by the City of Natchez of a structure to be partially used by the Secretary as an administrative headquarters, administrative site, and [visitors’] visitor center for Natchez National Historical Park.

* * * * *

SECTION 507 OF THE ACT OF NOVEMBER 6, 1998

AN ACT To authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes

SEC. 507. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Section 5 of Public Law [101-573] 100-573 (16 U.S.C. 460o note) is amended by striking “10” and inserting “20”.

Public Law 105-355

* * * * *

TITLE II—GRAND STAIRCASE-ESCALANTE NATIONAL MOUNMENT, UTAH

SEC. 201. * * *

(a) * * *

* * * * *

(d) LAND CONVEYANCE, TROPIC TOWN UTAH.—The Secretary of the Interior shall convey to Garfield County School District, Utah, and/or Tropic Utah all right, title, and interest of the United States in and to the lands shown on the map entitled “Tropic Town Parcel” and dated July 21, 1998, in accordance with section 1 of June 14, 1926 (43 U.S.C. 869; commonly known as Recreation and [Public Purposes Act for use as the location for a school and for other education purposes] *Public Purposes Act*.

* * * * *

SECTION 8 OF THE ACT OF NOVEMBER 12, 1971

AN ACT To establish the Arches National Park in the State of Utah

SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LAND.

(a) * * *

(b) DESCRIPTION OF PARCELS.—

(1) * * *

(2) FEDERAL CONVEYANCE.—The Federal land to be conveyed by the Secretary consists of approximately 639 acres[, described as lots 1 through 12 located in the S¹/₂N¹/₂ and the N¹/₂N¹/₂N¹/₂S¹/₂ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.] *located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:*

(A) *Lots 1 through 12.*(B) *The S¹/₂N¹/₂ of such section.*(C) *The N¹/₂N¹/₂N¹/₂S¹/₂ of such section.*

* * * * *

[(d) IMPLEMENTATION.—Administrative actions necessary to implement the land exchange under this section shall be completed not later than 180 days after the date of enactment of this section.]

DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE ACT OF 1998

* * * * *

SEC. 6. TRANSFER OF JURISDICTION.

(a) * * *

(b) **[(TRANSFERS FROM THE SECRETARY OF THE INTERIOR.—) ADDITIONAL TRANSFERS OF ADMINISTRATIVE JURISDICTION.—**

[(1) IN GENERAL.—The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over certain lands and interests in land described in paragraph (2), containing approximately 2,167 acres located in Duchesne and Wasatch Counties, Utah, acquired by the Secretary of the Interior for the Central Utah Project.

[(2) LAND DESCRIPTION.—The lands referred to in paragraph (1) are lands indicated on the maps generally depicting—

[(A) the Dutch John transfer of the Ashley National Forest to the State of Utah, dated February 1997;

[(B) the Dutch John transfer of the Uinta National Forest to the State of Utah, dated February 1997;

[(C) lands to be transferred to the Forest Service: Lower Stillwater Properties;

[(D) lands to be transferred to the Forest Service: Red Hollow (Diamond Properties); and

[(E) lands to be transferred to the Forest Service: Coal Mine Hollow (Current Creek Reservoir).]

(1) TRANSFER FROM SECRETARY OF THE INTERIOR.—*The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over approximately 2,167 acres of lands and interests in land located in Duchesne and Wasatch Counties, Utah, that were acquired by the Secretary of the Interior for the Central Utah Project, as depicted on the maps entitled—*

(A) the “Dutch John Townsite, Ashley National Forest, Lower Stillwater”, dated February 1997;

(B) The “Dutch John Townsite, Ashley National Forest, Red Hollow (Diamond Properties)”, dated February 1997; and

(C) The “Dutch John Townsite, Ashley National Forest, Coal Hollow (Current Creek Reservoir)”, dated February 1997.

(2) TRANSFER FROM SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the Secretary of the Interior administrative jurisdiction over approximately 2,450 acres of lands and interests in lands located in the Ashley National Forest, as depicted on the map entitled “Ashley National Forest, Lands to be Transferred to the Bureau of Reclamation (BOR) from the Forest Service”, dated February 1997.

(3) STATUS OF LANDS.—

(A) NATIONAL FORESTS.—The lands and interests in land transferred to the Secretary of Agriculture under paragraph (1) shall become part of the Ashley or Uinta National Forest, as appropriate. [The Secretary of Agriculture shall adjust the boundaries of each of the National Forests to reflect the additional lands.] The boundaries of the Ashley National Forest and the Uinta National Forest are hereby adjusted to reflect the transfers required by this section.

(B) MANAGEMENT.—[The transferred lands] The lands and interests in land transferred to the Secretary of Agriculture under paragraph (1) shall be managed in accordance with the Act of March 1, 1911 (commonly known as the “Weeks Law”) (36 Stat. 962, chapter 186; 16 U.S.C. 515 et seq.) and other laws (including rules and regulations) applicable to the National Forest System.

* * * * *

Additional Dutch John Federal Property

SEC. 10. DISPOSAL OF PROPERTIES.

(a) * * *

* * * * *

(g) *Special Use Permits.*—

(1) * * *

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(5) ALTERNATIVE PARCELS.—On request by permit holder number 9303, the Secretary of the Interior, in consultation with Daggett County, may—

(A) consider sale of a parcel within [Daggett County] Dutch John community of similar size and appraised value in lieu of the land under permit on the date of enactment of this Act; and

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SEC. 13. TRANSITION OF SERVICES TO LOCAL GOVERNMENT CONTROL.

(a) * * *

* * * * *

(d) ELECTRIC POWER.—

[(1) AVAILABILITY.—The United States shall make available electric power and associated energy from the Colorado River Storage Project for the Dutch John community.]

(1) AVAILABILITY.—The United States shall make available for the Dutch John community electric power and associated energy previously reserved from the Colorado River Storage Project for project use as firm electric service.

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SECTION 3 OF THE OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998

SEC. 3. PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LANDS

(a) DEFINITIONS.—For purposes of this section:

(1) * * *

* * * * *

[(3) PUBLIC DOMAIN LAND.—

[(A) IN GENERAL.—The term “public domain land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

[(B) EXCLUSIONS.—The term “public domain land” does not include O & C land or CBWR land.]

[(4)] (3) GEOGRAPHIC AREA.—The term “geographic area” means the area in the State of Oregon within the boundaries of the Medford District, Roseburg District, Eugene District, Salem District, Coos Bay District, and Klamath Resource Area of the Lakeview District of the Bureau of Land Management, as the districts and the resource area were constituted on January 1, 1998.

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

[(b) POLICY OF NO-NET-LOSS OF O & C LAND, CBWR LAND, OR PUBLIC DOMAIN LAND.—In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on expiration of the 10-year period beginning on the date of the enactment of this Act and on expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area, and the number of acres of O & C land, CBWR land, and public domain land in the geographic area that are available for timber harvesting, are not less than the number of acres of such land on the date of the enactment of this Act.]

(b) POLICY OF NO NET LOSS OF O & C LAND AND CBWR LAND.—In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on October 30, 2008, and on the expiration of each 10-year period thereafter, the number

*of acres of O & C land and CBWR land in the geographic area is
not less than the number of acres of such land on October 30, 1998.*

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