



COMPILATION  
OF  
NATIONAL PARK SERVICE  
LAWS  
OF  
100TH CONGRESS



COMPILED BY

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# United States Department of the Interior

NATIONAL PARK SERVICE

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IN REPLY REFER TO:

L58(180)

JAN 3 1989

## Memorandum

To: Directorate, Field Directorate, and WASO Divisions Chiefs  
From: Assistant Director, Legislative and Congressional Affairs  
Subject: Compilation of National Park Service Laws of the 100th Congress

Attached for your information and use is a compilation of laws containing all major legislation which was enacted during the 100th Congress affecting the National Park Service.

This document may be used as a supplement to the "Compilation of National Park Service Laws for the 99th Congress".

GEORGE K. RASLEY<sup>3</sup>

Attachment



## CONTENTS

### COMPILATION OF NATIONAL PARK SERVICE LAWS

I. General:	Page
1. Abandoned Shipwreck Act of 1987_____	1
2. Aircraft_____	4
3. Alaska National Interest Lands Conservation Act of 1980 amendment_____	9
4. Archeological Resources Protection Act of 1979 amendments_____	12, 13
5. Arizona-Idaho Conservation Act of 1988_____	14
6. Constitution Heritage Act of 1988_____	56
7. Drug Initiative Act of 1988 excerpts_____	59
8. Federal Cave Resources Protection Act of 1988_____	60
9. Federal Land Exchange Facilitation Act of 1988_____	66
10. Firefighters_____	75
11. Geothermal Steam Act Amendments of 1988_____	76
12. Land and Water Conservation Fund Act of 1965 amendment_____	83
13. National Historic Preservation Act amendment_____	88
14. National Trails System Improvements Act of 1988_____	89
15. Park Police retirement_____	92
16. Surface Transportation and Uniform Relocation Assistance Act of 1987_____	126
17. Wild and Scenic Rivers Act technical changes_____	137
18. Wildfire Suppression Act_____	138

II.	National Parks:	Page
1.	American Samoa_____	140
2.	Big Bend_____	145
3.	Guadalupe Mountains_____	146
4.	Mount Rainier_____	152
5.	North Cascades Complex_____	149, 151
6.	Olympic_____	147
7.	Redwood_____	156
8.	Yosemite_____	174
III.	National Historical Parks:	
1.	Cumberland Gap_____	127
2.	Independence_____	56
3.	Lowell_____	175
4.	Natchez_____	176
5.	San Francisco Maritime_____	180
6.	Women's Rights_____	185
7.	Zuni-Cibola_____	186
IV.	National Military Parks:	
1.	Chickamauga and Chattanooga_____	192
2.	Gettysburg_____	193
V.	National Historic Sites:	
1.	Charles Pinckney_____	194
2.	Jimmy Carter_____	196
3.	John Muir_____	170
4.	Salem Maritime_____	200
5.	Sewall-Belmont House_____	201
6.	Tuskegee Institute_____	203



	Page
VI. National Monuments:	
1. Aztec Ruins_____	223
2. Capulin Volcano_____	215
3. Congaree Swamp_____	204
4. Dinosaur_____	259
5. El Malpais_____	207
6. Hagerman Fossil Beds_____	18
7. Pecos_____	215
8. Poverty Point_____	218
9. Salinas Pueblo Mission_____	220
10. Statue of Liberty_____	226
VII. National Seashores, Rivers, Wild and Scenic Rivers, and Recreation Areas:	
1. Bluestone National Scenic River_____	135
2. Canaveral National Seashore_____	227
3. Columbia River_____	229
4. Gateway National Recreation Area_____	324
5. Gauley River National Recreation Area_____	131
6. Gulf Islands National Seashore_____	232
7. Kern River Wild and Scenic_____	233
8. Kings River Wild and Scenic_____	235
9. Merced River Wild and Scenic_____	238
10. Mississippi National River and Recreation Area_____	42
11. New River Gorge National River_____	129
12. Oregon Wild and Scenic Rivers_____	240
13. Salmon and Snake Rivers_____	254
14. Wildcat River Wild and Scenic_____	256
VIII. National Memorials:	
1. Fort Caroline_____	290
2. Hamilton Grange_____	258
IX. National Battlefields:	
1. Antietam_____	260
2. Manassas_____	261
3. Stones River_____	264

<b>X. National Trails:</b>	<b>Page</b>
1. Lewis and Clark Interpretative Center_____	265
2. Masau _____	207
3. Oregon _____	274
4. Santa Fe _____	277
5. Trail of Tears _____	278
<b>XI. National Capital Parks:</b>	
1. Black Revolutionary War Patriots Memorial_____	279
2. Korean War Memorial Location_____	280
3. Peace Garden_____	281
4. Vietnam Women's Memorial_____	283
<b>XII. National Preserves:</b>	
1. Big Cypress_____	284
2. Timucuan Ecological and Historic Preserve_____	290
<b>XIII. National Reserves:</b>	
1. City of Rocks_____	16
2. Pinelands_____	293
<b>XIV. Advisory Councils and Commissions:</b>	
1. Delaware Water Gap National Recreation Area Citizens Advisory Commission_____	295
2. Delta Region Preservation Commission_____	297
3. Sleeping Bear Dunes National Lakeshore Advisory Commission_____	298
4. Southwestern Pennsylvania Heritage Preservation Commission_____	299
5. Upper Delaware Citizens Advisory Council_____	305



<b>XV. Miscellaneous Enactments:</b>	<b>Page</b>
1. Alameda County, California_____	306
2. Coal Mining Heritage Study Southern West Va._____	275
3. Coronado National Trail Study Act of 1988_____	220
4. Delaware and Lehigh Navigation Canal National Heritage Corridor_____	310
5. De Soto National Trail Study Act of 1987_____	317
6. Disabled American Veterans Vietnam Veterans National Memorial, Eagle Nest, New Mexico_____	319
7. Frederick Douglass Memorial and Historical Association_____	321
8. Georgia O'Keeffe Study_____	224
9. Maurice, Manumuskin, Menantico Rivers Study_____	322
10. National Mimbres Culture Study_____	221
11. New Jersey Coastal Heritage Trail Route_____	323
12. Southwestern Pennsylvania Industrial Heritage Route_____	303
13. Spanish Colonization Commemorative Study_____	221
14. Warm Springs Study_____	224
15. Wildlife Prairie Park_____	326

GENERAL LEGISLATION



Public Law 100-298  
100th Congress

An Act

Apr. 28, 1988  
[S. 858]

To establish the title of States in certain abandoned shipwrecks, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Abandoned  
Shipwreck  
Act of 1987.  
Maritime  
affairs.  
43 USC 2101  
note.  
43 USC 2101.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Abandoned Shipwreck Act of 1987”.

SEC. 2. FINDINGS.

The Congress finds that—

(a) States have the responsibility for management of a broad range of living and nonliving resources in State waters and submerged lands; and

(b) included in the range of resources are certain abandoned shipwrecks, which have been deserted and to which the owner has relinquished ownership rights with no retention.

43 USC 2102.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(a) the term “embedded” means firmly affixed in the submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the shipwreck, its cargo, and any part thereof;

(b) the term “National Register” means the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the National Historic Preservation Act (16 U.S.C. 470a);

(c) the terms “public lands”, “Indian lands”, and “Indian tribe” have the same meaning given the terms in the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa-470ll);

(d) the term “shipwreck” means a vessel or wreck, its cargo, and other contents;

(e) the term “State” means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and

(f) the term “submerged lands” means the lands—

(1) that are “lands beneath navigable waters,” as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301);

(2) of Puerto Rico, as described in section 8 of the Act of March 2, 1917, as amended (48 U.S.C. 749);

(3) of Guam, the Virgin Islands and American Samoa, as described in section 1 of Public Law 93-435 (48 U.S.C. 1705); and

(4) of the Commonwealth of the Northern Mariana Islands, as described in section 801 of Public Law 94-241 (48 U.S.C. 1681).

## SEC. 4. RIGHTS OF ACCESS.

## (a) ACCESS RIGHTS.—In order to—

(1) clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, as well as irreplaceable State resources for tourism, biological sanctuaries, and historical research; and

(2) provide that reasonable access by the public to such abandoned shipwrecks be permitted by the State holding title to such shipwrecks pursuant to section 6 of this Act,

it is the declared policy of the Congress that States carry out their responsibilities under this Act to develop appropriate and consistent policies so as to—

(A) protect natural resources and habitat areas;

(B) guarantee recreational exploration of shipwreck sites; and

(C) allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

(b) PARKS AND PROTECTED AREAS.—In managing the resources subject to the provisions of this Act, States are encouraged to create underwater parks or areas to provide additional protection for such resources. Funds available to States from grants from the Historic Preservation Fund shall be available, in accordance with the provisions of title I of the National Historic Preservation Act, for the study, interpretation, protection, and preservation of historic shipwrecks and properties.

Cultural  
programs.  
Historic  
preservation.  
Environmental  
protection.  
42 USC 2103.

Grants.

## SEC. 5. PREPARATION OF GUIDELINES.

(a) In order to encourage the development of underwater parks and the administrative cooperation necessary for the comprehensive management of underwater resources related to historic shipwrecks, the Secretary of the Interior, acting through the Director of the National Park Service, shall within nine months after the date of enactment of this Act prepare and publish guidelines in the Federal Register which shall seek to:

(1) maximize the enhancement of cultural resources;

(2) foster a partnership among sport divers, fishermen, archeologists, salvors, and other interests to manage shipwreck resources of the States and the United States;

(3) facilitate access and utilization by recreational interests;

(4) recognize the interests of individuals and groups engaged in shipwreck discovery and salvage.

(b) Such guidelines shall be developed after consultation with appropriate public and private sector interests (including the Secretary of Commerce, the Advisory Council on Historic Preservation, sport divers, State Historic Preservation Officers, professional dive operators, salvors, archeologists, historic preservationists, and fishermen).

(c) Such guidelines shall be available to assist States and the appropriate Federal agencies in developing legislation and regulations to carry out their responsibilities under this Act.

43 USC 2104.

National parks,  
monuments, etc.  
Federal  
Register,  
publication.

## SEC. 6. RIGHTS OF OWNERSHIP.

(a) UNITED STATES TITLE.—The United States asserts title to any abandoned shipwreck that is—

(1) embedded in submerged lands of a State;

(2) embedded in coralline formations protected by a State on submerged lands of a State; or

43 USC 2105.

Public information. Historic preservation.

(3) on submerged lands of a State and is included in or determined eligible for inclusion in the National Register.

(b) The public shall be given adequate notice of the location of any shipwreck to which title is asserted under this section. The Secretary of the Interior, after consultation with the appropriate State Historic Preservation Officer, shall make a written determination that an abandoned shipwreck meets the criteria for eligibility for inclusion in the National Register of Historic Places under clause (a)(3).

(c) TRANSFER OF TITLE TO STATES.—The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

Gifts and property. Indians.

(d) EXCEPTION.—Any abandoned shipwreck in or on the public lands of the United States is the property of the United States Government. Any abandoned shipwreck in or on any Indian lands is the property of the Indian tribe owning such lands.

(e) RESERVATION OF RIGHTS.—This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

(1) section 3, 5, or 6 of the Submerged Lands Act (43 U.S.C. 1311, 1313, and 1314); or

(2) section 19 or 20 of the Act of March 3, 1899 (33 U.S.C. 414 and 415).

43 USC 2106.

#### SEC. 7. RELATIONSHIP TO OTHER LAWS.

(a) LAW OF SALVAGE AND THE LAW OF FINDS.—The law of salvage and the law of finds shall not apply to abandoned shipwrecks to which section 6 of this Act applies.

(b) LAWS OF THE UNITED STATES.—This Act shall not change the laws of the United States relating to shipwrecks, other than those to which this Act applies.

(c) EFFECTIVE DATE.—This Act shall not affect any legal proceeding brought prior to the date of enactment of this Act.

Approved April 28, 1988.

#### LEGISLATIVE HISTORY—S. 858:

HOUSE REPORTS: No. 100-514, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Merchant Marine and Fisheries).

SENATE REPORTS: No. 100-241 (Comm. on Energy and Natural Resources).

#### CONGRESSIONAL RECORD:

Vol. 133 (1987): Dec. 19, considered and passed Senate.

Vol. 134 (1988): Mar. 28, 29, Apr. 13, considered and passed House.

Public Law 100-91  
100th Congress

An Act

Aug. 18, 1987  
[H.R. 921]

To require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 1a-1  
note.

SECTION 1. STUDY OF PARK OVERFLIGHTS.

(a) **STUDY BY PARK SERVICE.**—The Secretary of the Interior (hereinafter referred to as the “Secretary”), acting through the Director of the National Park Service, shall conduct a study to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the National Park System. The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration (hereinafter referred to as the “Administrator”), shall provide technical assistance to the Secretary in carrying out the study.

(b) **GENERAL REQUIREMENTS OF STUDY.**—The study shall identify any problems associated with overflight by aircraft of units of the National Park System and shall provide information regarding the types of overflight which may be impacting on park unit resources. The study shall distinguish between the impacts caused by sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other forms of aircraft which affect such units. The study shall identify those park system units, and portions thereof, in which the most serious adverse impacts from aircraft overflights exist.

Safety.  
Pollution.  
Alaska.

(c) **SPECIFIC REQUIREMENTS.**—The study under this section shall include research at the following units of the National Park System: Cumberland Island National Seashore, Yosemite National Park, Hawaii Volcanoes National Park, Haleakala National Park, Glacier National Park, and Mount Rushmore National Memorial, and at no less than four additional units of the National Park System, excluding all National Park System units in the State of Alaska. The research at each such unit shall provide information and an evaluation regarding each of the following:

- (1) the impacts of aircraft noise on the safety of the park system users, including hikers, rock-climbers, and boaters;
- (2) the impairment of visitor enjoyment associated with flights over such units of the National Park System;
- (3) other injurious effects of overflights on the natural, historical, and cultural resources for which such units were established; and
- (4) the values associated with aircraft flights over such units of the National Park System in terms of visitor enjoyment, the protection of persons or property, search and rescue operations and firefighting.

Such research shall evaluate the impact of overflights by both fixed-wing aircraft and helicopters. The research shall include an evaluation of the differences in noise levels within such units of the

National Park System which are associated with flight by commonly used aircraft at different altitudes. The research shall apply only to overflights and shall not apply to landing fields within, or adjacent to, such units.

(d) **REPORT TO CONGRESS.**—The Secretary shall submit a report to the Congress within 3 years after the enactment of this Act containing the results of the study carried out under this section. Such report shall also contain recommendations for legislative and regulatory action which could be taken regarding the information gathered pursuant to paragraphs (1) through (4) of subsection (c). Before submission to the Congress, the Secretary shall provide a draft of the report and recommendations to the Administrator for review. The Administrator shall review such report and recommendations and notify the Secretary of any adverse effects which the implementation of such recommendations would have on the safety of aircraft operations. The Administrator shall consult with the Secretary to resolve issues relating to such adverse effects. The final report shall include a finding by the Administrator that implementation of the recommendations of the Secretary will not have adverse effects on the safety of aircraft operations, or if the Administrator is unable to make such finding, a statement by the Administrator of the reasons he believes the Secretary's recommendations will have an adverse effect on the safety of aircraft operations.

Safety.

(e) **FAA REVIEW OF RULES.**—The Administrator shall review current rules and regulations pertaining to flights of aircraft over units of the National Park System at which research is conducted under subsection (c) and over any other such units at which such a review is determined necessary by the Administrator or is requested by the Secretary. In the review under this subsection, the Administrator shall determine whether changes are needed in such rules and regulations on the basis of aviation safety. Not later than 180 days after the identification of the units of the National Park System for which research is to be conducted under subsection (c), the Administrator shall submit a report to Congress containing the results of the review along with recommendations for legislative and regulatory action which are needed to implement any such changes.

Reports.

(f) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out the studies and review under this section.

Appropriation authorization.

## **SEC. 2. FLIGHTS OVER YOSEMITE AND HALEAKALA DURING STUDY AND REVIEW.**

16 USC 1a-1 note.

(a) **YOSEMITE NATIONAL PARK.**—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude of less than 2,000 feet over the surface of Yosemite National Park. For purposes of this subsection, the term "surface" refers to the highest terrain within the park which is within 2,000 feet laterally of the route of flight and with respect to Yosemite Valley such term refers to the upper-most rim of the valley.

(b) **HALEAKALA NATIONAL PARK.**—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude below 9,500 feet above mean sea level over the surface of any of the following areas in Haleakala National Park: Haleakala

Crater, Crater Cabins, the Scientific Research Reserve, Halemau Trail, Kaupo Gap Trail, or any designated tourist viewpoint.

(c) **STUDY AND REVIEW PERIODS.**—For purposes of subsections (a) and (b), the study period shall be the period of the time after the date of enactment of this Act and prior to the submission of the report under section 1. The review period shall comprise a 2-year period for Congressional review after the submission of the report to Congress.

(d) **EXCEPTIONS.**—The prohibitions contained in subsections (a) and (b) shall not apply to any of the following:

- (1) emergency situations involving the protection of persons or property, including aircraft;
- (2) search and rescue operations;
- (3) flights for purposes of firefighting or for required administrative purposes; and
- (4) compliance with instructions of an air traffic controller.

(e) **ENFORCEMENT.**—For purposes of enforcement, the prohibitions contained in subsections (a) and (b) shall be treated as requirements established pursuant to section 307 of the Federal Aviation Act of 1958. To provide information to pilots regarding the restrictions established under this Act, the Administrator shall provide public notice of such restrictions in appropriate Federal Aviation Administration publications as soon as practicable after the enactment of this Act.

Public  
information.  
49 USC app.  
1348.

Safety.  
Pollution.  
16 USC 1a-1  
note.

### SEC. 3. GRAND CANYON NATIONAL PARK.

(a) Noise associated with aircraft overflights at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.

(b) **RECOMMENDATIONS.**—

(1) **SUBMISSION.**—Within 30 days after the enactment of this Act, the Secretary shall submit to the Administrator recommendations regarding actions necessary for the protection of resources in the Grand Canyon from adverse impacts associated with aircraft overflights. The recommendations shall provide for substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight. Except as provided in subsection (c), the recommendations shall contain provisions prohibiting the flight of aircraft below the rim of the Canyon, and shall designate flight free zones. Such zones shall be flight free except for purposes of administration and for emergency operations, including those required for the transportation of persons and supplies to and from Supai Village and the lands of the Havasupai Indian Tribe of Arizona. The Administrator, after consultation with the Secretary, shall define the rim of the Canyon in a manner consistent with the purposes of this paragraph.

(2) **IMPLEMENTATION.**—Not later than 90 days after receipt of the recommendations under paragraph (1) and after notice and opportunity for hearing, the Administrator shall prepare and issue a final plan for the management of air traffic in the air space above the Grand Canyon. The plan shall, by appropriate regulation, implement the recommendations of the Secretary

Indians.  
Arizona.



without change unless the Administrator determines that implementing the recommendations would adversely affect aviation safety. If the Administrator determines that implementing the recommendations would adversely affect aviation safety, he shall, not later than 60 days after making such determination, in consultation with the Secretary and after notice and opportunity for hearing, review the recommendations consistent with the requirements of paragraph (1) to eliminate the adverse effects on aviation safety and issue regulations implementing the revised recommendations in the plan. In addition to the Administrator's authority to implement such regulations under the Federal Aviation Act of 1958, the Secretary may enforce the appropriate requirements of the plan under such rules and regulations applicable to the units of the National Park System as he deems appropriate.

Regulations.

49 USC app.  
1301 note.

(3) **REPORT.**—Within 2 years after the effective date of the plan required by subsection (b)(2), the Secretary shall submit to the Congress a report discussing—

(A) whether the plan has succeeded in substantially restoring the natural quiet in the park; and

(B) such other matters, including possible revisions in the plan, as may be of interest.

The report shall include comments by the Administrator regarding the effect of the plan's implementation on aircraft safety.

(c) **HELICOPTER FLIGHTS OF RIVER RUNNERS.**—Subsection (b) shall not prohibit the flight of helicopters—

(1) which fly a direct route between a point on the north rim outside of the Grand Canyon National Park and locations on the Hualapai Indian Reservation (as designated by the Tribe); and

Indians.

(2) whose sole purpose is transporting individuals to or from boat trips on the Colorado River and any guide of such a trip.

#### SEC. 4. BOUNDARY WATERS CANOE AREA WILDERNESS.

16 USC 1a-1  
note.

The Administrator shall conduct surveillance of aircraft flights over the Boundary Waters Canoe Area Wilderness as authorized by the Act of October 21, 1978 (92 Stat. 1649-1659) for a period of not less than 180 days beginning within 60 days of enactment of this Act. In addition to any actions the Administrator may take as a result of such surveillance, he shall provide a report to the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the United States House of Representatives and to the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation of the United States Senate. Such report is to be submitted within 30 days of completion of the surveillance activities. Such report shall include but not necessarily be limited to information on the type and frequency of aircraft using the airspace over the Boundary Waters Canoe Area Wilderness.

Reports.

#### SEC. 5. ASSESSMENT OF NATIONAL FOREST SYSTEM WILDERNESS OVERFLIGHTS.

16 USC 1a-1  
note.

(a) **ASSESSMENT BY FOREST SERVICE.**—The Chief of the Forest Service (hereinafter referred to as the "Chief") shall conduct an assessment to determine what, if any, adverse impacts to wilderness resources are associated with overflights of National Forest System wilderness areas. The Administrator of the Federal Aviation Administration shall provide technical assistance to the Chief in



Alaska. carrying out the assessment. Such assessment shall apply only to overflight of wilderness areas and shall not apply to aircraft flights or landings adjacent to National Forest System wilderness units. The assessment shall not apply to any National Forest System wilderness units in the State of Alaska.

(b) **REPORT TO CONGRESS.**—The Chief shall submit a report to Congress within 2 years after enactment of this Act containing the results of the assessments carried out under this section.

Appropriation authorization. (c) **AUTHORIZATION.**—Effective October 1, 1987, there are authorized to be appropriated such sums as may be necessary to carry out the assessment under this section.

16 USC 1a-1 note.

**SEC. 6. CONSULTATION WITH FEDERAL AGENCIES.**

In conducting the study and the assessment required by this Act, the Secretary of the Interior and the Chief of the Forest Service shall consult with other Federal agencies that are engaged in an analysis of the impacts of aircraft overflights over federally-owned land.

Approved August 18, 1987.

LEGISLATIVE HISTORY—H.R. 921:

HOUSE REPORTS: No. 100-69, Pt. 1 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-97 (Comm. on Energy and Natural Resources) and No. 100-125 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 133 (1987):

May 4, considered and passed House.

July 28, considered and passed Senate, amended.

Aug. 3, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):

Aug. 18, Presidential statement.

Public Law 100-395  
100th Congress

An Act

To amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the conveyance and ownership of submerged lands by Alaska Natives, Native Corporations and the State of Alaska.

Aug. 16, 1988  
[H.R. 2629]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—SUBMERGED LANDS

SEC. 101. Section 901 of the Alaska National Interest Lands Conservation Act (94 Stat. 2430; Public Law 96-487) is amended by striking out text of such section and inserting in lieu thereof:

43 USC 1631.

"SEC. 901. (a)(1) Except as provided in paragraph (2), whenever the Secretary surveys land selected by a Native, a Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or this Act, lakes, rivers, and streams shall be meandered in accordance with the principles in the Bureau of Land Management, 'Manual of Surveying Instructions' (1973).

Rivers and  
harbors.  
Water.

"(2) If title to lands beneath navigable waters of a lake less than fifty acres in size or a river or stream less than three chains in width did not vest in the State pursuant to the Submerged Lands Act, such lake, river, or stream shall not be meandered.

"(3) The Secretary is not required to determine the navigability of a lake, river, or stream which because of its size or width is required to be meandered or to compute the acreage of the land beneath such lake, river, or stream or to describe such land in any conveyance document.

"(4) Nothing in this subsection shall be construed to require ground survey or monumentation of meanderlines.

"(b)(1) Whenever, either before or after the date of enactment of this section, the Secretary conveys land to a Native, a Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or this Act which abuts or surrounds a meanderable lake, river, or stream, all right, title, and interest of the United States, if any, in the land under such lake, river, or stream lying between the uplands and the median line or midpoint, as the case may be, shall vest in and shall not be charged against the acreage entitlement of such Native or Native Corporation or the State. The right, title, and interest vested in a Native or Native Corporation shall be no greater an estate than the estate he or it is conveyed in the land which abuts or surrounds the lake, river, or stream.

"(2) The specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled, 'Memorandum of Agreement between the United States Department of the Interior and the State of Alaska' dated March 28, 1984, signed by the Secretary and the Governor of Alaska and submitted to the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Energy and Natural Re-

Patents and  
trademarks.

sources of the Senate, are hereby incorporated in this section and are ratified as to the duties and obligations of the United States and the State, as a matter of Federal law.

“(c)(1) The execution of an interim conveyance or patent, as appropriate, by the Bureau of Land Management which conveys an area of land selected by a Native or Native Corporation which includes, surrounds, or abuts a lake, river, or stream, or any portion thereof, shall be the final agency action with respect to a decision of the Secretary of the Interior that such lake, river, or stream, is or is not navigable, unless such decision was validly appealed to an agency or board of the Department of the Interior on or before December 2, 1980.

“(2) No agency or board of the Department of the Interior other than the Bureau of Land Management shall have authority to determine the navigability of a lake, river, or stream within an area selected by a Native or Native Corporation pursuant to the Alaska Native Claims Settlement Act or this Act unless a determination by the Bureau of Land Management that such lake, river, or stream, is or is not navigable, was validly appealed to such agency or board on or before December 2, 1980.

Claims.

“(3) If title to land conveyed to a Native Corporation pursuant to the Alaska Native Claims Settlement Act or this Act which underlies a lake, river, or stream is challenged in a court of competent jurisdiction and such court determines that such land is owned by the Native Corporation, the Native Corporation shall be awarded a money judgment against the plaintiffs in an amount equal to its costs and attorney’s fees, including costs and attorney’s fees incurred on appeal.

“(d) For the purposes of this section, the terms ‘navigable’ and ‘navigability’ means navigable for the purpose of determining title to lands beneath navigable waters, as between the United States and the several States pursuant to the Submerged Lands Act and section 6(m) of the Alaska Statehood Act.”.

43 USC 1631  
note.

SEC. 102. Nothing in this Act shall amend or alter any land exchange agreement to which the United States is a party, or any statute, including but not limited to the Act of January 2, 1976 (89 Stat. 1151) and section 506(c) of the Alaska National Interest Lands Conservation Act (94 Stat. 2409; Public Law 96-487), that authorizes, ratifies or implements such an agreement.

Reports.  
43 USC 1631  
note.

SEC. 103. (a) IN GENERAL.—The Secretary shall prepare a report that assesses the effects of the implementation of section 101 of this Act on Conservation System Units as defined in section 102(4) of the Alaska National Lands Conservation Act and makes recommendations for appropriate action.

(b) SCOPE OF REPORT.—The report required to be prepared under subsection (a) shall at a minimum—

(1) identify and estimate the acreage of all lands currently patented to or selected by a Native, Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act, the Alaska Statehood Act, or this Act that is within the boundaries of Conservation System Units;

(2) establish priorities for the acquisition of lands currently patented to or selected by a Native, Native Corporation or the State that are within the boundaries of Conservation System Units;

(3) make recommendations as to administrative or Congressional action deemed appropriate to reduce any adverse effects of section 101 on the management of lands or resources within Conservation System Units.

(c) SUBMISSIONS TO CONGRESS.—Within one year after the date of enactment of this Act, the Secretary shall submit a report pursuant to subsections (a) and (b) of this section to the Committee on Environment and Public Works and Committee on Energy and Natural Resources of the United States Senate and to the appropriate committees of the United States House of Representatives. Reports.

#### TITLE II—APPROVAL OF CONVEYANCE IN ALASKA NATIONAL WILDLIFE REFUGE

SEC. 201. Section 1302(h) of the Alaska National Interest Lands Conservation Act (94 Stat. 2430; Public Law 96-487) is amended by redesignating the section “(h)(1)” and by adding the following new subsection: 16 USC 3192.

“(2) Nothing in this Act or any other provision of law shall be construed as authorizing the Secretary to convey, by exchange or otherwise, lands or interest in lands within the coastal plain of the Arctic National Wildlife Refuge (other than land validly selected prior to July 28, 1987), without prior approval by Act of Congress.”.

#### TITLE III—APPROVAL OF PUBLIC LAND ORDER

SEC. 301. The lands described in Public Land Order 6607 of July 8, 1985 (50 Fed. Reg. 130), comprising approximately three hundred and twenty-five thousand acres, are hereby included as part of the Arctic National Wildlife Refuge to be subject to and administered in accordance with the provisions of sections 303(2) and 304 of the Alaska National Interest Lands Conservation Act (94 Stat. 2430; Public Law 96-487) and other applicable statutes.

Approved August 16, 1988.

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#### LEGISLATIVE HISTORY—H.R. 2629:

HOUSE REPORTS: No. 100-262, Pt. 1 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-302 (Comm. on Energy and Natural Resources).

#### CONGRESSIONAL RECORD:

Vol. 133 (1987): Aug. 3, considered and passed House.

Vol. 134 (1988): July 14, considered and passed Senate, amended.

Aug. 2, House concurred in Senate amendment.

Public Law 100-588  
100th Congress

An Act

To amend the Archaeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that Act, and for other purposes.

Nov. 3, 1988  
[H.R. 4068]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. AMENDMENTS TO ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979.

(a) Section 3(3) of such Act is amended by striking out the semicolon at the end thereof and substituting a period. 16 USC 470bb.

(b) Section 6(a) of such Act is amended by inserting after “deface” the following: “, or attempt to excavate, remove, damage, or otherwise alter or deface”. 16 USC 470ee.

(c) Section 6(d) of such Act is amended by striking “\$5,000” and inserting in lieu thereof “\$500”.

(d) Section 10 of such Act is amended by adding the following new subsection at the end thereof: 16 USC 470ii.

“(c) Each Federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources. Each such land manager shall submit an annual report to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate regarding the actions taken under such program.”. Public lands.  
Reports.

Approved November 3, 1988.

LEGISLATIVE HISTORY—H.R. 4068 (S. 1985):

HOUSE REPORTS: No. 100-791, Pt. 1 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-566 (Comm. on Energy and Natural Resources) and No. 100-569 accompanying S. 1985 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

July 26, considered and passed House.

Oct. 14, considered and passed Senate, amended.

Oct. 19, House concurred in Senate amendment.



Public Law 100-555  
100th Congress

An Act

Oct. 28, 1988  
[S. 1985]

To improve the protection and management of archeological resources on Federal land.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Archeological Resources Protection Act of 1979 (Public Law 96-95; 16 U.S.C. 470ii) be amended to add the following new section after section 13:

16 USC 470mm.

“SEC. 14. The Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Board of the Tennessee Valley Authority shall—

“(a) develop plans for surveying lands under their control to determine the nature and extent of archeological resources on those lands;

“(b) prepare a schedule for surveying lands that are likely to contain the most scientifically valuable archeological resources; and

“(c) develop documents for the reporting of suspected violations of this Act and establish when and how those documents are to be completed by officers, employees, and agents of their respective agencies.”.

Approved October 28, 1988.

LEGISLATIVE HISTORY—S. 1985 (H.R. 4068):

HOUSE REPORTS: No. 100-791, Pt.1, accompanying H.R. 4068 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-569 (Comm. on Energy and Natural Resources) and No. 100-566 accompanying H.R. 4068 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):  
Oct. 11, considered and passed Senate.  
Oct. 13, considered and passed House.

Public Law 100-696  
100th Congress

An Act

To provide for the designation and conservation of certain lands in the States of Arizona and Idaho, and for other purposes.

Nov. 18, 1988  
[S. 2840]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act be cited as the “Arizona-Idaho Conservation Act of 1988”.

Arizona-Idaho  
Conservation  
Act of 1988.

TITLE I—SAN PEDRO RIPARIAN NATIONAL CONSERVATION  
AREA

ESTABLISHMENT OF SAN PEDRO RIPARIAN NATIONAL CONSERVATION  
AREA

SEC. 101. (a) ESTABLISHMENT.—In order to protect the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the public lands surrounding the San Pedro River in Cochise County, Arizona, there is hereby established the San Pedro Riparian National Conservation Area (hereafter in this title referred to as the “conservation area”).

16 USC 460xx.

(b) AREA INCLUDED.—The conservation area shall consist of public lands as generally depicted on a map entitled “San Pedro Riparian National Conservation Area—Proposed” numbered AZ-040-OZ, dated January 1988, and consisting of approximately 56,431 acres.

(c) MAP.—As soon as is practicable after enactment of this title, a map and legal description of the conservation area shall be filed by the Secretary of the Interior (hereafter in this title referred to as the “Secretary”) with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Each such map shall have the same force and effect as if included in this title. Such map shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior, and in the Bureau of Land Management offices of the State Director for Arizona, and the district office responsible for the management of the conservation area.

Public  
information.

MANAGEMENT OF CONSERVATION AREA

SEC. 102. (a) GENERAL AUTHORITIES.—The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area. Such management shall be guided by this title and, where not inconsistent with this title, by the provisions of the Federal Land Policy and Management Act of 1976 (hereinafter in this title referred to as “FLPMA”).

16 USC 460xx-1.

(b) USES.—The Secretary shall only allow such uses of the conservation area as he finds will further the primary purposes for



which the conservation area is established. Except where needed for administrative or emergency purposes, the use of motorized vehicles in the conservation area shall only be allowed on roads specifically designated for such use as part of the management plan prepared pursuant to section 103 of this title. The Secretary shall have the power to implement such reasonable limits to visitation and use of the conservation area as he finds appropriate for the protection of the resources of the conservation area, including requiring permits for public use, or closing portions of the conservation area to public use.

(c) **WITHDRAWALS.**—Subject to valid existing rights, all Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto.

Claims.

(d) **WATER RIGHTS.**—Congress reserves for the purposes of this reservation, a quantity of water sufficient to fulfill the purposes of the San Pedro Riparian National Conservation Area created by this title. The priority date of such reserve rights shall be the date of enactment of this title. The Secretary shall file a claim for the quantification of such rights in an appropriate stream adjudication.

(e) **ENFORCEMENT.**—Any person who violates any provision of this title or any regulation promulgated by the Secretary to implement this title shall be subject to a fine of up to \$10,000, or imprisonment for up to one year, or both.

#### MANAGEMENT PLAN

16 USC 460xx-2.

**SEC. 103. (a) DEVELOPMENT OF PLAN.**—No later than 2 years after the enactment of this title, the Secretary shall develop a comprehensive plan for the long-range management and protection of the conservation area. The plan shall be developed with full opportunity for public participation and comment, and shall contain provisions designed to assure protection of the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreation resources and values of the conservation area.

(b) **RECOMMENDATIONS.**—The Secretary shall, in the comprehensive plan referred to in subsection (a), develop recommendations to Congress on whether additional lands should be included in the conservation area.

(c) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with appropriate State and local agencies, pursuant to section 307(b) of FLPMA, to better implement the plan developed pursuant to subsection (a).

(d) **RESEARCH.**—In order to assist in the development of appropriate management strategies for the conservation area, the Secretary may authorize research on matters including the environmental, biological, hydrological, and cultural resources of the conservation area, pursuant to section 307(a) of FLPMA.

#### ADVISORY COMMITTEE

16 USC 460xx-3.

**SEC. 104. (a) ESTABLISHMENT.**—The Secretary shall establish a San Pedro Riparian National Conservation Area Advisory Committee, whose purpose shall be to advise the Secretary with respect to the

preparation and implementation of the comprehensive, long-range plan required pursuant to section 103 of this title.

(b) **REPRESENTATION.**—There shall be 7 members of the Committee, who shall be appointed by the Secretary. Members of the Committee shall be appointed for terms of three years, except that of the members first appointed 2 shall be appointed for terms of 1 year and 3 shall be appointed for terms of 2 years. The Secretary shall appoint one member from nominations supplied by the Governor of the State of Arizona, and one member from nominations supplied by the Supervisors of Cochise County, Arizona. The other members shall be persons with recognized backgrounds in wildlife conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the primary purposes for which the conservation area was created.

#### LAND ACQUISITION

**SEC. 105.** The Secretary may acquire lands or interests in lands within the boundaries of the conservation area by exchange, purchase, or donation, except that any lands or interests therein owned by the State or local government may be acquired by donation or exchange only. Any purchase or exchange of lands to be added to the conservation area shall require the consent of the owner of those lands or rights.

16 USC 460xx-4.

#### REPORT TO CONGRESS

**SEC. 106.** No later than five years after the enactment of this title, and every ten years thereafter, the Secretary shall report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, on the implementation of this title. Such report shall include a detailed statement on the condition of the resources within the conservation area and of the progress of the Bureau of Land Management in achieving the purposes of this title.

16 USC 460xx-5.

#### AUTHORIZATION

**SEC. 107.** There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

16 USC 460xx-6.

### TITLE II—CITY OF ROCKS NATIONAL RESERVE

#### ESTABLISHMENT OF CITY OF ROCKS NATIONAL RESERVE

**SEC. 201.** (a) There is hereby established the City of Rocks National Reserve (hereinafter referred to as the “reserve”), in order to preserve and protect the significant historical and cultural resources; to manage recreational use; to protect and maintain scenic quality; and to interpret the nationally significant values of the reserve.

Historic  
preservation.  
16 USC 460yy.

(b) The reserve shall include approximately fourteen thousand three hundred and twenty acres as depicted on the map entitled “Boundary Map, City of Rocks National Reserve, Idaho” numbered P30-80,005 and dated October 1987. The map shall be on file in the offices of the National Park Service, Department of the Interior and the Offices of the Governor, State of Idaho.

(c) Within six months after the enactment of this title, the Secretary of the Interior (hereinafter in this title referred to as the

Public  
information.

“Secretary”) shall file a legal description of the reserve designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (b). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and the offices of the Governor of the State of Idaho.

#### PLAN AND MANAGEMENT OF RESERVE

State and local  
governments.  
16 USC 460yy-1.

SEC. 202. (a) To achieve the purpose of this title, the Secretary, acting through the National Park Service, in cooperation with appropriate State and Federal agencies, local units of government and local residents shall formulate a comprehensive plan for the protection, preservation, and interpretation of the reserve. The plan shall identify those areas or zones within the reserve which would most appropriately be devoted to—

- (1) public use and development;
- (2) historic and natural preservation; and
- (3) private use subject to appropriate local ordinances designed to protect the historic rural setting.

(b) Within eighteen months following the date of enactment of this section, the Secretary shall transmit the plan to the President of the Senate and the Speaker of the House of Representatives and to the Governor of the State of Idaho.

(c) At such time as the State or appropriate units of local government having jurisdiction over land use within the reserve have enacted ordinances or established regulations which in the judgment of the Secretary will protect and preserve the historic and natural features of the area in accordance with the comprehensive plan, the Secretary shall, pursuant to cooperative agreement—

- (1) transfer management and administration over all or any part of the property acquired under subsection (d) of this section to the State or appropriate units of local government;
- (2) provide technical assistance to such State or units of local government in the management, protection, and interpretation of the reserve; and

Grants.

- (3) make periodic grants, which shall be supplemental to any other funds to which the grantee may be entitled under any other provision of law, to such State or local unit of government to carry out the purposes of this title.

(d)(1) The Secretary is authorized to acquire such lands and interests as he determines are necessary to accomplish the purposes of this title by donation, purchase with donated funds, or appropriated funds, or exchange, except that the Secretary may not acquire the fee simple title to any land without the consent of the owner. The Secretary shall, in addition, give prompt and careful consideration to any offer made by an individual owning property within the reserve to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(2) Lands and waters, and interests therein, within the boundaries of the reserve which were administered by the Forest Service,

United States Department of Agriculture or the Bureau of Land Management, Department of the Interior prior to the date of enactment of this title are hereby transferred to the administrative jurisdiction of the Secretary to be administered by the National Park Service in accordance with this title.

(3) Lands and interest therein so acquired shall, so long as responsibility for management and administration remains with the United States, be administered by the Secretary subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in a manner consistent with the purpose of this title.

(e) If, after the transfer of management and administration of any lands pursuant to subsection (c) of this section, the Secretary determines that the reserve is not being managed in a manner consistent with the purposes of this title, he shall so notify the appropriate officers of the State or local unit of government to which such transfer was made and provide for a one hundred and eighty-day period in which the transferee may make such modifications in applicable laws, ordinances, rules, and procedures as will be consistent with such purposes. If, upon the expiration of such one hundred and eighty-day period, the Secretary determines that such modifications have not been made or are inadequate, he shall withdraw the management and administration from the transferee and he shall manage such lands in accordance with the provisions of this title.

(f) Congress finds that there are unique circumstances with respect to the water and water related resources within the Reserve designated by this title. The Congress recognizes that the management of this area may be transferred to the State of Idaho, that the State has committed to providing the water necessary to fulfill the purposes of this title, and that there is little or no water or water-related resources that require the protection of a Federal reserved water right. Nothing in this title, nor any action taken pursuant thereto, shall constitute either an express or implied reservation of water or water right for any purpose: *Provided*, That the United States shall retain that reserved water right which is associated with the initial establishment and withdrawal of the national forest lands which will be transferred to the Reserve under this title.

Water.

(g) Subject to valid existing rights, Federal lands and interests therein, within the reserve, are hereby withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970, as amended.

(h) There is hereby authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this title.

Appropriation authorization.

### TITLE III—HAGERMAN FOSSIL BEDS NATIONAL MONUMENT

16 USC 431 note.

#### ESTABLISHMENT OF HAGERMAN FOSSIL BEDS NATIONAL MONUMENT

SEC. 301. (a) In order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Hagerman Valley fossil sites, to provide a center for continuing paleontological research, and to provide for the display and interpretation of the scientific specimens uncovered at such sites, there is hereby established the Hagerman Fossil Beds

National Monument (hereinafter in this title referred to as the "monument").

Public  
information.

(b) The monument shall consist of approximately four thousand three hundred and ninety-four acres as depicted on a map entitled "Boundary Map, Hagerman Fossil Beds National Monument, Idaho" number HAFO-20,012A and dated September, 1987. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior and the Office of the Superintendent, Hagerman Fossil Beds National Monument, Idaho.

Public  
information.

(c) Within six months after the enactment of the title, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall file a legal description of the monument designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

#### ACQUISITION OF LANDS

Gifts and  
property.

SEC. 302. (a) The Secretary is authorized to acquire lands or interests in lands within the monument only by donation or exchange.

(b) Notwithstanding any other provision of law, any Federal property located within the boundaries of the monument shall be transferred without consideration to the administrative jurisdiction of the Secretary to be administered in accordance with the purposes of this title.

(c) In acquiring non-Federal lands by exchange pursuant to this title, the Secretary shall utilize his existing authority including but not limited to applicable provisions of the Federal Land Policy and Management Act of 1976 (Public Law 94-579).

#### ADMINISTRATION OF MONUMENT

SEC. 303. The Secretary shall administer the monument established pursuant to this title in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

#### WATER RIGHTS

SEC. 304. Congress finds that there are unique circumstances with respect to the water or water-related resources within the Monument designated by this title. The Congress recognizes that there is little or no water or water-related resources that require the protection of a federal reserve water right. Nothing in this title, nor any action taken pursuant thereto, shall constitute either an expressed or implied reservation of water or water right for any purpose.

## EFFECT ON EXISTING FACILITIES

SEC. 305. Nothing in this title shall affect electrical generating and transmission and irrigation pumping and transmission facilities in existence within the boundaries of the monument, or the right to operate, maintain, repair, upgrade, and modify such facilities. Such facilities are hereby expressly determined to be compatible and consistent with the purposes of this title.

## CONTINUING PALEONTOLOGICAL RESEARCH

SEC. 306. In order to provide for continuing paleontological research, the Secretary shall incorporate in the general management plan provisions for the orderly and regulated use of and research in the monument by qualified scientists, scientific groups, and students under the jurisdiction of such qualified individuals and groups.

## MINING PROHIBITION

SEC. 307. Subject to valid existing rights, Federal lands and interests therein, within the monument, are hereby withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970, as amended.

## AUTHORIZATION OF APPROPRIATIONS

SEC. 308. There are hereby authorized to be appropriated not to exceed \$5,000,000 to carry out the purposes of this title.

## TITLE IV—ARIZONA-FLORIDA LAND EXCHANGE

## DEFINITIONS

SEC. 401. For purposes of this title:

(1) The term "Administrator" means the Administrator of Veterans' Affairs.

(2) The term "Arizona InterTribal Trust Fund" means the fund established pursuant to section 405(a)(1) of this title in the Treasury of the United States for the benefit of Arizona Tribes that were members of the InterTribal Council of Arizona on January 1, 1988, and the members of such tribes.

(3) The term "Arizona Tribe" means an Indian tribe that has a reservation located partially or totally in the State of Arizona.

(4) The term "City" means the City of Phoenix, Arizona.

(5) The term "Collier" means the nongovernmental parties to the Exchange Agreement identified in the Exchange Agreement as Barron Collier Company, Collier Development Corporation, and Collier Enterprises.

(6) The term "Exchange Agreement" means the Agreement Among the United States, Collier Enterprises, Collier Development Corporation, and the Barron Collier Company, executed on May 15, 1988, and subsequently submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.



Florida.

(7) The term "Florida Lands" means the lands that would be conveyed to the United States by Collier under the terms of the Exchange Agreement or this title, and other lands owned by Collier and located within the boundaries of the Florida Panther National Wildlife Refuge to be acquired by purchase by the United States and managed as part of such Refuge, other than those lands identified for conveyance to the United States pursuant to agreements for purchase and sale of such lands executed by Collier prior to January 1, 1988.

(8) The term "InterTribal Council of Arizona" or "ITCA" means the corporation organized and existing under the laws of the State of Arizona under the name InterTribal Council of Arizona, Inc., or a successor to such corporation organized and existing under the laws of the State of Arizona, the membership of which includes thirteen or more of the Arizona Tribes that were members of the ITCA on January 1, 1988.

(9) The term "Land Exchange" means the transaction providing for the acquisition by the United States of title to lands in Florida owned by Collier and the receipt by the United States of Monetary Proceeds in exchange for the acquisition by Collier of title to land within the School Property.

(10) The term "Monetary Proceeds" means either—

(A) the cash amount required to be paid to the United States by Collier upon closing of the Land Exchange, or

(B) the amount required to be paid to the United States by a Purchaser other than Collier upon closing of the Purchase Transaction, less the amount required to be paid from the account for acquisition of the Florida Lands and reimbursement of costs established under section 402(i) of this title.

(11) The term "Navajo Trust Fund" means the fund established pursuant to section 405(a)(2) of this title in the Treasury of the United States for the benefit of the Navajo Tribe and its members.

(12) The term "Phoenix Exchange Property" means the land within the School Property to be conveyed to a Purchaser under the Land Exchange or the Purchase Transaction, which land shall be the School Property less any parcel of land to be conveyed to the City of Phoenix or transferred to the Veterans' Administration upon closing of the Land Exchange or Purchase Transaction pursuant to section 402 of this title.

(13) The term "Planning and Development Agreement" means the Memorandum of Agreement between the City of Phoenix, Arizona, Collier Enterprises and Barron Collier Company approved by the City Council of Phoenix, Arizona, on July 1, 1987, including any amendments or modifications of such Memorandum of Agreement subsequently agreed to by the parties, or, as the context may require, an agreement between the City of Phoenix, Arizona, and a Purchaser other than Collier that is identical in all material respects to such Memorandum of Agreement.

(14) The term "Public Planning Process" means the land use planning and zoning process applicable to the School Property under the Planning and Development Agreement or other State or local law and regulation applicable to the planning and zoning of such property.



(15) The term "Purchase Transaction" means the cash purchase of the Phoenix Exchange Property by a Purchaser other than Collier under section 402(h) of this title.

(16) The term "Purchaser" means Collier or, in the event that Collier does not accept the offer of the United States to acquire the Phoenix Exchange Property under either section 402(h)(1) or section 402(h)(6) and (7) of this title, any other person that acquires the Phoenix Exchange Property under a Purchase Transaction.

(17) The term "School Property" means the real property used by the Secretary on January 1, 1988, for the Phoenix Indian High School in Phoenix, Arizona.

(18) The term "Secretary" means the Secretary of the Interior.

(19) The term "Trust Fund Payment" means the payment to the United States of the Monetary Proceeds for deposit into, as the context requires, the Arizona InterTribal Trust Fund or the Navajo Trust Fund, in the form of a lump sum payment or annual payments as determined under section 403 of this title.

(20) The term "Trust Fund Payment Agreement" means an agreement providing for payment by the Purchaser of annual Trust Fund Payments for deposit into the Arizona InterTribal Trust Fund or the Navajo Trust Fund or, as the context may require, an agreement between the United States and a Purchaser other than Collier that is identical in all material respects to such Trust Fund Payment Agreement.

(21) The term "Trust Income" to the Arizona InterTribal Trust Fund or the Navajo Trust Fund means the interest earned on amounts deposited into each such trust fund and any amounts paid into each such trust fund in the form of annual Trust Fund Payments.

(22) The term "Veterans' Administration Property" means the property adjacent to the School Property owned by the United States and under the jurisdiction and control of the Veterans' Administration on January 1, 1988.

#### DISPOSITION OF SCHOOL PROPERTY

SEC. 402. (a) **AUTHORIZATION OF DISPOSAL.**—The Secretary is authorized to dispose of the School Property and use the Monetary Proceeds only in accordance with this title. The provisions of this title shall govern the disposal of such property and other provisions of law governing the disposal of Federal property shall not apply to the disposal of the School Property.

(b) **EXCHANGE AGREEMENT.**—The Exchange Agreement is ratified and confirmed and sets forth the obligations, duties, and responsibilities of the parties to the Exchange Agreement. The Secretary shall implement the Exchange Agreement in accordance with its terms and conditions; except that, the Secretary may, with the concurrence of Collier, make minor and technical amendments in land descriptions and instruments of conveyance, as set forth in the agreement, upon 30 days prior written notice to the House Interior and Insular Affairs and Senate Energy and Natural Resources Committees.

(c) **CONVEYANCE OF LANDS; TRANSFER OF JURISDICTION.**—If the Phoenix Exchange Property is conveyed under the Land Exchange

or a Purchase Transaction, the Secretary is authorized and directed, subject to the requirements of this section, to—

(1) convey to the City by quitclaim deed a parcel of 20 acres of the School Property upon election by the City to accept such conveyance under subsection (e);

(2) transfer jurisdiction and control of a parcel of 11.5 acres of the School Property to the Veterans' Administration pursuant to subsection (f); and

(3) transfer jurisdiction and control of a parcel of 4.5 acres of the School Property to the Veterans' Administration pursuant to subsection (g).

(d) **PRELIMINARY NOTICE.**—(1) On a date no later than 135 days prior to acceptance by Collier of the offer of the United States under the Exchange Agreement, Collier shall provide preliminary notice in writing of its intent to accept such offer to—

(A) the Secretary;

(B) the Mayor of the City;

(C) the Administrator of Veterans' Affairs;

(D) the InterTribal Council of Arizona;

(E) the governing body of the Navajo Tribe; and

(F) the Governor of the State of Arizona.

The provision of this preliminary notice by Collier shall not affect Collier's right to accept or not to accept the offer of the United States under the Exchange Agreement and in accordance with subsection (h) (1) or (7).

(2) Notwithstanding any provision of the Exchange Agreement, Collier may not provide preliminary notice under paragraph (1) prior to the later of one year following the date of enactment of this title or the submission of a Specific Plan for the Phoenix Exchange Property as provided in the Planning and Development Agreement.

(e) **ELECTION BY CITY.**—(1) Within 15 days after receipt of notice to the Mayor of the City under subsection (d), the City may advise the Secretary in writing that it elects to accept conveyance of a parcel of 20 acres of land within the School Property identified for conveyance to the City by mutual agreement with Collier in accordance with the Public Planning Process.

(2) On or after conveyance of the Phoenix Exchange Property under the Land Exchange or Purchase Transaction, the Secretary shall convey to the City such parcel of 20 acres of the School Property as the City may elect to receive under paragraph (1), subject to the requirements of this section: *Provided*, That if the City and the Purchaser have not identified 20 acres for conveyance to the City in accordance with the Public Planning Process at the time of closing of the Land Exchange or the Purchase Transaction, the Secretary shall convey to the city a parcel of land consisting of the northernmost 20 acres of the School Property.

(3) Nothing in this title shall be construed as a limitation on the authority of the Purchaser and the City to enter into agreements to exchange, on an acre-for-acre basis, land within the School Property conveyed to the Purchaser for land conveyed by the United States to the City or owned by the City contiguous to the School Property.

(4) Any conveyance to the City by the United States under this subsection shall include the requirement for a right of reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation.

(5) Any conveyance by the Purchaser to the City of land within the School Property pursuant to exchange shall include a right of

Indians.

reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation. The conveyance by exchange of land to the Purchaser from the City shall extinguish any right of reverter restricting the use of land so conveyed to the Purchaser.

(6) Nothing in this subsection shall be construed to alter any right of the City to purchase additional acres of land within the School Property from the Purchaser pursuant to the Planning and Development Agreement or as may otherwise be agreed to by the City and the Purchaser.

(f) **TRANSFER TO THE VETERANS' ADMINISTRATION.**—(1) Upon the closing of the Land Exchange or the Purchase Transaction, the Secretary shall transfer to the Veterans' Administration jurisdiction and control of a parcel of 11.5 acres (including improvements located thereon) within the School Property to be used for expansion of the Veterans' Administration Medical Center in Phoenix, Arizona.

(2) Such parcel shall be the portion of land designated as Tract C on the metes-and-bounds surveys in the southeast quarter of section 20, township 2 north, range 3 east, of the Gila and Salt River Meridian, Arizona, conducted by the Bureau of Land Management of the Department of the Interior, dated March 22, 1988.

(3)(A) The Administrator shall cooperate with the City in the planning and development of land transferred under this subsection for the purpose of ensuring comprehensive planning of the School Property in accordance with the objectives of the Public Planning Process. The general authorities of the Administrator, including but not limited to those contained in sections 5022(a)(2) and 5024 of title 38, United States Code, shall be available to the Administrator for the purposes of this subsection.

(B) The Administrator shall, within six months after the date of the enactment of this title and every six months thereafter until the cooperative planning referred to in subparagraph (A) is completed, transmit a report to the Committee on Interior and Insular Affairs and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Veterans' Affairs of the Senate. Each such report shall contain a description of the efforts made by the Veterans' Administration in carrying out such planning during the period for which the report is submitted.

Reports.

(C) The Secretary shall enter into a memorandum of understanding with the Administrator for the temporary use by the Administrator of the gymnasium constructed on the School Property in 1975. Such temporary use shall not extend beyond the interim period before the transfer or development of the property on which the gymnasium is located.

(g) **TRANSFER TO THE STATE OF ARIZONA.**—(1) Upon the closing of the Land Exchange or the Purchase Transaction, the Secretary shall transfer to the Veterans' Administration jurisdiction and control of a parcel of 4.5 acres (including improvements located thereon) within the School Property which shall be under the jurisdiction and control of the Veterans' Administration until disposed of in accordance with paragraph (3) or (4).

(2) Such parcel of land shall be contiguous to the parcel of land transferred to the Veterans' Administration under subsection (f) and to the Veterans' Administration Property. Such parcel shall be identified by mutual agreement of the City, the Administrator,

Collier, and the State of Arizona in accordance with the objectives of the Public Planning Process for use by the State of Arizona as a site for facilities owned and operated by such State as a home for veterans.

(3) The Administrator shall convey such parcel (including improvements located thereon), without reimbursement, to the State of Arizona when—

(A) the Administrator of Veterans' Affairs has approved the State of Arizona's application for assistance in construction of a State veterans' facility on such parcel pursuant to section 5035 of title 38, United States Code; and

(B) the State of Arizona has appropriated sufficient funds to pay for its portion of the costs of construction of such facility.

(4) If the State of Arizona does not submit an application for assistance described in paragraph (3)(A) and appropriate the funds described in paragraph (3)(B) within three years after such parcel is transferred to the Veterans' Administration under this subsection, the Administrator of Veterans' Affairs shall transfer jurisdiction and control of such parcel to the Secretary.

(5) Such land shall be offered by the Secretary for sale to the City, subject to a right of reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation, at a price determined by the Secretary which shall be representative of the value of such land discounted to account for such restrictions in use. In the event that the City does not accept the offer of the United States to purchase such land within six months from the date such offer is made, such land shall be offered for sale to the Purchaser at fair market value. The amount received from any sale of such land shall be deposited in the Arizona InterTribal Trust Fund and in the Navajo Trust Fund in accordance with the allocation described in section 405(e).

(h) OFFERS TO PURCHASE.—(1) Upon receipt by the Secretary of the notice of election to receive the parcel of land by the City of Phoenix under subsection (e), but in no event later than 15 days after receipt of preliminary notice to the Secretary by Collier under subsection (d), the Secretary shall notify Collier that, notwithstanding the provisions of subsection (d)(1), Collier may accept the offer of the United States to acquire the Phoenix Exchange Property under the terms of the Exchange Agreement, subject to the requirements that if the fair market value of the Phoenix Exchange Property stated in the current, independent appraisal obtained by the Secretary under subsection (m)(4) is greater than \$80,000,000, then Collier shall pay, in addition to the amount required to be paid under paragraphs 13 and 14 of the Exchange Agreement, an amount equal to the difference between the fair market value stated in such appraisal and \$80,000,000. If Collier notifies the Secretary that it does not accept the offer of the United States under this paragraph, a Purchaser may acquire the Phoenix Exchange Property pursuant to the requirements of paragraphs (2) through (9) of this subsection.

(2)(A) Upon receipt of notice by Collier that it does not accept the offer of the United States under paragraph (1), but in no event later than 15 days following receipt of such notice, the Secretary shall initiate the bidding process under this section by soliciting and advertising widely for sealed bids for purchase of the Phoenix Exchange Property: *Provided*, That no such bid will be accepted unless such bid offers a price of no less than the minimum acceptable price set forth in subsection (h)(4). The Secretary shall solicit

Indians.

Federal  
Register,  
publication.

and advertise widely for such bids by publishing notice that the Secretary will receive offers by persons other than Collier to purchase the Phoenix Exchange Property in the Federal Register and in newspapers of general circulation and other appropriate publications, including newspapers in Phoenix, Arizona. Such notice shall include—

(i) an accurate description of the Phoenix Exchange Property, and an identification of any parcels of land within the School Property elected for conveyance to the City pursuant to subsection (e), transferred to the Veterans' Administration pursuant to subsection (f), or conveyed to the State of Arizona pursuant to subsection (g);

(ii) the name and address of State and local offices from which information concerning the zoning and other legal requirements applicable to such property may be obtained;

(iii) a description of the terms and conditions for purchase of the Phoenix Exchange Property established under this title pursuant to which the Secretary may accept an offer to purchase the Phoenix Exchange Property;

(iv) a statement of the minimum price that the Secretary may accept for sale of the Phoenix Exchange Property under paragraph (4) of this subsection;

(v) a description of the other terms and conditions for purchase of the Phoenix Exchange Property that the Secretary determines are necessary to ensure that the rights and obligations of a Purchaser under this section are comparable in all material respects to the rights and obligations of Collier under the Exchange Agreement, except as otherwise provided in this title;

(vi) a statement establishing requirements for deposit of bond or other guarantee of credit in an amount determined by the Secretary; and

(vii) any other information that the Secretary, in his discretion, determines is reasonably necessary to permit a bona fide potential purchaser to evaluate the terms and conditions for purchase of the Phoenix Exchange Property.

(B) Upon request, the Secretary shall make available to any potential purchaser a copy of the Exchange Agreement or any other document in the possession of the Secretary which the Secretary in his discretion determines is reasonably necessary to permit a bona fide potential purchaser to evaluate the proposal of the United States to sell the Phoenix Exchange Property.

(3) Any person seeking to acquire the Phoenix Exchange Property by purchase under this section shall, within 90 days after publication of notice in the Federal Register under paragraph (2)(A), deliver to the Secretary in the form prescribed in such notice, a written offer to purchase the Phoenix Exchange Property which offer shall—

(A) offer to purchase the entire Phoenix Exchange Property for cash in a single transaction at a price greater than the minimum acceptable price established under paragraph (4);

(B) by its terms be irrevocable for a period of at least 120 days from the date such offer is delivered to the Secretary and be legally binding on the offeror upon acceptance of such offer by the United States;

(C) offer to enter into a Purchase Agreement with the United States under the terms and conditions for purchase of the

Phoenix Exchange Property described in the notice by the Secretary under paragraph (2);

(D) contain an offer to the United States to enter into a Trust Fund Payment Agreement in a form prescribed by the Secretary consistent with the requirements for payment of the Trust Fund Payment in the form of annual payments under section 403, which agreement shall be legally binding upon the offeror upon election of the Secretary to receive payment of the Monetary Proceeds in the form of annual payments under section 403 of this title, including: (i) a detailed description of the collateral to be provided by the offeror to secure the payment obligation under the Trust Fund Payment Agreement upon such election of the Secretary to receive payment in the form of annual payments, and (ii) evidence of ownership and value of such collateral sufficient to permit the Secretary to determine whether such collateral is adequate to secure the payment obligations of the Purchaser under the Trust Fund Payment Agreement;

(E) contain evidence that the offeror has made an offer to the City of Phoenix, legally binding by its terms on the offeror upon approval by the City Council of Phoenix, Arizona, to enter into the Planning and Development Agreement;

(F) contain full and substantial evidence of the capacity of the offeror to enter into and perform each of the obligations required to be undertaken by the offeror under the terms described by the Secretary in accordance with paragraph (2) including a description of any financing arrangements to be undertaken by the offeror in order to perform the payment obligation of the Purchaser upon closing of the Purchase Transaction;

(G) meet any other requirements prescribed by the Secretary in the notice published under paragraph (2)(A) which are reasonably necessary to ensure that any offer accepted by the United States under this subsection will provide public benefits to the United States comparable to those provided to the United States under the Land Exchange; and

(H) be accompanied by the deposit of a bond or other guarantee consistent with the requirements prescribed by the Secretary under paragraph (2).

(4) The minimum acceptable price for sale of the Phoenix Exchange Property is a cash amount equal to the sum of the amount required to be deposited into the account for purchase of the Florida Lands and reimbursement of costs under subsection (i) and an amount equal to the amount required to be paid by Collier under paragraphs 13 and 14 of the Exchange Agreement.

(5)(A) The Secretary shall review any offer to purchase the Phoenix Exchange Property delivered to the Secretary within 90 days after publication of notice under paragraph (2)(A) for the purpose of determining whether such offer meets the requirements under paragraph (3) or other requirements set forth in the notice of the Secretary pursuant to paragraph (2). The Secretary shall identify for consideration as qualifying offers all such offers that meet such requirements subject to the limitations of subparagraph (B).

(B) In determining whether an offer is a qualifying offer under this paragraph, the Secretary shall exclude from consideration any offer that the Secretary in his discretion determines—

Securities.



(i) does not meet the requirements set forth in the notice of the Secretary pursuant to paragraph (2);

(ii) is made by an offeror without adequate capacity to enter into or perform the payment obligations under this title or the Trust Fund Payment Agreement; or

(iii) has failed to identify collateral that is adequate to secure the obligations under the Trust Fund Payment Agreement.

(C) The Secretary shall, within 105 days after publication of notice in the Federal Register, select from among the qualifying offers the best qualifying offer, which shall be the single offer from among the qualifying offers that contains an offer to pay to the United States the highest lump sum cash payment upon closing of the Purchase Transaction: *Provided*, That nothing in this paragraph shall be construed to limit or alter the right of the Secretary to elect to receive payment of the Monetary Proceeds in the form of annual payments under section 403 of this title.

(6) Within 105 days after publication of notice in the Federal Register under paragraph (2)(A), the Secretary shall advise Collier whether the Secretary has identified a qualifying offer or offers. In the event that the Secretary has not identified any such qualifying offer, he shall advise Collier that Collier may accept the offer of the United States to Collier under the terms of the Exchange Agreement and this title. In the event that the Secretary has identified a qualifying offer, the Secretary shall provide Collier with a copy of the best qualifying offer, and shall advise Collier that Collier may accept the offer of the United States under the Exchange Agreement subject to the requirement that Collier pay, rather than the amount required to be paid under paragraphs 13 and 14 of the Exchange Agreement, the difference between an amount equal to 105 percent of the price to be paid under the best qualifying offer and \$45,100,000.

(7) Collier may accept the offer of the United States by notice to the Secretary within 30 days of receipt of notice under paragraph (6) that Collier accepts such offer under the terms of the Exchange Agreement and subject to the requirement, if any, for additional payment under paragraph (6). If Collier accepts the offer of the United States under this paragraph, closing of the Land Exchange shall occur under the terms of the Exchange Agreement and this title.

(8) If Collier does not accept such offer, the Secretary shall accept the best qualifying offer. If no qualifying offer has been received within the period specified in paragraph (3), the Secretary shall maintain the School Property in accordance with subsection (k) of this section, and notify the Committees on Interior and Insular Affairs and Veterans' Affairs in the House of Representatives, and the Committee on Energy and Natural Resources in the Senate within 60 days of the Secretary's notice to Collier under paragraph (6). Closing of the Purchase Transaction under this subsection shall occur within 90 days after acceptance by the United States of the best qualifying offer, subject to the requirements respecting deposit of payment under subsection (i).

(9) No action of the Secretary under this subsection shall be subject to the provisions of 5 U.S.C. 553 through 558 or 701 through 706.

(i) ACCOUNT FOR PURCHASE TRANSACTION AMOUNTS.—(1) Upon closing of the Purchase Transaction, there shall be established in the Treasury of the United States an account into which shall be

deposited from the amount paid to the United States under the Purchase Transaction, at the direction of the Secretary, an amount equal to the sum of—

(A) \$49,400,000, less any amount received by Collier in consideration of the conveyance to the United States of any portion of the Florida Lands prior to the closing of the Purchase Transaction, and

(B) an amount equal to the costs determined by the Secretary as reimbursable to Collier under paragraph (2), based on information to be provided to the Secretary by Collier at the time that Collier provides preliminary notice under subsection (d).

(2) For purposes of this subsection, reimbursable costs of Collier shall include—

(A) all costs, including fees for attorneys and consultants and appraisal costs paid or incurred by Collier in connection with the Public Planning Process and planning and zoning of the School Property, and

(B) an amount for compensation of general administrative costs and overhead, which shall be an amount equal to the costs reimbursable to Collier under subparagraph (A) multiplied by a factor of 0.8.

Florida.

(3) Upon conveyance by Collier to the United States of title to the Florida Lands pursuant to this subsection, the Secretary shall cause to be paid to Collier from the account established under paragraph (1): (A) \$49,400,000, less any amount previously paid to Collier by the United States in consideration of conveyance of any portion of the Florida Lands, and (B) an amount equal to the total amount of costs reimbursable to Collier under this subsection, as determined by the Secretary.

(j) CONVEYANCE OF TITLE.—Upon conclusion of the procedures under subsection (h), the Secretary is authorized and directed to release and quitclaim to the Purchaser all right, title, and interest of the United States to the Phoenix Exchange Property.

(k) REVERSION.—Any land within the School Property not conveyed to the Purchaser or the City or transferred to the Veterans' Administration upon closing of the Land Exchange or the Purchase Transaction or which reverts to the United States under subsection (e)(4) or is transferred to the Secretary under subsection (g)(4) and is not sold to the City or the Purchaser shall be maintained under the administrative jurisdiction, management and control of the National Park Service and shall not be disposed of until authorized by an Act of Congress: *Provided, however,* That such lands shall not be considered a unit of the National Park System.

(l) STATE AND LOCAL AUTHORITY.—Nothing in this title shall be construed to supersede, abrogate, enlarge, diminish, or otherwise alter the exercise of authority of the State of Arizona, the City or other State and local authority with respect to planning and zoning of the School Property under applicable State or local law.

(m) SPECIFIC PLAN REPORTS.—(1) No later than 30 days after the submission of the Specific Plan as provided for in the Planning and Development Agreement, the Comptroller General of the United States shall submit to Congress a report analyzing the Specific Plan, particularly as it relates to the final proposals for zoning of the Phoenix Exchange Property, the alternatives considered, the reasons for rejection of the alternatives, and the effect of the rezoning

proposals on the potential value of the property relative to the effects of other zoning proposals.

(2) Within 60 days after acceptance of the Purchasers' offer under subsection (h)(8), or acceptance by Collier of the offer of the United States under subsection (h) (1), (6) or (7), whichever is later, the Comptroller General shall provide a further report on all actions taken subsequent to the submission of the Specific Plan relative to disposition of the Phoenix Exchange Property, particularly as they relate to the value received by the United States and the process by which such value was determined.

(3) The Comptroller General shall transmit all reports required by this section to the Committees on Interior and Insular Affairs and Education and Labor of the House of Representatives and the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate.

(4) Within 45 days following submission of the Specific Plan as provided for in the Planning and Development Agreement, the Secretary shall obtain, at Collier's expense, a current, independent appraisal of the Phoenix Exchange Property, based upon the zoning requirements stated in such Specific Plan, which appraisal shall determine the fair market value which Collier must give for the Phoenix Exchange Property if such property is acquired by Collier pursuant to the provisions of subsection (h)(1).

#### PAYMENT TO THE TRUST FUNDS

Indians.

SEC. 403. (a) **DEPOSIT OF MONETARY PROCEEDS.**—The Monetary Proceeds shall be paid to the United States for deposit in the Arizona InterTribal Trust Fund and the Navajo Trust Fund in accordance with this section and section 405 of this title.

(b) **ELECTION OF LUMP SUM OR ANNUAL PAYMENTS.**—Subject to the requirements for consultation under subsection (c)(3), the Secretary may, in his discretion, elect to receive the Trust Fund Payment for deposit in the Arizona InterTribal Trust Fund or the Navajo Trust Fund, or both, in the form of either a lump sum payment or 30 annual payments, calculated in accordance with subsection (c). The Secretary shall provide notice of such election to the Purchaser within 90 days after receipt of notice from Collier that it intends to accept the offer of the United States under the Exchange Agreement pursuant to section 402(d).

(c) **METHOD OF PAYMENT.**—(1) If the Secretary elects to receive a Trust Fund Payment in the form of a lump sum payment, the Purchaser shall, at the time of closing, pay to the United States an amount equal to that portion of the Monetary Proceeds that is properly allocable to the Trust Fund for which such election is made.

(2) If the Secretary elects to receive a Trust Fund Payment in the form of annual payments, the Purchaser shall make—

(A) 30 annual payments equal to the interest due on an amount equal to that portion of the Monetary Proceeds that is properly allocable to the Trust Fund for which such election is made; and

(B) at the time of the last annual payment, a payment equal to that portion of the Monetary Proceeds that is properly allocable to the Trust Fund for which such election is made.

(3) Prior to making any election as to form of the Trust Fund Payment under this subsection, the Secretary shall consult with—

(A) the InterTribal Council of Arizona, concerning the form of the Trust Fund Payment to the Arizona InterTribal Trust Fund; and

(B) the governing body of the Navajo Tribe, concerning the form of the Trust Fund Payment to the Navajo Trust Fund.

(4) If the Secretary elects to receive a Trust Fund Payment in the form of annual payments under subsection (c)(2), the Secretary is directed to execute the Trust Fund Payment Agreement pursuant to which such annual payments will be made.

(5) The interest rate to be used in determining the interest due on annual Trust Fund Payments payable by the purchaser shall be the interest rate being offered on bonds payable in 30 years sold by the United States on the date that notice of the election of the form of the Trust Fund Payment is made by the Secretary plus 0.25 percent, except that in no event shall such interest rate be lower than 8.5 percent or higher than 9.0 percent.

(6) Closing of the Land Exchange or the Purchase Transaction shall occur no sooner than 90 days after notice of the Secretary's election is provided to the Purchaser, except that if the Secretary elects to receive a Trust Fund Payment in the form of annual payments under subsection (c)(2), closing of the Land Exchange or the Purchase Transaction shall not occur unless a Trust Fund Payment Agreement has been executed.

(d) CASH PROCEEDS.—Any cash proceeds to the United States from the sale of land within the School Property offered to and accepted by the City or the Purchaser subsequent to closing of the Land Exchange or the Purchase Transaction shall be in the form of a lump sum payment, unless otherwise agreed to by the parties, payable to the United States for deposit into the Arizona InterTribal Trust Fund and the Navajo Trust Fund pursuant to section 405 of this title.

#### CLOSURE OF THE PHOENIX INDIAN HIGH SCHOOL

SEC. 404. (a) CLOSURE.—Notwithstanding any other provision of law, the Secretary shall close the Phoenix Indian High School on a date determined by the Secretary, which date shall be no earlier than June 1, 1990, and no later than September 1, 1990.

(b) NOTICE.—By January 30, 1990, the Secretary shall notify the tribal governing body of each Arizona Tribe affected by the closing of the Phoenix Indian High School and each person, or parent or guardian of each person, enrolled as a student at the Phoenix Indian High School on January 1, 1991, of the date of closing of the Phoenix Indian High School as determined by the Secretary under subsection (a).

(c) INDIVIDUAL EDUCATION PLANS.—(1) Beginning January 30, 1990, but in no case later than March 1, 1990, the Secretary, through the Assistant Secretary of Indian Affairs, shall—

(A) identify each eligible Indian student who is enrolled or preenrolled for attendance at the Phoenix Indian High School, as of the date of enactment of this title, or who attended the Phoenix Indian High School during the academic year 1988-89, and who did not graduate from a secondary program, and shall—

(i) contact each student, or the parents or guardians of record of each such student,

(ii) notify each student that the Phoenix Indian High School is to be closed at the date established by the Secretary under subsection (a),

(iii) inform each of the alternatives available to each student and their families, including attendance at the Bureau operated facility at Riverside, California, and

(iv) develop the individual education plans required under subparagraph (B);

(B) develop for each student identified under subparagraph (A) an individual education plan, which shall be formulated in a cooperative fashion between Bureau education and other appropriate social services. Each individual education plan shall, at the minimum, include—

(i) an identification of the student;

(ii) an identification of the special educational, social, or academically related cultural needs of each student;

(iii) a description of the consultation and discussions with the student and the parent involved in the formulation of this plan;

(iv) an identification of the alternative service provider chosen by the student or parent to provide educational services;

(v) any actions taken, pursuant to the requirements to protect confidentiality, to contact and coordinate the alternative service provider, the tribe, any appropriate Bureau social service entities, and the Office of Indian Education Program; and

(vi) set out in detail the actions to be taken by the Bureau of Indian Affairs to supplement the program provided with additional services and support for the student, where the student attends a non-Bureau funded program or a Bureau funded program which does not include the services described within the plan; and

(C) take such steps as are necessary to establish a formal internal mechanism for implementing the findings and recommendations of the plans developed under subparagraph (B).

(2)(A) Any other provision of law notwithstanding, the Secretary shall, for the fiscal years ending prior to September 30, 1992, reserve from funds appropriated under section 1128 of Public Law 95-561 and other Bureau of Indian Affairs accounts presently providing support to the Phoenix Indian High School during the fiscal year 1990 an amount equal to the amount determined under subparagraph (B) for the purpose of implementing subparagraph (C).

(B)(i) The amount reserved for the fiscal year ending September 30, 1991, shall be equal to the sum of three-fourths the amount generated under the Indian Student Equalization Formula during fiscal year 1990 for the Phoenix Indian High School plus three-fourths the amount generated under the accounts referenced in subparagraph (A), such funds to be reserved from the respective accounts and administered pursuant to subparagraph (C).

(ii) The amount reserved for the fiscal year ending September 1992 shall be equal to the sum of one-half the amount generated under the Indian Student Equalization Formula during fiscal year 1990 for the Phoenix Indian High School plus one-half the amount generated under the accounts referenced in subparagraph (A), such funds to be reserved from the respective accounts and administered pursuant to subparagraph (C).

(C) From funds reserved pursuant to subparagraph (B), the area education director and the area director shall jointly administer a program to implement the individual education plans developed under paragraph (2), with particular emphasis being placed on monitoring the performance and attendance of students covered by the individual education plans. From such funds, they shall also, to the extent funds are available, conduct such activities as may be necessary to determine those eligible Indian students who reside within the State of Arizona or the jurisdiction of the Phoenix Area Office of the Bureau of Indian Affairs who are of legal age to be attending school but who are not enrolled in any program.

(d) **TRANSFER OF JURISDICTION.**—Within 60 days after closure of the Phoenix Indian High School under subsection (a), the Secretary shall transfer administrative jurisdiction, management and control of the school property from the Bureau of Indian Affairs to the National Park Service: *Provided*, That, prior to the disposition of the School Property under the terms of the Exchange Agreement or otherwise, the National Park Service shall manage and control such School Property in a manner consistent with the requirements of the Exchange Agreement and subsection (e), except that the Administrator may, during the interim period of administration, take such actions as are necessary to protect the improvements located on the 11.5 acres of land and 4.5 acres of land to be transferred to the Veterans' Administration pursuant to subsections (f) and (g) of section 402. During the interim period of administration the School Property shall not be considered a unit of the National Park System.

California.

(e) **TRANSFER OF RESOURCES.**—(1) Any other provision of law notwithstanding, the following shall apply to the Sherman Indian School, located in Riverside, California, and operated by the Bureau of Indian Affairs, or its successors, effective on the date of enactment:

(A) The attendance boundaries used by the Bureau of Indian Affairs to govern placements in the Sherman Indian School is expanded to include all of the attendance boundary served in the fiscal year 1991 by the Phoenix Indian High School.

(B) Subject to school board approval, the superintendent of the Sherman Indian School is authorized to pay the recruitment and retention allowance authorized under section 1131(h)(3) of Public Law 95-561.

(C) The Secretary shall inventory all Bureau of Indian Affairs educational property, including personal property, currently located at the Phoenix Indian High School. The superintendent of the Sherman Indian School, and their designees, shall have first option on all materials located at the Phoenix Indian High School and the Secretary shall take all steps necessary to move the materials chosen by the superintendent of the Sherman Indian School to the school as expeditiously as possible. Remaining property shall be made available to other off-reservation boarding schools.

(D) Subject to the provisions of subsection (d), the personnel ceilings at the Sherman Indian School shall be immediately adjusted to reflect employees who transfer from the Phoenix Indian High School and any increase in the student population projected by the closure.

(2) With respect to any employee employed at the Phoenix Indian High School prior to the closure of the academic program—



(A) for the purpose of conducting the reduction in force associated with the closure of the Phoenix Indian High School, Phoenix Indian High School and the Sherman Indian School in Riverside, California shall be considered as one employment area; and

(B) for those who do not elect to exercise the above, or to whom they do not apply, outplacement assistance, including where available job retraining programs, professional résumé and other job placement assistance.

#### ESTABLISHMENT OF THE ARIZONA INDIAN TRUST FUNDS

SEC. 405. (a) ESTABLISHMENT.—Upon disposal of the School Property and receipt by the United States of the Monetary Proceeds, there shall be established in the Treasury of the United States—

(1) a fund to be known as the Arizona InterTribal Trust Fund; and

(2) a fund to be known as the Navajo Trust Fund.

(b) AMOUNTS IN FUNDS.—Each Trust Fund established under this section shall consist of—

(1) an amount equal to the sum of—

(A) that portion of the Monetary Proceeds properly allocable to each such Trust Fund;

(B) that portion of the cash proceeds from the sale by the United States to the City or the Purchaser of additional acres of land within the School Property pursuant to subsection (g)(5) of section 402 of this title properly allocable to each such Trust Fund; and

(C) any interest accruing on any amount deposited in each such Trust Fund,

(2) less the amount of Trust Income from the Trust Fund used by the Secretary pursuant to subsection (d).

(c) INVESTMENT.—(1) If a Trust Fund Payment is made in the form of a lump sum payment under section 403(c)(1) of this title, the Secretary of the Treasury shall invest the amount of such lump sum payment in interest-bearing deposits and securities in accordance with the Act of June 24, 1938 (25 U.S.C. 162a).

(2) If a Trust Fund Payment is made in the form of annual payments under section 403(c)(2) of this title, the Secretary of the Treasury shall hold in trust the security provided in accordance with the Trust Fund Payment Agreement.

(3) At the direction of the Secretary, the Secretary of the Treasury may invest in accordance with the requirements of paragraph (1) any portion of the Trust Income not used by the Secretary in any year.

(d) USE OF TRUST INCOME.—(1) The purpose of these trust funds is to supplement, not supplant, current Federal efforts. The Secretary shall not reduce, rescind, alter or change any distribution of funds to which any Indian tribe or students covered by this section may otherwise be entitled or eligible under any other Federal authority. The Congress also expresses its intention that in determining the amount of any funds to provide services to Indian tribes or students covered by this section, there shall be no amendment, alteration, limitation, or reduction within future congressional action occasioned by the presence of these funds.

(2) Trust Income may be used only for—

Education.  
Children and  
youth.

(A) supplemental educational and child-welfare programs, activities, and services for the benefit of—

(i) those Arizona Tribes that were members of the Inter-Tribal Council of Arizona on January 1, 1988, in the case of payments from the Arizona InterTribal Trust Fund; and

(ii) the Navajo Tribe, in the case of payments from the Navajo Trust Fund;

(B) the design, construction, improvement, or repair of related facilities; and

(C) the payments referred to in paragraph (4).

(3)(A) To carry out the purposes of paragraph (2), the Secretary, pursuant to appropriations, may make grants—

(i) from the Arizona InterTribal Trust Fund to Arizona tribes that were members of the InterTribal Council of Arizona on January 1, 1988, public school districts on or near reservations of such Tribes in the State of Arizona, and the InterTribal Council of Arizona; and

(ii) from the Navajo Trust Fund to the Navajo Tribe or public school districts on or near the Navajo Reservation in the State of Arizona.

(B) The Secretary shall require, as a condition for making any grant to a public school district, the approval of the governing body of the Arizona Tribe the children of which are to be served by such grant.

(4)(A) An amount equal to 5 percent of the Trust Income during the preceding fiscal year shall be paid annually by the Secretary—

(i) to the InterTribal Council of Arizona from the Arizona InterTribal Trust Fund; and

(ii) to the governing body of the Navajo Tribe from the Navajo Trust Fund.

Education.  
Children and  
youth.

(B) Payments made under this paragraph shall be used for education, child welfare, community development, and general administrative purposes, and may be made only pursuant to an annual budget adopted by the vote of—

(i) a majority of the members of the InterTribal Council of Arizona, in the case of payments to the Arizona InterTribal Trust Fund; and

(ii) the governing body of the Navajo Tribe, in the case of payments to the Navajo Trust Fund.

(C) The limitation on the amount of payments under this paragraph shall not be construed as a limitation on the authority of the Secretary to make grants to the InterTribal Council of Arizona or the Navajo Tribe under paragraph (3).

(5) None of the Trust Income may be used for scholarship grants for higher education.

(e) ALLOCATION.—In depositing into the Trust Funds the Monetary Proceeds, any payment by the State of Arizona, or the cash proceeds from the sale of land within the School Property—

(1) the amount properly allocable to the Arizona InterTribal Trust Fund shall be 95 percent of the total amount of such payment or cash proceeds to the United States; and

(2) the amount properly allocable to the Navajo Trust Fund shall be 5 percent of the total amount of such payment or cash proceeds to the United States.

SEC. 406. ADMINISTRATION OF NEW LANDS FUNDS.—Subsection (c)(2)(B) of section 12 of Public Law 93-531 (25 U.S.C. 640d-11) is amended by adding at the end thereof of the following new clause:

“(B) : *Provided further*, That for administrative purposes such funds shall be maintained in a separate account.”.

SEC. 407. CLARIFICATION OF ELIGIBILITY.—Public Law 93-531 is amended by adding at the end thereof the following new section:

“SEC. 32. Nothing in this title prohibits the Commissioner from providing relocation assistance to families certified as eligible, regardless of their current place of residence, with funds appropriated to implement Public Law 93-531.”.

25 USC 640d-31.

## TITLE V—SANTA RITA PUBLIC LANDS EXCHANGE

### PAYMENT OF FEDERAL DEBT

SEC. 501. The Secretary of the Interior, acting through the Bureau of Land Management, shall convey to the State of Arizona, a portion of the lands in the Santa Rita Experiment Station lying outside of the National Forest System, (comprising 50,810.94 acres as generally depicted on map AZ-020-01, subpart A, dated September 13, 1988), which the Secretary deems necessary to satisfy the remaining Federal debt to the State of Arizona, as of the date of enactment of this title, for relinquishments of lands for the Central Arizona project pursuant to the provisions of the Act of June 20, 1910. The map referenced in this section shall be on file and available for public inspection in the offices of the Arizona State Bureau of Land Management and of the Bureau of Land Management in Washington, D.C.

### LAND ACQUISITION

SEC. 502. (a) STATE LANDS ACQUISITION.—Upon completion of the actions authorized in section 501, the Secretary shall utilize the remaining Federal lands in the Santa Rita Experiment Station, described in section 501, to acquire through exchange, pursuant to the exchange provisions of the Federal Land Policy Management Act of 1976, all of the State trust lands within Catalina State Park (as generally depicted on map AZ-020-02, subpart B, dated September 13, 1988), Buenos Aires National Wildlife Refuge (as generally depicted on map AZ-020-05, subpart A, dated September 13, 1988), the Black Canyon Corridor (as generally depicted on map AZ-020-03, Subpart A, dated September 13, 1988), Arivaca Lake (as generally depicted on map AZ-020-05, subpart B, dated September 13, 1988), the Madera-Elephant Head Trail area (as generally depicted on map AZ-020-01, subpart C, dated September 13, 1988), and near Lake Pleasant (as generally depicted on map AZ-020-03, subpart B, dated September 13, 1988). The maps described in this subsection shall be on file and available for public inspection in the offices of the Arizona State Bureau of Land Management and of the Bureau of Land Management in Washington, D.C.

Public  
information.

(b) ADDITIONAL ACQUISITION AUTHORITY.—The Secretary is also authorized to acquire the State lands described in subsection (a) by purchase or eminent domain to the extent determined by him to be appropriate.

(c) LANDS TO BE INCLUDED IN THE NATIONAL WILDLIFE REFUGE SYSTEM.—Those lands within the Buenos Aires National Wildlife Refuge that are acquired in accordance with this title shall be added to the National Wildlife Refuge System and managed in accordance with the National Wildlife Refuge System Administration Act of 1966.

(d) **LANDS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.**—Those lands near Lake Pleasant and within the Black Canyon Corridor that are acquired in accordance with this title shall be administered by the Bureau of Land Management, in accordance with the provisions of the Federal Land Policy and Management Act of 1976.

#### ADDITION TO THE CORONADO NATIONAL FOREST

National Forest  
System.

**SEC. 503. (a) INCLUSION IN NATIONAL FOREST SYSTEM.**—Those lands in the Catalina State Park, Madera-Elephant Head Trail area, and the Arivaca Lake area that are acquired pursuant to this title, shall be included in the Coronado National Forest, and the exterior boundary of the Coronado National Forest shall be modified to include such lands on the date of acquisition by the United States. The Catalina State Park lands shall be managed cooperatively with the Arizona State Parks Department for public access and recreation purposes under the authorities of the National Forest System. Subject to valid existing rights, such lands are hereby withdrawn from all forms of—

- (1) entry, appropriation, or disposal under the public lands laws;
- (2) location, entry, and patent under the United States mining laws; and
- (3) disposition under all laws pertaining to mineral and geothermal leasing.

(b) **LANDS EXEMPT FROM FURTHER PLANNING.**—The lands added to the Coronado National Forest by this section shall be administered under the laws and regulations applicable to National Forest System lands except that the lands described in this section shall be exempt from any further planning requirements of the National Forest Management Act of 1976 until the final 1986 forest plan for the Coronado National Forest is revised. At that time, future management direction for these lands will be determined as a part of planning for the entire national forest.

#### REVOCATION OF SANTA RITA RANGE EXECUTIVE AND PUBLIC LAND ORDERS

**SEC. 504. (a) REVOCATION.**—Notwithstanding any other provision of law, in order to facilitate the transfer of certain Federal lands, Executive Order 1222 dated July 1, 1910, and Public Land Order 1363 dated November 14, 1956, which withdrew the Santa Rita Experimental Range for a forest and range experiment station, are hereby revoked in their entirety.

(b) **EFFECTIVE DATE.**—The effective date of the revocation made by this section shall be—

- (1) for those lands lying within the National Forest System the date of enactment of this title; or
- (2) for those lands lying outside of the National Forest System the date of transfer of patent to the State of Arizona.

#### WITHDRAWALS FOR ADMINISTRATIVE SITE

**SEC. 505. (a) WITHDRAWAL.**—Subject to valid existing rights, the following described lands within the Coronado National Forest are hereby withdrawn from all forms of—

- (1) entry, appropriation, or disposal under the public lands laws;
- (2) location, entry, and patent under the United States mining laws; and
- (3) disposition under all laws pertaining to mineral and geothermal leasing:

All of section 19, the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$  of section 20, the N $\frac{1}{2}$ NE $\frac{1}{4}$  of section 30; all in T. 19 S., R. 15 E., G&SRM; containing approximately 751.04 acres. (Florida Canyon)

Such lands shall be used for research purposes in accordance with applicable law.

(b) **REVOCATION OF ORDER.**—Notwithstanding any other provision of law, in order to facilitate the administration of the Federal lands described in subsection (a), Public Land Order 1080, dated February 28, 1955, which withdrew lands for forest administrative sites, is hereby revoked as it relates in sec. 19, T. 19 S., R. 15 E., G&SRM.

#### WITHDRAWALS FOR KOFA NATIONAL WILDLIFE REFUGE

SEC. 506. Subject to valid existing rights, all federally owned lands within the Kofa National Wildlife Refuge as of the date of enactment of this title are hereby withdrawn from all forms of—

- (a) entry, appropriation, or disposal under the public land laws;
- (b) location, entry, and patent under the United States mining laws; and
- (c) disposition under all laws pertaining to mineral and geothermal leasing.

#### REVOCATION OF RECLAMATION WITHDRAWALS

SEC. 507. (a) **IN GENERAL.**—Notwithstanding any other provision of law, in order to facilitate the transfer of certain Federal lands—

- (1) Secretarial Orders dated January 31, 1903, September 8, 1903, June 4, 1930, and October 16, 1931, which withdrew lands from the Colorado River Storage Project and Executive Order 8647 dated January 22, 1941, and Public Land Order 4417 dated May 20, 1968, which withdrew lands for the Havasu National Wildlife Refuge, and Executive Order 8685 dated February 14, 1941, which withdrew lands for the Imperial National Wildlife Refuge are hereby revoked on the following described lands under the administration of the Fish and Wildlife Service:

Sec. 17, T. 5 S., R. 21 W.; portions of secs. 17, 20, 28, and 33, T. 14 N., R. 20 W.; portions of secs. 3 and 10, T. 16 N., R. 21 W.; and portions of secs. 21, 27, and 34, T. 17 N., R. 21 W.; all in G&SRM.

The effective date of the revocation shall be the date of patent to the State of Arizona.

- (2) Secretarial Orders dated July 2, 1902, and February 10, 1906, which withdrew certain lands in aid of the Salt River Project, are hereby revoked on the following described lands:

Lots 7, 9, 11, 13, through 15, and 17 through 29 of section 24, T. 2 N., R. 6 E., G&SRM.

The effective date of the revocation shall be the date of patent to the State of Arizona.

- (b) **PATENTS.**—The following stipulations shall be included in all patents issued by the Secretary of the Interior for the lands described in subsection (a)(2):

(1) Excepting and reserving to the Salt River Project, a right-of-way for electric transmission and distribution lines and access purposes which shall comprise that portion of the east 300 feet of section 24, lying west of a line extending northerly from a point on the south section line of section 24, being 51 feet west of the southeast corner of section 24 to a point on the north section line of section 24, being 129 feet west of the northeast corner of section 24, as generally depicted on the Salt River Project drawing number C-675-439.88, dated June 1988;

(2) The United States and the Salt River Project shall not be liable whatsoever for damages to any lands conveyed herein, which may be caused by flooding in conjunction with any of the United States' or Salt River Project's existing or future facilities or protective works;

(3) The patentee, successors or assigns of the lands conveyed herein shall be held liable to the United States or the Salt River Project for damages caused by the holder's activities which alter drainage and adversely affect adjacent lands, project facilities or protective works of the United States or the Salt River Project; and

(4) Reserving to the United States a right-of-way for road purposes, as described in Bureau of Land Management A.R. 020234.

#### ADJUSTMENT OF CORONADO NATIONAL FOREST BOUNDARY

SEC. 508. (a) MODIFICATION OF PROCLAMATION 1121.—Proclamation 1121, dated April 17, 1911, which established the Coronado National Forest boundary as it related to Township 21 South, Range 18 East, G&SRM, is hereby modified to delete sections 27 and 28, which are not under the jurisdiction of the Forest Service, from inclusion within the National Forest System.

(b) MODIFICATION OF PROCLAMATION DATED JULY 19, 1907.—The proclamation dated July 19, 1907, which established the Coronado National Forest boundary as it is related to Township 15 South, Range 17 East, Gila and Salt River Meridian, is hereby modified to delete sections 9, 10, 15 and 22, which are not under the jurisdiction of the Forest Service, from inclusion within the National Forest System.

#### AUTHORIZATION

SEC. 509. (a) GENERAL APPROPRIATION.—There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

(b) PERSONNEL.—There are hereby authorized to be appropriated such sums as are necessary to provide for at least 5 and more, if necessary, full-time equivalent employees of the Bureau of Land Management to perform resource management and law enforcement activities as part of the administration of the Bureau of Land Management lands in Black Canyon Corridor.

SEC. 510. The Director of the United States Fish and Wildlife Service shall approve or disapprove applications for rights-of-way access across the Kofa National Wildlife Refuge as expeditiously as possible.



TITLE VI—MOUNT GRAHAM INTERNATIONAL  
OBSERVATORYESTABLISHMENT OF THE MOUNT GRAHAM INTERNATIONAL  
OBSERVATORY SITE

SEC. 601. (a) The Secretary of Agriculture (hereinafter in this title referred to as the "Secretary") shall issue a Special Use Authorization, subject to the terms and conditions of Reasonable and Prudent Alternative Three of the United States Fish and Wildlife Service Biological Opinion, dated July 14, 1988 (hereinafter referred to as "the Biological Opinion"), to the State of Arizona Board of Regents on behalf of the University of Arizona for the establishment of the Mount Graham International Observatory Research Site (hereinafter referred to as the "Site"), which shall, subject to any subsequent biological opinions issued by the United States Fish and Wildlife Service under the Endangered Species Act, and the provisions of this title, include provision for seven telescopes and necessary support facilities, for the purposes of scientific and astronomical research.

(b) The Site referred to in subsection (a) shall include not more than 24 acres within the 150-acre area of the Coronado National Forest, Arizona, as generally depicted on a map entitled, "Mount Graham International Observatory Site", dated July 28, 1988. Copies of the map shall be available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture, Washington, District of Columbia, and the Forest Service office located in Tucson, Arizona.

Public  
information.

## CONSTRUCTION AUTHORIZATION

SEC. 602. (a) Subject to the terms and conditions of Reasonable and Prudent Alternative Three of the Biological Opinion, the requirements of section 7 of the Endangered Species Act shall be deemed satisfied as to the issuance of a Special Use Authorization for the first three telescopes and the Secretary shall immediately approve the construction of the following items:

- (1) three telescopes to be located on Emerald Peak;
- (2) necessary support facilities; and
- (3) an access road to the Site.

(b) Until the road described in subsection (a)(3) above is constructed, the Secretary shall allow the University of Arizona to use forest roads FR 507 and FR 669 to the extent permitted in the Biological Opinion.

## ADDITIONAL TELESCOPE CONSTRUCTION AUTHORIZATION

SEC. 603. (a) The Secretary shall, subject to the requirements of the Endangered Species Act and other applicable law, authorize the construction of four additional telescopes on Emerald Peak.

(b) Consultation under section 7(a)(2) of the Endangered Species Act with respect to construction of the four additional telescopes referred to in subsection (a) shall consider, among other things, all biological data obtained from monitoring the impact of construction of the first three telescopes upon the Mount Graham red squirrel. Authorization by the Secretary for the construction of four additional telescopes shall be consistent with requirements deemed nec-

essary to avoid jeopardizing the continued existence of any species listed under and pursuant to the Endangered Species Act.

#### MANAGEMENT PLAN

SEC. 604. (a) The University of Arizona, with the concurrence of the Secretary, shall develop and implement a management plan, consistent with the requirements of the Endangered Species Act and with the terms and conditions of Reasonable and Prudent Alternative Three of the Biological Opinion, for the Site.

(b) Such management plan shall include provisions for the construction, operation and maintenance of the Site, access to the Site, and related support facilities.

(c) The management plan shall be included in any Special Use Authorization issued by the Secretary to the University of Arizona.

#### EXISTING SPECIAL USE AUTHORIZATIONS

SEC. 605. (a) Those Special Use Authorizations now in effect for the Columbine Summer Home Tract area and the Arizona Bible School Organization Camp shall continue, subject to the terms and conditions of the authorizations, for the duration of the term specified in each authorization. Prior to the termination, nonrenewal or modification of those Special Use Authorizations for the area noted above, the Secretary shall, with the assistance of the United States Fish and Wildlife Service, conduct a biological study to determine the effects of such special use authorizations upon the Mount Graham red squirrel and other threatened or endangered species. In making this determination, the Secretary shall consider the small amount of land under special use authorizations. The biological study shall also involve the participation of representatives from the community of Safford, Arizona, all of the affected parties, and any other appropriate interests. In addition to the biological study, the Secretary shall initiate consultation with the United States Fish and Wildlife Service pursuant to section 7(a)(2) of the Endangered Species Act regarding the termination, nonrenewal, extension or modification of the special use authorizations.

(b) Pursuant to title 2300 of the Forest Service Manual, special use terminations, nonrenewal, or modifications shall not take effect until ten years from the last date of the tenure of existing special use authorizations described in subsection (a). Unless the biological study or the biological opinion issued by the United States Fish and Wildlife Service after consultation under the Endangered Species Act concluded that an earlier date was necessary to avoid jeopardizing the continued existence of the Mount Graham red squirrel or any other threatened or endangered species, such actual terminations, nonrenewals, or modifications shall not take effect before completion of a biological study by the United States Fish and Wildlife Service to begin in the year 2000. This additional study shall be subject to the same requirements and involve the same participants as described in subsection (a).

(c) If, after completion of these studies, termination, modification or nonrenewal of special use authorizations described in subsection (a) are prescribed, the United States Forest Service shall, with the cooperation and approval of the holders of these special use authorizations, develop a relocation plan for such individuals and entities.

(d) Nothing in this section is intended to preclude the termination of special use authorizations for breach by the permittee of terms and conditions of the authorizations.

#### FINANCIAL RESPONSIBILITIES

SEC. 606. In implementing this title, all costs directly associated with construction and site preparation for telescopes, support facilities, a new access road, the biological monitoring program for the Mount Graham red squirrel as contained in the terms and conditions of Reasonable and Prudent Alternative Three of the Biological Opinion, and the retention of an onsite biologist, shall be funded by the University of Arizona.

#### ENVIRONMENTAL IMPACT STATEMENTS

SEC. 607. With reference to the construction of the first three telescopes, related facilities, and the access road within the boundaries of the Site described in section 601, the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969 shall be deemed to have been satisfied. The Environmental Impact Statement for the Site, currently in process, shall continue and shall use the information developed to date and any additional appropriate information in analyzing the impacts of the four additional telescopes authorized under section 603 of this title.

### TITLE VII—MISSISSIPPI NATIONAL RIVER AND RECREATION AREA

Minnesota.  
Water.  
Historic  
preservation.

#### Subtitle A—Mississippi National River and Recreation Area

#### FINDINGS AND PURPOSES

SEC. 701. (a) FINDINGS.—The Congress finds that:

16 USC 460zz.

(1) The Mississippi River Corridor within the Saint Paul–Minneapolis Metropolitan Area represents a nationally significant historical, recreational, scenic, cultural, natural, economic, and scientific resource.

(2) There is a national interest in the preservation, protection and enhancement of these resources for the benefit of the people of the United States.

(3) State and local planning efforts along the River Corridor provide a unique foundation for coordinating Federal, State, and local planning and management processes.

(4) Existing Federal agency programs lack sufficient coordination and financial participation with State and local planning and regulatory authorities to provide for adequate and comprehensive resource management and economic development consistent with the protection of the Mississippi River Corridor's nationally significant resources, and the public use and enjoyment of the area.

(5) The preservation, enhancement, enjoyment, and utilization of the nationally significant resources of the Mississippi River Corridor can be accomplished by a cooperative Federal, State, and local comprehensive planning and management effort.

(b) PURPOSES.—The purposes of this subtitle are:

(1) To protect, preserve and enhance the significant values of the waters and land of the Mississippi River Corridor within the Saint Paul-Minneapolis Metropolitan Area.

(2) To encourage adequate coordination of all governmental programs affecting the land and water resources of the Mississippi River Corridor.

(3) To provide a management framework to assist the State of Minnesota and its units of local government in the development and implementation of integrated resource management programs for the Mississippi River Corridor in order to assure orderly public and private development in the area consistent with the findings of this subtitle.

#### ESTABLISHMENT OF NATIONAL RIVER AND RECREATION AREA

16 USC 460zz-1.

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information.  
District of  
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Federal  
Register,  
publication.

SEC. 702. (a) ESTABLISHMENT.—There is hereby established the Mississippi National River and Recreation Area (hereinafter in this title referred to as the "Area") which shall consist of the State designated Mississippi Critical Area encompassing that portion of the Mississippi River and adjacent lands generally within the Saint Paul-Minneapolis Metropolitan Area, as depicted on the map entitled Mississippi National River and Recreation Area numbered MI-NRA/80,000 and dated April 1987. The map shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, District of Columbia, and in the offices of the Metropolitan Council of the Twin Cities Area in Saint Paul, Minnesota.

(b) BOUNDARIES.—The Secretary of the Interior (hereinafter referred to as the "Secretary") shall publish in the Federal Register, as soon as practicable after the enactment of this title a detailed description and map of the boundaries established under subsection (a).

#### MISSISSIPPI RIVER COORDINATING COMMISSION

16 USC 460zz-2.

SEC. 703. (a) ESTABLISHMENT.—There is hereby established a Mississippi River Coordinating Commission whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of an integrated resource management plan for those lands and waters as specified in section 702. The Commission shall consist of the following 22 members appointed by the Secretary of the Interior:

- (1) The Director of the National Park Service, or his designee.
- (2) The Chief of the Corps of Engineers, or his designee.
- (3) The Director of the Fish and Wildlife Service, or his designee.

(4) Three individuals, from recommendations by the Governor of Minnesota, to represent the Minnesota Department of Natural Resources, Department of Transportation, and Minnesota Environmental Quality Board.

(5) One individual, to represent the Minnesota Historical Society.

(6) One individual, to represent the Metropolitan Council of the Twin Cities Area.

(7) Four elected officials, to represent the cities of Saint Paul and Minneapolis.

(8) Four elected officials, from recommendations by the Governor of Minnesota, to represent the interests of the other affected municipalities and counties.

(9) One individual, to represent the Metropolitan Parks and Open Spaces Commission.

(10) One individual, from recommendations by the Governor of Minnesota, to represent the interests of commercial navigation.

(11) Four individuals, from recommendations by the Governor of Minnesota, to be chosen from the general public.

(b) **TERMS.**—(1) Except as provided in paragraphs (2) and (3), members (other than ex officio members) shall be appointed for terms of three years.

(2) Of the members first appointed—

(A) Under paragraph (4) of subsection (a):

(i) One shall be appointed for a term of one year.

(ii) One shall be appointed for a term of two years.

(B) Under paragraphs (7) and (8) of subsection (a), one shall be appointed for a term of one year.

(C) Under paragraph (11) of subsection (a):

(i) One shall be appointed for a term of one year.

(ii) One shall be appointed for a term of two years.

(iii) One shall be appointed for a term of four years.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) **COMPENSATION.**—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) **CHAIRPERSON.**—The Chairperson of the Commission shall be appointed by the Secretary from among the members of the Commission nominated by the Governor of Minnesota to serve for a term of three years.

(e) **QUORUM.**—Twelve members of the Commission shall constitute a quorum.

(f) **MEETINGS.**—The Commission shall meet at the call of the Chairman or a majority of its members.

(g) **DEVELOPMENT OF POLICIES AND PROGRAMS.**—As a coordinator and advisory organization, the Commission shall assist the Secretary, the State of Minnesota and local units of government, endeavoring to use existing Federal, State, regional, and local plans and programs where consistent with the intent and goals of this subtitle, in developing the following:

(1) Policies and programs for the preservation and enhancement of the environmental values of the Area.

(2) Policies and programs for enhanced public outdoor recreation opportunities in the Area.

(3) Policies and programs for the conservation and protection of the scenic, historical, cultural, natural and scientific values of the Area.

(4) Policies and programs for the commercial utilization of the Area and its related natural resources, consistent with the protection of the values for which the Area is established as the Mississippi National River and Recreation Area.

(h) **STAFF.**—The Secretary shall provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties. Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Commission to assist in carrying out its duties under this subtitle. The Secretary may accept the services of personnel detailed from the State of Minnesota or any political subdivision of the State and may reimburse the State or such political subdivision for such services. The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(i) **PLAN.**—Within 3 years after enactment of this Act, the Commission shall submit to the Secretary and the Governor of Minnesota a comprehensive plan for land and water use measures for the area to be developed and implemented by the responsible Federal agencies, the State of Minnesota, and local political subdivisions. The plan shall endeavor to use existing Federal, State, regional, and local plans and where consistent with the intent and goals of this subtitle shall coordinate those plans to present a unified comprehensive plan for the Area. The plan shall include but not be limited to each of the following:

(1) A program for management of existing and future land and water use which—

(A) considers and details the application of a variety of land and water protection and management techniques;

(B) includes a policy statement for the use of Federal, State, and local regulatory responsibilities to manage land and water resources in a manner consistent with the purposes of this subtitle; and

(C) recognizes existing economic activities within the area and provides for the management of such activities, including barge transportation and fleeting and those indigenous industries and commercial and residential developments which are consistent with the findings and purposes of this subtitle.

(2) A program providing for coordinated implementation and administration of the plan with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, regional and local levels, including each of the following:

(A) Ways in which local, regional, State, and Federal policies and permits may better be coordinated to the goals and policies of this subtitle.

(B) A financial plan to provide and support the public improvements and services recommended in the plan; and a mechanism for coordinating local, regional, State, and Federal planning to promote the purposes of this subtitle.

(C) How the goals and policies of the management plan will be compatible with the existing channel maintenance program on the Mississippi River, and the existing Federal, State, regional, and local programs and goals on the Minnesota and Saint Croix Rivers.



(D) The provisions of the Clean Water Act and the Safe Drinking Water Act (title XIV of the Public Health Service Act) which pertain to the surface waters of the Mississippi National River and Recreation Area.

(3) A coordination and consistency component which details the ways in which local, State, and Federal programs and policies may best be coordinated to promote the purposes of this subtitle.

(4) A program for the coordination and consolidation, to the extent feasible, of permits that may be required by Federal, State, and local agencies having jurisdiction over land and waters within the Area.

(j) DEVELOPMENT OF PLAN.—

(1) In developing the plan the Commission shall consult on a regular basis with appropriate officials of any local government or Federal or State agency which has jurisdiction over lands and waters within the Area.

(2) In developing the plan the Commission shall consult with interested conservation, business, professional and citizen organizations.

(3) In developing the plan the Commission shall conduct public hearings within the Area, and at such other places as may be appropriate, for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the plan.

(k) APPROVAL OF PLAN.—The Commission shall submit the plan to the Secretary and the Governor of Minnesota, for their review. The Governor shall act on the plan within 90 days and shall submit the plan to the Secretary along with any recommendations. The Secretary shall approve or disapprove the plan within 90 days. In reviewing the plan the Secretary shall consider each of the following:

(1) The adequacy of public participation.

(2) Assurances of plan implementation from State and local officials.

(3) The adequacy of regulatory and financial tools that are in place to implement the plan.

(4) Plan provisions for continuing oversight of the plan implementation by the Secretary and the Governor of Minnesota. If the Secretary disapproves the plan, he shall, within 60 days after the date of such disapproval advise the Governor and Commission in writing of the reasons therefor, together with his recommendations for revision. The Commission shall within 90 days of receipt of such notice of disapproval revise and resubmit the plan to the Governor for his review. Following his review, the Governor shall submit the revised plan, together with any recommendations he may have, to the Secretary who shall approve or disapprove the revision within 60 days.

(l) INTERIM PROGRAM.—Prior to the adoption of the Commission's plan, the Secretary and the Commission shall monitor all land and water use activities within the Area to ensure that said activities are in keeping with the purposes of this subtitle, and shall advise and cooperate with the appropriate Federal, State, and local governmental entities to minimize adverse impacts on the values for which the Area is established.

(m) COMMISSION REVIEW.—The Commission shall assist the Secretary and the Governor of Minnesota in reviewing and monitoring

the implementation of the plan by Federal, State, and local governmental agencies having jurisdiction in the Area. The Commission may, after providing, for public comment and subject to the review and approval, as set forth in subsection (k), modify said plan, if the Commission determines that such modification is necessary to further the purposes of this subtitle.

(n) **TERMINATION OF COMMISSION.**—The Commission shall terminate on the date 10 years after the enactment of this subtitle. Following termination of the Commission the State is authorized to establish a State Commission which shall exercise the functions and authorities described in subsection (m). The Secretary of the Interior and the Secretary of the Army are authorized and directed to participate as members of such State Commission.

#### FEDERAL LANDS AND DEVELOPMENTS

16 USC 460zz-3.

**SEC. 704. (a) LANDS.**—Notwithstanding any other provision of law, any Federal property located within the boundaries of the Area as identified on the map referred to in section 702, is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this subtitle, except as follows:

(1) Facilities and lands administered by the Secretary of the Army through the Corps of Engineers for navigational and flood control purposes may continue to be used by the Secretary of the Army subject to the provisions of subsection (b).

(2) Federal property on which there is located any building or other structure which is in use (as of the enactment of this subtitle) or for which a lease is in effect shall not be transferred under this subsection without the concurrence of the administering agency.

(b) **FEDERAL AGENCY ACTIVITIES.**—

(1) **IN GENERAL.**—Before any department, agency, or instrumentality of the United States issues or approves any license or permit for any facility or undertaking within the Area and before any such department, agency, or instrumentality commences any undertaking or provides any Federal assistance to the State or any local governmental jurisdiction for any undertaking within the Area, the department, agency, or instrumentality shall notify the Secretary. The Secretary shall review the proposed facility or undertaking to assess its compatibility with the plan approved under section 703. The Secretary shall make a determination with respect to the compatibility or incompatibility of a proposed facility or undertaking within 60 days of receiving notice under this subsection. If the Secretary determines that the proposed facility or undertaking is incompatible with the plan, he shall immediately notify such Federal department, agency, or instrumentality and request such department, agency, or instrumentality to take the actions necessary to conform the proposed facility or undertaking to the plan. The Federal department, agency, or instrumentality shall, within 60 days after receiving the Secretary's request, notify the Secretary of the specific decisions made in response to the request. To the extent that such department, agency, or instrumentality does not then conform such facility or undertaking to the request of the Secretary, the Secretary is directed to notify the Congress in writing of the incompatibility of such

facility or undertaking with the plan approved under section 703.

(2) NAVIGATION.—(A) Nothing in this subtitle shall be deemed to impact or otherwise affect such existing statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements: *Provided*, That in exercising such authority the Secretary of the Army, through the Corps of Engineers and the Secretary of the Department in which the Coast Guard is operating, shall not take any action that would have a direct and adverse effect on the values for which the Area is established unless such action is essential for the protection of public health or safety or is necessary for national security or defense.

(B) In planning for the development and public use of the Area, the Secretary shall consult with the Secretary of the Army to assure that public use of adjacent or related water resource developments or flood control projects and that of the Area are compatible.

#### ADMINISTRATION

SEC. 705. (a) AUTHORITIES.—The Secretary shall administer the Area in accordance with this subtitle. Only those lands within the Area under the direct jurisdiction of the Secretary shall be administered in accordance with the provisions of law generally applicable to units of the National Park System. Our lands and waters within the Area shall be administered under State and local laws. In the case of any conflict between the provisions of this subtitle and such generally applicable provisions of law, the provisions of this subtitle shall govern. 16 USC 460zz-4.

(b) STATE AND LOCAL AUTHORITIES.—The Secretary shall consult and cooperate with the State of Minnesota and its political subdivisions concerning the development and management of Federal lands within the Area.

(c) LAND ACQUISITION.—Within the boundaries of the Area, the Secretary is authorized, in consultation with the State of Minnesota and the affected local governmental unit, to acquire land and interests therein by donation, purchase with donated or appropriated funds, exchange or transfer, except as provided in paragraphs (1) and (2).

(1) Any lands or interests therein owned by the State of Minnesota or any political subdivision thereof may be acquired only by donation. Gifts and property.

(2) Privately owned lands or interests therein may be acquired only with the consent of the owner thereof unless the Secretary makes a determination pursuant to subsection (d)(2). In no event may the Secretary use the authority provided in subsection (d)(3) to acquire land or interests in land without the owner's consent for any use exercised prior to January 1, 1987, that is consistent with the plan under section 703.

(d) REVIEW OF LOCAL PLANS.—

(1) AUTHORITY.—For the purpose of protecting the integrity of the Area the Secretary shall cooperate and consult with the State and the appropriate political subdivisions to review all relevant local plans, laws and ordinances to determine whether they substantially conform to the plan approved pursuant to

Contracts.  
State and local  
governments.

section 703. Additionally the Secretary shall in consultation with the State and its political subdivisions determine the adequacy of enforcement of such plans, laws, and ordinances, including review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances. The Secretary shall enter into agreements with the State or its political subdivisions to provide, on behalf of the Secretary, professional services necessary for the review of such local plans, laws, and ordinances, and of amendments thereto and variances therefrom, and for the monitoring or the enforcement thereof by local governments having jurisdiction over any areas to which the management plan applies.

(2) **PURPOSE.**—The purpose of review under paragraph (1) shall be to determine the degree to which actions by local governments are compatible with the purposes of this title. Following the approval of the plan under section 703 and after a reasonable period of time has elapsed, upon a finding by the Secretary that such plans, laws and ordinances are nonexistent, are otherwise not in conformance with the plan or are not being enforced in a manner consistent with the plan, and if the Secretary determines that there is no feasible alternative available to prevent uses which would be substantially incompatible with the plan, the Secretary may exercise the authority available to him under the provisions of paragraph (3).

(3) **ENFORCEMENT.**—In those sections of the Area where local plans, laws and ordinances, or amendments thereto or variances therefrom are found by the Secretary not to be in conformance with the plan approved pursuant to section 703, or are not being enforced in a manner consistent with the plan, the Secretary shall notify the local government authority concerned. The Secretary may withhold from the local government authority concerned or, require reimbursement of, (A) Federal funds made available for implementation of the plan, or (B) any grant under section 706(a) if the local plan, law, ordinance, amendment, or variance is not modified to conform with the plan and enforced in such manner as will carry out the purposes of this subtitle. If the State has not initiated, within a 60-day period, such judicial or other action as necessary to ensure conformity with the plan, and if noncompliance with the plan or failure to enforce the plan continues after the end of such 60-day period, the Secretary may acquire, subject to appropriations, land or interests in land under this subsection without the consent of the owner thereof. Land and interests in land acquired pursuant to this subsection shall be restricted to the geographical area of the local government unit failing to conform with the plan and shall be limited to those lands clearly and directly required, in the judgment of the Secretary, for the protection of the Area in a manner compatible with the plan.

(e) **RETENTION BY OWNER OF USE AND OCCUPANCY.**—The Secretary may permit the owner or owners of any improved residential property acquired by the Secretary under this subtitle to retain a right of use and occupancy of the property for noncommercial residential uses not incompatible with the plan approved under section 703. The provisions of subsection (c), (d), and (e) of section 102 of the Act of August 15, 1978 (16 U.S.C. 460ii-1) shall apply to the retention or such rights, except that for purposes of this subtitle, the applicable date shall be January 1, 1987 in lieu of January 1, 1975 and the

purposes of this subtitle shall be substituted for the purposes referred to in section 102(d) of such Act.

#### STATE AND LOCAL ASSISTANCE AND JURISDICTION

SEC. 706. (a) GRANTS.—Upon approval of the plan under section 703, the Secretary is authorized to make grants to the State of Minnesota, or its political subdivisions, to cover not more than 50 percent of the cost of acquisition and development within the Area of lands and waters or interests therein in a manner consistent with the purposes of this subtitle. 16 USC 460zz-5.

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the State of Minnesota or any political subdivision thereof pursuant to which he may assist in the planning for and interpretation of non-Federal publicly owned lands within the Area.

(c) TECHNICAL ASSISTANCE.—To enable the State of Minnesota and its political subdivisions to develop and implement programs compatible with the plan, the Secretary shall provide such technical assistance to the State and its political subdivisions as he deems appropriate.

(d) STATE AND LOCAL JURISDICTION.—Nothing in this subtitle shall diminish, enlarge, or modify any right of the State of Minnesota or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State fish and wildlife laws, rules, and regulations within the Area, or to tax persons, corporations, franchises, or private property on the lands and waters included in the Area.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 707. There is authorized to be appropriated such sums as may be necessary to carry out this subtitle. 16 USC 460zz-6.

#### Subtitle B—Tri-Rivers Management

##### TRI-RIVERS MANAGEMENT BOARD

SEC. 711. (a) FEDERAL REPRESENTATIVES.—In furtherance of the integrated management of those portions of the Mississippi, Saint Croix, and Minnesota Rivers within the Saint Paul-Minneapolis Metropolitan Area, the Secretary of the Interior and the Secretary of the Army are authorized and directed to appoint representatives to a Tri-Rivers Management Board (hereinafter referred to as the "Board"), or any similar organization, which may be established by the State of Minnesota to assist in the development and implementation of consistent and coordinated land use planning and management policy for such portions of such rivers. 16 USC 460zz-11.

(b) PERSONNEL.—Upon request of the Board, the Secretary of the Interior and the Secretary of the Army may detail, on a reimbursable basis, any personnel to the Board.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to carry out the purposes of this subtitle the sum of \$100,000 annually; except that the Federal contribution to the Board shall not exceed one-third of the annual operating costs of the Board.

TITLE VIII—UNITED STATES CAPITOL PRESERVATION  
COMMISSION

## UNITED STATES CAPITOL PRESERVATION COMMISSION

40 USC 188a.

**SEC. 801. (a) ESTABLISHMENT AND PURPOSES.**—There is established in the Congress the United States Capitol Preservation Commission (hereinafter in this title referred to as the “Commission”) for the purposes of—

(1) providing for improvements in, preservation of, and acquisitions for, the United States Capitol;

(2) providing for works of fine art and other property for display in the United States Capitol and at other locations under the control of the Congress; and

(3) conducting other activities that directly facilitate, encourage, or otherwise support any purposes specified in paragraph (1) or (2).

**(b) MEMBERSHIP.**—The Commission shall be composed of the following Members of Congress:

(1) The President pro tempore of the Senate and the Speaker of the House of Representatives, who shall be co-chairmen.

(2) The Chairman and Vice-Chairman of the Joint Committee on the Library.

(3) The Chairman and the ranking minority party member of the Committee on Rules and Administration of the Senate, and the Chairman and the ranking minority party member of the Committee on House Administration of the House of Representatives.

(4) The majority leader and the minority leader of the Senate.

(5) The majority leader and the minority leader of the House of Representatives.

(6) The Chairman of the Commission on the Bicentennial of the United States Senate and the Chairman of the Commission of the House of Representatives Bicentenary, to be succeeded upon expiration of such commissions, by a Senator or Member of the House of Representatives, as appropriate, appointed by the Senate or House of Representatives co-chairman of the Commission, respectively.

(7) One Senator appointed by the President pro tempore of the Senate and one Senator appointed by the minority leader of the Senate.

(8) One Member of the House of Representatives appointed by the Speaker of the House of Representatives and one Member of the House of Representatives appointed by the minority leader of the House of Representatives.

**(c) DESIGNEES.**—Each member of the Commission specified under subsection (b) (other than a member under paragraph (7) or (8) of such subsection) may designate a Senator or Member of the House of Representatives, as the case may be, to serve as a member of the Commission in place of the member so specified.

**(d) ARCHITECT OF THE CAPITOL.**—In addition to the members under subsection (b), the Architect of the Capitol shall participate in the activities of the Commission, ex officio, and without the right to vote.

**(e) STAFF SUPPORT AND ASSISTANCE.**—The Senate Commission on Art, the House of Representatives Fine Arts Board, and the Ar-



chitect of the Capitol shall provide to the Commission such staff support and assistance as the Commission may request.

**AUTHORITY OF COMMISSION TO ACCEPT GIFTS AND CONDUCT OTHER TRANSACTIONS RELATING TO WORKS OF FINE ART AND OTHER PROPERTY**

**SEC. 802. (a) IN GENERAL.**—In carrying out the purposes referred to in section 801(a) the Commission is authorized— 40 USC 188a-1.

(1) to accept gifts of works of fine art, gifts of other property, and gifts of money; and

(2) to acquire property, administer property, dispose of property, and conduct other transactions related to such purposes.

**(b) TRANSFER AND DISPOSITION OF WORKS OF FINE ART AND OTHER PROPERTY.**—The Commission shall, with respect to works of fine art and other property received by the Commission—

(1) upon agreement with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity with which the agreement is made;

(2) if a transfer described in paragraph (1) is not appropriate, dispose of the work of fine art by sale or other transaction; and

(3) in the case of property that is not directly related to the purposes referred to in section 801(a), dispose of such property by sale or other transaction.

**(c) REQUIREMENTS FOR CONDUCT OF TRANSACTIONS.**—In conducting transactions under this section, the Commission shall—

(1) accept money only in the form of a check or similar instrument made payable to the Treasury of the United States and shall deposit any such check or instrument in accordance with section 803;

(2) in making sales and engaging in other property transactions, take into consideration market conditions and other relevant factors; and

(3) assure that each transaction is directly related to the purposes referred to in section 801(a).

**CAPITOL PRESERVATION FUND**

**SEC. 803. (a) IN GENERAL.**—There is established in the Treasury a fund, to be known as the “Capitol Preservation Fund” (hereafter in this title referred to as the “fund”), which shall consist of (1) amounts deposited, and interest and proceeds credited, under subsection (d), (2) obligations obtained under subsection (e), and (3) all surcharges received by the Secretary of the Treasury from the sale of coins minted under the Bicentennial of the United States Congress Commemorative Coin Act. 40 USC 188a-2.

**(b) AVAILABILITY OF FUND.**—The fund shall be available to the Commission subject to the approval, except for the purchase of fine art and antiques, of the Committees on Appropriations of the House of Representatives and Senate, respectively—

(1) for payment of transaction costs and similar expenses incurred under section 802;

(2) for improvement and preservation projects for the United States Capitol;

(3) for disbursement with respect to works of fine art and other property as provided in section 802; and

(4) for such other payments as may be required to carry out section 801 or section 802.

(c) **TRANSACTION COSTS AND PROPORTIONALITY.**—In carrying out this section, the Commission shall, to the extent practicable, take such action as may be necessary—

(1) to minimize disbursements under subsection (b)(1); and

(2) to equalize disbursements under subsection (b) between the Senate and the House of Representatives.

(d) **DEPOSITS, CREDITS, AND DISBURSEMENTS.**—The Commission shall deposit in the fund gifts of money and proceeds of transactions under section 802. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund. Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the co-chairmen.

(e) **INVESTMENTS.**—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission has a maturity suitable for the fund. In carrying out this subsection, the Secretary may make such purchases, sales, and redemptions of obligations as may be approved by the Commission.

#### AUDITS BY THE COMPTROLLER GENERAL

Reports.  
40 USC 188a-3.

**SEC. 804.** The Comptroller General shall conduct annual audits of the transactions of the Commission and shall report the results of each audit to the Congress.

#### ADVISORY BOARDS

40 USC 188a-4.

**SEC. 805.** The Commission may establish appropriate boards to provide advice and assistance to the Commission and to further the purposes of the Commission. The boards shall be composed of members (including chairmen) who shall be appointed by the Commission from public and private life and shall serve at the pleasure of the Commission and each co-chairman of the Commission may appoint one member to any such board. The members of boards under this section may be reimbursed for actual and necessary expenses incurred in the performance of the duties of the boards, at the discretion of the Commission.

#### DEFINITION

40 USC 188a-5.

**SEC. 806.** As used in this title, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

### TITLE IX—SENATE PROVISIONS

#### PROVISIONS RELATING TO THE SENATE COMMISSION ON ART

40 USC 188b-  
188b-42,  
40 USC 188b-5.

**SEC. 901. (a) INCORPORATION.**—The provisions of Senate Resolution 382 (Ninetieth Congress; agreed to October 1, 1968) (as amended by this section) and Senate Resolution 95 (Ninety-second Congress;

agreed to April 1, 1971) (as amended by this section) are hereby incorporated by reference.

(b) **TECHNICAL CHANGES.**—Senate Resolution 382 (Ninetieth Congress; agreed to October 1, 1968) is amended—

(1) in section 1(b) by adding at the end “The Secretary of the Senate shall be the Executive Secretary of the Commission”; 40 USC 188b.

(2) in section 2(a)— 40 USC 188b-1.

(A) by striking out “and protect” and inserting in lieu thereof “protect, and make known”; and

(B) by striking out “within the Senate wing of the Capitol”, and inserting in lieu thereof “within the Senate wing of the United States Capitol, any Senate Office Buildings”; and

(3) in section 1(a), by striking out “Commission on Art and Antiquities of the United States Senate” and inserting in lieu thereof “Senate Commission on Art”.

(c) **NAME CHANGE.**—Senate Resolution 95 (Ninety-second Congress, agreed to April 1, 1971) is amended by striking out “Commission on Art and Antiquities of the United States Senate” and inserting in lieu thereof “Senate Commission on Art”. 40 USC 185b-5.

(d) **SENATE RULEMAKING POWER.**—The provisions of this section are enacted by the Congress— 40 USC 188b note.

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

## TITLE X—HOUSE OF REPRESENTATIVES PROVISIONS

### HOUSE OF REPRESENTATIVES FINE ARTS BOARD

SEC. 1001. (a) **ESTABLISHMENT AND AUTHORITY.**—There is established in the House of Representatives a Fine Arts Board (hereafter in this title referred to as the “Board”), comprised of the House of Representatives members of the Joint Committee on the Library. The chairman of the Committee on House Administration of the House of Representatives shall be the chairman of the Board. The Board, in consultation with the House office building commission, shall have authority over all works of fine art, historical objects, and similar property that are the property of the Congress and are for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives. 40 USC 188c.

(b) **CLERK OF THE HOUSE OF REPRESENTATIVES.**—Under the supervision and direction of the Board, the Clerk of the House of Representatives shall be responsible for the administration, maintenance, and display of the works of fine art and other property referred to in subsection (a).

(c) **ARCHITECT OF THE CAPITOL.**—The Architect of the Capitol shall provide assistance to the Board and to the Clerk of the House of Representatives in the carrying out of their responsibilities under this title.

## ACCEPTANCE OF GIFTS ON BEHALF OF THE HOUSE OF REPRESENTATIVES

40 USC 188e-1.

SEC. 1002. The Board is authorized to accept, on behalf of the House of Representatives, gifts of works of fine art, historical objects, and similar property, including transfers from the United States Capitol Preservation Commission under section 802, for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives.

Approved November 18, 1988.

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LEGISLATIVE HISTORY—S. 2840 (S. 252) (S. 2352) (H.R. 4519):

HOUSE REPORTS: No. 100-744, Pt. 1, accompanying H.R. 4519 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Veterans' Affairs).

SENATE REPORTS: No. 100-525 accompanying S. 252 (Comm. on Energy and Natural Resources), No. 100-553 accompanying S. 2352 (Comm. on Energy and Natural Resources), and No. 100-539 accompanying H.R. 4519 (Comm. on Energy and Natural Resources).

## CONGRESSIONAL RECORD, Vol. 134 (1988):

July 27, H.R. 4519 considered and passed House.

Oct. 13, S. 2840 considered and passed Senate.

Oct. 20, considered and passed House, amended. Senate concurred in House amendments.



Public Law 100-433  
100th Congress

An Act

Sept. 16, 1988  
[H.R. 1939]

Constitution  
Heritage Act  
of 1988.  
Conservation.  
Historic  
preservation.  
16 USC 407aa  
note.  
16 USC 407aa.

Education.

16 USC 407bb.

Public  
information.

To provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and to establish a National center for the United States Constitution within the Independence National Historical Park in Philadelphia, Pennsylvania.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Constitution Heritage Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

- (1) 1987 was the bicentennial of the signing of the United States Constitution;
- (2) commemoration of the Constitution's bicentennial included various events conducted by the Federal Commission on the Bicentennial of the United States Constitution, and State and local bicentennial commissions;
- (3) bicentennial activities included important educational and instructional programs to heighten public awareness of the Constitution and the democratic process;
- (4) educational programs for the Constitution should continue after the bicentennial to document its profound impact on the political, economic and social development of this Nation, and in order to recognize those Americans instrumental in the history of the Constitution; and
- (5) units of the National Park System preserve and interpret key historic sites that document the history of the origins, subsequent development, and effects of the United States Constitution on this Nation.

(b) PURPOSES.—It is therefore the policy of the Congress to provide each of the following:

- (1) the necessary resources to develop a national resource center to undertake, on an ongoing basis, educational programs on the Constitution;
- (2) exhibits of, and an archives for, programs on or related to the recent bicentennial of the United States Constitution; and
- (3) interpretation of the United States Constitution at those units of the National Park System particularly relevant to its history.

SEC. 3. ESTABLISHMENT OF THE CENTER.

(a) ESTABLISHMENT BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall establish The National Constitution Center (hereafter in this Act referred to as the "Center") within or in close proximity to the Independence National Historical Park. The Center shall disseminate information about the United States Constitution on a non-

partisan basis in order to increase the awareness and understanding of the Constitution among the American people.

(b) **FUNCTIONS OF THE CENTER.**—The functions of the Center shall include—

- (1) serving as a center of exhibits and related materials on the history and contemporary significance of the Constitution;
- (2) directing a national program of public education on the Constitution; issuing traveling exhibits, commissioning radio and television programs, furnishing materials for the schools, and providing other education services; Education.
- (3) functioning as an intellectual center, drawing both academics and practitioners to debate and refine constitutional issues and, at the same time, providing intellectual support for the Center's exhibits and public education program; and
- (4) creating archives for programs on the bicentennial of the United States Constitution.

**SEC. 4. ACQUISITION OF SITE FOR AND OPERATION OF THE CENTER.** 16 USC 407cc.

(a) **PROVIDING A SITE.**—The Secretary through the General Services Administration, is authorized to provide, upon adequate reimbursement, a site, including necessary structures, for the Center by—

- (1) using an existing structure or modifying an existing structure for use; or
- (2) constructing a new structure to house the Center. The Secretary may acquire such land as is necessary to provide a site for the Center.

(b) **PROVISION OF FUNDS TO THE CENTER.**—The Secretary is authorized to make grants to, and enter into cooperative agreements, contracts or leases with the National Constitution Center, Philadelphia, Pennsylvania, which shall operate the Center as provided in this Act in order to carry out the purposes of this Act. Funds authorized to be appropriated under this Act may be made available to the National Constitution Center only to the extent that they are matched by such entity with funds from nonfederal sources. Grants.  
Contracts.

**SEC. 5. DIRECTIVES TO SECRETARY.**

16 USC 407dd.

(a) **INDEPENDENCE NATIONAL HISTORICAL PARK AND OTHER UNITS.**—The Secretary shall interpret the origins, subsequent development, and effects of the United States Constitution on this country at Independence National Historical Park and at such other units of the National Park System as are closely associated with the Constitution. The Secretary shall select not less than 12 units of the National Park System for such interpretation, including Independence National Historical Park.

(b) **MEMORIAL.**—The Secretary is authorized to establish and maintain at Independence National Historical Park an appropriate memorial to the United States Constitution as a key document in our Nation's history.

(c) **PUBLIC MATERIALS.**—In coordination with the National Constitution Center, the Secretary shall develop and make available to the public interpretive and educational materials related to sites within the National Park System as referred to in subsection (a).

(d) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the owners or administrators of historic sites closely associated with the Constitution, pursuant to



which the Secretary may provide technical assistance in the preservation and interpretation of such sites.

Contracts.

(e) **RESEARCH AND EDUCATION.**—The Secretary shall contract with the National Constitution Center and other qualified institutions of higher learning for research and other activities including the distribution of interpretive and educational materials as appropriate in order to carry out the provisions of this Act.

(f) Nothing in this section may be construed to alter or waive the requirement that the Secretary maintain the historic integrity of units of the National Park System, including compliance with section 106 of the Historic Preservation Act (90 Stat. 1320) as amended.

16 USC 407ee.

**SEC. 6. FUNDING.**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved September 16, 1988.

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**LEGISLATIVE HISTORY—H.R. 1939:**

HOUSE REPORTS: No. 100-107 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-450 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 133 (1987): May 27, considered and passed House.

Vol. 134 (1988): Aug. 9, considered and passed Senate, amended.

Sept. 8, House concurred in Senate amendments.



Public Law 100-690  
100th Congress

## An Act

To prevent the manufacturing, distribution, and use of illegal drugs, and for other purposes.

Nov. 18, 1988  
[H.R. 5210]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Anti-Drug Abuse  
Act of 1988.  
21 USC 1501  
note.

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Drug Abuse Act of 1988".

(2) NATIONAL PARK SERVICE POLICE.—Section 5052 of title V of the Anti-Drug Abuse Act of 1986 (16 U.S.C. 1 note) is amended to read as follows:

## "SEC. 5052. NATIONAL PARK AUTHORIZATION.

"In order to improve Federal law enforcement activities relating to the use and production of narcotics and controlled substances in National Park System units, from amounts appropriated there shall be made available to the Secretary of the Interior, in addition to sums made available under other authority of law, \$3,000,000 for fiscal year 1989, and for each fiscal year thereafter, to be used for the employment and training of officers or employees of the Department of the Interior designated pursuant to section 10(b) of the Act of August 18, 1970 (16 U.S.C. 1a-6), for equipment and facilities to be used by such personnel, and for expenses related to such employment, training, equipment, and facilities."

Approved November 18, 1988.

## LEGISLATIVE HISTORY—H.R. 5210:

## CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 7, 8, 14-16, 22, considered and passed House.

Oct. 13, 14, considered and passed Senate, amended.

Oct. 21, House concurred in Senate amendment with an amendment. Senate concurred in House amendment.

## WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Nov. 18, Presidential remarks.

Public Law 100-691  
100th Congress

An Act

Nov. 18, 1988

[H.R. 1975]

To protect cave resources on Federal lands, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Federal Cave  
Resources  
Protection Act of  
1988.  
Minerals and  
mining.  
Conservation.  
16 USC 4301  
note.  
16 USC 4301.

**SECTION 1. SHORT TITLE.**

This Act may be referred to as the “Federal Cave Resources Protection Act of 1988”.

**SEC. 2. FINDINGS, PURPOSES, AND POLICY.**

(a) **FINDINGS.**—The Congress finds and declares that—

(1) significant caves on Federal lands are an invaluable and irreplaceable part of the Nation’s natural heritage; and

(2) in some instances, these significant caves are threatened due to improper use, increased recreational demand, urban spread, and a lack of specific statutory protection.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to secure, protect, and preserve significant caves on Federal lands for the perpetual use, enjoyment, and benefit of all people; and

(2) to foster increased cooperation and exchange of information between governmental authorities and those who utilize caves located on Federal lands for scientific, education, or recreational purposes.

(c) **POLICY.**—It is the policy of the United States that Federal lands be managed in a manner which protects and maintains, to the extent practical, significant caves.

16 USC 4302.

**SEC. 3. DEFINITIONS.**

For purposes of this Act:

(1) **CAVE.**—The term “cave” means any naturally occurring void, cavity, recess, or system of interconnected passages which occurs beneath the surface of the earth or within a cliff or ledge (including any cave resource therein, but not including any vug, mine, tunnel, aqueduct, or other manmade excavation) and which is large enough to permit an individual to enter, whether or not the entrance is naturally formed or manmade. Such term shall include any natural pit, sinkhole, or other feature which is an extension of the entrance.

(2) **FEDERAL LANDS.**—The term “Federal lands” means lands the fee title to which is owned by the United States and administered by the Secretary of Agriculture or the Secretary of the Interior.

(3) **INDIAN LANDS.**—The term “Indian lands” means lands of Indian tribes or Indian individuals which are either held in trust by the United States for the benefit of an Indian tribe or subject to a restriction against alienation imposed by the United States.

(4) **INDIAN TRIBE.**—The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims settlement Act (43 U.S.C. 1601 et seq.).

(5) **CAVE RESOURCE.**—The term “cave resource” includes any material or substance occurring naturally in caves on Federal lands, such as animal life, plant life, paleontological deposits, sediments, minerals, speleogens, and speleothems.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture or the Secretary of the Interior, as appropriate.

(7) **SPELEOTHEM.**—The term “speleothem” means any natural mineral formation or deposit occurring in a cave or lava tube, including but not limited to any stalactite, stalagmite, helictite, cave flower, flowstone, concretion, drapery, rimstone, or formation of clay or mud.

(8) **SPELEOGEN.**—The term “speleogen” means relief features on the walls, ceiling, and floor of any cave or lava tube which are part of the surrounding bedrock, including but not limited to anastomoses, scallops, meander niches, petromorphs and rock pendants in solution caves and similar features unique to volcanic caves.

#### SEC. 4. MANAGEMENT ACTIONS.

16 USC 4303.

(a) **REGULATIONS.**—Not later than nine months after the date of the enactment of this Act, the Secretary shall issue such regulations as he deems necessary to achieve the purposes of this Act. Regulations shall include, but not be limited to, criteria for the identification of significant caves. The Secretaries shall cooperate and consult with one another in preparation of the regulations. To the extent practical, regulations promulgated by the respective Secretaries should be similar.

(b) **IN GENERAL.**—The Secretary shall take such actions as may be necessary to further the purposes of this Act. Those actions shall include (but need not be limited to)—

(1) identification of significant caves on Federal lands:

(A) The Secretary shall prepare an initial list of significant caves for lands under his jurisdiction not later than one year after the publication of final regulations using the significance criteria defined in such regulations. Such a list shall be developed after consultation with appropriate private sector interests, including cavers.

Records.

(B) The initial list of significant caves shall be updated periodically, after consultation with appropriate private sector interests, including cavers. The Secretary shall prescribe by policy or regulation the requirements and process by which the initial list will be updated, including management measures to assure that caves under consideration for the list are protected during the period of consideration. Each cave recommended to the Secretary by interested groups for possible inclusion on the list of significant caves shall be considered by the Secretary according to the requirements prescribed pursuant to this paragraph, and shall be added to the list if the Secretary determines that the cave meets the criteria for significance as defined by the regulations.

Regulations.

- Contracts.
- (2) regulation or restriction of use of significant caves, as appropriate;
  - (3) entering into volunteer management agreements with persons of the scientific and recreational caving community; and
  - (4) appointment of appropriate advisory committees.
- (c) **PLANNING AND PUBLIC PARTICIPATION.**—The Secretary shall—
- (1) ensure that significant caves are considered in the preparation or implementation of any land management plan if the preparation or revision of the plan began after the enactment of this Act; and
  - (2) foster communication, cooperation, and exchange of information between land managers, those who utilize caves, and the public.
- 16 USC 4304. **SEC. 5. CONFIDENTIALITY OF INFORMATION CONCERNING NATURE AND LOCATION OF SIGNIFICANT CAVES.**
- (a) **IN GENERAL.**—Information concerning the specific location of any significant cave may not be made available to the public under section 552 of title 5, United States Code, unless the Secretary determines that disclosure of such information would further the purposes of this Act and would not create a substantial risk of harm, theft, or destruction of such cave.
- State and local governments. Schools and colleges.
- (b) **EXCEPTIONS.**—Notwithstanding subsection (a), the Secretary may make available information regarding significant caves upon the written request by Federal and State governmental agencies or bona fide educational and research institutions. Any such written request shall, at a minimum—
- (1) describe the specific site or area for which information is sought;
  - (2) explain the purpose for which such information is sought; and
  - (3) include assurances satisfactory to the Secretary that adequate measures are being taken to protect the confidentiality of such information and to ensure the protection of the significant cave from destruction by vandalism and unauthorized use.
- 16 USC 4305. **SEC. 6. COLLECTION AND REMOVAL FROM FEDERAL CAVES.**
- (a) **PERMIT.**—The Secretary is authorized to issue permits for the collection and removal of cave resources under such terms and conditions as the Secretary may impose, including the posting of bonds to insure compliance with the provisions of any permit:
- (1) Any permit issued pursuant to this section shall include information concerning the time, scope, location, and specific purpose of the proposed collection, removal or associated activity, and the manner in which such collection, removal, or associated activity is to be performed must be provided.
  - (2) The Secretary may issue a permit pursuant to this subsection only if he determines that the proposed collection or removal activities are consistent with the purposes of this Act, and with other applicable provisions of law.
- (b) **REVOCATION OF PERMIT.**—Any permit issued under this section shall be revoked by the Secretary upon a determination by the Secretary that the permittee has violated any provision of this Act, or has failed to comply with any other condition upon which the permit was issued. Any such permit shall be revoked by the Secretary upon assessment of a civil penalty against the permittee

pursuant to section 8 or upon the permittee's conviction under section 7 of this Act. The Secretary may refuse to issue a permit under this section to any person who has violated any provision of this Act or who has failed to comply with any condition of a prior permit.

(c) **TRANSFERABILITY OF PERMITS.**—Permits issued under this Act are not transferable.

(d) **CAVE RESOURCES LOCATED ON INDIAN LANDS.**—(1)(A) Upon application by an Indian tribe, the Secretary is authorized to delegate to the tribe all authority of the Secretary under this section with respect to issuing and enforcing permits for the collection or removal of any cave resource, or to carrying out activities associated with such collection or removal, from any cave resource located on the affected Indian lands.

(B) In the case of any permit issued by the Secretary for the collection or removal of any cave resource, or to carry out activities associated with such collection or removal, from any cave resource located on Indian lands (other than permits issued pursuant to subparagraph (A)), the permit may be issued only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such reasonable terms and conditions as may be requested by such Indian or Indian tribe.

(2) If the Secretary determines that issuance of a permit pursuant to this section may result in harm to, or destruction of, any religious or cultural site, the Secretary, prior to issuing such permit, shall notify any Indian tribe which may consider the site as having significant religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 5.

Religion.

(3) A permit shall not be required under this section for the collection or removal of any cave resource located on Indian lands or activities associated with such collection, by the Indian or Indian tribe owning or having jurisdiction over such lands.

(e) **EFFECT OF PERMIT.**—No action specifically authorized by a permit under this section shall be treated as a violation of section 7.

#### SEC. 7. PROHIBITED ACTS AND CRIMINAL PENALTIES.

16 USC 4306.

##### (a) **PROHIBITED ACTS.**—

(1) Any person who, without prior authorization from the Secretary knowingly destroys, disturbs, defaces, mars, alters, removes or harms any significant cave or alters the free movement of any animal or plant life into or out of any significant cave located on Federal lands, or enters a significant cave with the intention of committing any act described in this paragraph shall be punished in accordance with subsection (b).

Animals.  
Plants.

(2) Any person who possesses, consumes, sells, barter or exchanges, or offers for sale, barter or exchange, any cave resource from a significant cave with knowledge or reason to know that such resource was removed from a significant cave located on Federal lands shall be punished in accordance with subsection (b).

(3) Any person who counsels, procures, solicits, or employs any other person to violate any provisions of this subsection shall be punished in accordance with section (b).

(4) Nothing in this section shall be deemed applicable to any person who was in lawful possession of a cave resource from a significant cave prior to the date of enactment of this Act.



(b) **PUNISHMENT.**—The punishment for violating any provision of subsection (a) shall be imprisonment of not more than one year or a fine in accordance with the applicable provisions of title 18 of the United States Code, or both. In the case of a second or subsequent violation, the punishment shall be imprisonment of not more than 3 years or a fine in accordance with the applicable provisions of title 18 of the United States Code, or both.

16 USC 4307.

**SEC. 8. CIVIL PENALTIES.**

(a) **ASSESSMENT.**—(1) The Secretary may issue an order assessing a civil penalty against any person who violates any prohibition contained in this Act, any regulation promulgated pursuant to this act, or any permit issued under this Act. Before issuing such an order, the Secretary shall provide such person written notice and the opportunity to request a hearing on the record within 30 days. Each violation shall be a separate offense, even if such violations occurred at the same time.

(2) The amount of such civil penalty shall be determined by the Secretary taking into account appropriate factors, including (A) the seriousness of the violation; (B) the economic benefit (if any) resulting from the violation; (C) any history of such violations; and (D) such other matters as the Secretary deems appropriate. The maximum fine permissible under this section is \$10,000.

District of  
Columbia.

(b) **JUDICIAL REVIEW.**—Any person aggrieved by an assessment of a civil penalty under this section may file a petition for judicial review of such assessment with the United States District Court for the District of Columbia or for the district in which the violation occurred. Such a petition shall be filed within the 30-day period beginning on the date the order assessing the civil penalty was issued.

(c) **COLLECTION.**—If any person fails to pay an assessment of a civil penalty—

(1) within 30 days after the order was issued under subsection (a), or

(2) if the order is appealed within such 30-day period, within 10 days after court has entered a final judgment in favor of the Secretary under subsection (b),

the Secretary shall notify the Attorney General and the Attorney General shall bring a civil action in an appropriate United States district court to recover the amount of penalty assessed (plus costs, attorney's fees, and interest at currently prevailing rates from the date the order was issued or the date of such final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

Courts, U.S.

(d) **SUBPOENAS.**—The Secretary may issue subpoenas in connection with proceedings under this subsection compelling the attendance and testimony of witnesses and subpoenas duces tecum, and may request the Attorney General to bring an action to enforce any subpoena under this section. The district courts shall have jurisdiction to enforce such subpoenas and impose sanctions.

16 USC 4308.

**SEC. 9. MISCELLANEOUS PROVISIONS.**

(a) **AUTHORIZATION.**—There are authorized to be appropriated \$100,000 to carry out the purposes of this Act.

(b) **EFFECT ON LAND MANAGEMENT PLANS.**—Nothing in this Act shall require the amendment or revision of any land management

plan the preparation of which began prior to the enactment of this Act.

(c) **FUND.**—Any money collected by the United States as permit fees for collection and removal of cave resources; received by the United States as a result of the forfeiture of a bond or other security by a permittee who does not comply with the requirements of such permit issued under section 7; or collected by the United States by way of civil penalties or criminal fines for violations of this Act shall be placed in a special fund in the Treasury. Such moneys shall be available for obligation or expenditure (to the extent provided for in advance in appropriation Acts) as determined by the Secretary for the improved management, benefit, repair, or restoration of significant caves located on Federal lands.

(d) Nothing in this Act shall be deemed to affect the full operation of the mining and mineral leasing laws of the United States, or otherwise affect valid existing rights.

Minerals and  
mining.

**SEC. 10. SAVINGS PROVISIONS.**

16 USC 4309.

(a) **WATER.**—Nothing in this Act shall be construed as authorizing the appropriation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this Act—

(1) affect the rights or jurisdiction of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any ground water resource;

(2) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States; or

(3) alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

(b) **FISH AND WILDLIFE.**—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife.

Approved November 18, 1988.

**LEGISLATIVE HISTORY—H.R. 1975:**

HOUSE REPORTS: No. 100-534 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-559 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Mar. 28, considered and passed House.

Oct. 21, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 100-409  
100th Congress

An Act

Aug. 20, 1988  
[H.R. 1860]

Entitled the "Federal Land Exchange Facilitation Act of 1988".

Federal Land  
Exchange  
Facilitation Act  
of 1988.  
Public lands.  
43 USC 1701  
note.  
43 USC 1716  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Land Exchange Facilitation Act of 1988".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—The Congress finds and declares that—

(1) land exchanges are a very important tool for Federal and State land managers and private landowners to consolidate Federal, State, and private holdings of land or interests in land for purposes of more efficient management and to secure important objectives including the protection of fish and wildlife habitat and aesthetic values; the enhancement of recreation opportunities; the consolidation of mineral and timber holdings for more logical and efficient development; the expansion of communities; the promotion of multiple-use values; and fulfillment of public needs;

(2) needs for land ownership adjustments and consolidation consistently outpace available funding for land purchases by the Federal Government and thereby make land exchanges an increasingly important method of land acquisition and consolidation for both Federal and State land managers and private landowners;

(3) the Federal Land Policy and Management Act of 1976 and other laws provide a basic framework and authority for land exchanges involving lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture; and

(4) such existing laws are in need of certain revisions to streamline and facilitate land exchange procedures and expedite exchanges.

(b) **PURPOSES.**—The purposes of this Act are:

(1) to facilitate and expedite land exchanges pursuant to the Federal Land Policy and Management Act of 1976 and other laws applicable to exchanges involving lands managed by the Departments of the Interior and Agriculture by—

(A) providing more uniform rules and regulations pertaining to land appraisals which reflect nationally recognized appraisal standards; and

(B) establishing procedures and guidelines for the resolution of appraisal disputes.

(2) to provide sufficient resources to the Secretaries of the Interior and Agriculture to ensure that land exchange activities can proceed consistent with the public interest; and

(3) to require a study and report concerning improvements in the handling of certain information related to Federal and other lands. Reports.

### SEC. 3. LAND EXCHANGES AND APPRAISALS.

(a) FLPMA AMENDMENTS.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) is hereby amended by adding the following new subsections:

“(d)(1) No later than ninety days after entering into an agreement to initiate an exchange of land or interests therein pursuant to this Act or other applicable law, the Secretary concerned and other party or parties involved in the exchange shall arrange for appraisal (to be completed within a time frame and under such terms as are negotiated by the parties) of the lands or interests therein involved in the exchange in accordance with subsection (f) of this section. Contracts.

“(2) If within one hundred and eighty days after the submission of an appraisal or appraisals for review and approval by the Secretary concerned, the Secretary concerned and the other party or parties involved cannot agree to accept the findings of an appraisal or appraisals, the appraisal or appraisals shall be submitted to an arbitrator appointed by the Secretary from a list of arbitrators submitted to him by the American Arbitration Association for arbitration to be conducted in accordance with the real estate valuation arbitration rules of the American Arbitration Association. Such arbitration shall be binding for a period of not to exceed two years on the Secretary concerned and the other party or parties involved in the exchange insofar as concerns the value of the lands which were the subject of the appraisal or appraisals.

“(3) Within thirty days after the completion of the arbitration, the Secretary concerned and the other party or parties involved in the exchange shall determine whether to proceed with the exchange, modify the exchange to reflect the findings of the arbitration or any other factors, or to withdraw from the exchange. A decision to withdraw from the exchange may be made by either the Secretary concerned or the other party or parties involved.

“(4) Instead of submitting the appraisal to an arbitrator, as provided in paragraph (2) of this section, the Secretary concerned and the other party or parties involved in an exchange may mutually agree to employ a process of bargaining or some other process to determine the values of the properties involved in the exchange.

“(5) The Secretary concerned and the other party or parties involved in an exchange may mutually agree to suspend or modify any of the deadlines contained in this subsection.

“(e) Unless mutually agreed otherwise by the Secretary concerned and the other party or parties involved in an exchange pursuant to this Act or other applicable law, all patents or titles to be issued for land or interests therein to be acquired by the Federal Government and lands or interest therein to be transferred out of Federal ownership shall be issued simultaneously after the Secretary concerned has taken any necessary steps to assure that the United States will receive acceptable title. Patents and trademarks.

“(f)(1) Within one year after the enactment of subsections (d) through (i) of this section, the Secretaries of the Interior and Agriculture shall promulgate new and comprehensive rules and regulations governing exchanges of land and interests therein pursuant to this Act and other applicable law. Such rules and regulations shall fully reflect the changes in law made by subsections (d) through (i) of Regulations.

this section and shall include provisions pertaining to appraisals of lands and interests therein involved in such exchanges.

“(2) The provisions of the rules and regulations issued pursuant to paragraph (1) of this subsection governing appraisals shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions: *Provided, however,* That the provisions of such rules and regulations shall—

“(A) ensure that the same nationally approved appraisal standards are used in appraising lands or interest therein being acquired by the Federal Government and appraising lands or interests therein being transferred out of Federal ownership; and

“(B) with respect to costs or other responsibilities or requirements associated with land exchanges—

“(i) recognize that the parties involved in an exchange may mutually agree that one party (or parties) will assume, without compensation, all or part of certain costs or other responsibilities or requirements ordinarily borne by the other party or parties; and

“(ii) also permit the Secretary concerned, where such Secretary determines it is in the public interest and it is in the best interest of consummating an exchange pursuant to this Act or other applicable law, and upon mutual agreement of the parties, to make adjustments to the relative values involved in an exchange transaction in order to compensate a party or parties to the exchange for assuming costs or other responsibilities or requirements which would ordinarily be borne by the other party or parties.

“As used in this subparagraph, the term ‘costs or other responsibilities or requirements’ shall include, but not be limited to, costs or other requirements associated with land surveys and appraisals, mineral examinations, title searches, archeological surveys and salvage, removal of encumbrances, arbitration pursuant to subsection (d) of this section, curing deficiencies preventing highest and best use, and other costs to comply with laws, regulations and policies applicable to exchange transactions, or which are necessary to bring the Federal or non-Federal lands or interests involved in the exchange to their highest and best use for the appraisal and exchange purposes. Prior to making any adjustments pursuant to this subparagraph, the Secretary concerned shall be satisfied that the amount of such adjustment is reasonable and accurately reflects the approximate value of any costs or services provided or any responsibilities or requirements assumed.

“(g) Until such time as new and comprehensive rules and regulations governing exchange of land and interests therein are promulgated pursuant to subsection (f) of this section, land exchanges may proceed in accordance with existing laws and regulations, and nothing in the Act shall be construed to require any delay in, or otherwise hinder, the processing and consummation of land exchanges pending the promulgation of such new and comprehensive rules and regulations. Where the Secretary concerned and the party or parties involved in an exchange have agreed to initiate an exchange of land or interests therein prior to the day of enactment of such subsections, subsections (d) through (i) of this section shall not apply to such exchanges unless the Secretary concerned and the party or parties involved in the exchange mutually agree otherwise.

“(h)(1) Notwithstanding the provisions of this Act and other applicable laws which require that exchanges of land or interests therein be for equal value, where the Secretary concerned determines it is in the public interest and that the consummation of a particular exchange will be expedited thereby, the Secretary concerned may exchange lands or interests therein which are of approximately equal value in cases where—

“(A) the combined value of the lands or interests therein to be transferred from Federal ownership by the Secretary concerned in such exchange is not more than \$150,000; and

“(B) the Secretary concerned finds in accordance with the regulations to be promulgated pursuant to subsection (f) of this section that a determination of approximately equal value can be made without formal appraisals, as based on a statement of value made by a qualified appraiser and approved by an authorized officer; and

“(C) the definition of and procedure for determining ‘approximately equal value’ has been set forth in regulations by the Secretary concerned and the Secretary concerned documents how such determination was made in the case of the particular exchange involved.

“(2) As used in this subsection, the term ‘approximately equal value’ shall have the same meaning with respect to lands managed by the Secretary of Agriculture as it does in the Act of January 22, 1983 (commonly known as the ‘Small Tracts Act’).

“(i)(1) Upon receipt of an offer to exchange lands or interests in lands pursuant to this Act or other applicable laws, at the request of the head of the department or agency having jurisdiction over the lands involved, the Secretary of the Interior may temporarily segregate the Federal lands under consideration for exchange from appropriation under the mining laws. Such temporary segregation may only be made for a period of not to exceed five years. Upon a decision not to proceed with the exchange or upon deletion of any particular parcel from the exchange offer, the Federal lands involved or deleted shall be promptly restored to their former status under the mining laws. Any segregation pursuant to this paragraph shall be subject to valid existing rights as of the date of such segregation.

Minerals and  
mining.

“(2) All non-Federal lands which are acquired by the United States through exchange pursuant to this Act or pursuant to other law applicable to lands managed by the Secretary of Agriculture shall be automatically segregated from appropriation under the public land law, including the mining laws, for ninety days after acceptance of title by the United States. Such segregation shall be subject to valid existing rights as of the date of such acceptance of title. At the end of such ninety day period, such segregation shall end and such lands shall be open to operation of the public land laws and to entry, location, and patent under the mining laws except to the extent otherwise provided by this Act or other applicable law, or appropriate actions pursuant thereto.”

Patents and  
trademarks.

(b) CONFORMING AMENDMENT.—The first sentence of section 206(b) (43 U.S.C. 1716(b)) of the Federal Land Policy and Management Act of 1976 is hereby amended by inserting the word “concerned” after the words “the Secretary”.

(c) ADDITIONAL AMENDMENT.—Section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)) is hereby amended to read as follows:



National Forest  
System.  
National Park  
System.  
National  
Wildlife Refuge  
System.  
National  
Wilderness  
Preservation  
System.

California.

43 USC 1716  
note.

43 USC 1716  
note.

16 USC 521b.

“(c) Lands acquired by the Secretary by exchange under this section which are within the boundaries of any unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Act of Congress, or the boundaries of the California Desert Conservation Area, or the boundaries of any national conservation area or national recreation area established by Act of Congress, upon acceptance of title by the United States shall immediately be reserved for and become a part of the unit or area within which they are located, without further action by the Secretary, and shall thereafter be managed in accordance with all laws, rules, and regulations applicable to such unit or area.”.

#### SEC. 4. LAND EXCHANGE FUNDING AUTHORIZATION.

In order to ensure that there are increased funds and personnel available to the Secretaries of the Interior and Agriculture to consider, process, and consummate land exchanges pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, there are hereby authorized to be appropriated for fiscal years 1989 through 1998 an annual amount not to exceed \$4,000,000 which shall be used jointly or divided among the Secretaries as they determine appropriate for the consideration, processing, and consummation of land exchanges pursuant to the Federal Land Policy and Management Act of 1976, as amended, and other applicable law. Such moneys are expressly intended by Congress to be in addition to, and not offset against, moneys otherwise annually requested by the Secretaries, and appropriated by Congress for land exchange purposes.

#### SEC. 5. SAVING CLAUSE.

Nothing in this Act shall be construed as amending the Alaska Native Claims Settlement Act (Public Law 92-203, as amended) or the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended) or as enlarging or diminishing the authority with regard to exchanges conferred upon either the Secretary of the Interior or the Secretary of Agriculture by either such Acts. If any provision of this Act or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby. Nothing in this Act shall be construed to change the discretionary nature of land exchanges or to prohibit the Secretary concerned or any other party or parties involved in a land exchange from withdrawing from the exchange at any time, unless the Secretary concerned and the other party or parties specifically commit otherwise by written agreement.

#### SEC. 6. NFMA AMENDMENTS.

Section 17(b) of the National Forest Management Act of 1976 is hereby amended—

- (1) by striking out “\$25,000” and inserting in lieu thereof “\$150,000”;
- (2) by striking out “and” at the end of paragraph (3);
- (3) by striking out the period at the end of paragraph (4) and inserting in lieu thereof “; and”; and
- (4) by adding after paragraph (4) the following:

“(5) any adjustment made by the Secretary of relative value pursuant to section 206(f)(2)(B)(ii) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).”.

#### SEC. 7. ADDITIONAL AMENDMENTS.

The Act of July 26, 1956 (70 Stat. 656, 16 U.S.C. 505a, 505b) is hereby amended as follows:

(a) The words “national forest lands” are hereby deleted wherever they occur, and the words “National Forest System lands” are inserted in lieu thereof.

(b) The words “a national forest” are hereby deleted in the first paragraph, and the words “a unit of the National Forest System” are inserted in lieu thereof.

(c) The following sentence is hereby added at the end of the second paragraph: “Lands interchanged under the authority of this Act shall be deemed to include interests in lands.”.

#### SEC. 8. LAND INFORMATION STUDY.

43 USC 751 note.

(a) **STUDY.**—The Secretary of the Interior shall conduct an assessment of the need for and cost and benefits associated with improvements in the existing methods of land surveying and mapping and of collecting, storing, retrieving, disseminating, and using information about Federal and other lands.

(b) **CONSULTATION.**—In conducting the assessment required by this section, the Secretary of the Interior shall consult with the following—

- (1) the Secretary of Agriculture;
- (2) the Secretary of Commerce;
- (3) the Director of the National Science Foundation;
- (4) representatives of State and local governments;
- (5) representatives of private sector surveying and mapping science.

(c) **REPORT.**—No later than one year after the day of enactment of this Act, the Secretary of the Interior shall report to the Congress concerning the results of the assessment required by this section.

(d) **TOPICS.**—In the report required by subsection (c), the Secretary of the Interior shall include a discussion and evaluation of the following:

(1) relevant recommendations made by the National Academy of Sciences (National Research Council) on the concept of a multipurpose cadastre from time to time prior to the date of enactment of this Act;

Records.

(2) ongoing activities concerning development of an overall reference frame for land and resource information, including but not limited to a geodetic network, a series of current and accurate large-scale maps, cadastral overlay maps, unique identifying numbers linking specific land parcels to a common index of all land records in United States cadastral systems, and a series of land data files;

Records.

(3) ways to achieve better definition of the roles of Federal and other governmental agencies and the private sector in dealing with land information systems;

(4) ways to improve the coordination of Federal land information activities; and

(5) model standards developed by the Secretary for compatible multipurpose land information systems for use by Federal,

State and local governmental agencies, the public, and the private sector.

(e) **RECOMMENDATIONS.**—The report required by subsection (c) may also include such recommendations for legislation as the Secretary of the Interior considers necessary or desirable.

#### **SEC. 9. CASH EQUALIZATION WAIVER.**

Subsection 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) is hereby amended by adding the following at the end of the third sentence thereof:

"The Secretary concerned and the other party or parties involved in the exchange may mutually agree to waive the requirement for the payment of money to equalize values where the Secretary concerned determines that the exchange will be expedited thereby and that the public interest will be better served by such a waiver of cash equalization payments and where the amount to be waived is no more than 3 per centum of the value of the lands being transferred out of Federal ownership or \$15,000, whichever is less, except that the Secretary of Agriculture shall not agree to waive any such requirement for payment of money to the United States."

#### **SEC. 10. TEMPORARY REVOCATION AUTHORITY.**

The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), as amended, is further amended by adding the following new section:

"**SEC. 215.** (a) When the sole impediment to consummation of an exchange of lands or interests therein (hereinafter referred to as an exchange) determined to be in the public interest, is the inability of the Secretary of the Interior to revoke, modify, or terminate part or all of a withdrawal or classification because of the order (or subsequent modification or continuance thereof) of the United States District Court for the District of Columbia dated February 10, 1986, in Civil Action No. 85-2238 (National Wildlife Federation v. Robert E. Burford, et al.), the Secretary of the Interior is hereby authorized, notwithstanding such order (or subsequent modification or continuance thereof), to use the authority contained herein, in lieu of other authority provided in this Act including section 204, to revoke, modify, or terminate in whole or in part, withdrawals or classifications to the extent deemed necessary by the Secretary to enable the United States to transfer land or interests therein out of Federal ownership pursuant to an exchange.

"(b) **REQUIREMENTS.**—The authority specified in subsection (a) of this section may be exercised only in cases where—

"(1) a particular exchange is proposed to be carried out pursuant to this Act, as amended, or other applicable law authorizing such an exchange;

"(2) the proposed exchange has been prepared in compliance with all laws applicable to such exchange;

"(3) the head of each Federal agency managing the lands proposed for such transfer has submitted to the Secretary of the Interior a statement of concurrence with the proposed revocation, modification, or termination;

"(4) at least sixty days have elapsed since the Secretary of the Interior has published in the Federal Register a notice of the proposed revocation, modification, or termination; and

"(5) at least sixty days have elapsed since the Secretary of the Interior has transmitted to the Committee on Interior and

Courts, U.S.  
District of  
Columbia.  
43 USC 1723.

Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report which includes—

“(A) a justification for the necessity of exercising such authority in order to complete an exchange;

“(B) an explanation of the reasons why the continuation of the withdrawal or a classification or portion thereof proposed for revocation, modification, or termination is no longer necessary for the purposes of the statutory or other program or programs for which the withdrawal or classification was made or other relevant programs;

“(C) assurances that all relevant documents concerning the proposed exchange or purchase for which such authority is proposed to be exercised (including documents related to compliance with the National Environmental Policy Act of 1969 and all other applicable provisions of law) are available for public inspection in the office of the Secretary concerned located nearest to the lands proposed for transfer out of Federal ownership in furtherance of such exchange and that the relevant portions of such documents are also available in the offices of the Secretary concerned in Washington, District of Columbia; and

“(D) an explanation of the effect of the revocation, modification, or termination of a withdrawal or classification or portion thereof and the transfer of lands out of Federal ownership pursuant to the particular proposed exchange, on the objectives of the land management plan which is applicable at the time of such transfer to the land to be transferred out of Federal ownership.

“(c) LIMITATIONS.—(1) Nothing in this section shall be construed as affirming or denying any of the allegations made by any party in the civil action specified in subsection (a), or as constituting an expression of congressional opinion with respect to the merits of any allegation, contention, or argument made or issue raised by any party in such action, or as expanding or diminishing the jurisdiction of the United States District Court for the District of Columbia.

“(2) Except as specifically provided in this section, nothing in this section shall be construed as modifying, terminating, revoking, or otherwise affecting any provision of law applicable to land exchanges, withdrawals, or classifications.

“(3) The availability or exercise of the authority granted in subsection (a) may not be considered by the Secretary of the Interior in making a determination pursuant to this Act or other applicable law as to whether or not any proposed exchange is in the public interest.

Claims.  
Courts, U.S.  
District of  
Columbia.

**“(d) TERMINATION.—The authority specified in subsection (a) shall expire either (1) on December 31, 1990, or (2) when the Court order (or subsequent modification or continuation thereof) specified in subsection (a) is no longer in effect, whichever occurs first.”.**

Approved August 20, 1988.

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**LEGISLATIVE HISTORY—H.R. 1860:**

HOUSE REPORTS: No. 100-165, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Agriculture).

SENATE REPORTS: No. 100-375 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 133 (1987): Dec. 14, considered and passed House.

Vol. 134 (1988): June 13, considered and passed Senate, amended.

July 27, House concurred in Senate amendments with an amendment.

Aug. 3, Senate concurred in House amendment.



Public Law 100-523  
100th Congress

An Act

To amend title 5, United States Code, to allow all forest fire fighting employees to be paid overtime without limitation while serving on forest fire emergencies.

Oct. 24, 1988  
[S. 1911]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Forest Wildfire Emergency Pay Equity Act of 1988".

Forest Wildfire  
Emergency Pay  
Equity Act of  
1988.  
5 USC 5547 note.

SEC. 2. Section 5547 of title 5, United States Code, is amended to read as follows:

**"§ 5547. Limitation on premium pay**

"(a) An employee may be paid premium pay under sections 5542, 5545 (a), (b), and (c), and 5546 (a) and (b) of this title only to the extent that the payment does not cause his aggregate rate of pay for any pay period to exceed the maximum rate for GS-15. The first sentence of this subsection shall not apply to any employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under section 5546a of this title.

"(b)(1) The provisions of subsection (a) shall not apply to the pay of any forest firefighter for any pay period in which such firefighter is assigned to work on, or in support of, forest wildfire emergencies.

"(2) Notwithstanding the provisions of paragraph (1), no forest firefighter employee may be paid premium pay to the extent that the aggregate rate of pay of such employee for the aggregate of all pay periods in any calendar year exceeds the maximum rate for GS-15 as provided under the General Schedule pursuant to subchapter III of chapter 53 of title 5, United States Code.

"(3) For purposes of this subsection, the term—

"(A) 'forest firefighter' means any employee of the Department of Agriculture or the Department of the Interior who is assigned to work on, or in support of, forest wildfire emergencies; and

"(B) 'in support of' means duties performed during a temporary assignment to work on a wildland fire suppression for which the salary costs of employees shall be paid from funds provided to the Forest Service, Bureau of Land Management, National Park Service, United States Fish and Wildlife Service or the Bureau of Indian Affairs for fire fighting."

Approved October 24, 1988.

**LEGISLATIVE HISTORY—S. 1911:**

SENATE REPORTS: No. 100-546 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 30, considered and passed Senate.

Oct. 6, considered and passed House.





Public Law 100-443  
100th Congress

An Act

Sept. 22, 1988  
[S. 1889]

To amend the Geothermal Steam Act of 1970 with respect to requirements relating to leases, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Geothermal  
Steam Act  
Amendments of  
1988.  
Energy.  
National parks,  
monuments, etc.  
National Park  
System.  
30 USC 1001  
note.

SECTION 1. SHORT TITLE.

This Act may be known as the "Geothermal Steam Act Amendments of 1988".

SEC. 2. DEFINITIONS.

(a) Section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001) is amended by adding the following at the end of the section:

"(f) 'Significant thermal features within units of the National Park System' shall include, but not be limited to, the following:

"(1) Thermal features within units of the National Park System listed in Section 28(a)(1) and designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790).

"(2) Crater Lake National Park.

"(3) Thermal features within Big Bend National Park and Lake Mead National Recreation Area proposed as significant in the Federal Register notice of February 13, 1987 (Vol. 52, No. 30 Fed. Reg. 4700).

"(4) Thermal features within units of the National Park System added to the significant thermal features list pursuant to section 28(a)(2) of this Act.

(b) Section 6(d) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(d)) is amended to read as follows:

"(d) Except as otherwise provided for in this section, for purposes of this section the term 'produced or utilized in commercial quantities' means the completion of a well producing geothermal steam in commercial quantities. Such term shall also include the completion of a well capable of producing geothermal steam in commercial quantities so long as the Secretary determines that diligent efforts are being made toward the utilization of the geothermal steam."

SEC. 3. LEASE EXTENSIONS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by adding the following new subsections:

"(g)(1) Any geothermal lease issued pursuant to this Act for land on which, or for which under an approved cooperative or unit plan of development or operation, geothermal steam has not been produced or utilized in commercial quantities by the end of its primary term, or by the end of any extension provided by subsection (c), may be extended for successive 5-year periods, but totaling not more than 10 years, if the Secretary determines that the lessee has met the bona fide effort requirement of subsection (h), and either of the following:

“(A) the payment in lieu of commercial quantities production requirement of subsection (i).

“(B) The significant expenditure requirement of subsection (j).

“(2) A lease extended pursuant to paragraph (1) shall continue so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional 25 years, for a total of 50 years, if such lease was also the subject of an extension under subsection (c) or an additional 30 years, for a total of 50 years, if such lease is only extended pursuant to paragraph (1).

“(3) If, at the end of either 50-year term referred to in paragraph (2), geothermal steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second term in accordance with such terms and conditions as the Secretary deems appropriate. For purposes of this paragraph only, the term ‘produced or utilized in commercial quantities’ means a bona fide sale or the use of geothermal steam by the lessee to generate electricity in marketable quantities.

“(h) To meet the bona fide effort requirement referred to in subsection (g)(1) the lessee must submit a report to the Secretary demonstrating bona fide efforts (as determined by the Secretary) to produce or utilize geothermal steam in commercial quantities for such lease, given the then current economic conditions. Reports.

“(i)(1) To meet the payments in lieu of commercial quantities production requirement referred to in subsection (g)(1)(A) the lessee must agree to the modification of the terms and conditions of the lease to require annual payments to the Secretary in accordance with this subsection.

“(2) Payments under this subsection shall commence with the first year of the extension. Payments shall be equal to the following:

“(A) In each of the first through the fifth payment years, at least \$3.00 per acre or fraction thereof, of lands under lease.

“(B) In each of the sixth through the tenth payment years, at least \$6.00 per acre or fraction thereof, of lands under lease.

“(3) Failure to make the payments required by this subsection shall subject the lease to cancellation.

“(4) No payments made pursuant to this subsection shall be required after the earlier of the following:

“(A) The date of termination of the lease.

“(B) The date of relinquishment of the lease.

“(C) The date geothermal steam is produced or utilized in commercial quantities from the lease.

“(5) No payments made pursuant to this subsection shall be used to reduce rentals or future production royalties.

“(j)(1) To meet the significant expenditure requirement referred to in subsection (g)(1)(B) the lessee must demonstrate to the Secretary on an annual basis during an extension that a significant expenditure of funds is being made on the lease.

“(2) The following expenditures made by the lessee shall qualify as meeting the requirement of this subsection:

“(A) Expenditures to conduct actual drilling operations on the lease, such as for exploratory or development wells, or geochemical or geophysical surveys for exploratory or development wells.

“(B) Expenditures for road or generating facilities construction on the lease.

“(C) Architectural or engineering services procured for the design of generating facilities to be located on the lease.

“(D) Environmental studies required by State or Federal law.

“(3) Expenditures shall be equal to the following:

“(A) In each of the first through the fifth years, at least \$15.00 per acre or fraction thereof, of lands under lease.

“(B) In each of the sixth through the tenth years, at least \$18.00 per acre or fraction thereof, of lands under lease.

“(4) Failure to make the expenditures required by this subsection shall subject the lease to cancellation.

“(5) No expenditures made pursuant to this subsection shall be required after the date geothermal steam is produced or utilized in commercial quantities from the lease.

“(6) Expenditures made pursuant to this subsection shall be in lieu of any minimum per acre diligent exploration expenditure requirement in effect for the lease at the end of its primary term, or at the end of any extension provided by subsection (c), as the case may be.”.

#### SEC. 4. REVIEW OF COOPERATIVE OR UNIT PLAN OF DEVELOPMENT.

Section 18 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

“No more than five years after approval of any cooperative or unit plan of development or operation, and at least every five years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan. In the case of a cooperative or unit plan approved before the enactment of the Geothermal Steam Act Amendments of 1988, the Secretary shall complete such review and elimination within 5 years after the enactment of such Act. Such elimination shall be based on scientific evidence, and shall occur only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated shall be eligible for an extension under subsection (c) or (g) of section 6 if it separately meets the requirements for such an extension.”.

Conservation.

#### SEC. 5. CONFORMING AMENDMENTS.

(a) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

“SEC. 20. All moneys received from the sales, bonuses, royalties and rentals under the provisions of this Act, including the payments referred to in section 6(i), shall be disposed of in the same manner as such moneys received pursuant to section 35 of the Mineral Leasing Act or pursuant to section 6 of the Mineral Leasing Act for Acquired Lands, as the case may be.”.

(b) Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended by striking “notwithstanding the provisions of section 20 thereof,”.

(c) Section 43 of the Mineral Leasing Act (30 U.S.C. 226-3) is amended as follows:

(1) In subsection (a) strike out “oil and gas”, and after “this Act” insert “or under the Geothermal Steam Act of 1970”.

(2) In subsection (b) after “oil and gas” insert “, coal, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources”.

Coal.  
Petroleum and  
petroleum  
products.

(d) The Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) is amended by adding the following new section:

“SEC. 29. The Secretary shall not issue any lease under this Act on those lands subject to the prohibition provided under section 43 of the Mineral Leasing Act.”.

30 USC 1027.

#### SEC. 6. SIGNIFICANT THERMAL FEATURES.

The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025) is amended by adding the following new section 28:

“SEC. 28. (a)(1) The Secretary shall maintain a list of significant thermal features, as defined in section 2(f), within units of the National Park System, including but not limited to the following units:

Records.  
30 USC 1026.

“(A) Mount Rainier National Park.

“(B) Crater Lake National Park.

“(C) Yellowstone National Park.

“(D) John D. Rockefeller, Jr. Memorial Parkway.

“(E) Bering Land Bridge National Preserve.

“(F) Gates of the Arctic National Park and Preserve.

“(G) Katmai National Park.

“(H) Aniakchak National Monument and Preserve.

“(I) Wrangell-St. Elias National Park and Preserve.

“(J) Lake Clark National Park and Preserve.

“(K) Hot Springs National Park.

“(L) Big Bend National Park (including that portion of the Rio Grande National Wild Scenic River within the boundaries of Big Bend National Park).

“(M) Lassen Volcanic National Park.

“(N) Hawaii Volcanoes National Park.

“(O) Haleakala National Park.

“(P) Lake Mead National Recreation Area.

“(2) The Secretary may, after notice and public comment, add significant thermal features within units of the National Park System to the significant thermal features list.

“(3) The Secretary shall consider the following criteria in determining the significance of thermal features:

“(A) Size, extent and uniqueness.

“(B) Scientific and geologic significance.

“(C) The extent to which such features remain in a natural, undisturbed condition.

“(D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

“(b)(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

“(2) As part of the monitoring program required by paragraph (1), the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall be carried out by the National Park Service in cooperation with the U.S. Geological Survey and shall begin with the collection and assessment of data for significant thermal features near current or proposed geothermal development and shall also include such features near areas of potential geothermal development.

Public  
information.

“(c)(1) Upon receipt of an application for a lease under this Act, the Secretary shall determine on the basis of scientific evidence if exploration, development or utilization of the lands subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System. Such determination shall be subject to notice and public comment.

“(2) If the Secretary determines that the exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System, the Secretary shall not issue such lease.

“(3) The Secretary shall not issue any lease under this Act for those lands, or portions thereof, which are the subject of a determination made pursuant to subparagraph (2).

“(d) With respect to all leases or drilling permits issued, extended, renewed or modified under this Act, the Secretary shall include stipulations in such leases and permits necessary to protect significant thermal features within units of the National Park System where the Secretary determines that, based on scientific evidence, the exploration, development or utilization of the land subject to the lease or drilling permit is reasonably likely to adversely affect any such significant thermal feature. Stipulations shall include, but not be limited to—

Reports.

“(1) requiring the lessee to reinject geothermal fluids into the rock formations from which they originate;

“(2) requiring the lessee to report annually to the Secretary on activities taken on the lease;

“(3) requiring the lessee to continuously monitor geothermal steam and associated geothermal resources production and injection wells; and

“(4) requiring the lessee to suspend activity on the lease if the Secretary determines that ongoing exploration, development or utilization activities are having a significant adverse effect on a significant thermal feature within a unit of the National Park System until such time as the significant adverse effect is eliminated. The stipulation shall provide for the termination of the lease by the Secretary if the significant adverse effect cannot be eliminated within a reasonable period of time.

Forests and  
forest products.  
Public lands.

“(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest lands or other lands administered by the Department of Agriculture available for leasing under this Act, including public, withdrawn, and acquired lands.

“(f) Nothing in this Act shall affect the ban on leasing under this Act with respect to the Island Park Geothermal Area, as designated by the map in the ‘Final Environmental Impact Statement of the Island Park Geothermal Area’ (January 15, 1980, p. XI), and provided for in Public Law 98-473.”.

#### SEC. 7. CRATER LAKE NATIONAL PARK REPORT.

Effective date.

On March 1, 1989, or 6 months after the date of enactment of this section (whichever is later), the Secretary shall submit to Congress a report on the presence or absence of significant thermal features within Crater Lake National Park.

## SEC. 8. CORWIN SPRINGS KGRA STUDY.

30 USC 1026  
note.

(a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study on the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within the park. The area to be studied shall be the lands within the Corwin Springs Known Geothermal Resource Area as designated in the July 22, 1975, Federal Register (Fed. Reg. Vol. 40, No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Springs Known Geothermal Resource Area until 180 days after the receipt by Congress of the study provided for in subsection (a) of this section.

(c) The Secretary may not issue, extend, renew or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) in the Corwin Springs Known Geothermal Resource Area until 180 days after the receipt by Congress of the study provided for in section 8(a) of this Act. This section shall not be construed as requiring such leasing activities subsequent to the 180 days after study submittal.

(d) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsection (a) of this section may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the study required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

Environmental  
protection.

## SEC. 9. CONSISTENCY PROVISION.

30 USC 1005  
note.

To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of title I of section 101(h) of Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266), this Act shall be deemed to supersede the provisions of such section.

Approved September 22, 1988.

## LEGISLATIVE HISTORY—S. 1889 (H.R. 2794):

HOUSE REPORTS: No. 100-664 accompanying H.R. 2794 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-283 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Feb. 16, considered and passed Senate.

June 13, H.R. 2794 considered and passed House; proceedings vacated and S. 1889, amended, passed in lieu.

Aug. 9, Senate concurred in House amendments with an amendment.

Sept. 9, House concurred in Senate amendment.



101 STAT. 1330

PUBLIC LAW 100-203—DEC. 22, 1987

**\*Public Law 100-203**  
**100th Congress**

**An Act**

Dec. 22, 1987  
[H.R. 3545]

To provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

Omnibus Budget  
Reconciliation  
Act of 1987.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Omnibus Budget Reconciliation Act of 1987".

## Subtitle C—Land and Water Conservation Fund and Tongass Timber Supply Fund

### SEC. 5201. LAND AND WATER CONSERVATION FUND ACT AMENDMENTS.

(a) **ADMISSION FEES.**—Section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)) is amended as follows:

(1) Paragraph (1) is amended by striking out “\$10” and inserting in lieu thereof “\$25” in the first sentence.

(2) Paragraph (1) is further amended by striking out “(1)” and inserting in lieu thereof “(1)(A)” and adding the following new subparagraph at the end thereof:

“(B) For admission into a specific designated unit of the National Park System, or into several specific units located in a particular geographic area, the Secretary is authorized to make available an annual admission permit for a reasonable fee. The fee shall not exceed \$15 regardless of how many units of the park system are covered. The permit shall convey the privileges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific unit or units of the National Park System indicated at the time of purchase.”.

(3) Paragraph (2) is amended by adding the following sentences at the end thereof: “The fee for a single-visit permit at any designated area applicable to those persons entering by private, noncommercial vehicle shall be no more than \$5 per vehicle. The single-visit permit shall admit the permittee and all persons accompanying him in a single vehicle. The fee for a single-visit permit at any designated area applicable to those persons entering by any means other than a private non-commercial vehicle shall be no more than \$3 per person. Except as otherwise provided in this subsection, the maximum fee amounts set forth in this paragraph shall apply to all designated areas.”.

(4) Paragraph (3) is amended by adding the following new sentence at the end thereof: “Notwithstanding any other provision of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations.”.

(5) Add the following new paragraphs:

“(6)(A) No later than 60 days after the date of enactment of this paragraph, the Secretary of the Interior shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report on the entrance fees proposed to be charged at units of the National Park System. The report shall include a list of units of the

Reports.

National Park System and the entrance fee proposed to be charged at each unit. The Secretary of the Interior shall include in the report an explanation of the guidelines used in applying the criteria in subsection (d).

“(B) Following submittal of the report to the respective committees, any proposed changes to matters covered in the report, including the addition or deletion of park units or the increase or decrease of fee levels at park units shall not take effect until 60 days after notice of the proposed change has been submitted to the committees.

“(7) No admission fee may be charged at any unit of the National Park System for admission of any person 16 years of age or less.

“(8) No admission fee may be charged at any unit of the National Park System for admission of organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

“(9) No admission fee may be charged at the following units of the National Park System: U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, Arlington House—Robert E. Lee National Memorial, San Juan National Historic Site, and Canaveral National Seashore.

“(10) For each unit of the National Park System where an admission fee is collected, the Director shall annually designate at least one day during periods of high visitation as a ‘Fee-Free Day’ when no admission fee shall be charged.

“(11) In the case of the following parks, the fee for a single-visit permit applicable to those persons entering by private, noncommercial vehicle (the permittee and all persons accompanying him in a single vehicle) shall be no more than \$10 per vehicle and the fee for a single-visit permit applicable to persons entering by any means other than a private noncommercial vehicle shall be no more than \$5 per person: Yellowstone National Park and Grand Teton National Park and after the end of fiscal year 1990, Grand Canyon National Park. In the case of Yellowstone and Grand Teton, a single-visit fee collected at one unit shall also admit the vehicle or person who paid such fee for a single-visit to the other unit.

“(12) Notwithstanding section 203 of the Alaska National Interest Lands Conservation Act, the Secretary may charge an admission fee under this section at Denali National Park and Preserve in Alaska.”.

(b) VISITOR RESERVATION SERVICES.—Section 4(f) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(f)) is amended to read as follows:

Contracts.

“(f) The head of any Federal agency, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services. Any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.”.

(c) SPECIAL PROVISIONS.—Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) is amended by adding the following new subsections at the end thereof:

“(i)(1) Except in the case of fees collected by the United States Fish and Wildlife Service or the Tennessee Valley Authority, all receipts from fees collected pursuant to this section by any Federal agency (or by any public or private entity under contract with a Federal agency) shall be covered into a special account for that agency established in the Treasury of the United States. Fees collected by the Secretary of Agriculture pursuant to this subsection shall continue to be available for the purposes of distribution to States and counties in accordance with applicable law. Contracts.

“(2) Amounts covered into the special account for each agency during each fiscal year shall, after the end of such fiscal year, be available for appropriation solely for the purposes and in the manner provided in this subsection. No funds shall be transferred from fee receipts made available under this Act to each unit of the national park system: *Provided, however,* That in making appropriations, funds derived from such fees may be used for any purpose authorized therein. Funds credited to the special account shall remain available until expended.

“(3) For agencies other than the National Park Service, such funds shall be made available for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by that agency at which outdoor recreation is available. To the extent feasible, such funds should be used for purposes (as provided for in this paragraph) which are directly related to the activities which generated the funds, including but not limited to water-based recreational activities and camping.

“(4) Amounts covered into the special account for the National Park Service shall be allocated among park system units in accordance with subsection (j) for obligation or expenditure by the Director of the National Park Service for the following purposes:

“(A) In the case of receipts from the collection of admission fees: for resource protection, research, and interpretation at units of the National Park System.

“(B) In the case of receipts from the collection of user fees: for resource protection, research, interpretation, and maintenance activities related to resource protection at units of the National Park System.

“(j)(1) 10 percent of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System on the basis of need in a manner to be determined by the Director.

“(2) 40 percent of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System in accordance with paragraph (3) of this subsection and 50 percent shall be allocated in accordance with paragraph (4) of this subsection.

“(3) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the operating expenses at that unit during the prior fiscal year by the total operating expenses at all units during the prior fiscal year.

“(4) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the user fees and admission fees collected under

this section at that unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all units during the prior fiscal year.

"(5) Amounts allocated under this subsection to any unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that unit until expended.

"(k) When authorized by the head of the collecting agency, volunteers at designated areas may sell permits and collect fees authorized or established pursuant to this section. The head of such agency shall ensure that such volunteers have adequate training regarding—

"(1) the sale of permits and the collection of fees,

"(2) the purposes and resources of the areas in which they are assigned, and

"(3) the provision of assistance and information to visitors to the designated area.

The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the collecting agency may be used to cover the cost of any such surety bond. The head of the collecting agency may enter into arrangements with qualified public or private entities pursuant to which such entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. Such arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of such permits at or before the agency delivers the permits to such entity for sale.

"(l)(1) Where the National Park Service provides transportation to view all or a portion of any unit of the National Park System, the Director may impose a charge for such service in lieu of an admission fee under this section. The charge imposed under this paragraph shall not exceed the maximum admission fee under subsection (a).

"(2) Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the unit of the National Park System at which the service was provided. The remainder shall be covered into the special account referred to in subsection (i) in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at such units.

"(m) Where the primary public access to a unit of the National Park System is provided by a concessioner, the Secretary may charge an admission fee at such units only to the extent that the total of the fee charged by the concessioner for access to the unit and the admission fee does not exceed the maximum amount of the admission fee which could otherwise be imposed under subsection (a)."

16 USC 4601-5a.

(d) REPEALS.—(1) Title I of Public Law 96-514 is amended by striking out the following provisions which appear under the heading "Land and Water Conservation Fund": "Notwithstanding the provisions of Public Law 90-401, revenues from recreation fee collections by Federal agencies shall hereafter be paid into the Land and Water Conservation Fund, to be available for appropriation for any or all purposes authorized by the Land and Water Conservation

Fund Act of 1965, as amended, without regard to the source of such revenues."

(2) Section 402 of the Act of October 12, 1979 (93 Stat. 664), is hereby repealed. 16 USC 4601-6b.

(3) The seventh paragraph of title I of the Energy and Water Development Appropriation Act, 1982, entitled "Special Recreation Use Fees" is hereby repealed.

(e) STUDY.—(1) The Secretary of the Interior shall assess the extent to which traffic congestion and overcrowding occurs at certain park system units during times of seasonally high usage and shall conduct a study of the following—

16 USC 4601-5a  
note.  
16 USC 4601-6a  
note.

(A) the feasibility of reducing vehicular traffic within national park system units through fee reductions for visitors traveling by bus and through other means which could shift visitation from automobiles to buses; and

(B) the feasibility of encouraging more even seasonal distribution of visitation.

(2) The study shall include a pilot project to be carried out in Yosemite National Park. For purposes of such pilot project, the Secretary may reduce the fees for admission of various classes or categories of visitors to Yosemite National Park and may reduce the admission fees imposed at the park during seasons with low visitation. A report containing the results of the study shall be transmitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within 3 years after the enactment of this Act.

Reports.

(f) EXTENSION OF LAND AND WATER CONSERVATION FUND.—(1) Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601 and following) is amended as follows:

16 USC 4601-5.

(A) In the matter preceding subsection (a) strike "1989" and substitute "2015".

(B) In subsection (c)(1) strike "1989" and substitute "2015".

(2) The last sentence of section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601 and following) is amended to read as follows: "Moneys made available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act."

16 USC 4601-6.

(g) RELATIONSHIP TO FISCAL YEAR 1988 APPROPRIATIONS.—For purposes of legislation providing appropriations for the fiscal year 1988 to the Department of the Interior, the provisions of this section shall be treated as "permanent statutory language" establishing entrance fees for the National Park Service.

Approved December 22, 1987.

Certified April 20, 1988.

#### LEGISLATIVE HISTORY—H.R. 3545 (S. 1920):

HOUSE REPORTS: No. 100-391 (Comm. on the Budget) and No. 100-495 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Oct. 29, considered and passed House.

Dec. 9, S. 1920 considered in Senate.

Dec. 10, H.R. 3545 considered and passed Senate, amended, in lieu of S. 1920.

Dec. 21, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):

Dec. 22, Presidential remarks.



101 STAT. 800

PUBLIC LAW 100-127—OCT. 9, 1987

Public Law 100-127  
100th Congress

An Act

Oct. 9, 1987  
[H.R. 1744]

To amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund.

16 USC 470h. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 108 of the National Historic Preservation Act is amended by striking “1987” and inserting in lieu thereof “1992”.

Approved October 9, 1987.

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LEGISLATIVE HISTORY—H.R. 1744:

HOUSE REPORTS: No. 100-160 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-161 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
June 22, considered and passed House.  
Sept. 25, considered and passed Senate.

○

Public Law 100-470  
100th Congress

An Act

To amend the National Trails System Act to provide for cooperation with State and local governments for the improved management of certain Federal lands, and for other purposes.

Oct. 4, 1988  
[S. 1544]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Trails System Improvements Act of 1988”.

SEC. 2. FINDINGS.

Congress hereby finds that—

(1) State and local governments have a special role to play under the National Trails System Act in acquiring and developing trails for recreation and conservation purposes.

(2) Many miles of public land rights-of-way have been granted to the railroads by the United States, and much of this mileage could be suitable for trail use at such time as it may be abandoned.

(3) The United States should retain any residual interest it may have in such public land rights-of-way and relinquish it, where appropriate, in favor of State and local governments or other nonprofit entities for trail purposes.

SEC. 3. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

Section 9 of the National Trails System Act (16 U.S.C. 1248) is amended by adding the following new subsections after subsection (b):

“(c) Commencing upon the date of enactment of this subsection, any and all right, title, interest, and estate of the United States in all rights-of-way of the type described in the Act of March 8, 1922 (43 U.S.C. 912), shall remain in the United States upon the abandonment or forfeiture of such rights-of-way, or portions thereof, except to the extent that any such right-of-way, or portion thereof, is embraced within a public highway no later than one year after a determination of abandonment or forfeiture, as provided under such Act.

“(d)(1) All rights-of-way, or portions thereof, retained by the United States pursuant to subsection (c) which are located within the boundaries of a conservation system unit or a National Forest shall be added to and incorporated within such unit or National Forest and managed in accordance with applicable provisions of law, including this Act.

“(2) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or a National Forest but adjacent to or contiguous with any portion of the public lands shall be managed pursuant to the Federal Land

National Trails  
System  
Improvements  
Act of 1988.  
Conservation.  
Public lands.  
Recreation.  
16 USC 1241  
note.  
16 USC 1248  
note.

Highways.

National Forest  
System.

Policy and Management Act of 1976 and other applicable law, including this section.

“(3) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or National Forest which the Secretary of the Interior determines suitable for use as a public recreational trail or other recreational purposes shall be managed by the Secretary for such uses, as well as for such other uses as the Secretary determines to be appropriate pursuant to applicable laws, as long as such uses do not preclude trail use.

National Forest  
System.

Public  
information.

“(e)(1) The Secretary of the Interior is authorized where appropriate to release and quitclaim to a unit of government or to another entity meeting the requirements of this subsection any and all right, title, and interest in the surface estate of any portion of any right-of-way to the extent any such right, title, and interest was retained by the United States pursuant to subsection (c), if such portion is not located within the boundaries of any conservation system unit or National Forest. Such release and quitclaim shall be made only in response to an application therefor by a unit of State or local government or another entity which the Secretary of the Interior determines to be legally and financially qualified to manage the relevant portion for public recreational purposes. Upon receipt of such an application, the Secretary shall publish a notice concerning such application in a newspaper of general circulation in the area where the relevant portion is located. Such release and quitclaim shall be on the following conditions:

“(A) If such unit or entity attempts to sell, convey, or otherwise transfer such right, title, or interest or attempts to permit the use of any part of such portion for any purpose incompatible with its use for public recreation, then any and all right, title, and interest released and quitclaimed by the Secretary pursuant to this subsection shall revert to the United States.

“(B) Such unit or entity shall assume full responsibility and hold the United States harmless for any legal liability which might arise with respect to the transfer, possession, use, release, or quitclaim of such right-of-way.

“(C) Notwithstanding any other provision of law, the United States shall be under no duty to inspect such portion prior to such release and quitclaim, and shall incur no legal liability with respect to any hazard or any unsafe condition existing on such portion at the time of such release and quitclaim.

“(2) The Secretary is authorized to sell any portion of a right-of-way retained by the United States pursuant to subsection (c) located outside the boundaries of a conservation system unit or National Forest if any such portion is—

“(A) not adjacent to or contiguous with any portion of the public lands; or

“(B) determined by the Secretary, pursuant to the disposal criteria established by section 203 of the Federal Land Policy and Management Act of 1976, to be suitable for sale.

Prior to conducting any such sale, the Secretary shall take appropriate steps to afford a unit of State or local government or any other entity an opportunity to seek to obtain such portion pursuant to paragraph (1) of this subsection.

“(3) All proceeds from sales of such retained rights of way shall be deposited into the Treasury of the United States and credited to the

Land and Water Conservation Fund as provided in section 2 of the Land and Water Conservation Fund Act of 1965.

"(4) The Secretary of the Interior shall annually report to the Congress the total proceeds from sales under paragraph (2) during the preceding fiscal year. Such report shall be included in the President's annual budget submitted to the Congress. Reports.

"(f) As used in this section—

"(1) The term 'conservation system unit' has the same meaning given such term in the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371 et seq.), except that such term shall also include units outside Alaska.

"(2) The term 'public lands' has the same meaning given such term in the Federal Land Policy and Management Act of 1976."

#### SEC. 4. IDITAROD HISTORIC TRAIL ADVISORY COUNCIL.

Section 5 of the National Trails System Act (16 U.S.C. 1241), as amended, is further amended as follows: In subsection 5(d) after the phrase "each of which councils shall expire ten years from the date of its establishment." insert "establishment, except that the Advisory Council established for the Iditarod Historic Trail shall expire twenty years from the date of its establishment." Termination date. 16 USC 1244.

#### SEC. 5. CONDEMNATION.

(a) Nothing in this Act shall be construed as authorizing the Secretary of the Interior to use condemnation proceedings to retain or acquire all or any portion of a right-of-way described in this Act.

(b) Nothing in this Act shall be construed to expand or diminish existing condemnation authorities contained in the National Trails System Act, as amended. 12 USC 1248 note.

Approved October 4, 1988.

#### LEGISLATIVE HISTORY—S. 1544 (H.R. 2641):

HOUSE REPORTS: No. 100-572 accompanying H.R. 2641 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-408 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Apr. 19, H.R. 2641 considered and passed House.

July 6, S. 1544 considered and passed Senate.

Aug. 2, considered and passed House, amended.

Sept. 19, Senate concurred in House amendments.

Public Law 100-238  
100th Congress

An Act

Jan. 8, 1988  
[H.R. 3395]

Making technical corrections relating to the Federal Employees' Retirement System,  
and for other purposes.

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

**TITLE I—AMENDMENTS RELATING TO THE CIVIL SERVICE  
RETIREMENT SYSTEM AND THE FEDERAL EMPLOYEES'  
RETIREMENT SYSTEM**

**SEC. 101. REFERENCES.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

**SEC. 102. DEPOSITS FOR "COVERED SERVICE" AFTER 1986 FOR  
EMPLOYEES UNDER CSRS OFFSET PROVISIONS.**

Section 8334(c) is amended by striking the period at the end of the last sentence and inserting in lieu thereof the following: " , and, with respect to any such service performed after December 31, 1986, be equal to the amount that would have been deducted from the employee's basic pay under subsection (k) of this section if the employee's pay had been subject to that subsection during such period."

**SEC. 103. AMENDMENTS RELATING TO LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS.**

(a) **MAXIMUM ENTRY AGES.—**

(1) **IN GENERAL.—**Section 3307 is amended—

(A) in subsection (d), by striking "may, with the concurrence of such agent as the President may designate," and inserting in lieu thereof "may"; and

(B) by adding at the end the following:

"(e) The head of an agency may determine and fix the maximum age limit for an original appointment to a position as a firefighter or law enforcement officer, as defined by section 8401 (14) or (17), respectively, of this title."

(2) **CLARIFYING AMENDMENTS.—**Paragraphs (14)(A)(ii) and (17) of section 8401 are amended by striking "are required to be" each place those words appear and inserting in lieu thereof "should be".

(b) **DEFINITION UNDER THE LIFE INSURANCE PROGRAM.—**Section 8704(c)(2) is amended by inserting "or 8401(17)" after "8331(20)".

(c) **AMENDMENTS TO DEFINITIONS.—**

(1) **LAW ENFORCEMENT OFFICERS.—**Section 8401(17) is amended—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following:

“(B) an employee of the Department of the Interior or the Department of the Treasury (excluding any employee under subparagraph (A)) who occupies a position that, but for the enactment of the Federal Employees’ Retirement System Act of 1986, would be subject to the District of Columbia Police and Firefighters’ Retirement System, as determined by the Secretary of the Interior or the Secretary of the Treasury, as appropriate;” and

(C) by amending subparagraph (C), as so redesignated by subparagraph (A), to read as follows:

“(C) an employee who is transferred directly to a supervisory or administrative position after performing duties described in subparagraph (A) and (B) for at least 3 years; and”.

(2) FIREFIGHTERS.—Section 8401(14)(B) is amended by striking “for at least 10 years” and inserting in lieu thereof “for at least 3 years”.

(d) COORDINATION OF FERS WITH THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS’ RETIREMENT SYSTEM FOR EMPLOYEES OF THE PARK POLICE AND THE SECRET SERVICE.—

(1) IN GENERAL.—Section 4-607(1) of title 4 of the District of Columbia Code is amended by striking the period and inserting in lieu thereof the following: “, but does not include an officer or member of the United States Park Police force, or of the United States Secret Service Division, whose service is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986, and who is not excluded from coverage under chapter 84 of title 5, United States Code, by operation of section 8402 of such title.”.

(2) CONFORMING AMENDMENT.—Section 8401(11)(i)(II) is amended by striking “(other than an employee of the United States Park Police, or the United States Secret Service, whose civilian service after December 31, 1983, is such employment)”.

(e) OFFSETS TO PREVENT FULL DOUBLE COVERAGE FOR EMPLOYEES OF THE PARK POLICE AND THE SECRET SERVICE.—Notwithstanding any other provision of law, in the case of an employee of the United States Secret Service or the United States Park Police whose pay is simultaneously subject to a deposit requirement under the District of Columbia Police and Firefighters’ Retirement and Disability System and the contribution requirement under section 3101(a) of the Internal Revenue Code of 1986—

5 USC 8334 note.

(1) any deposits under the District of Columbia Police and Firefighters’ Retirement and Disability System shall be adjusted in a manner consistent with section 8334(k) of title 5, United States Code (relating to offsets in deductions from pay to reflect OASDI contributions); and

(2) any benefits payable under the District of Columbia Police and Firefighters’ Retirement and Disability System based on the service of any such employee shall be adjusted in a manner consistent with section 8349 of title 5, United States Code (relating to offsets to reflect benefits under title II of the Social Security Act).

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall be effective as of January 1, 1987.

5 USC 3307 note.



**SEC. 104. MILITARY SERVICE DEPOSITS BY SURVIVORS.**

(a) Section 8422(e) is amended by adding at the end the following:  
 “(5) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) Section 8411(c)(4)(A) is amended by striking “subsection (f)(4)” and inserting in lieu thereof “section 8422(e)(5)”.

**SEC. 105. DEPOSITS AND REFUNDS RELATING TO CERTAIN SERVICE UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.**

(a) **DEPOSIT FOR SERVICE COVERED BY REFUND PERMITTED ONLY IF REFUND WAS PURSUANT TO APPLICATION FILED BEFORE BECOMING SUBJECT TO FERS.**—Section 8411(f)(1) is amended by adding at the end the following: “A deposit under this paragraph may be made only with respect to a refund received pursuant to an application filed with the Office before the date on which the employee or Member first becomes subject to this chapter.”.

(b) **LUMP-SUM CREDIT FOR CERTAIN CSRS SERVICE SOUGHT AFTER BECOMING SUBJECT TO FERS IS PAYABLE TO THE EXTENT THAT IT EXCEEDS 1.3 PERCENT OF BASIC PAY.**—The last sentence of section 8342(a), as added by section 207(h) of the Federal Employees’ Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 596) is amended to read as follows: “In applying this subsection to an employee or Member who becomes subject to chapter 84 (other than by an election under title III of the Federal Employees’ Retirement System Act of 1986) and who, while subject to such chapter, files an application with the Office for a payment under this subsection—

“(i) entitlement to payment of the lump-sum credit shall be determined without regard to paragraph (1) or (3) if, or to the extent that, such lump-sum credit relates to service of a type described in clauses (i) through (iii) of section 302(a)(1)(C) of the Federal Employees’ Retirement System Act of 1986; and

“(ii) if, or to the extent that, the lump-sum credit so relates to service of a type referred to in clause (i), it shall (notwithstanding section 8331(8)) consist of—

“(I) the amount by which any unrefunded amount described in section 8331(8) (A) or (B) relating to such service, exceeds 1.3 percent of basic pay for such service; and

“(II) interest on the amount payable under subclause (I), computed in a manner consistent with applicable provisions of section 8331(8).”.

**5 USC 8331 note. SEC. 106. OPTION FOR CERTAIN EMPLOYEES TO ELECT FERS COVERAGE.**

Section 301(a) of the Federal Employees’ Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 599) is amended by adding at the end the following:

“(3)(A) Except as provided in subparagraph (B), any individual—

“(i) who is excluded from the operation of subchapter III of chapter 83 of title 5, United States Code, under subsection (g), (i), (j), or (l) of section 8347 of such title, and

“(ii) with respect to whom chapter 84 of title 5, United States Code, does not apply because of section 8402(b)(2) of such title, shall, for purposes of an election under paragraph (1) or (2), be treated as if such individual were subject to subchapter III of chapter 83 of title 5, United States Code.

“(B) An election under this paragraph may not be made by any individual who would be excluded from the operation of chapter 84

of title 5, United States Code, under section 8402(c) of such title (relating to exclusions based on the temporary or intermittent nature of one's employment).".

**SEC. 107. CERTAIN CSRS SERVICE CREDITABLE TO DETERMINE ELIGIBILITY FOR 1.1 PERCENT ACCRUAL RATE.** 5 USC 8331 note.

Section 302(a)(1)(D) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 602) is amended—

- (1) by striking "and" at the end of subclause (IV);
- (2) by striking the period at the end of subclause (V) and inserting in lieu thereof "; and"; and
- (3) by adding after subclause (V) the following:  
 "(VI) the provision of subsection (g) of section 8415 which relates to the minimum period of service required to qualify for the higher accrual rate under such subsection."

**SEC. 108. AMENDMENTS RELATING TO MISCELLANEOUS PROVISIONS OF LAW EXTENDING COVERAGE OR BENEFITS UNDER CERTAIN FEDERAL PROGRAMS TO INDIVIDUALS NOT OTHERWISE ELIGIBLE.**

**(a) TERMINATION OF CERTAIN SPECIAL ELIGIBILITY PROVISIONS.—**

**(1) CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8347 is amended by adding at the end the following:

"(o) Any provision of law outside of this subchapter which provides coverage, service credit, or any other benefit under this subchapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage, credit, or benefit, shall not apply with respect to any individual appointed, transferred, or otherwise commencing that type of employment on or after October 1, 1988."

**(2) LIFE INSURANCE.—**

**(A) IN GENERAL.**—Section 87 of title 5, United States Code, is amended by inserting after section 8712 the following:

**"§ 8713. Effect of other statutes**

5 USC 8713.

"Any provision of law outside of this chapter which provides coverage or any other benefit under this chapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage or benefit shall not apply with respect to any individual appointed, transferred, or otherwise commencing that type of employment on or after October 1, 1988."

**(B) CHAPTER ANALYSIS.**—The analysis for chapter 87 of title 5, United States Code, is amended by inserting after the item relating to section 8712 the following:

"8713. Effect of other statutes."

**(3) HEALTH INSURANCE.—**

**(A) IN GENERAL.**—Chapter 89 of title 5, United States Code, is amended by adding at the end the following:

**"§ 8914. Effect of other statutes**

5 USC 8914.

"Any provision of law outside of this chapter which provides coverage or any other benefit under this chapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage or benefit shall not apply with respect to any individual appointed,

transferred, or otherwise commencing that type of employment on or after October 1, 1988.”.

(B) CHAPTER ANALYSIS.—The analysis for chapter 89 of title 5, United States Code, is amended by adding at the end the following:

“8914. Effect of other statutes.”.

(b) EXTENSION OF OFFSET PROVISIONS UNDER CHAPTER 83.—

(1) CONTRIBUTIONS.—Section 8334(k) is amended by adding at the end the following:

“(4) In administering paragraphs (1) through (3)—

“(A) the term ‘an individual described in section 8402(b)(2) of this title’ shall be considered to include any individual—

“(i) who is subject to this subchapter as a result of a provision of law described in section 8347(o), and

“(ii) whose employment (as described in section 8347(o)) is also employment for purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986; and

“(B) the term ‘Federal wages’, as applied with respect to any individual to whom this subsection applies as a result of subparagraph (A), means basic pay for any employment referred to in subparagraph (A)(ii).”.

(2) BENEFITS.—Section 8349 is amended by adding at the end the following:

“(d) In administering subsections (a) through (c)—

“(1) the terms ‘an individual under section 8402(b)(2)’ and ‘an individual described in section 8402(b)(2)’ shall each be considered to include any individual—

“(A) who is subject to this subchapter as a result of any provision of law described in section 8347(o), and

“(B) whose employment (as described in section 8347(o)) is also employment for purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986; and

“(2) the term ‘Federal service’, as applied with respect to any individual to whom this section applies as a result of paragraph (1), means any employment referred to in paragraph (1)(B) performed after December 31, 1983.”.

5 USC 8334 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as of January 1, 1987.

District of  
Columbia.

**SEC. 109. CONTINUED COVERAGE UNDER CERTAIN FEDERAL EMPLOYEE BENEFIT PROGRAMS FOR CERTAIN EMPLOYEES OF SAINT ELIZABETHS HOSPITAL.**

(a) IN GENERAL.—Section 207 of the Federal Employees’ Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 594) is amended by adding at the end the following:

5 USC 8331 note.

“(o) An employee of Saint Elizabeths Hospital who is appointed to a position in the government of the District of Columbia on October 1, 1987, pursuant to the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (Public Law 98-621; 98 Stat. 3369 and following) shall, for purposes of chapters 83, 87, and 89 of title 5, United States Code, be treated in the same way as an individual first employed by the government of the District of Columbia before October 1, 1987.”.

(b) The amendment made by this section shall be effective as of October 1, 1987.

**SEC. 110. CREDITABILITY UNDER CSRS OF CERTAIN SERVICE PERFORMED UNDER A PERSONAL SERVICE CONTRACT WITH THE UNITED STATES.**

5 USC 8332 note.

**(a) IN GENERAL.—**

(1) **CONDITIONS FOR RECEIVING CREDIT.**—Subject to the making of a deposit under section 8334(c) of title 5, United States Code, upon application to the Office of Personnel Management within 2 years after the date of the enactment of this Act, any individual who is an employee (as defined by section 8331(1) or 8401(11) of such title) on such date shall be allowed credit under subchapter III of chapter 83 of such title for any service if such service was performed—

(A) before November 5, 1985; and

(B) under a personal service contract with the United States, except as provided in paragraph (3).

**(2) CERTIFICATION.—**

(A) **IN GENERAL.**—The Office shall, with respect to any service for which credit is sought under this subsection, accept the certification of the head of the agency which was party to the contract referred to in paragraph (1)(B), but only if such certification—

(i) states that the agency had intended, through such contract, that the individual involved (or that persons like the individual involved) be considered as having been appointed to a position in which such individual would be subject to subchapter III of chapter 83 of title 5, United States Code; and

(ii) indicates the period of service which was performed under the contract by the individual involved, and includes copies of appropriate records or other documentation to support the determination as to the length of such period.

(B) **FINALITY.**—A decision by an agency head concerning whether or not to make a certification under this paragraph in any particular instance shall be at the sole discretion of the agency head, and shall not be subject to administrative or judicial review.

(3) **EXCEPTION.**—Nothing in this subsection shall apply with respect to any service performed under—

(A) a contract for which any appropriations, allocations, or funds were used under section 636(a)(3) of the Foreign Assistance Act of 1961;

(B) a contract entered into under section 10(a)(5) of the Peace Corps Act;

(C) a contract under which the services of an individual may be terminated by a person other than the individual or the Government; or

(D) a contract for a single transaction or a contract under which services are paid for in a single payment.

**(b) APPLICABILITY TO ANNUITANTS.—**

(1) **IN GENERAL.**—In the case of any individual who—

(A) performed service for which credit is allowable under subsection (a), and

(B) retired on an annuity payable under subchapter III of chapter 83 of title 5, United States Code, after January 23, 1980, and before the date of the enactment of this Act, any annuity under such subchapter based on the service of such individual shall be redetermined to take into account the amendment made by subsection (a) if application therefor is made, and the deposit requirement under such subsection is met, within 2 years after the date of the enactment of this Act.

(2) AMOUNTS TO WHICH APPLICABLE.—Any change in an annuity resulting from a redetermination under paragraph (1) shall be effective with respect to payments accruing for months beginning after the date of the enactment of this Act.

**SEC. 111. EXCLUSION OF FOREIGN NATIONAL EMPLOYEES UNDER CSRS FROM PARTICIPATING IN THE THRIFT SAVINGS PLAN.**

(a) IN GENERAL.—Section 8351 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) A member of the Foreign Service described in section 103(6) of the Foreign Service Act of 1980 shall be ineligible to make any election under this section.”

5 USC 8351 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of March 31, 1987. Any refund which becomes payable as a result of the preceding sentence shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

**SEC. 112. FOREIGN NATIONAL EMPLOYEES APPOINTED AFTER DECEMBER 1987 EXCLUDED FROM CSRS.**

Section 8331(1) is amended—

(1) by striking “or” at the end of clause (x);

(2) by striking the period at the end of clause (xi) and inserting in lieu thereof “; or”; and

(3) by adding after clause (xi) the following:

“(xii) a member of the Foreign Service (as described in section 103(6) of the Foreign Service Act of 1980), appointed after December 31, 1987.”

**SEC. 113. EXCLUSION OF FOREIGN NATIONAL EMPLOYEES FROM FERS.**

(a) NO ELECTION TO CONVERT FROM CSRS.—

(1) IN GENERAL.—Section 301(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 599) is amended by adding at the end the following:

5 USC 8331 note.

“(4) A member of the Foreign Service described in section 103(6) of the Foreign Service Act of 1980 shall be ineligible to make any election under this subsection.”

5 USC 8331 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as of June 30, 1987. Any refund which becomes payable as a result of the preceding sentence shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

(b) EXCLUSION FROM FERS.—

(1) IN GENERAL.—Section 8401(11) is amended—

- (A) by striking “or” at the end of clause (i)(III);
- (B) by inserting “or” after the semicolon in clause (ii); and
- (C) by adding at the end the following:

“(iii) a member of the Foreign Service described in section 103(6) of the Foreign Service Act of 1980;”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall be effective as of January 1, 1987. Any refund which becomes payable as a result of the preceding sentence shall, to the extent that such refund involves an individual’s contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto. 5 USC 8401 note.

**SEC. 114. EXCLUSION OF CERTAIN ONE-TIME GOVERNMENT CONTRIBUTIONS TO THRIFT SAVINGS PLAN.**

Section 8432(d) is amended by adding at the end the following: “However, no contribution made under subsection (c)(3) shall be subject to, or taken into account, for purposes of the preceding sentence.”.

**SEC. 115. GOVERNMENT’S 1 PERCENT THRIFT CONTRIBUTION NOT FORFEITABLE FOR DEATH IN SERVICE.**

Section 8432(g) is amended—

- (1) in paragraph (1), by striking “Except as provided in paragraphs (2) and (3),” and inserting in lieu thereof “Except as otherwise provided in this subsection,”; and

- (2) by adding at the end the following:

“(4) Nothing in paragraph (2) or (3) shall cause the forfeiture of any contributions made for the benefit of an employee, Member, or Congressional employee under subsection (c)(1), or any earnings attributable thereto, if such employee, Member, or Congressional employee is not separated from Government employment as of date of death.”.

**SEC. 116. CLARIFICATION RELATING TO AMOUNTS SUBJECT TO LEGAL PROCESS FOR CHILD SUPPORT OR ALIMONY.**

Section 8437(e)(3) is amended by adding at the end the following: “For the purposes of this paragraph, an amount contributed for the benefit of an individual under section 8432(c)(1) (including any earnings attributable thereto) shall not be considered part of the balance in such individual’s account unless such amount is non-forfeitable, as determined under applicable provisions of section 8432(g).”.

**SEC. 117. CLARIFICATION RELATING TO SOURCE OF FUNDING FOR ADMINISTRATIVE EXPENSES OF THE THRIFT SAVINGS PLAN.**

(a) **IN GENERAL.**—Section 8437 is amended—

- (1) in subsection (d), by inserting a period after “earnings in such Fund” and by striking the matter thereafter; and

- (2) in subsection (e)(1), by inserting “subsection (d) and” before “paragraphs (2) and (3),”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act. 5 USC 8437 note.



5 USC 8331 note. **SEC. 118. EXCLUSION FROM AGE-BASED REDUCTION UNDER CHAPTER 83 FOR CSRS PORTION OF ANNUITY MADE SUBJECT TO REDUCTION UNDER CHAPTER 84 FOLLOWING AN ELECTION INTO FERS.**

Section 302(a)(4) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 603) is amended by adding at the end the following: "Notwithstanding the preceding sentence, in computing accrued benefits under this paragraph for an individual retiring under section 8412(g) or 8413(b) of title 5, United States Code, section 8339(h) of such title (relating to reductions based on age at date of separation) shall not apply."

5 USC 8331 note. **SEC. 119. INTEREST ON REFUNDS OF CERTAIN EXCESS CONTRIBUTIONS BY INDIVIDUALS MAKING ELECTIONS UNDER TITLE III OF THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986.**

(a) **FOR INDIVIDUALS ELECTING FERS COVERAGE.**—Section 302(c)(2) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 605), as amended by section 302(a) of the Federal Employees' Retirement System Technical Corrections Act of 1986 (Public Law 99-556; 100 Stat. 3136), is amended to read as follows:

"(2) In accordance with regulations prescribed by the Office of Personnel Management, a refund under this subsection shall be payable upon written application therefor filed with the Office and shall include interest at the rate provided in section 8334(e)(3) of title 5, United States Code. Interest on the refund shall accrue monthly and shall be compounded annually."

(b) **FOR INDIVIDUALS ELECTING COVERAGE UNDER CSRS WITH OFFSETS FOR SOCIAL SECURITY.**—The last sentence of section 303(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 605), as added by section 302(b) of the Federal Employees' Retirement System Technical Corrections Act of 1986 (Public Law 99-556; 100 Stat. 3136), is amended to read as follows: "A refund under this subsection shall be computed with interest in accordance with section 302(c)(2) and regulations prescribed by the Office of Personnel Management."

District of Columbia.

**SEC. 120. EFFECTIVE DATE OF FINAL MERIT INCREASE UNDER THE PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM FOR EMPLOYEES OF SAINT ELIZABETHS HOSPITAL.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the effective date of any merit increase under section 5404 of title 5, United States Code, during calendar year 1987 shall, in the case of any individual employed in or under Saint Elizabeths Hospital on September 1, 1987, be considered to be the first day of the first applicable pay period commencing on or after September 1 (rather than October 1) of such year.

(b) **DEFINITION.**—For purposes of this section, "Saint Elizabeths Hospital" refers to the institution identified under section 3(1) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (Public Law 98-621; 98 Stat. 3371).

**SEC. 121. DEADLINE FOR AGENCY CONTRIBUTIONS TO THRIFT SAVINGS PLAN.**

(a) **THE 1-PERCENT CONTRIBUTION.**—Section 8432(c)(1)(A) is amended—

(1) by striking “At the end of” and inserting in lieu thereof “At the time prescribed by the Executive Director, but no later than 12 days after the end of”; and

(2) by striking “at the end of each succeeding pay period,” and inserting in lieu thereof “within such time as the Executive Director may prescribe with respect to succeeding pay periods (but no later than 12 days after the end of each such pay period),”.

(b) AMOUNTS BASED ON INDIVIDUAL CONTRIBUTIONS.—The second sentence of section 8432(c)(2)(A) is amended by striking “at the end of such pay period.” and inserting in lieu thereof “within such time as the Executive Director may prescribe, but no later than 12 days after the end of each such pay period.”.

SEC. 122. AMENDMENTS RELATING TO DISABILITY ANNUITIES.

(a) INITIAL DISABILITY ANNUITY OFFSET TO BE BASED ON ACTUAL SOCIAL SECURITY DISABILITY INSURANCE BENEFIT; AMOUNT OF OFFSET NOT SUBJECT TO ADJUSTMENT UNTIL AFTER THE FIRST YEAR.—Section 8452(a)(2)(B)(i) of title 5, United States Code, is amended to read as follows:

“(B)(i) For purposes of this paragraph, the assumed disability insurance benefit of an annuitant for any month shall be equal to—

“(I) the amount of the disability insurance benefit to which the annuitant is entitled under section 223 of the Social Security Act for the month in which the annuity under this subchapter commences, or is restored, or, if no entitlement to such disability insurance benefits exists for such month, the first month thereafter for which the annuitant is entitled both to an annuity under this subchapter and disability insurance benefits under section 223 of the Social Security Act, adjusted by

“(II) all adjustments made under section 8462(b) after the end of the period referred to in paragraph (1)(A)(i) (or, if later, after the end of the month preceding the first month for which the annuitant is entitled both to an annuity under this subchapter and disability insurance benefits under section 223 of the Social Security Act) and before the start of the month involved (without regard to whether the annuitant’s annuity was affected by any of those adjustments).”.

(b) REVISED METHOD FOR REDETERMINING A DISABILITY ANNUITY AT AGE 62.—Section 8452(b) of title 5, United States Code, is amended to read as follows:

“(b)(1) Except as provided in subsection (d), if an annuitant is entitled to an annuity under this subchapter as of the day before the date of the sixty-second anniversary of the annuitant’s birth (hereinafter in this section referred to as the annuitant’s ‘redetermination date’), such annuity shall be redetermined by the Office in accordance with paragraph (2). Effective as of the annuitant’s redetermination date, the annuity (as so redetermined) shall be in lieu of any annuity to which such annuitant would otherwise be entitled under this subchapter.

“(2)(A) An annuity redetermined under this subsection shall be equal to the amount of the annuity to which the annuitant would be entitled under section 8415, taking into account the provisions of subparagraph (B).

“(B) In performing a computation under this paragraph—

“(i) creditable service of an annuitant shall be increased by including any period (or periods) before the annuitant’s redeter-

mination date during which the annuitant was entitled to an annuity under this subchapter; and

“(ii) the average pay which would otherwise be used shall be adjusted to reflect all adjustments made under section 8462(b) with respect to any period (or periods) referred to in clause (i) (without regard to whether the annuitant’s annuity was affected by any of those adjustments).”.

(c) METHOD FOR APPLYING COST-OF-LIVING ADJUSTMENTS TO CERTAIN DISABILITY ANNUITY PROVISIONS.—

(1) MINIMUM DISABILITY ANNUITY AMOUNT SUBJECT TO ADJUSTMENT AFTER THE FIRST YEAR.—Section 8452 is amended—

(A) by redesignating subsection (d) as subsection (d)(1); and

(B) by adding after subsection (d)(1), as so redesignated, the following:

“(2) In applying this subsection with respect to any annuitant, the amount of an annuity so computed under section 8415 shall be adjusted under section 8462 (including subsection (c) thereof)—

“(A) to the same extent, and otherwise in the same manner, as if it were an annuity—

“(i) subject to adjustment under such section; and

“(ii) with a commencement date coinciding with the date the annuitant’s annuity commenced or was restored under this subchapter, as the case may be; and

“(B) whether the amount actually payable to the annuitant under this section in any month is determined under this subsection or otherwise.”.

(2) DISABILITY ANNUITY COLAS.—

(A) IN GENERAL.—Section 8452(a)(1)(B) of title 5, United States Code, is amended to read as follows:

“(B) An annuity computed under this paragraph—

“(i) shall not, during any period referred to in subparagraph (A)(i), be adjusted under section 8462; but

“(ii) shall, after the end of any period referred to in subparagraph (A)(i), be adjusted to reflect all adjustments made under section 8462(b) after the end of the period referred to in subparagraph (A)(i), whether the amount actually payable to the annuitant under this section in any month is determined under this subsection or otherwise.”.

(B) CLARIFYING AMENDMENT.—Section 8452(a) of title 5, United States Code, is amended by adding at the end the following:

“(3) Section 8462 shall apply with respect to amounts under this subsection only as provided in paragraphs (1) and (2).”.

5 USC 8452 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of January 1, 1987, as if they had been enacted as part of the Federal Employees’ Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 514 and following).

SEC. 123. CLARIFYING AMENDMENTS RELATING TO FUNDING.

FUND BALANCE.—Section 8331(18) is amended by adding at the end the following:

“but does not include any amount attributable to—

“(i) the Federal Employees’ Retirement System; or

“(ii) contributions made under the Federal Employees’ Retirement Contribution Temporary Adjustment Act of

1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;".

**SEC. 124. CONCURRENT ENTITLEMENT TO BENEFITS UNDER CHAPTER 81 AND CHAPTER 83 OR 84 OF TITLE 5, UNITED STATES CODE.**

**(a) IN GENERAL.—**

**(1) AMENDMENTS.—**

(A) CSRS.—Section 8337 is amended by striking subsections (f) and (g) and inserting in lieu thereof the following:

"(f)(1) An individual is not entitled to receive—

"(A) an annuity under this subchapter, and

"(B) compensation for injury to, or disability of, such individual under subchapter I of chapter 81, other than compensation payable under section 8107, covering the same period of time.

"(2) An individual is not entitled to receive an annuity under this subchapter and a concurrent benefit under subchapter I of chapter 81 on account of the death of the same person.

"(3) Paragraphs (1) and (2) do not bar the right of a claimant to the greater benefit conferred by either this subchapter or subchapter I of chapter 81.

"(g) If an individual is entitled to an annuity under this subchapter, and the individual receives a lump-sum payment for compensation under section 8135 based on the disability or death of the same person, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Department of Labor, shall be refunded to that Department for credit to the Employees' Compensation Fund. Before the individual may receive the annuity, the individual shall—

"(1) refund to the Department of Labor the amount representing the commuted compensation payments for the extended period; or

"(2) authorize the deduction of the amount from the annuity. Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Department of Labor for reimbursement to the Employees' Compensation Fund. When the Department of Labor finds that the financial circumstances of an individual entitled to an annuity under this subchapter warrant deferred refunding, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Department determines appropriate."

(B) FERS.—Subchapter VI of chapter 84 is amended by inserting after section 8464 the following:

**"§ 8464a. Relationship between annuity and workers' compensation** 5 USC 8464a.

"(a)(1) An individual is not entitled to receive—

"(A) an annuity under subchapter II or V, and

"(B) compensation for injury to, or disability of, such individual under subchapter I of chapter 81, other than compensation payable under section 8107, covering the same period of time.

"(2) An individual is not entitled to receive an annuity under subchapter IV and a concurrent benefit under subchapter I of chapter 81 on account of the death of the same person.

“(3) Paragraphs (1) and (2) do not bar the right of a claimant to the greater benefit conferred by either this chapter or subchapter I of chapter 81.

“(b) If an individual is entitled to an annuity under subchapter II, IV, or V, and the individual receives a lump-sum payment for compensation under section 8135 based on the disability or death of the same person, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Department of Labor, shall be refunded to that Department for credit to the Employees’ Compensation Fund. Before the individual may receive the annuity, the individual shall—

“(1) refund to the Department of Labor the amount representing the commuted compensation payments for the extended period; or

“(2) authorize the deduction of the amount from the annuity. Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Department of Labor for reimbursement to the Employees’ Compensation Fund. When the Department of Labor finds that the financial circumstances of an individual entitled to an annuity under subchapter II, IV, or V warrant deferred refunding, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Department determines appropriate.”.

(2) **CHAPTER ANALYSIS.**—The analysis for chapter 84 is amended by inserting after the item relating to section 8464 the following:

“8464a. Relationship between annuity and workers’ compensation.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Subchapter V of chapter 84 is amended—

(A) by striking section 8456; and

(B) by redesignating section 8457 as section 8456.

(2) The analysis for chapter 84 is amended—

(A) by striking the item relating to section 8456; and

(B) by striking “8457” and inserting in lieu thereof “8456”.

5 USC 8337 note.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall be effective as of January 1, 1987, and shall apply with respect to benefits payable based on a death or disability occurring on or after that date.

(2) **EXCEPTION.**—The amendment made by subsection (a)(1)(A) shall take effect on the date of the enactment of this Act and shall apply with respect to benefits payable based on a death or disability occurring on or after that date.

5 USC 8432 note.

**SEC. 125. ELIGIBILITY OF CERTAIN INDIVIDUALS TO PARTICIPATE IN THE THRIFT SAVINGS PLAN.**

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

(1) the term “Executive Director” means the Executive Director under section 8474 of title 5, United States Code; and

(2) the term “Thrift Savings Plan” refers to the program under subchapter III of chapter 84 of title 5, United States Code.

(b) **REGULATIONS.**—

(1) **IN GENERAL.**—The Executive Director shall prescribe regulations relating to participation in the Thrift Savings Plan by an individual described in subsection (c).

(2) **SPECIFIC MATTERS TO BE INCLUDED.**—Under the regulations—

(A) in computing a percentage of basic pay to determine an amount to be contributed to the Thrift Savings Fund, the rate of basic pay to be used shall be the same as that used in computing any amount which the individual involved is otherwise required, as a condition for participating in the Civil Service Retirement System or the Federal Employees' Retirement System (as the case may be), to contribute to the Civil Service Retirement and Disability Fund; and

(B) an employing authority which would not otherwise make contributions to the Thrift Savings Fund shall be allowed, with respect to any individual under subsection (c) who is serving under such authority, and at the sole discretion of such authority, to make any contributions on behalf of such individual which would be permitted or required under the provisions of section 8432(c) of title 5, United States Code, if such authority were the individual's employing agency under such provisions.

(c) **APPLICABILITY.**—This section applies with respect to—

(1) any individual participating in the Civil Service Retirement System or the Federal Employees' Retirement System as—

(A) an individual who has entered on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of employees (as defined by section 8331(1) or 8401(11) of title 5, United States Code);

(B) an individual assigned from a Federal agency to a State or local government under subchapter VI of chapter 33 of title 5, United States Code; or

(C) an individual appointed or otherwise assigned to one of the cooperative extension services, as defined by section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)); and

(2) any individual who is participating in the Civil Service Retirement System as a result of a provision of law described in section 8347(o).

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the regulations prescribed under this section shall become effective in accordance with the provisions of such regulations.

(2) **EXCEPTION.**—The regulations prescribed under this section shall, with respect to individuals under subsection (c)(1)(C), be effective as of January 1, 1987.

**SEC. 126. SPECIAL PAY OF VETERANS' ADMINISTRATION PHYSICIANS INCLUDED IN AVERAGE SALARY UNDER FERS.**

Section 4118(f) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "81 or 83" and inserting in lieu thereof "81, 83, or 84"; and

(2) in paragraph (2)—



(A) in the first sentence, by striking “chapter 83 of title 5” and inserting in lieu thereof “chapter 83 or 84 of title 5, as the case may be”;

(B) in the second sentence, by striking “section 8331(4)” and all that follows thereafter through “; or” and inserting in lieu thereof the following: “section 8331(4) or 8401(3) of such title (as applicable) only—

“(A) for the purposes of computing benefits paid under section 8337, 8341 (d) or (e), 8442(b), 8443, or 8451 of such title; or”;

(C) in subparagraph (B), by inserting “if” at the beginning thereof.

5 USC 8341 note. **SEC. 127. APPLICATION DEADLINE FOR CERTAIN FORMER SPOUSES.**

Section 4(b)(1)(B) of the Civil Service Retirement Spouse Equity Act of 1984 (Public Law 98-615; 98 Stat. 3205), as amended by section 201(b)(1)(C) of the Federal Employees Benefits Improvement Act of 1986 (Public Law 99-251; 100 Stat. 22), is amended—

(1) in clause (i), by inserting “, and before May 8, 1987” before the semicolon; and

(2) by amending clause (iv) to read as follows:

“(iv) the former spouse files an application for the survivor annuity with the Office on or before May 7, 1989; and”;

and  
(3) by amending clause (v) by striking out “at the time of filing such application” and inserting in lieu thereof “on May 7, 1987”.

5 USC 8334 note. **SEC. 128. REFUNDS OF CERTAIN EXCESS DEDUCTIONS TAKEN AFTER 1983 TO OFFSET EMPLOYEES UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.**

(a) **REFUND ELIGIBILITY.**—An individual shall upon written application to the Office of Personnel Management, receive a refund under subsection (b), if such individual—

(1) was subject to section 8334(a)(1) of title 5, United States Code, for any period of service after December 31, 1983, because of an election under section 208(a)(1)(B) of the Federal Employees’ Retirement Contribution Temporary Adjustment Act of 1983 (97 Stat. 1107; 5 U.S.C. 8331 note);

(2) is not eligible to make an election under section 301(b) of the Federal Employees’ Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 599); and

(3) becomes subject to section 8334(k) of title 5, United States Code.

(b) **REFUND COMPUTATION.**—An individual eligible for a refund under subsection (a) shall receive a refund—

(1) for the period beginning on January 1, 1984, and ending on December 31, 1986, for the amount by which—

(A) the total amount deducted from such individual’s basic pay under section 8334(a)(1) of title 5, United States Code, for service described in subsection (a)(1) of this section, exceeds

(B) 1.3 percent of such individual’s total basic pay for such period; and

(2) for the period beginning on January 1, 1987, and ending on the day before such individual becomes subject to section 8334(k) of title 5, United States Code, for the amount by which—

(A) the total amount deducted from such individual's basic pay under section 8334(a)(1) of title 5, United States Code, for service described in subsection (a)(1) of this section, exceeds

(B) the total amount which would have been deducted if such individual's basic pay had instead been subject to section 8334(k) of title 5, United States Code, during such period.

(c) **INTEREST COMPUTATION.**—A refund under this section shall be computed with interest in accordance with section 8334(e) of title 5, United States Code, and regulations prescribed by the Office of Personnel Management.

**SEC. 129. ADJUSTMENTS IN METHODS OF ANNUITY PAYMENTS FOR YEARS WITH ZERO OR NEGATIVE INFLATION.**

Section 8434(a)(2) (C) and (D) of title 5, United States Code, is amended to read as follows:

“(C) a method described in subparagraph (A) which provides for automatic adjustments in the amount of the annuity payable so long as the amount of the annuity payable in any one year shall not be less than the amount payable in the previous year;

“(D) a method described in subparagraph (B) which provides for automatic adjustments in the amount of the annuity payable so long as the amount of the annuity payable in any one year shall not be less than the amount payable in the previous year; and”.

**SEC. 130. COVERAGE UNDER THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM FOR INDIVIDUALS SUBJECT TO THE FOREIGN SERVICE PENSION SYSTEM WHO ENTER FEDERAL EMPLOYMENT OTHER THAN THE FOREIGN SERVICE.**

Section 8402 of title 5, United States Code, is amended—

(1) in the matter following subparagraph (B) of paragraph (2) of subsection (b) by inserting “subsection (d) of this section or” before “title III”; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) Paragraph (2) of subsection (b) shall not apply to an individual who becomes subject to subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 (relating to the Foreign Service Pension System) pursuant to an election and who subsequently enters a position in which, but for such paragraph (2), he would be subject to this chapter.”.

**SEC. 131. ANNUITY COMPUTATIONS FOR THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.**

(a) **SURVIVOR REDUCTION COMPUTATION.**—Section 8419(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out “, shall be reduced” and inserting in lieu thereof “or one-half of the annuity, if jointly designated for this purpose by the employee or Member and the spouse of the employee or Member under procedures prescribed by the Office of Personnel Management, shall be reduced”; and

(2) in paragraph (2)(A) by striking out “, shall be reduced” and inserting in lieu thereof “or one-half of the annuity, if jointly designated for this purpose by the employee or Member and the

spouse of the employee or Member under procedures prescribed by the Office of Personnel Management, shall be reduced”.

(b) **SURVIVOR BENEFITS.**—Section 8442 of title 5, United States Code, is amended—

(1) in subsection (a)(1) by inserting after “with respect to the annuitant,” the following: “(or one-half thereof, if designated for this purpose under section 8419 of this title),”; and

(2) in subsection (g)(1) by inserting after “paragraph (2)” the following: “(or one-half thereof if designated for this purpose under section 8419 of this title)”.

**SEC. 132. LOANS FROM EMPLOYEES' CONTRIBUTION TO THE THRIFT SAVINGS FUND.**

Section 8433(i)(3) of title 5, United States Code, is amended to read as follows:

“(3) Loans under this subsection shall be available to all employees and Members on a reasonably equivalent basis, and shall be subject to such other conditions as the Board may by regulation prescribe. The restrictions of section 8477(c)(1) of this title shall not apply to loans made under this subsection.”.

**SEC. 133. FIDUCIARY RESPONSIBILITIES AND LIABILITIES IN MANAGEMENT OF THRIFT SAVINGS FUND.**

(a) **FIDUCIARY RESPONSIBILITIES AND LIABILITIES.**—Section 8477(e) of title 5, United States Code, is amended—

(1) in paragraph (1)(A) by inserting before the period at the end of the first sentence a comma and “except as provided in paragraphs (3) and (4) of this subsection”;

(2) in paragraph (1)(B) by striking out “Internal Revenue Code of 1954” and inserting in lieu thereof “Internal Revenue Code of 1986”;

(3) in paragraph (1)(D) by inserting “only” before “if” in the matter preceding clause (i);

(4) by redesignating paragraphs (4) and (5) as paragraphs (7) and (8), respectively; and

(5) by striking out paragraphs (2) and (3) and inserting in lieu thereof:

“(2) No civil action may be maintained against any fiduciary with respect to the responsibilities, liabilities, and penalties authorized or provided for in this section except in accordance with paragraphs (3) and (4).

“(3) A civil action may be brought in the district courts of the United States—

“(A) by the Secretary of Labor against any fiduciary other than a Member of the Board or the Executive Director of the Board—

“(i) to determine and enforce a liability under paragraph (1)(A);

“(ii) to collect any civil penalty under paragraph (1)(B);

“(iii) to enjoin any act or practice which violates any provision of subsection (b) or (c);

“(iv) to obtain any other appropriate equitable relief to redress a violation of any such provision; or

“(v) to enjoin any act or practice which violates subsection (g)(2) or (h) of section 8472 of this title;

“(B) by any participant, beneficiary, or fiduciary against any fiduciary—

“(i) to enjoin any act or practice which violates any provision of subsection (b) or (c);

“(ii) to obtain any other appropriate equitable relief to redress a violation of any such provision;

“(iii) to enjoin any act or practice which violates subsection (g)(2) or (h) of section 8472 of this title; or

“(C) by any participant or beneficiary—

“(i) to recover benefits of such participant or beneficiary under the provisions of subchapter III of this chapter, to enforce any right of such participant or beneficiary under such provisions, or to clarify any such right to future benefits under such provisions; or

“(ii) to enforce any claim otherwise cognizable under sections 1346(b) and 2671 through 2680 of title 28, if the remedy against the United States provided by sections 1346(b) and 2672 of title 28 for damages for injury or loss of property caused by the negligent or wrongful act or omission of any fiduciary while acting within the scope of his duties or employment is exclusive of any other civil action or proceeding by the participant or beneficiary for recovery of money by reason of the same subject matter against the fiduciary (or the estate of such fiduciary) whose act or omission gave rise to such action or proceeding, whether or not such action or proceeding is based on an alleged violation of subsection (b) or (c).

Claims.

“(4)(A) In all civil actions under paragraph (3)(A), attorneys appointed by the Secretary may represent the Secretary (except as provided in section 518(a) of title 28), however all such litigation shall be subject to the direction and control of the Attorney General.

“(B) The Attorney General shall defend any civil action or proceeding brought in any court against any fiduciary referred to in paragraph (3)(C)(ii) (or the estate of such fiduciary) for any such injury. Any fiduciary against whom such a civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such fiduciary (or an attested copy thereof) to the Executive Director of the Board, who shall promptly furnish copies of the pleading and process to the Attorney General and the United States Attorney for the district wherein the action or proceeding is brought.

“(C) Upon certification by the Attorney General that a fiduciary described in paragraph (3)(C)(ii) was acting in the scope of such fiduciary's duties or employment as a fiduciary at the time of the occurrence or omission out of which the action arose, any such civil action or proceeding commenced in a State court shall be—

“(i) removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division in which it is pending; and

“(ii) deemed a tort action brought against the United States under the provisions of title 28 and all references thereto.

“(D) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect. To the extent section 2672 of title 28 provides that persons other than the Attorney General or his designee may compromise and settle claims, and that payment of such claims may be made from agency appropria-

Claims.

- tions, such provisions shall not apply to claims based upon an alleged violation of subsection (b) or (c).
- Claims. “(E) For the purposes of paragraph (3)(C)(ii) the provisions of sections 2680(h) of title 28 shall not apply to any claim based upon an alleged violation of subsection (b) or (c).
- Claims. “(F) Notwithstanding sections 1346(b) and 2671 through 2680 of title 28, whenever an award, compromise, or settlement is made under such sections upon any claim based upon an alleged violation of subsection (b) or (c), payment of such award, compromise, or settlement shall be made to the appropriate account within the Thrift Savings Fund, or where there is no such appropriate account, to the participant or beneficiary bringing the claim.
- “(G) For purposes of paragraph (3)(C)(ii), fiduciary includes only the Members of the Board and the Board’s Executive Director.
- “(5) Any relief awarded against a Member of the Board or the Executive Director of the Board in a civil action authorized by paragraphs (3) and (4) may not include any monetary damages or any other recovery of money.
- “(6) An action may not be commenced under paragraph (3) (A) or (B) with respect to a fiduciary’s breach of any responsibility, duty, or obligation under subsection (b) or a violation of subsection (c) after the earlier of—
- “(A) 6 years after (i) the date of the last action which constituted a part of the breach or violation, or (ii) in the case of an omission, the latest date on which the fiduciary could have cured the breach or violation; or
- Fraud. “(B) 3 years after the earliest date on which the plaintiff had actual knowledge of the breach or violation, except that, in the case of fraud or concealment, such action may be commenced not later than 6 years after the date of discovery of such breach or violation.”.
- 5 USC 8477 note. (b) **EFFECTIVE DATE.**—The provisions of section 8477(e) (1), (2), (3), (4), (5), and (6) of title 5, United States Code (as amended by subsection (a) of this section), shall apply to any civil action or proceeding arising from any act or omission occurring on or after October 1, 1986.
- 5 USC 8477 and note. (c) **REPEAL.**—The provisions of subsection (a) (and the amendments to section 8477(e) of title 5, United States Code, contained therein) and subsection (b) of this section are repealed effective on December 31, 1990. On and after December 31, 1990, the provisions of section 8477(e) of title 5, United States Code, shall be in effect as such provisions were in effect on the date immediately preceding the date of enactment of this section.
- SEC. 134. AMENDMENTS CONCERNING REEMPLOYED ANNUITANTS.**
- (a) **AMENDMENT TO CHAPTER 84 OF TITLE 5, UNITED STATES CODE.**—Section 8468 is amended to read as follows:
- 5 USC 8468. “§ 8468. Annuities and pay on reemployment
- “(a) If an annuitant, except a disability annuitant whose annuity is terminated because of the annuitant’s recovery or restoration of earning capacity, becomes employed in an appointive or elective position, an amount equal to the annuity allocable to the period of actual employment shall be deducted from the annuitant’s pay, except for lump-sum leave payment purposes under section 5551. Unless the annuitant’s appointment is on an intermittent basis or is to a position as a justice or judge (as defined by section 451 of title

28) or as an employee subject to another retirement system for Government employees, or unless the annuitant is serving as President, deductions for the Fund shall be withheld from the annuitant's pay under section 8422(a) and contributions under section 8423 shall be made. The deductions and contributions referred to in the preceding provisions of this subsection shall be deposited in the Treasury of the United States to the credit of the Fund. The annuitant's lump-sum credit may not be reduced by annuity paid during the reemployment.

"(b)(1)(A) If an annuitant subject to deductions under the second sentence of subsection (a) serves on a full-time basis for at least 1 year, or on a part-time basis for periods equivalent to at least 1 year of full-time service, the annuitant's annuity on termination of reemployment shall be increased by an annuity computed under section 8415 (a) through (f) as may apply based on the period of reemployment and the basic pay, before deduction, averaged during the reemployment.

"(B)(i) If the annuitant is receiving a reduced annuity as provided in section 8419, the increase in annuity payable under subparagraph (A) is reduced by 10 percent and the survivor annuity or combination of survivor annuities payable under section 8442 or 8445 (or both) is increased by 50 percent of the increase in annuity payable under subparagraph (A), unless, at the time of claiming the increase payable under subparagraph (A), the annuitant notifies the Office in writing that the annuitant does not desire the survivor annuity to be increased.

"(ii) If an annuitant who is subject to the deductions referred to in subparagraph (A) dies while still reemployed, after having been reemployed for not less than 1 year of full-time service (or the equivalent thereof, in the case of full-time employment), the survivor annuity payable is increased as though the reemployment had otherwise terminated.

"(2)(A) If an annuitant subject to deductions under the second sentence of subsection (a) serves on a full-time basis for at least 5 years, or on a part-time basis for periods equivalent to at least 5 years of full-time service, the annuitant may elect, instead of the benefit provided by paragraph (1), to have such annuitant's rights redetermined under this chapter.

"(B) If an annuitant who is subject to the deductions referred to in subparagraph (A) dies while still reemployed, after having been reemployed for at least 5 years of full-time service (or the equivalent thereof in the case of part-time employment), any person entitled to a survivor annuity under section 8442 or 8445 based on the service of such annuitant shall be permitted to elect, in accordance with regulations prescribed by the Office of Personnel Management, to have such person's rights under subchapter IV redetermined. A redetermined survivor annuity elected under this subparagraph shall be in lieu of an increased annuity which would otherwise be payable in accordance with paragraph (1)(B)(ii).

"(3) If an annuitant subject to deductions under the second sentence of subsection (a) serves on a full-time basis for a period of less than 1 year, or on a part-time basis for periods equivalent to less than 1 year of full-time service, the total amount withheld under section 8422(a) from the annuitant's basic pay for the period or periods involved shall, upon written application to the Office, be payable to the annuitant (or the appropriate survivor or survivors, determined in the order set forth in section 8424(d)).



“(c) This section does not apply to an individual appointed to serve as a Governor of the Board of Governors of the United States Postal Service.

“(d) If an annuitant becomes employed as a justice or judge of the United States, as defined by section 451 of title 28, the annuitant may, at any time prior to resignation or retirement from regular active service as such a justice or judge, apply for and be paid, in accordance with section 8424(a), the amount (if any) by which the lump-sum credit exceeds the total annuity paid, notwithstanding the time limitation contained in such section for filing an application for payment.

“(e) A reference in this section to an ‘annuity’ shall not be considered to include any amount payable from a source other than the Fund.”.

(b) AMENDMENT TO FERSA.—Section 302(a)(12) of the Federal Employees’ Retirement System Act of 1986 is amended to read as follows:

“(12)(A)(i) If the electing individual is a reemployed annuitant under section 8344 of title 5, United States Code, under conditions allowing the annuity to continue during reemployment, payment of the annuitant’s annuity shall continue after the effective date of the election, and an amount equal to the annuity allocable to the period of actual employment shall continue to be deducted from the annuitant’s pay and deposited as provided in subsection (a) of such section. Deductions from pay under section 8422(a) of such title and contributions under section 8423 of such title shall begin effective on the effective date of the election.

“(ii) Notwithstanding any provision of section 301, an election under such section shall not be available to any reemployed annuitant who would be excluded from the operation of chapter 84 of title 5, United States Code, under section 8402(c) of such title (relating to exclusions based on the temporary or intermittent nature of one’s employment).

“(B) If the annuitant serves on a full-time basis for at least 1 year, or on a part-time basis for periods equivalent to at least 1 year of full-time service, such annuitant’s annuity, on termination of reemployment, shall be increased by an annuity computed—

“(i) with respect to reemployment service before the effective date of the election, under section 8339 (a), (b), (d), (e), (h), (i), and (n) of title 5, United States Code, as may apply based on the reemployment in which such annuitant was engaged before such effective date; and

“(ii) with respect to reemployment service on or after the effective date of the election, under section 8415 (a) through (f) of such title, as may apply based on the reemployment in which such annuitant was engaged on or after such effective date; with the ‘average pay’ used in any computation under clause (i) or (ii) being determined (based on rates of pay in effect during the period of reemployment, whether before, on, or after the effective date of the election) in the same way as provided for in paragraph (6). If the annuitant is receiving a reduced annuity as provided in section 8339(j) or section 8339(k)(2) of title 5, United States Code, the increase in annuity payable under this subparagraph is reduced by 10 percent and the survivor annuity payable under section 8341(b) of such title is increased by 55 percent of the increase in annuity payable under this subparagraph, unless, at the time of claiming the increase payable under this subparagraph, the annuitant notifies

the Office of Personnel Management in writing that such annuitant does not desire the survivor annuity to be increased. If the annuitant dies while still reemployed, after having been reemployed for at least 1 full year (or the equivalent thereof, in the case of part-time employment), any survivor annuity payable under section 8341(b) of such title based on the service of such annuitant is increased as though the reemployment had otherwise terminated. In applying paragraph (7) to an amount under this subparagraph, any portion of such amount attributable to clause (i) shall be adjusted under subparagraph (A) of such paragraph, and any portion of such amount attributable to clause (ii) shall be adjusted under subparagraph (B) of such paragraph.

“(C)(i) If the annuitant serves on a full-time basis for at least 5 years, or on a part-time basis for periods equivalent to at least 5 years of full-time service, such annuitant may elect, instead of the benefit provided by subparagraph (B), to have such annuitant’s rights redetermined, effective upon separation from employment. If the annuitant so elects, the redetermined annuity will become payable as if such annuitant were retiring for the first time based on the separation from reemployment service, and the provisions of this section concerning computation of annuity (other than any provision of this paragraph) shall apply.

“(ii) If the annuitant dies while still reemployed, after having been reemployed for at least 5 full years (or the equivalent thereof, in the case of part-time employment), any person entitled to a survivor annuity under section 8341(b) of title 5, United States Code, based on the service of such annuitant shall be permitted to elect to have such person’s rights redetermined in accordance with regulations which the Office shall prescribe. Redetermined benefits elected under this clause shall be in lieu of any increased benefits which would otherwise be payable in accordance with the next to last sentence of subparagraph (B).

Regulations.

“(D) If the annuitant serves on a full-time basis for less than 1 year (or the equivalent thereof, in the case of part-time employment), any amounts withheld under section 8422(a) of title 5, United States Code, from such annuitant’s pay for the period (or periods) involved shall, upon written application to the Office, be payable to such annuitant (or the appropriate survivor or survivors, determined in the order set forth in section 8342(c) of such title).

“(E) For purposes of determining the period of an annuitant’s reemployment service under this paragraph, a period of reemployment service shall not be taken into account unless—

“(i) with respect to service performed before the effective date of the election under section 301, it is service which, if performed for at least 1 full year, would have allowed such annuitant to elect under section 8344(a) of title 5, United States Code, to have deductions withheld from pay; or

“(ii) with respect to service performed on or after the effective date of the election under section 301, it is service with respect to which deductions from pay would be required to be withheld under the second sentence of section 8468(a) of title 5, United States Code.”.

(c) TECHNICAL AMENDMENT.—Section 302(a)(4) of the Federal Employees’ Retirement System Act of 1986 is amended by striking out all before “benefits” and inserting “Accrued”.

5 USC 8331 note.

(d) EFFECTIVE DATE.—

5 USC 8468 note.

(1) **GENERALLY.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and as provided in paragraph (2), shall apply with respect to any individual who becomes a reemployed annuitant on or after such date.

(2) **EXCEPTION.**—The amendment made by subsection (b) shall apply with respect to any election made by a reemployed annuitant on or after the date of the enactment of this Act.

Texas.

**SEC. 135. DESIGNATION OF UNITED STATES POST OFFICE BUILDING.**

The United States Post Office Building located at 809 Nueces Bay Boulevard, Corpus Christi, Texas, shall be designated and hereafter known as the "Dr. Hector Perez Garcia Post Office Building". Any reference in any law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Dr. Hector Perez Garcia Post Office Building".

**SEC. 136. CONTINUED COVERAGE FOR CERTAIN EMPLOYEES AND ANNUITANTS OF THE ALASKA RAILROAD IN FEDERAL HEALTH BENEFITS PLANS AND LIFE INSURANCE PLANS.**

(a) **AMENDMENT TO ALASKA RAILROAD TRANSFER ACT OF 1982.**—Section 607 of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1206) is amended by adding at the end thereof the following new subsection:

"(e)(1) Any person described under the provisions of paragraph (2) may elect life insurance coverage under chapter 87 of title 5, United States Code, and enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with the provisions of this subsection.

"(2) The provisions of paragraph (1) shall apply to any person who—

"(A)(i) retired from the State-owned railroad during the period beginning on or after January 4, 1985 through the date of enactment of this subsection; and

"(ii)(I) was covered under a life insurance policy pursuant to chapter 87 of title 5, United States Code, on January 4, 1985, for the purpose of electing life insurance coverage under the provisions of paragraph (1); or

"(II) was enrolled in a health benefits plan pursuant to chapter 89 of title 5, United States Code, on January 4, 1985, for the purpose of enrolling in a health benefits plan under the provisions of paragraph (1); or

"(B)(i) on the date of enactment of this subsection is an employee of the State-owned railroad; and

"(ii)(I) has 26 years or more of service (in the civil service as a Federal employee or as an employee of the State-owned railroad, combined) on the date of retirement from the State-owned railroad; and

"(II)(aa) was covered under a life insurance policy pursuant to chapter 87 of title 5, United States Code, on January 4, 1985, for the purpose of electing life insurance coverage under the provisions of paragraph (1); or

"(bb) was enrolled in a health benefits plan pursuant to chapter 89 of title 5, United States Code, on January 4, 1985, for the purpose of enrolling in a health benefits plan under the provisions of paragraph (1).

“(3) For purposes of this section, any person described under the provisions of paragraph (2) shall be deemed to have been covered under a life insurance policy under chapter 87 of title 5, United States Code, and to have been enrolled in a health benefits plan under chapter 89 of title 5, United States Code, during the period beginning on January 5, 1985 through the date of retirement of any such person.

“(4) The provisions of paragraph (1) shall not apply to any person described under paragraph (2)(B), until the date such person retires from the State-owned railroad.”

(b) ADMINISTRATIVE PROVISIONS.—Within 180 days after the date of enactment of this section, the Director of the Office of Personnel Management shall notify any person described under the provisions of section 607(e)(2)(A) of such Act, for the purpose of the election of a life insurance policy or the enrollment in a health benefits plan pursuant to the provisions of section 607(e)(1) of the Alaska Railroad Transfer Act of 1982 (as amended by subsection (a) of this section).

45 USC 1206  
note.

SEC. 137. Section 5402 of title 39, United States Code, is amended—

Alaska.

(1) in subsection (f) by striking out “January 1, 1989” and inserting in lieu thereof “January 1, 1999”; and

(2) by adding at the end thereof the following new subsection:

“(g)(1) The Postal Service, in selecting carriers of non-priority bypass mail to any point served by more than one carrier in the State of Alaska, shall, at a minimum, require that any such carrier shall—

Mail.  
Aircraft and air  
carriers.

“(A) hold a certificate of public convenience and necessity issued under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371);

“(B) operate at least 3 scheduled flights each week to such point;

“(C) exhibit an adherence to such scheduled flights to the best of the abilities of such carrier; and

“(D) have provided scheduled service within the State of Alaska for at least 12 months before being selected as a carrier of non-priority bypass mail.

“(2) The Postal Service—

“(A) may provide direct mainline non-priority bypass mail service to any bush point in the State of Alaska, without regard to paragraph (1)(B), if such service is equal to or better than interline service in cost and quality; and

“(B) shall deduct the non-priority bypass mail poundage flown on direct mainline flights to bush points within the State of Alaska by any carrier, from such carrier’s allocation of the total poundage of non-priority bypass mail transported to the nearest appropriate Postal Service hub point in any month.

“(3)(A) The Postal Service shall determine the bypass mail bush points and hub points described under paragraph (2)(B) after consultation with the State of Alaska and the affected local communities and air carriers.

“(B) Any changes in the determinations of the Postal Service under subparagraph (A) shall be made—

“(i) after consultation with the State of Alaska and the affected local communities and air carriers; and

“(ii) after giving 12 months public notice before any such change takes effect.

## TITLE II—FOREIGN SERVICE RETIREMENT

## PART A—GENERAL PROVISIONS

## SEC. 201. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.).

## SEC. 202. FORMER SPOUSES MARRIED BETWEEN 9 MONTHS AND 10 YEARS.

(a) IN GENERAL.—Subchapter I of chapter 8 (22 U.S.C. 4041 et seq.) is amended by adding after section 829 the following new section:

22 USC 4069-1.

“SEC. 830. QUALIFIED FORMER WIVES AND HUSBANDS.—(a) Notwithstanding section 4(h) of the Civil Service Retirement Spouse Equity Act of 1984, section 827 of this Act shall apply with respect to section 8339(j), section 8341(e), and section 8341(h) of title 5, United States Code, and section 4 (except for subsection (b)) of the Civil Service Retirement Spouse Equity Act of 1984 to the extent that those sections apply to a qualified former wife or husband. For the purposes of this section any reference in the Civil Service Retirement Spouse Equity Act of 1984 to the effective date of that Act shall be deemed to be a reference to the effective date of this section.

“(b)(1) Payments pursuant to this section which would otherwise be made to a participant or former participant based upon his service shall be paid (in whole or in part) by the Secretary of State to another person if and to the extent expressly provided for in the terms of any court order or spousal agreement. Any payment under this paragraph to a person bars recovery by any other person.

“(2) Paragraph (1) shall only apply to payments made by the Secretary of State under this chapter after the date of receipt by the Secretary of State of written notice of such court order or spousal agreement and such additional information and documentation as the Secretary of State may prescribe.

“(c) For the purposes of this section, the term ‘qualified former wife or husband’ means a former wife or husband of an individual if—

“(1) such individual performed at least 18 months of civilian service creditable under this chapter; and

“(2) the former wife or husband was married to such individual for at least 9 months but not more than 10 years.

“(d) Regulations issued pursuant to section 827 to implement this section shall be submitted to the Committee on Post Office and Civil Service and the Committee on Foreign Affairs of the House of Representatives and the Committee on Governmental Affairs and the Committee on Foreign Relations of the Senate. Such regulations shall not take effect until 60 days after the date on which such regulations are submitted to the Congress.”

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 829 the following:

“Sec. 830. Qualified former wives and husbands.”.

Regulations.  
Effective date.

SEC. 203. ELECTION TO PROVIDE SURVIVOR ANNUITY FOR CERTAIN  
SPOUSES ACQUIRED BEFORE THE EFFECTIVE DATE OF THE  
FOREIGN SERVICE ACT OF 1980.

22 USC 4046  
note.

(a) **ELECTION.**—A former participant who married his or her current spouse before the effective date of the Foreign Service Act of 1980 and who married such spouse after retirement under the Foreign Service Retirement and Disability System and who was unable to provide a survivor annuity for such spouse because—

(1) the participant was married at the time of retirement and elected not to provide a survivor annuity for that spouse at the time of retirement, or

(2) subject to subsection (e), the participant failed to notify the Secretary of State of the participant's post-retirement marriage within one year after the marriage,

may make the election described in subsection (b).

(b) **ELECTION DESCRIBED.**—

(1) The election referred to in subsection (a) is an election in writing—

(A) to provide for a survivor annuity for such spouse under section 806(g) of the Foreign Service Act of 1980 (22 U.S.C. 4046(g));

(B) to have his or her annuity reduced under section 806(b)(2) of such Act; and

(C) to deposit in the Foreign Service Retirement and Disability Fund an amount determined by the Secretary of State, as nearly as may be administratively feasible, to reflect the amount by which such participant's annuity would have been reduced had the election been continuously in effect since the annuity commenced, plus interest computed under paragraph (2).

(2) For the purposes of paragraph (1), the annual rate of interest shall be 6 percent for each year during which the annuity would have been reduced if the election had been in effect on and after the date the annuity commenced.

(c) **OFFSET.**—If the participant does not make the deposit referred to in subsection (b)(1)(C), the Secretary of State shall collect such amount by offset against such participant's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to such participant. Such participant is deemed to consent to such offset.

(d) **NOTICE.**—The Secretary of State shall provide for notice to the general public of the right to make an election under this section.

(e) **PROOF OF ATTEMPTED ELECTION.**—In any case in which subsection (a)(2) applies, the retired employee or Member shall provide the Secretary of State with such documentation as the Secretary of State shall decide is appropriate, to show that such participant attempted to elect a reduced annuity with survivor benefit for his or her current spouse and that such election was rejected by the Secretary of State because it was untimely filed.

(f) **DEPOSIT.**—A deposit required by this subsection may be made by the surviving spouse of the participant.

(g) **LIMITATION.**—The election authorized in subsection (a) may only be made within one year after the date of enactment of this title in accordance with procedures prescribed by the Secretary of State.

(h) **DEFINITIONS.**—For the purposes of this section, the terms "participant" and "surviving spouse" have the same meaning given



such terms in subchapter I of chapter 8 of the Foreign Service Act of 1980.

**SEC. 204. BENEFITS FOR CERTAIN FORMER SPOUSES OF MEMBERS OF THE FOREIGN SERVICE.**

(a) **IN GENERAL.**—Subchapter I of chapter 8 (22 U.S.C. 3901 et seq.), as amended by section 202 of this title, is amended by inserting after section 830 the following:

22 USC 4069a-1. **“SEC. 831. RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES.**

“(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

“(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the benefits of the participant; or

“(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such benefits.

“(b) A former spouse shall not be entitled to benefits under this section if—

“(1) the former spouse remarries before age 55; or

“(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

“(c)(1) The entitlement of a former spouse to benefits under this section—

“(A) shall commence on the later of—

“(i) the day the participant upon whose service the benefits are based becomes entitled to benefits under this chapter; or

“(ii) the first day of the month in which the divorce or annulment involved becomes final; and

“(B) shall terminate on the earlier of—

“(i) the last day of the month before the former spouse dies or remarries before 55 years of age; or

“(ii) the date of the benefits of the participant terminates.

“(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

“(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this chapter (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

“(B) the amount of benefits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

“(3) Benefits under this section shall be treated the same as an annuity under section 814(a)(7) for purposes of section 806(h) or any comparable provision of law.

“(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application

requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant.

“(B) Upon approval of an application provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

“(d) For the purpose of this section, the term ‘benefits’ means—

“(1) with respect to a participant or former participant subject to this subchapter, the annuity of the participant or former participant; and

“(2) with respect to a participant or former participant subject to subchapter II, the benefits of the participant or former participant under that subchapter.

“(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

“SEC. 832. SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES.

22 USC 4069b-1.

“(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 percent of the greater of—

“(1) the full amount of the participant’s or former participant’s annuity, as computed under this chapter; or

“(2) the full amount of what such annuity as so computed would be if the participant or former participant had not withdrawn a lump-sum portion of contributions made with respect to such annuity.

“(b) If an election has been made with respect to such former spouse under section 2109 or 806(f), then the survivor annuity under subsection (a) of such former spouse shall be equal to the full amount of the participant’s or former participant’s annuity referred to in subsection (a) less the amount of such election.

“(c) A former spouse shall not be entitled to a survivor annuity under this section if—

“(1) the former spouse remarries before age 55; or

“(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

“(d)(1) The entitlement of a former spouse to a survivor annuity under this section—

“(A) shall commence—

“(i) in the case of a former spouse of a participant or former participant who is deceased as of the effective date of this section, beginning on such date; and

“(ii) in the case of any other former spouse, beginning on the later of—

“(I) the date that the participant or former participant to whom the former spouse was married dies; or

“(II) the effective date of this section; and

“(B) shall terminate on the last day of the month before the former spouse’s death or remarriage before attaining the age 55.

“(2)(A) A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant.

“(B) Upon approval of an application provided under subparagraph (A), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before the effective date of this section.

“(e) The Secretary shall—

Regulations.

“(1) as soon as possible, but not later than 60 days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and

“(2) to the extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or former participant on February 14, 1981, of any rights which such individual may have under this section.

“(f) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

22 USC 4069c-1.

**“SEC. 833. HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.**

“(a) Except as provided in subsection (c)(1), any individual—

“(1) formerly married to an employee or former employee of the Foreign Service, whose marriage was dissolved by divorce or annulment before May 7, 1985;

“(2) who, at any time during the 18-month period before the divorce or annulment became final, was covered under a health benefits plan as a member of the family of such employee or former employee; and

“(3) who was married to such employee for not less than 10 years during periods of government service by such employee, is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

Regulations.

“(b)(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the 6-month period beginning on the effective date of this section, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

“(A) files an election for such enrollment; and

“(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5, United States Code, an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

“(2) The Secretary shall, as soon as possible, take all steps practicable—

“(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a); and

“(B) to notify each such former spouse of that individual’s rights under this section.

“(3) The Secretary shall waive the 6-month limitation set forth in paragraph (1) in any case in which the Secretary determines that the circumstances so warrant.

“(c)(1) Any former spouse who remarries before age 55 is not eligible to make an election under subsection (b)(1).

“(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age 55 shall not be eligible for continued enrollment under this section after the end of the 31-day period beginning on the date of remarriage.

Regulations.

“(d) No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

“(e) For purposes of this section the term ‘health benefits plan’ means an approved health benefits plan under chapter 89 of title 5, United States Code.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 830 the following:

“Sec. 831. Retirement benefits for certain former spouses.

“Sec. 832. Survivor benefits for certain former spouses.

“Sec. 833. Health benefits for certain former spouses.”

## PART B—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

### SEC. 211. DEFINITION OF SURVIVING SPOUSE.

Paragraph (13) of section 804 (22 U.S.C. 4044) is amended—

(1) by striking out “, in the case of death in service or marriage after retirement,”;

(2) by striking out “one year” and inserting in lieu thereof “9 months”; and

(3) by inserting before the semicolon the following: “, except that the requirement for at least 9 months of marriage shall be deemed satisfied in any case in which the participant or annuitant dies within the applicable 9-month period, if—

“(A) the death of such participant or annuitant was accidental; or

“(B) the surviving spouse of such individual had been previously married to the individual and subsequently divorced and the aggregate time married is at least 9 months”.

### SEC. 212. CONTRIBUTIONS FOR PRIOR SERVICE.

Paragraph (1) of section 805(d) (22 U.S.C. 4045(d)) is amended—

(1) by striking out “equal to” and inserting in lieu thereof “. Special contributions for purposes of subparagraph (A) shall equal”; and

(2) by adding at the end thereof the following: “Special contributions for refunds under subparagraph (B) shall equal the amount of the refund received by the participant.”.

**SEC. 213. COMPUTATION OF ANNUITIES.**

(a) **JOINT ELECTION TO WAIVE SURVIVOR ANNUITY WITH RESPECT TO A FORMER SPOUSE.**—Subparagraph (C) of section 806(b)(1) (22 U.S.C. 4046(b)(1)) is amended by striking out “12-month” and inserting in lieu thereof “24-month”.

(b) **RECALL SERVICE.**—Paragraph (2) of section 806(i) (22 U.S.C. 4046 (i)) is amended by striking out “section 814(b)” and inserting in lieu thereof “this subchapter”.

**SEC. 214. SURVIVOR BENEFITS FOR CHILDREN.**

(a) **SURVIVOR BENEFITS FOR CHILDREN.**—Section 806 of chapter 8 (22 U.S.C. 4046) (as amended by section 213 of this Act) is amended—

(1) in subsection (c), by inserting “or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant” after “survived by a spouse” each place it appears; and

(2) in subsection (d), by amending the first sentence to read as follows: “On the death of the surviving spouse or former spouse or termination of the annuity of a child, the annuity of any other child or children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the participant.”.

(b) **DEATH IN SERVICE.**—Section 809 (22 U.S.C. 4049) is amended—

(1) in subsection (c), by inserting “or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant,” after “spouse”; and

(2) in subsection (d), by inserting “or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant,” after “spouse,”.

**SEC. 215. MINIMUM AGE REQUIREMENT.**

(a) **DISABILITY ANNUITY.**—Subsections (a) and (b) of section 808 (22 U.S.C. 4048) are each amended by striking out “65” each place it appears and inserting in lieu thereof “60”.

(b) **DEATH IN SERVICE.**—Subsection (e) of section 809 (22 U.S.C. 4049) is amended by striking out “65” and inserting in lieu thereof “60”.

**SEC. 216. VOLUNTARY RETIREMENT.**

Section 811 of chapter 8 (22 U.S.C. 4051) is amended by adding at the end thereof the following: “The Secretary shall withhold consent for retirement under this section by any participant who has not been a member of the Service for 5 years. Any participant who voluntarily separates from the Service before completing 5 years in the System and who, on the date of separation, would be eligible for an annuity, based on a voluntary separation, under section 8336 or 8338 of title 5, United States Code, if the participant had been covered under the Civil Service Retirement System rather than subject to this chapter while a member of the Service, may receive an annuity under section 8336 or 8338, notwithstanding section 8333(b) of title 5, United States Code, if all contributions transferred to the Fund under section 805(c)(1) of this Act, as well as all contributions withheld from the participant’s pay or contributed by the employer, and deposited into the Fund during the period he or she was subject to this chapter, including interest on these amounts, are transferred to the Civil Service Retirement and Disability Fund effective on the date the participant separates from the Service.”.

**SEC. 217. FORMER SPOUSES.**

(a) **5 YEAR FOREIGN SERVICE REQUIREMENT.**—Paragraph (1) of section 814(a) is amended by inserting “if such former spouse was married to the participant for at least 10 years during service of the participant which is creditable under this chapter with at least 5 of such years occurring while the participant was a member of the Foreign Service and” after “annuity”. 22 USC 4054.

(b) **COURT ORDER EFFECTIVE 24 MONTHS AFTER MARRIAGE IS DISSOLVED.**—Paragraph (4) of section 814(a) (22 U.S.C. 4054(a)) is amended by striking out “12” and inserting in lieu thereof “24”.

(c) **MONTHLY RATE OF ANNUITY NOT APPLICABLE IN CERTAIN SITUATION.**—

(1) Subsection (1) of section 806 (22 U.S.C. 4046) is repealed.

(2) Subsection (d) of section 814 (22 U.S.C. 4054) is repealed.

**SEC. 218. LUMP SUM PAYMENTS.**

(a) **REQUIREMENTS FOR PAYMENT.**—Subsection (a) of section 815 (22 U.S.C. 4055) is amended to read as follows:

“(a)(1) A participant is entitled to be paid a lump-sum credit if the participant—

“(A) is separated from the Service for at least 31 consecutive days, or is transferred to a position in which the participant is not subject to this chapter and remains in such a position for at least 31 consecutive days;

“(B) files an application with the Secretary of State for payment of the lump-sum credit;

“(C) is not reemployed in a position in which the participant is subject to this chapter at the time the participant files the application;

“(D) will not become eligible to receive an annuity under this subchapter within 31 days after filing the application; and

“(E) has notified any spouse or former spouse the participant may have of the application for payment in accordance with regulations prescribed by the Secretary of State.

Such regulations may provide for waiver of subparagraph (E) under circumstances described in section 806(b)(1)(D).

“(2) Such lump-sum credit shall be paid to the participant and to any former spouse of the participant in accordance with subsection (i).”.

**SEC. 219. COST OF LIVING ADJUSTMENTS.**

Paragraph (1) of section 826(c) (22 U.S.C. 4066(c)) is amended to read as follows:

“(1) The first increase (if any) made under this section to an annuity which is payable from the Fund to a participant or to the surviving spouse or former spouse of a deceased participant who died in service or a deceased annuitant whose annuity was not increased under this section, shall be equal to the product (adjusted to the nearest  $\frac{1}{10}$  of 1 percent) of—

“(A)  $\frac{1}{2}$  of the applicable percent change computed under subsection (b) of this section, multiplied by

“(B) the number of months (counting any portion of a month as a month)—

“(i) for which the annuity was payable from the Fund before the effective date of the increase, or

“(ii) in the case of a surviving spouse or former spouse of a deceased annuitant whose annuity has not



been so increased, since the annuity was first payable to the deceased annuitant.”.

#### PART C—FOREIGN SERVICE PENSION SYSTEM

##### SEC. 241. DEFINITION OF LUMP-SUM CREDIT.

Section 852 of chapter 8 (22 U.S.C. 4071a) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) the term ‘lump-sum credit’ means the unrefunded amount consisting of—

“(A) retirement deductions made from the basic pay of a participant under section 856 of this chapter (or under section 204 of the Federal Employees’ Retirement Contribution Temporary Adjustment Act of 1983);

“(B) amounts deposited by a participant under section 854 to obtain credit under this System for prior civilian or military service; and

“(C) interest on the deductions and deposits which, for any calendar year, shall be equal to the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary of the Treasury during such fiscal year under section 819, as determined by the Secretary of the Treasury (compounded annually); but does not include interest—

“(i) if the service covered thereby aggregates 1 year or less; or

“(ii) for a fractional part of a month in the total service;”.

##### SEC. 242. CONTRIBUTION FOR CREDITABLE SERVICE OF EMPLOYEE OF A MEMBER OR OFFICE OF THE CONGRESS.

The second sentence of subsection (e) of section 854 (22 U.S.C. 4071c) is amended—

(1) by striking out “matching”; and

(2) by inserting “determined under section 857(a)” after “participant”).

##### SEC. 243. CONFORMING AMENDMENT, HEALTH CARE.

Subsection (b) of section 904 (22 U.S.C. 4084) is amended by inserting “or Foreign Service Pension System” after “Foreign Service Retirement and Disability System”.

#### PART D—SAVINGS PROVISIONS AND EFFECTIVE DATE

##### SEC. 261. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title and the amendments made by this title shall take effect 90 days after the date of enactment of this title.

(b) **EXCEPTIONS.**—

(1) The amendments made by section 202 shall apply to any individual who, on or after the date of enactment of this title, is married to a participant or former participant.

(2) The amendment made by section 217(a) shall not apply with respect to the former spouse of a participant or former

participant who is subject to subchapter I of chapter 8 of the Foreign Service Act of 1980 if, on the date of enactment of this title, that former spouse—

(A) was the spouse of that participant or former participant; or

(B) is entitled to an annuity under section 814 of the Foreign Service Act of 1980 pursuant to the divorce or annulment of the marriage to that participant or former participant.

(c) DEFINITIONS.—For the purpose of this section, the terms “participant” and “former participant” have the same meaning as such terms in chapter 8 of the Foreign Service Act of 1980.

Approved January 8, 1988.

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LEGISLATIVE HISTORY—H.R. 3395:

HOUSE REPORTS: No. 100-374 (Comm. on Post Office and Civil Service).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Oct. 19, considered and passed House.

Dec. 19, considered and passed Senate, amended.

Dec. 21, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Jan. 8, Presidential statement.

PUBLIC LAW 100-17—APR. 2, 1987

**SURFACE TRANSPORTATION AND  
UNIFORM RELOCATION ASSISTANCE ACT  
OF 1987**

SEC. 150. CUMBERLAND GAP NATIONAL HISTORICAL PARK, VIRGINIA.

(a) **AVAILABILITY OF PARKWAY FUNDS.**—Section 160(a) of the Federal-Aid Highway Act of 1973 (87 Stat. 278) is amended by adding at the end the following new sentences: “After completion of the reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park (including construction of a tunnel and the approaches thereto), funds available for parkways, notwithstanding the definition of parkways in section 101(a) of title 23, United States Code, shall be available to finance the cost of upgrading from 2 lanes to 4 lanes a highway providing access from such route through that portion of the Cumberland Gap National Historical Park which lies within the State of Virginia. The project referred to in the preceding sentence, including preparation of any environmental impact statements with respect to such project, shall not delay or affect in any way the reconstruction and relocation of Route 25E (including construction of a tunnel and approaches thereto).”.

(b) **INCLUSION OF APPROACHES.**—Subsection (b) of section 160 of such Act is amended by inserting after “rights-of-way” the following: “, including approaches in the State of Virginia,”.

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LEGISLATIVE HISTORY—H.R. 2 (S. 387):

HOUSE REPORTS: No. 100–27 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 133 (1987):

Jan. 21, considered and passed House.  
Feb. 4, considered and passed Senate, amended, in lieu of S. 387.  
Feb. 19, House disagreed to Senate amendments.  
Mar. 18, House agreed to conference report.  
Mar. 19, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):

Mar. 27, Presidential veto messages.  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
Mar. 31, House overrode veto.  
Apr. 2, Senate overrode veto.

Public Law 100-534  
100th Congress

An Act

To protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes.

Oct. 26, 1988  
[H.R. 900]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the “West Virginia National Interest River Conservation Act of 1987”.

West Virginia  
National  
Interest River  
Conservation  
Act of 1987.  
National Park  
System.  
16 USC 460m-15  
note.

TABLE OF CONTENTS

- Sec. 1. Short title and table of contents.  
Sec. 2. Findings and purposes.

TITLE I—NEW RIVER GORGE NATIONAL RIVER

- Sec. 101. Boundary modification.  
Sec. 102. Cooperative agreements with State.  
Sec. 103. Improvement of access at Cunard.  
Sec. 104. Flow management.  
Sec. 105. Visitor facility.

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

- Sec. 201. Establishment.  
Sec. 202. Administration.  
Sec. 203. Miscellaneous.  
Sec. 204. Authorization of appropriations.  
Sec. 205. Special conditions.  
Sec. 206. Advisory committee.

TITLE III—BLUESTONE NATIONAL SCENIC RIVER

- Sec. 301. Designation of Lower Bluestone River.

TITLE IV—GENERAL PROVISIONS

- Sec. 401. Coordination among recreational resources.  
Sec. 402. Special provisions.  
Sec. 403. Public awareness program.  
Sec. 404. Consolidated management.  
Sec. 405. New spending authority subject to appropriations.

TITLE V—TECHNICAL CHANGE TO WILD AND SCENIC RIVERS ACT

- Sec. 501. Acreage limitations.

SEC. 2. FINDINGS AND PURPOSE.

16 USC 460m-15  
note.

(a) FINDINGS.—The Congress finds that—

(1) The outstanding natural, scenic, cultural and recreational values of the segment of the New River in West Virginia within the boundaries of the New River Gorge National River have been preserved and enhanced by its inclusion in the National Park System.

(2) The establishment of the New River Gorge National River has provided the basis for increased recreation and tourism

activities in southern West Virginia due to its nationally recognized status and has greatly contributed to the regional economy.

(3) Certain boundary modifications to the New River Gorge National River are necessary to further protect the scenic resources within the river's visual corridor and to provide for better management of the national park unit.

(4) Several tributaries of the New River in West Virginia also possess remarkable and outstanding features of national significance. The segment of the Gauley River below Summersville Dam has gained national recognition as a premier whitewater recreation resource. The lower section of the Bluestone River and the lower section of the Meadow River possess remarkable and outstanding natural, scenic, and recreational values due to their predominantly undeveloped condition.

(5) Portions of several of the New River tributaries, including segments of the Gauley River, the Meadow River, and the Bluestone River are suitable for inclusion in the National Park System or the National Wild and Scenic Rivers System.

(6) It is in the national interest to preserve the natural condition of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia and to enhance recreational opportunities available on the free-flowing segments.

(b) **PURPOSE.**—The purpose of this Act is to provide for the protection and enhancement of the natural, scenic, cultural, and recreational values on certain free-flowing segments of the New, Gauley, Meadow, and Bluestone Rivers in the State of West Virginia for the benefit and enjoyment of present and future generations.

## **TITLE I—NEW RIVER GORGE NATIONAL RIVER**

### **SEC. 101. BOUNDARY MODIFICATION.**

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15) is amended by striking out “NERI-20,002, dated July 1978” and substituting “NERI-80,023, dated January 1987”.

### **SEC. 102. COOPERATIVE AGREEMENTS WITH STATE.**

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

16 USC 460m-26.

Law  
enforcement  
and crime.

#### **“SEC. 1113. COOPERATIVE AGREEMENTS WITH STATE.**

“In administering the national river, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable or non-reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.”.

### **SEC. 103. IMPROVEMENT OF ACCESS AT CUNARD.**

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

16 USC 460m-27.

Real property.  
Public health  
and safety.

#### **“SEC. 1114. IMPROVEMENT OF ACCESS AT CUNARD.**

“(a) **DEVELOPMENT AND IMPROVEMENT.**—The Secretary shall expeditiously acquire such lands, and undertake such developments and improvements, as may be necessary to provide for commercial and noncommercial access to the river near Cunard. No restriction



shall be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

“(b) **INTERIM MEASURES.**—Pending completion of the developments and improvements referred to in subsection (a), the Secretary shall permit the motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is less than three thousand cubic feet per second.”.

**SEC. 104. FLOW MANAGEMENT.**

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end:

**“SEC. 1115. FLOW MANAGEMENT.**

16 USC 460m-28.

“(a) **FINDINGS.**—The Congress finds that adjustments of flows from Bluestone Lake project during periods of low flow are necessary to respond to the congressional mandate contained in section 1110 of this Act and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

“(b) **REPORT TO CONGRESS REQUIRED.**—The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives not later than December 31, 1989. Before submission of the report to these Committees, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

Public  
information.

“(c) **CONTENTS OF STUDY.**—The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake project during periods when flows from the lake are less than three thousand cubic feet per second. The purpose of such adjustment shall be to improve recreation (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form of recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each of such segments.

Fish and fishing.

“(d) **TEST PROCEDURES.**—As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake project during twenty-four-hour periods during the summer of 1989 when flows are less than three thousand cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c). The tests shall provide adjustments in the timing of daily flows from Bluestone Lake project which permit flows higher than the twenty-four-hour average to reach downstream recreational segments of the river during morning and afternoon hours. The tests shall develop specific data on the

effects of flow adjustments on the speed of the current and on water surface levels in those segments. No test shall be conducted when flows from the lake are less than one thousand seven hundred cubic feet per second and no test shall reduce flows below that level.”.

#### SEC. 105. VISITOR FACILITY.

Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15 and following) is amended by adding the following new section at the end thereof:

16 USC 460m-29.

#### “SEC. 1116. GLADE CREEK VISITOR FACILITY.

Public  
information.

“In order to provide for public use and enjoyment of the scenic and natural resources of the New River Gorge National River and in order to provide public information to visitors with respect to the national river and associated State parklands, the Secretary is authorized and directed to construct a scenic overlook and visitor information facility at a suitable location accessible from Interstate 64 in the vicinity of Glade Creek within the boundary of the national river. There is authorized to be appropriated such sums as may be necessary to carry out construction (including all related planning and design) of the scenic overlook and visitor information facility.”.

Appropriation  
authorization.

### TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

16 USC 460ww.

#### SEC. 201. ESTABLISHMENT.

(a) **IN GENERAL.**—In order to protect and preserve the scenic, recreational, geological, and fish and wildlife resources of the Gauley River and its tributary, the Meadow River, there is hereby established the Gauley River National Recreation Area (hereinafter in this Act referred to as the “recreation area”).

Public  
information.

(b) **AREA INCLUDED.**—The recreation area shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled “Gauley River National Recreation Area”, numbered NRA-GR/20,000A and dated July 1987 and on the boundary map depicting the Meadow River, numbered WSR-MEA/20,000A and dated July 1988. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Reports.

(c) **BOUNDARY MODIFICATIONS.**—Within five years after the enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the “Secretary”) shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report containing any boundary modifications which the Secretary recommends, together with the reasons therefor.

16 USC  
460ww-1.

#### SEC. 202. ADMINISTRATION.

(a) **IN GENERAL.**—The recreation area shall be administered by the Secretary in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1-4).

(b) **HUNTING AND FISHING; FISH STOCKING.**—The Secretary shall permit hunting, trapping and fishing on lands and waters within the recreation area in accordance with applicable Federal and State

laws. The Secretary may, after consultation with the State of West Virginia Department of Natural Resources, designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife habitat or public use and enjoyment subject to such terms and conditions as he deems necessary in the furtherance of this Act. The Secretary shall permit the State of West Virginia to undertake or continue fish stocking activities carried out by the State in consultation with the Secretary on waters within the boundaries of the recreation area. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of West Virginia with respect to fish and wildlife

Public health  
and safety.

(c) **COOPERATIVE AGREEMENTS WITH STATE.**—In administering the recreation area the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

Law  
enforcement  
and crime.

(d) **APPLICATION OF OTHER PROVISIONS.**—The provisions of section 7(a) of the Act of October 2, 1968 (16 U.S.C. 1278(a)), shall apply to the recreation area in the same manner and to the same extent as such provisions apply to river segments referred to in such provisions.

(e) **RECREATIONAL ACCESS.**—

(1) **EXISTING PUBLIC ROADS.**—The Secretary may enter into a cooperative agreement with the State of West Virginia under which the Secretary shall be authorized to maintain and improve existing public roads and public rights-of-way within the boundaries of the national recreation area to the extent necessary to facilitate and improve reasonable access to the recreation area at existing access points where such actions would not unreasonably diminish the scenic and natural values of the area.

Contracts.

(2) **FACILITIES ADJACENT TO DAM.**—In order to accommodate visitation to the recreation area, the Secretary shall construct such facilities as necessary to enhance and improve access, vehicle parking and related facilities, and provide river access for whitewater recreation and for other recreational activities, immediately downstream of the Summersville Dam, to the extent that such facilities are not provided pursuant to section 205 and such facilities are within the boundaries of the recreation area. Such construction shall be subject to the memorandum of understanding referred to in subsection (f).

(3) **OTHER LOCATIONS.**—In addition, in order to provide reasonable public access and vehicle parking for public use and enjoyment of the recreation area, consistent with the preservation and enhancement of the natural and scenic values of the recreation area, the Secretary may, with the consent of the owner thereof, acquire such lands and interests in lands to construct such parking and related facilities at other appropriate locations outside the boundaries of, but within one mile of the recreation area as may be necessary and appropriate. Any such lands shall be managed in accordance with the management provisions for the recreation area as defined in subsection (a).

(f) **PROPERTIES AND FACILITIES OF FEDERAL AGENCIES.**—After consultation with any other Federal agency managing lands and waters within or contiguous to the recreation area, the Secretary shall

enter into a memorandum of understanding with such other Federal agency to identify those areas within the recreation area which are (1) under the administrative jurisdiction of such other agency; (2) directly related to the operation of the Summersville project; and (3) essential to the operation of such project. The memorandum of understanding shall also include provisions regarding the management of all such lands and waters in a manner consistent with the operation of such project and the management of the recreation area.

16 USC  
460ww-2.  
Gifts and  
property.

#### SEC. 203. MISCELLANEOUS.

(a) **LANDS AND WATERS.**—The Secretary may acquire lands or interests in lands within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(b) **JURISDICTION.**—Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not identified under section 202 as directly related to the Summersville project and essential to the operation of that project shall be transferred without reimbursement to the administrative jurisdiction of the Secretary.

(c) **PROTECTION OF EXISTING PROJECT.**—Nothing in this Act shall impair or affect the requirements of section 1102 of Public Law 99-662 or otherwise affect the authorities of any department or agency of the United States to carry out the project purposes of the Summersville project, including recreation. In releasing water from such project, in order to protect public health and safety and to provide for enjoyment of the resources within the recreation area, other departments and agencies of the United States shall cooperate with the Secretary to facilitate and enhance whitewater recreational use and other recreational use of the recreation area.

16 USC  
460ww-3.

#### SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purpose of this title.

16 USC  
460ww-4.  
Dams.

#### SEC. 205. SPECIAL CONDITIONS.

(a) **NEW PROJECT CONSTRUCTION.**—If, after the enactment of this Act, any department, agency, instrumentality or person commences construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project at or in conjunction with the Summersville project, the department, agency, instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary deems necessary, in his discretion, to protect the resources of the recreation area, including such terms and conditions as the Secretary deems necessary to ensure that such new project will not adversely affect whitewater recreation and other recreation activities during or after project construction.

(b) **ADVERSE EFFECTS ON THE RECREATION AREA.**—If any such new project referred to in subsection (a) will create a direct, physical, adverse effect on access to the recreation area immediately downstream of the Summersville Dam during or after project construction, including vehicle parking, related facilities, and river access for

whitewater recreation and other recreational use of the recreation area, the department, agency, instrumentality or person constructing such project shall replace and enhance the adversely affected facilities in such manner as may be appropriate to accommodate visitation, as determined by the Secretary.

(c) **NEW PROJECT PERMITS.**—The terms and conditions referred to in this section shall be included in any license, permit, or exemption issued for any such new project. Any such new project shall be subject to all provisions of this Act, including section 202(d), except that during the four-year period after the enactment of this Act, nothing in this Act shall prohibit the licensing of a project adjacent to Summersville Dam as proposed by the city of Summersville, or by any competing project applicant with a permit or license application on file as of August 8, 1988, if such project complies with this section. If such project is licensed within such four-year period, the Secretary shall modify the boundary map referred to in section 201 to relocate the upstream boundary of the recreation area along a line perpendicular to the river crossing the point five hundred and fifty feet downstream of the existing valve house and one thousand two hundred feet (measured along the river bank) upstream of United States Geological Survey Gauge Numbered 03189600, except in making the modification the Secretary shall maintain within the boundary of the recreation area those lands identified in the boundary map referred to in section 201 which are not necessary to the operation of such project.

#### SEC. 206. ADVISORY COMMITTEE.

16 USC  
460ww-5.

(a) **ESTABLISHMENT.**—There is hereby established the Gauley River National Recreation Area Advisory Committee (hereinafter in this Act referred to as the “Advisory Committee”). The Advisory Committee shall be composed of fifteen members appointed by the Secretary to serve for terms of two years. Any member of the Advisory Committee may serve after the expiration of his term until a successor is appointed. Any member of the Advisory Committee may be appointed to serve more than one term. The Secretary or his designee shall serve as Chairman.

(b) **MANAGEMENT AND DEVELOPMENT ISSUES.**—The Secretary, or his designee, shall meet on a regular basis and consult with the Advisory Committee on matters relating to development of a management plan for the recreation area and on implementation of such plan.

(c) **EXPENSES.**—Members of the Advisory Committee shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(d) **MEMBERSHIP.**—The Secretary shall appoint members to the Advisory Committee as follows:

(1) one member to represent other departments or agencies of the United States administering lands affected by the recreation area, to be appointed from among persons nominated by the head of such department or agency;

(2) two members to represent the State Department of Natural Resources, to be appointed from among persons nominated by the Governor of the State of West Virginia;

(3) one member to represent the State Department of Commerce to be appointed from among persons nominated by the Governor of West Virginia;

(4) three members to represent the commercial whitewater rafting industry in West Virginia;

(5) one member to represent noncommercial whitewater boating organizations;

(6) one member to represent conservation organizations in West Virginia;

(7) one member to represent individuals engaged in game fishing in West Virginia;

(8) one member to represent the Nicholas County Chamber of Commerce;

(9) one member to represent the Fayette County Chamber of Commerce;

(10) one member to represent recreational users of Summersville Lake; and

(11) two members to represent local citizens or citizens groups which are concerned with the Gauley River or own lands included within the boundaries of the recreation area.

(e) **TERMINATION; CHARTER.**—The Advisory Committee shall terminate on the date ten years after the enactment of this Act notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776). The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to this Advisory Committee.

### **TITLE III—BLUESTONE NATIONAL SCENIC RIVER**

#### **SEC. 301. DESIGNATION OF LOWER BLUESTONE RIVER.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

“( ) **BLUESTONE, WEST VIRGINIA.**—The segment in Mercer and Summers Counties, West Virginia, from a point approximately two miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake as depicted on the boundary map entitled ‘Bluestone Wild and Scenic River’, numbered WSR-BLU/20,000, and dated January 1987; to be administered by the Secretary of the Interior as a scenic river. In carrying out the requirements of subsection (b) of this section, the Secretary shall consult with State and local governments and the interested public. The Secretary shall not be required to establish detailed boundaries of the river as provided under subsection (b) of this section. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within the boundaries of the segment designated under this paragraph. Jurisdiction over all lands and improvements on such lands owned by the United States within the boundaries of the segment designated under this paragraph is hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Public Hunting and Fishing Area to the extent permitted



in the lease agreement as in effect on the enactment of this paragraph, and such management may be continued pursuant to renewal of such lease agreement. If requested to do so by the State of West Virginia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone project or the authority of any department, agency, or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph."

#### TITLE IV—GENERAL PROVISIONS

##### SEC. 401. COORDINATION AMONG RECREATIONAL RESOURCES.

16 USC 460m-15  
note.

Subject to existing authority, the Secretary of the Interior shall cooperate with, and assist, any regional authority comprised of representatives of West Virginia State authorities and local government authorities in or any combination of the foregoing Nicholas, Fayette, Raleigh, Summers, Greenbrier, and Mercer Counties, West Virginia, for the purposes of providing for coordinated development and promotion of recreation resources of regional or national significance which are located in southern West Virginia and management by State or Federal agencies, including State, local and National Park System units, State and National Forest System units, and historic sites.

##### SEC. 402. SPECIAL PROVISIONS.

16 USC 460m-15  
note.  
Contracts.

Subject to his responsibilities to protect the natural resources of the National Park System, the Secretary of the Interior shall enter into a cooperative agreement with the State of West Virginia providing for the State's regulation, in accordance with State law, of persons providing commercial recreational watercraft services on units of the National Park System and components of the National Wild and Scenic Rivers System subject to this Act.

##### SEC. 403. PUBLIC AWARENESS PROGRAM.

16 USC 1274  
note.

The Secretary of the Interior shall establish a public awareness program to be carried out in Mercer, Nicholas, and Greenbrier Counties, West Virginia, in cooperation with State and local agencies, landowners, and other concerned organizations. The program shall be designed to further public understanding of the effects of designation as components of the National Wild and Scenic Rivers System of segments of the Bluestone and Meadow Rivers which were found eligible in the studies completed by the National Park Service in August 1983 but which were not designated by this Act as units of such system. By December 31, 1992, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate describing the program undertaken pursuant to this section. Section 7(b) of the Wild and Scenic Rivers Act shall continue to apply to the segments subject to this section until December 31, 1992.

Reports.

Termination  
date.



16 USC 460m-15 note. SEC. 404. CONSOLIDATED MANAGEMENT.

In order to achieve the maximum economy and efficiency of operations in the administration of the National Park System units established or expanded pursuant to this Act, the Secretary shall consolidate offices and personnel administering all such units to the extent practicable and shall utilize the existing facilities of the New River Gorge National River to the extent practicable.

16 USC 460m-15 note. SEC. 405. NEW SPENDING AUTHORITY SUBJECT TO APPROPRIATIONS.

Any new spending authority which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts.

### TITLE V—TECHNICAL CHANGE TO WILD AND SCENIC RIVERS ACT

#### SEC. 501. ACREAGE LIMITATIONS.

Notwithstanding the provisions of section 501(b)(1)(B) of Public Law 99-590, section 3(b) of the Wild and Scenic River Act (16 U.S.C. 1274(b)) is amended to read as follows:

"(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date is provided in subsection (a)), establish detailed boundaries therefor (which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river); and determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments.

"Notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives."

Federal  
Register,  
publication.

Approved October 26, 1988.

#### LEGISLATIVE HISTORY—H.R. 900:

HOUSE REPORTS: No. 100-106 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-481 (Comm. on Energy and Natural Resources).

#### CONGRESSIONAL RECORD:

Vol. 133 (1987): May 27, considered and passed House.

Vol. 134 (1988): Sept. 8, considered and passed Senate, amended.

Oct. 3, 4, House concurred in Senate amendment with an amendment.

Oct. 7, Senate concurred in House amendment.



Public Law 100-428  
100th Congress

An Act

To authorize the Secretary of Agriculture and other agency heads to enter into agreements with foreign fire organizations for assistance in wildfire protection.

Sept. 9, 1988  
[S. 2641]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the “Temporary Emergency Wildfire Suppression Act”.

Temporary  
Emergency  
Wildfire  
Suppression Act.  
42 USC 1856a  
note.  
42 USC 1856a  
note.

SEC. 2. DEFINITIONS.

As used in this Act—

- (1) the term “fire organization” means any governmental, public, or private entity having wildfire protection resources;
- (2) the term “wildfire protection resources” means personnel, supplies, equipment, and other resources required for wildfire presuppression and suppression activities; and
- (3) the term “wildfire” means any forest or range fire.

SEC. 3. IMPLEMENTATION.

42 USC 1856a  
note.

(a)(1) The Secretary of Agriculture or the Secretary of the Interior, in consultation with the Secretary of State, may enter into a reciprocal agreement with any foreign fire organization for mutual aid in furnishing wildfire protection resources for lands and other properties for which such Secretary or organization normally provides wildfire protection.

(2) Any agreement entered into under this subsection—

- (A) shall include a waiver by each party to the agreement of all claims against every other party to the agreement for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of such agreement;
- (B) shall include a provision to allow the termination of such agreement by any party thereto after reasonable notice; and
- (C) may provide for the reimbursement of any party thereto for all or any part of the costs incurred by such party in furnishing wildfire protection resources for, or on behalf of, any other party thereto.

Claims.

(b) In the absence of any agreement authorized under subsection (a), the Secretary of Agriculture or the Secretary of the Interior may—

- (1) furnish emergency wildfire protection resources to any foreign nation when the furnishing of such resources is determined by such Secretary to be in the best interest of the United States, and
- (2) accept emergency wildfire protection resources from any foreign fire organization when the acceptance of such resources is determined by such Secretary to be in the best interest of the United States.

(c) Notwithstanding the preceding provisions of this section, reimbursement may be provided for the costs incurred by the Government of Canada or a Canadian organization in furnishing wildfire

Canada.

protection resources to the Government of the United States under—

(1) the memorandum entitled “Memorandum of Understanding Between the United States Department of Agriculture and Environment Canada on Cooperation in the Field of Forestry-Related Programs” dated June 25, 1982; and

(2) the arrangement entitled “Arrangement in the Form of an Exchange of Notes Between the Government of Canada and the Government of the United States of America” dated May 4, 1982.

(d) Any service performed by any employee of the United States under an agreement or otherwise under this Act shall constitute service rendered in the line of duty in such employment. The performance of such service by any other individual shall not make such individual an employee of the United States.

42 USC 1856a  
note.

#### SEC. 4. FUNDS.

Funds available to the Secretary of Agriculture or the Secretary of the Interior for wildfire protection resources in connection with activities under the jurisdiction of such Secretary may be used to carry out activities authorized under agreements or otherwise under this Act, or for reimbursements authorized under section 3(c): *Provided*, That no such funds may be expended for wildfire protection resources or personnel provided by a foreign fire organization unless the Secretary determines that no wildfire protection resources or personnel within the United States are reasonably available to provide wildfire protection.

42 USC 1856a  
note.

#### SEC. 5. TERMINATION DATE.

The authority to enter into agreements under section 3(a), to furnish or accept emergency wildfire protection resources under section 3(b), or to incur obligations for reimbursement under section 3(c), shall terminate on December 31, 1988.

Approved September 9, 1988.

#### LEGISLATIVE HISTORY—S. 2641:

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 8, considered and passed Senate and House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Sept. 9, Presidential statement.



Public Law 100-571  
100th Congress

An Act

To establish the National Park of American Samoa.

Oct. 31, 1988

[H.R. 4818]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1) Tropical forests are declining worldwide.

(2) Tropical forests contain 50 percent of the world's plant and animal species, contribute significantly to the advancement of science, medicine, and agriculture and produce much of the earth's oxygen. The loss of these forests leads to the extinction of species, lessening the world's biological diversity, reduces the potential for new medicines and crops and increases carbon dioxide levels in the atmosphere contributing to the greenhouse effect that is altering the global climate.

(3) The tropical forest of American Samoa is one of the last remaining undisturbed paleotropical forests.

(4) The tropical forest in American Samoa is the largest such forest under direct control of the United States.

(5) The tropical forest of American Samoa contains the habitat of one of the last remaining populations of Pacific flying foxes.

(6) The flying foxes of American Samoa are responsible for a large part of the pollination which maintains a significant portion of the species which inhabit the Samoan tropical forest.

(7) Information presently available indicates the existence of extensive archaeological evidence related to the development of the Samoan culture which needs to be examined and protected.

(8) The people of American Samoa have expressed a desire to have a portion of the tropical forest protected as a unit of the National Park System.

(b) PURPOSE.—The purpose of this Act is to preserve and protect the tropical forest and archaeological and cultural resources of American Samoa, and of associated reefs, to maintain the habitat of flying foxes, preserve the ecological balance of the Samoan tropical forest, and, consistent with the preservation of these resources, to provide for the enjoyment of the unique resources of the Samoan tropical forest by visitors from around the world.

SEC. 2. ESTABLISHMENT.

(a) IN GENERAL.—In order to carry out the purposes expressed in section 1(b), the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall establish the National Park of American Samoa (hereinafter in this Act referred to as the "park"). The Secretary shall establish the park only when the Governor of American Samoa has entered into a lease with the Secretary under which the Secretary will lease for a period of 50 years the lands and waters generally referred to in subsection (b) for use solely for

Conservation.  
Environmental  
protection.  
Forests and  
forest products.  
Historic  
preservation.  
Wildlife.  
16 USC 410qq.

16 USC 410qq-1.

Contracts.

purposes of the park. Immediately after enactment of the Act, the Secretary shall commence negotiations with the Governor of American Samoa respecting such a lease agreement. On or before the expiration of the lease agreement as set forth in this subsection, the Governor of American Samoa is encouraged to extend the lease to maintain the area as a unit of the National Park System. At such time as the lease may terminate the Government of American Samoa is urged to provide assurances to the Secretary that the lands and waters generally referred to in subsection (b) will be protected and preserved to the same standards as are applicable to national parks.

Public  
information.

(b) **AREA INCLUDED.**—The park shall consist of three units as generally depicted on the following maps entitled “Boundary Map, National Park of American Samoa”: (1) map number NP-AS 80,000A, dated August 1988, (2) map number NP-AS 80,000B, dated August 1988, and (3) map number NP-AS 80,000C, dated August 1988. Before publication of the maps, the Secretary, after consultation with the Governor of American Samoa and other appropriate leaders, may adjust the boundaries of the park to correspond with the appropriate village boundaries and modify the maps accordingly. The maps shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may at any time make revisions of the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 and following), pursuant to agreement with the Governor of American Samoa, and contingent upon the lease to the Secretary of lands within the new boundaries.

Contracts.

(c) **MANAGEMENT BY AMERICAN SAMOA.**—Notwithstanding section 3(a), after 50 years after the enactment of this Act, the Secretary shall, if requested by the Governor of American Samoa, enter into an extension of the lease referred to in subsection (a). If the Governor does not request such an extension the Secretary shall transfer to the Governor the sole authority to administer the park. Whenever the Secretary makes such a transfer he shall also transfer any improvements constructed by the Secretary in the park to the Governor without compensation.

(d) **COMPENSATION UNDER LEASE AGREEMENT.**—(1) Notwithstanding any other provision of law, the Secretary is authorized and directed to negotiate with the Governor of American Samoa the amount of the payments to be made by the United States under the 50-year lease referred to in subsection (a). The Secretary shall make such payments as may be mutually agreed to by the Secretary and the Governor pursuant to such negotiations.

(2) The Secretary shall place all lease payments made by the United States under the lease in an interest bearing escrow account in American Samoa. Funds in such account may be disbursed only by the Governor, in amounts determined by the High Court of American Samoa, to those villages and families located within the boundaries of the park. The High Court of American Samoa shall have exclusive jurisdiction to determine the amount to be disbursed under this section to any person.

(3) If the amount of the lease payments to be made under the lease is not agreed upon within 1 year after the enactment of this Act, the Secretary shall establish the escrow account referred to in paragraph (2) within 30 days after the expiration of such 1-year period and shall make monthly payments of \$25,000 per month into the

account until such time as the full value of the lease payments is agreed to and deposited. Such deposits, together with the interest thereon, may be used only to cover the amounts of the lease payments due and payable pursuant to an agreement under this subsection. If the amounts deposited in such account, together with interest thereon, exceeds the amount of the lease payments due and payable at the time the agreement is entered into, notwithstanding any other provision of law, the excess shall be transferred to the accounts provided to the Secretary for operation and maintenance and for development of the park.

### SEC. 3. ADMINISTRATION.

16 USC 410qq-2.

(a) **IN GENERAL.**—The Secretary shall administer the park in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4). In the administration of the park, the Secretary may utilize such statutory authority available to him for the conservation of wildlife and natural and cultural resources as he deems necessary to carry out the purposes of this Act, except that he may not acquire any lands or waters or interests therein for purposes of the park other than by lease.

(b) **TRADITIONAL SUBSISTENCE USES.**—(1) Agricultural, cultural, and gathering uses shall be permitted in the park for subsistence purposes if such uses are generally prior existing uses conducted in areas used for such purposes as of the date of enactment of this Act and if such uses are conducted in the traditional manner and by traditional methods. No such uses shall be permitted in the park for other than subsistence purposes.

(2) Subsistence uses of the marine areas of the park shall also be permitted in accordance with paragraph (1), and no fishing or gathering shall be permitted in such marine areas for other than subsistence purposes.

Fish and fishing.

(c) **INTERPRETIVE FACILITIES, ETC.**—Interpretative activities and interpretative facilities for the park (including maps) shall be in at least the following languages: English and Samoan.

(d) **EMPLOYEES AND CONTRACTS.**—In addition to the Secretary's authority to employ persons to carry out provisions of this Act in accordance with the civil service laws, and notwithstanding any other provision of law, the Secretary is authorized to—

(1) hire employees for such purposes who shall not be subject to the civil service laws, including quotas, and

(2) enter into contracts with individuals for purposes of exercising any authority of the Secretary within the park.

(e) **NATIVE AMERICAN SAMOAN PERSONNEL.**—The Secretary shall establish a program to train native American Samoan personnel to function as professional park service employees, to provide services to visitors (including the interpretation of park resources), and operate and maintain park facilities. Notwithstanding any other provision of law, and to the extent practicable the Secretary shall extend a preference for the hiring of native American Samoans to carry out the Secretary's authorities under this Act (including both employees and persons operating under contract).

(f) **MANAGEMENT PLAN.**—The Secretary, in cooperation with the Governor of American Samoa, shall prepare a general management plan for the park. The plan shall comply with section 12(b) of the



Act of August 18, 1970 (16 U.S.C. 1a-1 through 1a-7) and shall contain specific measures for the protection and preservation of tropical forest resources and archaeological and cultural resources within the park, including, but not limited to, protection of flying foxes and measures to enhance visitation to the park from throughout the world, to the extent consistent with the protection and preservation of such resources.

(g) **ADVISORY BOARD.**—(1) The Secretary shall establish an Advisory Board to provide advice to the Secretary regarding the management of the park. The Advisory Board shall be comprised of 5 members, 3 of whom shall be nominated by the Governor of American Samoa. The Advisory Board shall designate one of its members as Chairman.

(2) The Advisory Board shall meet on a regular basis. Notice of meetings and agenda shall be announced in advance and meetings shall be held at locations and in such a manner as to insure adequate public involvement.

(3) Members of the Advisory Board shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(4) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Board.

(h) **REVIEW.**—At least every 10 years, the Secretary and the Governor, or their designees, shall review the operation and management of the park. Such review shall include, but need not be limited to, consideration of how the objectives of the park can better be achieved, the need for additional technical or other assistance, cooperative arrangements between the Government of American Samoa and the National Park Service in the interpretation and management of the park, and the desirability of extension of the lease arrangement.

(i) **TECHNICAL ASSISTANCE.**—The Secretary, in providing technical or other assistance to the Government of American Samoa may use any authority otherwise provided to him, including requesting assistance from other Federal agencies.

16 USC 410qq-3.

#### SEC. 4. DEFINITION.

For purposes of this Act the term “native American Samoan” means a person who is a citizen or national of the United States and who is a lineal descendant of an inhabitant of the Samoan Islands on April 18, 1900. For purposes of this Act, Swains Island shall be considered part of the Samoan Islands.

SEC. 5. FUNDING.

16 USC 410qq-4.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved October 31, 1988.

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LEGISLATIVE HISTORY—H.R. 4818:

HOUSE REPORTS: No. 100-916 (Comm. on Interior and Insular Affairs).  
CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 13, considered and passed House.  
Oct. 12, considered and passed Senate.

NATIONAL PARKS

Public Law 100-201  
100th Congress

## An Act

Dec. 22, 1987  
[H.R. 2325]

To authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas.

16 USC 157d.

Public  
information.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the boundaries of Big Bend National Park, established by the Act of June 20, 1935 (16 U.S.C. 156), are hereby revised to include the lands and interests therein, together with all improvements thereon, within the area comprising approximately sixty-seven thousand one hundred and twenty-five acres as generally depicted on the map entitled "Harte Ranch Addition, Big Bend National Park", numbered 155/80,044 and dated September 1987. Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to acquire lands and interests therein, together with all improvements thereon, within the addition described in such map by donation, purchase with donated or appropriated funds, or exchange.

Approved December 22, 1987.

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LEGISLATIVE HISTORY—H.R. 2325:

HOUSE REPORTS: No. 100-341 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-249 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
Oct. 5, considered and passed House.  
Dec. 11, considered and passed Senate.

○

Public Law 100-541  
100th Congress

An Act

Oct. 28, 1988  
[H.R. 4777]

To modify the boundary of the Guadalupe Mountains National Park, and for other purposes.

Texas. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. BOUNDARY MODIFICATION.

The first section of the Act entitled "An Act to provide for the establishment of the Guadalupe Mountains National Park in the State of Texas, and for other purposes" (16 U.S.C. 283) is amended—

(1) by changing "in" after "That" to "(a) In"; and

(2) by adding at the end thereof the following:

Public  
information.

"(b) The boundary of Guadalupe Mountains National Park is hereby modified to include the area which comprises approximately 10,123 acres as generally depicted on the map entitled 'Boundary Proposal' and dated August 1986, which shall be on file and available for public inspection in the office of the Director of the National Park Service and in the office of the Superintendent of the Guadalupe Mountains National Park."

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

16 USC 283e. (a) PROTECTION OF AREA.—Section 6 of the Act entitled "An Act to provide for the establishment of the Guadalupe Mountains National Park in the State of Texas, and for other purposes" (16 U.S.C. 283) is amended—

(1) by inserting "(a)" after "Sec. 6"; and

(2) by inserting at the end thereof the following:

"(b) In addition to amounts authorized to be appropriated under subsection (a), there is authorized to be appropriated such sums as may be necessary for the construction of a fence to protect the natural and cultural resources of the area added to Guadalupe Mountains National Park by section 2(b)."

(b) LAND ACQUISITION.—Subsection (a) of section 6 of such Act (as redesignated by subsection (a) of this section) is amended by striking out "sums," and all that follows through "all," and inserting in lieu thereof "sums".

Approved October 28, 1988.

LEGISLATIVE HISTORY—H.R. 4777:

HOUSE REPORTS: No. 100-837 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Aug. 8, considered and passed House.

Oct. 14, considered and passed Senate.

Public Law 100-668  
100th Congress

An Act

To designate wilderness within Olympic National Park, Mount Rainier National Park, and North Cascades National Park Service Complex in the State of Washington, and for other purposes.

Nov. 16, 1988  
[S. 2165]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Washington Park Wilderness Act of 1988".*

Washington  
Park Wilderness  
Act of 1988.  
16 USC 90 note.

## TITLE I—OLYMPIC NATIONAL PARK WILDERNESS

### SEC. 101. DESIGNATION.

(a) **WILDERNESS.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.; 78 Stat. 890), certain lands in the Olympic National Park, Washington, which—

16 USC 1132  
note.

(1) comprise approximately eight hundred and seventy-six thousand six hundred and sixty-nine acres of wilderness, and approximately three hundred and seventy-eight acres of potential wilderness additions, and

(2) are depicted on a map entitled "Wilderness Boundary, Olympic National Park, Washington", numbered 149/60,051A and dated August 1988,

are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System. Such lands shall be known as the Olympic Wilderness.

### SEC. 102. WOLF CREEK POWERLINE.

The Secretary is authorized to upgrade, maintain and replace, as necessary, the Wolf Creek underground powerline to Hurricane Ridge: *Provided*, That to the extent practicable, such maintenance and operation shall be conducted in such a manner as to remain consistent with wilderness management.

### SEC. 103. PAYMENT TO CLALLAM COUNTY.

There is hereby authorized to be appropriated not to exceed \$155,000 to the Secretary of the Interior to make a payment to the Clallam County Historical Society and Museum of Port Angeles, Washington, to compensate the Society for its possessory interest in the National Park Service Visitor Center, Pioneer Memorial Museum, Olympic National Park, Washington. Upon relinquishment by the Clallam County Historical Society of all interests and use in the facility, the Secretary of the Interior shall make payment to the Clallam County Historical Society and acceptance of payment shall be considered full and just compensation for the Society's participation in the construction of the Pioneer Memorial Museum.

Appropriation  
authorization.



## SEC. 104. GENERAL PROVISIONS.

16 USC 256b.

(a) **MISDEMEANOR PENALTIES.**—Section 3 of the Act of March 6, 1942 (56 Stat. 136; 16 U.S.C. 256(b)) is revised by deleting all after the phrase “or situated therein,” and inserting the following: “shall be deemed guilty of a class B misdemeanor in accordance with provisions of title 18 of the United States Code.”.

(b) **FORFEITURE OF PROPERTY.**—Section 4 of the Act of March 6, 1942 (56 Stat. 135; 16 U.S.C. 256c) is hereby revised to read as follows:

“SEC. 4. All guns, bows, traps, nets, seines, fishing tackle, clothing, teams, horses, machinery, logging equipment, motor vehicles, aircraft, boats, or means of transportation of every nature or description used by any person or persons or organizations within the limits of the park when engaged in or attempting to engage in killing, trapping, ensnaring, taking or capturing such wild birds, fish or animals, or taking, destroying or damaging such trees, plants, or mineral deposits contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior shall be forfeited to the United States and may be seized by the officers in the park and held pending prosecution of any person or persons or organization arrested under or charged with violating the provisions of this Act, and upon conviction under this Act of such persons or organizations using said guns, bows, traps, nets, seines, fishing tackle, clothing, teams, horses, machinery, logging equipment, motor vehicles, aircraft, boats, or other means of transportation of every nature and description used by any person or persons or organization, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, machinery, logging equipment, motor vehicles, aircraft, boats, or other means of transportation shall be in the discretion of the Court.”.

16 USC 251n.

(c) **TECHNICAL CORRECTIONS TO BOUNDARIES.**—The Act of November 7, 1986 (Public Law 99-635; 100 Stat. 3527) revising the boundaries of Olympic National Park is hereby amended as follows:

(1) In section 1(a)(2) after “48 degrees 23 minutes north and 47 degrees” strike “38” and insert in lieu thereof “34”.

Fish and fishing.

(2) In section 1(a)(2) after “all surveyed and unsurveyed islands”, insert “, above the point of lowest low tide,”; and at the end of the paragraph, strike “north,” and insert “north: *Provided*, That such lands as are identified in this paragraph shall continue to be open to fishing and to the taking of shellfish in conformity with the laws and regulations of the State of Washington,”.

16 USC 251n  
note.

(3) In section 1(b) after “numbered 149/60,030A, sheets 1 through” strike “10” and insert in lieu thereof “9”;

(4) In section 2(a) after “within section 15, township”, strike “15” and insert in lieu thereof “24”;

(5) In section 2(a) after “*Provided, however*, That the Secretary of Agriculture shall” strike “not”; and

16 USC 251n  
note.

(6) Section 4 is renumbered as section 5 and a new section 4 is inserted as follows:

“SEC. 4. Effective upon acceptance thereof by the State of Washington, the jurisdiction which the United States acquired over

those lands excluded from the boundaries of Olympic National Park by this Act is hereby retroceded to the State.”.

**SEC. 105. KALALOCH VISITOR CENTER.**

The Secretary is directed to complete a study for the location of a year round visitor center in the Kalaloch area of Olympic National Park. Such study shall include the location, size and cost estimates for the design, planning and construction of the visitor center and support facilities. The study shall be submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate by March 1, 1989. The Secretary is authorized to construct such visitor center subject to the appropriation of funds.

## **TITLE II—NORTH CASCADES NATIONAL PARK SERVICE COMPLEX WILDERNESS**

**SEC. 201. DESIGNATION.**

(a) **WILDERNESS.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.; 78 Stat. 890), certain lands in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area, Washington, which—

16 USC 1132  
note.

(1) comprise approximately six hundred and thirty-four thousand six hundred and fourteen acres of wilderness, and approximately five thousand two hundred and twenty-six acres of potential wilderness additions, and

(2) are depicted on a map entitled “Wilderness Boundary, North Cascades National Park Service Complex, Washington”, numbered 168-60-186 and dated August 1988,

are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System. Such lands shall be known as the Stephen Mather Wilderness.

**SEC. 202. HYDROELECTRIC PROJECTS.**

Section 505 of the Act of October 2, 1968 (82 Stat. 930; 16 U.S.C. 90d-4) is amended as follows: strike “in the recreation areas”, and insert in lieu thereof “in the lands and waters within the Skagit River Hydroelectric Project, Federal Energy and Regulatory Commission Project 553, including the proposed Copper Creek, High Ross, and Thunder Creek elements of the Project; and the Newhalem Project, Federal Energy and Regulatory Commission Project 2705, within the Ross Lake National Recreation Area; the lands and waters within the Lake Chelan Project, Federal Energy and Regulatory Commission Project 637; the Company Creek small hydroelectric project at Stehekin within the Lake Chelan National Recreation Area; and existing hydrologic monitoring stations necessary for the proper operation of the hydroelectric projects listed herein”.

**SEC. 203. LAND ACQUISITION FOR ADMINISTRATIVE FACILITIES.**

Section 301(a) of the Act of October 2, 1968 (82 Stat. 927; 16 U.S.C. 90b) is hereby amended to add a new subsection as follows:

“(b) The Secretary is hereby authorized to acquire, with the consent of the owner, lands outside of the authorized boundaries of North Cascades National Park Service Complex for the purpose of

construction and operation of a backcountry information center not to exceed five acres. The Secretary of the Interior is further authorized to acquire with the consent of the owner, lands for the construction of a headquarters and administrative site or sites, for the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area not to exceed ten acres. The lands so acquired shall be managed as part of the park.”.

#### SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to complete the land acquisitions authorized pursuant to section 203 of this Act.

#### SEC. 205. RENEWABLE NATURAL RESOURCE USE IN RECREATION AREAS.

Section 402(a) of the Act of October 2, 1968 (82 Stat. 928; 16 U.S.C. 90c-1) is hereby amended to read as follows:

“The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits and (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment. Within that portion of the Lake Chelan National Recreation Area which is not designated as wilderness, such management, utilization, and disposal of renewable natural resources and the continuation of existing uses and developments as will promote, or are compatible with, or do not significantly impair public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment, are authorized. In administering the recreation areas, the Secretary may utilize such statutory authorities pertaining to the administration of the national park system, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith. Within the Ross Lake National Recreation Area the removal and disposal of trees within power line rights-of-way are authorized as necessary to protect transmission lines, towers, and equipment;” *Provided*, That to the extent practicable, such removal and disposal of trees shall be conducted in such a manner as to protect scenic viewsheds.”.

#### SEC. 206. MINERAL RESOURCE USE IN RECREATION AREAS.

16 USC 90c-1. Section 402(b) of the Act of October 2, 1968 (82 Stat. 928; 16 U.S.C. 90c-1b) is hereby amended to read as follows:

“The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from all forms of appropriation or disposal under the public land laws, including location, entry, and patent under the United States mining laws, and disposition under the United States mineral leasing laws: *Provided, however*, That within that portion of the Lake Chelan National Recreation Area which is not designated as wilderness, sand, rock and gravel may be made available for sale to the residents of Stehekin for local use so long as such sale and disposal does not have significant adverse effects on the administration of the Lake Chelan National Recreation Area.”.

Public Law 100-85  
100th Congress

An Act

To dedicate the North Cascades National Park to Senator Henry M. Jackson.

Aug. 10, 1987  
[S. 958]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the North Cascades National Park, Washington, is hereby dedicated to Senator Henry M. Jackson in recognition of his leadership in establishing the North Cascades National Park, his outstanding contributions to the National Park System, the National Wilderness Preservation System, and to the protection and preservation of our great natural resources for the benefit of the people of the United States for all time.

Washington.  
16 USC 90 note.

SEC. 2. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to changes in existing signs, materials, maps, markers, interpretive programs, or other means as will adequately inform the public of the contributions of Henry M. Jackson.

Public  
information.  
16 USC 90 note.

SEC. 3. The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, within the boundaries of the North Cascades National Park, an appropriate memorial to Henry M. Jackson. Such memorial shall include but not be limited to an appropriate permanent marker describing the contributions of Henry M. Jackson to the Nation.

16 USC 90 note.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation  
authorization.  
16 USC 90 note.

Approved August 10, 1987.

151

LEGISLATIVE HISTORY—S. 958:

CONGRESSIONAL RECORD, Vol. 133 (1987):  
June 9, considered and passed Senate.  
July 27, considered and passed House.

○

### TITLE III—MOUNT RAINIER NATIONAL PARK WILDERNESS

#### SEC. 301. DESIGNATION.

16 USC 1132  
note.

(a) **WILDERNESS.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.; 78 Stat. 890), certain lands in the Mount Rainier National Park, Washington, which—

(1) compromise approximately two hundred and sixteen thousand eight hundred and fifty-five acres of wilderness, and

(2) are depicted on a map entitled “Wilderness Boundary, Mount Rainier National Park, Washington”, numbered 105-20,014A and dated July 1988,

are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System. Such lands shall be known as the Mount Rainier Wilderness.

#### SEC. 302. BOUNDARY ADJUSTMENTS.

16 USC 110c.

(a) **PARK BOUNDARY ADJUSTMENTS.**—The boundaries of the Mount Rainier National Park as established in the Act of March 2, 1899 (30 Stat. 993), as amended; (16 U.S.C. 91-110b), are further revised to add to the Park approximately two hundred and forty acres, and to exclude from the park approximately thirty-one and one-half acres, as generally depicted on the map entitled “Mount Rainier National Park Proposed 1987 Boundary Adjustments”, numbered 105-80,010B and dated January 1987, which shall be on file and available for public inspection in the Washington office of the National Park Service, United States Department of the Interior and at Mount Rainier National Park.

Public  
information.

(b) **FOREST BOUNDARY ADJUSTMENT.**—The boundaries of the Snoqualmie National Forest and of the Gifford Pinchot National Forest, are hereby revised to include in the Snoqualmie National Forest approximately thirty-one and one-half acres, to exclude from the Snoqualmie National Forest approximately thirty acres, and to exclude from the Gifford Pinchot National Forest approximately two hundred and ten acres, as generally depicted on a map entitled “Mount Rainier National Park Proposed 1987 Boundary Adjustments”, numbered 105-80,010B, and dated January 1987, which shall be on file and available for public inspection in the Washington, District of Columbia office of the Forest Service, United States Department of Agriculture and at the Snoqualmie and Gifford Pinchot National Forests.

Public  
information.  
District of  
Columbia.

(c) **ADMINISTRATION OF PARK LAND.**—(1) Federal lands, and interests therein formerly within the boundary of the Snoqualmie National Forest and the Gifford Pinchot National Forest, which are included within the boundary of the Mount Rainier National Park pursuant to this Act are, subject to valid existing rights, hereby transferred to the administrative jurisdiction of the Secretary of the Interior for administration as part of the Park, and shall be subject to all the laws and regulations of the Park.

(2) The Secretary of the Interior is authorized to accept either concurrent or exclusive jurisdiction over lands and waters included within Mount Rainier National Park by this Act. The Secretary shall notify in writing the Governor of the State of Washington of the acceptance of any such jurisdiction ceded to the United States by the State. The existing exclusive Federal jurisdiction, where it exists

Gifts and  
property.

in the Park, shall remain in effect until such time as the Secretary and the Governor shall agree upon the terms and conditions of concurrent legislative jurisdiction for said Park pursuant to section 320(i) of the Act of October 21, 1976 (90 Stat. 2741).

(3) **AUTHORIZATION OF LAND ACQUISITION.**—The Secretary of the Interior is authorized to acquire from willing sellers by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise all non-Federal lands, waters, and interests therein included within the boundary of the Mount Rainier National Park pursuant to this Act.

(d) **ADMINISTRATION OF FOREST LAND.**—(1) Federal lands, and interests therein formerly within the boundary of the Mount Rainier National Park, which are excluded therefrom and are included within the boundaries of the Snoqualmie National Forest pursuant to this Act are, subject to valid existing rights, hereby transferred to the administrative jurisdiction of the Secretary of Agriculture for administration as part of the Forest, and shall be subject to all the laws and regulations applicable to the National Forest System.

(2) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended; 16 U.S.C. 4601-9), the boundaries of the Snoqualmie National Forest and the Gifford Pinchot National Forest, as modified pursuant to this Act, shall be treated as if they were the boundaries of those national forests on January 1, 1965.

(3) Effective upon acceptance thereof by the State of Washington, the jurisdiction which the United States acquired over those lands excluded from the boundaries of the Mount Rainier National Park by this Act is hereby retroceded to the State.

#### SEC. 303. PARADISE POWERLINE.

The Secretary is authorized to upgrade, maintain and replace as necessary, the Paradise powerline from Longmire to Paradise: *Provided*, That to the extent practicable, such maintenance and operation shall be conducted in such a manner as to protect scenic viewsheds.

## TITLE IV—GENERAL ADMINISTRATIVE PROVISIONS

(a) **ADMINISTRATION.**—(1) Subject to valid existing rights, the wilderness areas designated under titles I, II, and III of this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated as wilderness, except that reference to the Secretary of Agriculture shall be deemed, where appropriate, to be a reference to the Secretary of the Interior, and any reference to the effective date of the Wilderness Act shall be deemed, where appropriate, to be a reference to the effective date of this Act.

(2) Lands designated as potential wilderness additions shall be administered by the Secretary of the Interior insofar as practicable as wilderness until such time as said lands are designated as wilderness. Any lands designated as potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon that are inconsistent with the Wilderness Act have ceased or that non-Federal interests in land

Federal  
Register,  
publication.



have been acquired, shall thereby be designated as wilderness and managed accordingly.

(3) Congress does not intend that wilderness areas designated under this Act lead to the creation of protective perimeters or buffer zones around such wilderness areas. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(b) MAP AND DESCRIPTION.—(1) As soon as practicable after the effective date of this Act, the Secretary of the Interior shall file maps of the wilderness areas and legal descriptions of its boundaries with the Committee on Energy and Natural Resources of the United States Senate, and the Committee on Interior and Insular Affairs of the United States House of Representatives. Such maps and legal descriptions shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in the maps and legal descriptions may be made. Such maps and legal descriptions of the boundaries shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, and in the office of the appropriate Superintendent.

Public  
information.

(2) Boundaries adjacent to paved and unpaved roads shall be drawn as narrowly as is practicable to allow for necessary maintenance and repairs to existing roads. Such boundaries should not, in general, exceed two hundred feet from the centerline of paved roads and one hundred feet from the centerline of unpaved roads: *Provided, however*, That larger boundaries may be drawn only as the Secretary deems necessary to exclude from the wilderness existing developments, improvements, and structures adjacent to existing roads, as well as areas needed to maintain and repair existing roads: *Provided further*, That to the extent practicable, undeveloped areas adjacent to all roads shall be managed as if designated as wilderness.

## TITLE V—MISCELLANEOUS PROVISIONS

### SEC. 501. WILD AND SCENIC RIVERS.

Section 3(a), paragraph (60), of the Wild and Scenic Rivers Act, which designates the Klickitat River in the State of Washington as a component of the National Wild and Scenic Rivers System, is amended to add the following sentence at the end of the paragraph:

16 USC 1274.

“The boundaries of the designated portions of the Klickitat River shall be as generally depicted on a map dated November, 1987, and entitled ‘Klickitat National Recreation River, River Management Area: Final Boundary’, which is on file in the office of the Chief, Forest Service, Washington, District of Columbia.”.

District of  
Columbia.  
16 USC 1274.

**SEC. 502. RESERVATION OF WATER RIGHTS.**

Subject to valid existing rights, within the areas designated as wilderness by this Act, Congress hereby expressly reserves such water rights as necessary, for the purposes for which such areas are so designated. The priority date of such rights shall be the date of enactment of this Act.

Approved November 16, 1988.

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**LEGISLATIVE HISTORY—S. 2165 (H.R. 4146):**

HOUSE REPORTS: No. 100-961 accompanying H.R. 4146 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-512 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 26, H.R. 4146 considered and passed House.

Oct. 18, considered and passed Senate, amended. S. 2165 considered and passed Senate.

Oct. 19, S. 2165 considered and passed House.



Public Law 100-580  
100th Congress

An Act

Oct. 31, 1988  
[S. 2723]

To partition certain reservation lands between the Hoopa Valley Tribe and the Yurok Indians, to clarify the use of tribal timber proceeds, and for other purposes.

Hoopa-Yurok  
Settlement Act.  
25 USC 1300i.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “Hoopa-Yurok Settlement Act”.

(b) DEFINITIONS.—For the purposes of this Act, the term—

(1) “Escrow funds” means the moneys derived from the joint reservation which are held in trust by the Secretary in the accounts entitled—

(A) “Proceeds of Labor-Hoopa Valley Indians-California 70 percent Fund, account number J52-561-7197”;

(B) “Proceeds of Labor-Hoopa Valley Indians-California 30 percent Fund, account number J52-561-7236”;

(C) “Proceeds of Klamath River Reservation, California, account number J52-562-7056”;

(D) “Proceeds of Labor-Yurok Indians of Lower Klamath River, California, account number J52-562-7153”;

(E) “Proceeds of Labor-Yurok Indians of Upper Klamath River, California, account number J52-562-7154”;

(F) “Proceeds of Labor-Hoopa Reservation for Hoopa Valley and Yurok Tribes, account number J52-575-7256”;

and  
(G) “Klamath River Fisheries, account number 5628000001”;

(2) “Hoopa Indian blood” means that degree of ancestry derived from an Indian of the Hunstang, Hupa, Miskut, Redwood, Saiaz, Sermalton, Tish-Tang-Atan, South Fork, or Grouse Creek Bands of Indians;

(3) “Hoopa Valley Reservation” means the reservation described in section 2(b) of this Act;

(4) “Hoopa Valley Tribe” means the Hoopa Valley Tribe, organized under the constitution and amendments approved by the Secretary on November 20, 1933, September 4, 1952, August 9, 1963, and August 18, 1972;

(5) “Indian of the Reservation” shall mean any person who meets the criteria to qualify as an Indian of the Reservation as established by the United States Court of Claims in its March 31, 1982, May 17, 1987, and March 1, 1988, decisions in the case of Jesse Short et al. v. United States, (Cl. Ct. No. 102-63);

(6) “Joint reservation” means the area of land defined as the Hoopa Valley Reservation in section 2(b) and the Yurok Reservation in section 2(c) of this Act.

(7) "Karuk Tribe" means the Karuk Tribe of California, organized under its constitution on April 6, 1985;

(8) "Secretary" means the Secretary of the Interior;

(9) "Settlement Fund" means the Hoopa-Yurok Settlement Fund established pursuant to section 4;

(10) "Settlement Roll" means the final roll prepared and published in the Federal Register by the Secretary pursuant to section 5;

(11) "Short cases" means the cases entitled *Jesse Short et al. v. United States*, (Cl. Ct. No. 102-63); *Charlene Ackley v. United States*, (Cl. Ct. No. 460-78); *Bret Aanstadt v. United States*, (Cl. Ct. No. 146-85L); and *Norman Giffen v. United States*, (Cl. Ct. No. 746-85L);

(12) "Short plaintiffs" means named plaintiffs in the Short cases;

(13) "trust land" means an interest in land the title to which is held in trust by the United States for an Indian or Indian tribe, or by an Indian or Indian tribe subject to a restriction by the United States against alienation;

(14) "unallotted trust land, property, resources or rights" means those lands, property, resources, or rights reserved for Indian purposes which have not been allotted to individuals under an allotment Act;

(15) "Yurok Reservation" means the reservation described in section 2(c) of this Act; and

(16) "Yurok Tribe" means the Indian tribe which is recognized and authorized to be organized pursuant to section 9 of this Act.

## SEC. 2. RESERVATIONS; PARTITION AND ADDITIONS.

25 USC 1300i-1.

(a) **PARTITION OF THE JOINT RESERVATION.**—(1) Effective with the publication in the Federal Register of the Hoopa tribal resolution as provided in paragraph (2), the joint reservation shall be partitioned as provided in subsections (b) and (c).

(2)(A) The partition of the joint reservation as provided in this subsection, and the ratification and confirmation as provided by section 8, shall not become effective unless, within 60 days after the date of the enactment of this Act, the Hoopa Valley Tribe shall adopt, and transmit to the Secretary, a tribal resolution:

(i) waiving any claim such tribe may have against the United States arising out of the provisions of this Act, and

(ii) affirming tribal consent to the contribution of Hoopa Escrow monies to the Settlement Fund, and for their use as payments to the Yurok Tribe, and to individual Yuroks, as provided in this Act.

(B) The Secretary, after determining the validity of the resolution transmitted pursuant to subparagraph (A), shall cause such resolution to be printed in the Federal Register.

Federal  
Register,  
publication.

(b) **HOOPA VALLEY RESERVATION.**—Effective with the partition of the joint reservation as provided in subsection (a), the area of land known as the "square" (defined as the Hoopa Valley Reservation established under section 2 of the Act of April 8, 1864 (13 Stat. 40), the Executive Order of June 23, 1876, and Executive Order 1480 of February 17, 1912) shall thereafter be recognized and established as the Hoopa Valley Reservation. The unallotted trust land and assets of the Hoopa Valley Reservation shall thereafter be held in trust by the United States for the benefit of the Hoopa Valley Tribe.

National Forest  
System.

(c) **YUROK RESERVATION.**—(1) Effective with the partition of the joint reservation as provided in subsection (a), the area of land known as the “extension” (defined as the reservation extension under the Executive Order of October 16, 1891, but excluding the Resighini Rancheria) shall thereafter be recognized and established as the Yurok Reservation. The unallotted trust land and assets of the Yurok Reservation shall thereafter be held in trust by the United States for the benefit of the Yurok Tribe.

(2) Subject to all valid existing rights and subject to the adoption of a resolution of the Interim Council of the Yurok Tribe as provided in section 9(d)(2), all right, title, and interest of the United States—

(A) to all national forest system lands within the Yurok Reservation, and

(B) to that portion of the Yurok Experimental Forest described as Township 14 N., Range 1 E., Section 28, Lot 6: that portion of Lot 6 east of U.S. Highway 101 and west of the Yurok Experimental Forest, comprising 14 acres more or less and including all permanent structures thereon, shall thereafter be held in trust by the United States for the benefit of the Yurok Tribe and shall be part of the Yurok Reservation.

(3)(A) Pursuant to the authority of sections 5 and 7 of the Indian Reorganization Act of June 18, 1934 (25 U.S.C. 465, 467), the Secretary may acquire from willing sellers lands or interests in land, including rights-of-way for access to trust lands, for the Yurok Tribe or its members, and such lands may be declared to be part of the Yurok Reservation.

(B) From amounts authorized to be appropriated by the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), the Secretary shall use not less than \$5,000,000 for the purpose of acquiring lands or interests in lands pursuant to subparagraph (A). No lands or interests in lands may be acquired outside the Yurok Reservation with such funds except lands adjacent to and contiguous with the Yurok Reservation or for purposes of exchange for lands within the reservation.

(4) The—

(A) apportionment of funds to the Yurok Tribe as provided in sections 4 and 7;

(B) the land transfers pursuant to paragraph (2);

(C) the land acquisition authorities in paragraph (3); and

(D) the organizational authorities of section 9 shall not be effective unless and until the Interim Council of the Yurok Tribe has adopted a resolution waiving any claim such tribe may have against the United States arising out of the provisions of this Act.

(d) **BOUNDARY CLARIFICATIONS OR CORRECTIONS.**—(1) The boundary between the Hoopa Valley Reservation and the Yurok Reservation,

after the partition of the joint reservation as provided in this section, shall be the line established by the Bissel-Smith survey.

(2) Upon the partition of the joint reservation as provided in this section, the Secretary shall publish a description of the boundaries of the Hoopa Valley Reservation and Yurok Reservation in the Federal Register.

Federal  
Register,  
publication.

(e) **MANAGEMENT OF THE YUROK RESERVATION.**—The Secretary shall be responsible for the management of the unallotted trust land and assets of the Yurok Reservation until such time as the Yurok Tribe has been organized pursuant to section 9. Thereafter, those lands and assets shall be administered as tribal trust land and the Yurok reservation governed by the Yurok Tribe as other reservations are governed by the tribes of those reservations.

(f) **CRIMINAL AND CIVIL JURISDICTION.**—The Hoopa Valley Reservation and Yurok Reservation shall be subject to section 1360 of title 28, United States Code; section 1162 of title 18, United States Code, and section 403(a) of the Act of April 11, 1968 (82 Stat. 79; 25 U.S.C. 1323(a)).

### SEC. 3. PRESERVATION OF SHORT CASES.

25 USC 1300i-2.

Nothing in this Act shall affect, in any manner, the entitlement established under decisions of the United States Claims Court in the Short cases or any final judgment which may be rendered in those cases.

### SEC. 4. HOOPA-YUROK SETTLEMENT FUND.

25 USC 1300i-3.

(a) **ESTABLISHMENT.**—(1) There is hereby established the Hoopa-Yurok Settlement Fund. Upon enactment of this Act, the Secretary shall cause all the funds in the escrow funds, together with all accrued income thereon, to be deposited into the Settlement Fund.

(2) Until the distribution is made to the Hoopa Valley Tribe pursuant to section (c), the Secretary may distribute to the Hoopa Valley Tribe, pursuant to the provision of title I of the Department of the Interior and Related Agencies Appropriations Act, 1985, under the heading "Bureau of Indian Affairs" and subheading "Tribal Trust Funds" at 98 Stat. 1849 (25 U.S.C. 123c), not to exceed \$3,500,000 each fiscal year out of the income or principal of the Settlement Fund for tribal, non per capita purposes: *Provided, however,* That the Settlement Fund apportioned under subsections (c) and (d) shall be calculated without regard to this subparagraph, but any amounts distributed under this subparagraph shall be deducted from the payment to the Hoopa Valley Tribe pursuant to subsection (c).

(3) Until the distribution is made to the Yurok Tribe pursuant to section (d), the Secretary may, in addition to providing Federal funding, distribute to the Yurok Transition Team, pursuant to provision of title I of the Department of the Interior and Related Agencies Appropriations Act, 1985, under the heading "Bureau of Indian Affairs" and subheading "Tribal Trust Funds" at 98 Stat. 1849 (25 U.S.C. 123c), not to exceed \$500,000 each fiscal year out of the income and principal of the Settlement Fund for tribal, non per capita purposes: *Provided, however,* That the Settlement Fund apportioned under subsections (c) and (d) shall be calculated without regard to this subparagraph, but any amounts distributed under this subparagraph shall be deducted from the payment to the Yurok Tribe pursuant to subsection (d).



(b) **DISTRIBUTION; INVESTMENT.**—The Secretary shall make distribution from the Settlement Fund as provided in this Act and, pending payments under section 6 and dissolution of the fund as provided in section 7, shall invest and administer such fund as Indian trust funds pursuant to the first section of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a).

(c) **HOOPA VALLEY TRIBE PORTION.**—Effective with the publication of the option election date pursuant to section 6(a)(4), the Secretary shall immediately pay out of the Settlement Fund into a trust account for the benefit of the Hoopa Valley Tribe a percentage of the Settlement Fund which shall be determined by dividing the number of enrolled members of the Hoopa Valley Tribe as of the date of the promulgation of the Settlement Roll, including any persons enrolled pursuant to section 6, by the sum of the number of such enrolled Hoopa Valley tribal members and the number of persons on the Settlement Roll.

(d) **YUROK TRIBE PORTION.**—Effective with the publication of the option election date pursuant to section 6(a)(4), the Secretary shall pay out of the Settlement Fund into a trust account for the benefit of the Yurok Tribe a percentage of the Settlement Fund which shall be determined by dividing the number of persons on the Settlement Roll electing the Yurok Tribal Membership Option pursuant to section 6(c) by the sum of the number of the enrolled Hoopa Valley tribal members established pursuant to subsection (c) and the number of persons on the Settlement Roll, less any amount paid out of the Settlement Fund pursuant to section 6(c)(3).

Appropriation  
authorization.

(e) **FEDERAL SHARE.**—There is hereby authorized to be appropriated the sum of \$10,000,000 which shall be deposited into the Settlement Fund after the payments are made pursuant to subsections (c) and (d) and section 6(c). The Settlement Fund, including the amount deposited pursuant to this subsection and all income earned subsequent to the payments made pursuant to subsections (c) and (d) and section 6(c), shall be available to make the payments authorized by section 6(d).

25 USC 1300i-4.

#### **SEC. 5. HOOPA-YUROK SETTLEMENT ROLL.**

(a) **PREPARATION; ELIGIBILITY CRITERIA.**—(1) The Secretary shall prepare a roll of all persons who can meet the criteria for eligibility as an Indian of the Reservation and—

(A) who were born on or prior to, and living upon, the date of enactment of this Act;

(B) who are citizens of the United States; and

(C) who were not, on August 8, 1988, enrolled members of the Hoopa Valley Tribe.

(2) The Secretary's determination of eligibility under this subsection shall be final except that any Short plaintiff determined by the United States Claims Court to be an Indian of the Reservation shall be included on the Settlement Roll if they meet the other requirements of this subsection and any Short plaintiff determined by the United States Claims Court not to be an Indian of the Reservation shall not be eligible for inclusion on such roll.

(b) **RIGHT TO APPLY; NOTICE.**—Within thirty days after the date of enactment of this Act, the Secretary shall give such notice of the right to apply for enrollment as provided in subsection (a) as he deems reasonable except that such notice shall include, but shall not be limited to—

- (1) actual notice by registered mail to every plaintiff in the Short cases at their last known address;
- (2) notice to the attorneys for such plaintiffs; and
- (3) publication in newspapers of general circulation in the vicinity of the Hoopa Valley Reservation and elsewhere in the State of California.

Contemporaneous with providing the notice required by this subsection, the Secretary shall publish such notice in the Federal Register.

Federal  
Register,  
publication.

(c) **APPLICATION DEADLINE.**—The deadline for application pursuant to this section shall be established at one hundred and twenty days after the publication of the notice by the Secretary in the Federal Register as required by subsection (b).

(d) **ELIGIBILITY DETERMINATION; FINAL ROLL.**—(1) The Secretary shall make determinations of eligibility of applicants under this section and publish in the Federal Register the final Settlement Roll of such persons one hundred and eighty days after the date established pursuant to subsection (c).

Federal  
Register,  
publication.

(2) The Secretary shall develop such procedures and times as may be necessary for the consideration of appeals from applicants not included on the roll published pursuant to paragraph (1). Successful appellants shall be added to the Settlement Roll and shall be afforded the right to elect options as provided in section 6, with any payments to be made to such successful appellants out of the remainder of the Settlement Fund after payments have been made pursuant to section 6(d) and prior to division pursuant to section 7.

(3) Persons added to the Settlement Roll pursuant to appeals under this subsection shall not be considered in the calculations made pursuant to section 4.

(e) **EFFECT OF EXCLUSION FROM ROLL.**—No person whose name is not included on the Settlement Roll shall have any interest in the tribal, communal, or unallotted land, property, resources, or rights within, or appertaining to, the Hoopa Valley Tribe, the Hoopa Valley Reservation, the Yurok Tribe, or the Yurok Reservation or in the Settlement Fund unless such person is subsequently enrolled in the Hoopa Valley Tribe or the Yurok Tribe under the membership criteria and ordinances of such tribes.

#### SEC. 6. ELECTION OF SETTLEMENT OPTIONS.

25 USC 1300i-5.

(a) **NOTICE OF SETTLEMENT OPTIONS.**—(1) Within sixty days after the publication of the Settlement Roll as provided in section 5(d), the Secretary shall give notice by certified mail to each person eighteen years or older on such roll of their right to elect one of the settlement options provided in this section.

Mail.

(2) The notice shall be provided in easily understood language, but shall be as comprehensive as possible and shall provide an objective assessment of the advantages and disadvantages of each of the options offered. The notice shall also provide information about the counseling services which will be made available to inform individuals about the respective rights and benefits associated with each option presented under this section. It shall also clarify that on election the Lump Sum Payment option requires the completion of a sworn affidavit certifying that the individual has been provided with complete information about the effects of such an election.

(3) With respect to minors on the Settlement Roll the notice shall state that minors shall be deemed to have elected the option of section 6(c), except that if the parent or guardian furnishes proof satisfactory to the Secretary that a minor is an enrolled member of

Children and  
youth.

a tribe that prohibits members from enrolling in other tribes, the parent or guardian shall make the election for such minor. A minor subject to the provisions of section 6(c) shall, notwithstanding any other law, be deemed to be a child of a member of an Indian tribe regardless of the option elected pursuant to this Act by the minor's parent. With respect to minors on the Settlement Roll whose parent or guardian is not also on the roll, notice shall be given to the parent or guardian of such minor. The funds to which such minors are entitled shall be held in trust by the Secretary until the minor reaches age 18. The Secretary shall notify and provide payment to such person including all interest accrued.

(4)(A) The notice shall also establish the date by which time the election of an option under this section must be made. The Secretary shall establish that date as the date which is one hundred and twenty days after the date of the publication in the Federal Register as required by section 5(d).

(B) Any person on the Settlement Roll who has not made an election by the date established pursuant to subparagraph (A) shall be deemed to have elected the option provided in subsection (c).

(b) **HOOPA TRIBAL MEMBERSHIP OPTION.**—(1) Any person on the Settlement Roll, eighteen years or older, who can meet any of the enrollment criteria of the Hoopa Valley Tribe set out in the decision of the United States Court of Claims in its March 31, 1982, decision in the Short case (No. 102-63) as "Schedule A", "Schedule B", or "Schedule C" and who—

(A) maintained a residence on the Hoopa Valley Reservation on the date of enactment of this Act;

(B) had maintained a residence on the Hoopa Valley Reservation at any time within the five year period prior to the enactment of this Act; or

(C) owns an interest in real property on the Hoopa Valley Reservation on the date of enactment of this Act, may elect to be, and, upon such election, shall be entitled to be, enrolled as a full member of the Hoopa Valley Tribe.

(2) Notwithstanding any provision of the constitution, ordinances or resolutions of the Hoopa Valley Tribe to the contrary, the Secretary shall cause any entitled person electing to be enrolled as a member of the Hoopa Valley Tribe to be so enrolled and such person shall thereafter be entitled to the same rights, benefits, and privileges as any other member of such tribe.

(3) The Secretary shall determine the quantum of "Indian blood" or "Hoopa Indian blood", if any, of each person enrolled in the Hoopa Valley Tribe under this subsection pursuant to the criteria established in the March 31, 1982, decision of the United States Court of Claims in the case of Jesse Short et al. v. United States, (Cl. Ct. No. 102-63).

(4) Any person making an election under this subsection shall no longer have any right or interest whatsoever in the tribal, communal, or unallotted land, property, resources, or rights within, or appertaining to, the Yurok Indian Reservation or the Yurok Tribe or in the Settlement Fund.

(c) **YUROK TRIBAL MEMBERSHIP OPTION.**—(1) Any person on the Settlement Roll may elect to become a member of the Yurok Tribe and shall be entitled to participate in the organization of such tribe as provided in section 9.

(2) All persons making an election under this subsection shall form the base roll of the Yurok Tribe for purposes of organization

Claims.  
Jesse Short.

Claims.  
Jesse Short.

pursuant to section 9 and the Secretary shall determine the quantum of "Indian blood" if any pursuant to the criteria established in the March 31, 1982, decision of the United States Court of Claims in the case of *Jesse Short et al. v. United States*, (Cl. Ct. No. 102-63).

(3) The Secretary, subject to the provisions of section 7 of the Act of October 19, 1973 (87 Stat. 466), as amended (25 U.S.C. 1407), shall pay to each person making an election under this subsection, \$5,000 out of the Settlement Fund for those persons who are, on the date established pursuant to section 6(a)(4), below the age of 50 years, and \$7,500 out of the Settlement Fund for those persons who are, on that date, age 50 or older.

(4) Any person making an election under this subsection shall no longer have any right or interest whatsoever in the tribal, communal, or unallotted land, property, resources, or rights within, or appertaining to, the Hoopa Valley Reservation or the Hoopa Valley Tribe or, except to the extent authorized by paragraph (3), in the Settlement Fund. Any such person shall also be deemed to have granted to members of the Interim Council established under section 9 an irrevocable proxy directing them to approve a proposed resolution waiving any claim the Yurok Tribe may have against the United States arising out of the provisions of this Act, and granting tribal consent as provided in section 9(d)(2).

(d) **LUMP SUM PAYMENT OPTION.**—(1) Any person on the Settlement Roll may elect to receive a lump sum payment from the Settlement Fund and the Secretary shall pay to each such person the amount of \$15,000 out of the Settlement Fund: *Provided*, That such individual completes a sworn affidavit certifying that he or she has been afforded the opportunity to participate in counseling which the Secretary, in consultation with the Hoopa Tribal Council or Yurok Transition Team, shall provide. Such counseling shall provide a comprehensive explanation of the effects of such election on the individual making such election, and on the tribal enrollment rights of that persons children and descendants who would otherwise be eligible for membership in either the Hoopa or Yurok Tribe.

(2) The option to elect a lump sum payment under this section is provided solely as a mechanism to resolve the complex litigation and other special circumstances of the Hoopa Valley Reservation and the tribes of the reservation, and shall not be construed or treated as a precedent for any future legislation.

(3) Any person making an election to receive, and having received, a lump sum payment under this subsection shall not thereafter have any interest or right whatsoever in the tribal, communal, or unallotted land, property, resources, or rights within, or appertaining to, the Hoopa Valley Reservation, the Hoopa Valley Tribe, the Yurok Reservation, or the Yurok Tribe or, except authorized by paragraph (1), in the Settlement Fund.

#### SEC. 7. DIVISION OF SETTLEMENT FUND REMAINDER.

25 USC 1300i-6.

(a) Any funds remaining in the Settlement Fund after the payments authorized to be made therefrom by subsections (c) and (d) of section 6 and any payments made to successful appellants pursuant to section 5(d) shall be paid to the Yurok Tribe and shall be held by the Secretary in trust for such tribe.

(b) Funds divided pursuant to this section and any funds apportioned to the Hoopa Valley Tribe and the Yurok Tribe pursuant to subsections (c) and (d) of section 4 shall not be distributed per capita to any individual before the date which is 10 years after the date on

which the division is made under this section: *Provided, however*, That if the Hoopa Valley Business Council shall decide to do so it may distribute from the funds apportioned to it a per capita payment of \$5,000 per member, pursuant to the Act of August 2, 1983 (25 U.S.C. 117a et seq.).

25 USC 1300i-7. **SEC. 8. HOOPA VALLEY TRIBE; CONFIRMATION OF STATUS.**

The existing governing documents of the Hoopa Valley Tribe and the governing body established and elected thereunder, as heretofore recognized by the Secretary, are hereby ratified and confirmed.

25 USC 1300i-8. **SEC. 9. RECOGNITION AND ORGANIZATION OF THE YUOK TRIBE.**

(a) **YUOK TRIBE.**—(1) Those persons on the Settlement Roll who made a valid election pursuant to subsection (c) of section 6 shall constitute the base membership roll for the Yurok Tribe whose status as an Indian tribe, subject to the adoption of the Interim Council resolution as required by subsection (d)(2), is hereby ratified and confirmed.

(2) The Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), as amended, is hereby made applicable to the Yurok Tribe and the tribe may organize under such Act as provided in this section.

(3) Within thirty days (30) after the enactment of this Act the Secretary, after consultation with the appropriate committees of Congress, shall appoint five (5) individuals who shall comprise the Yurok Transition Team which, pursuant to a budget approved by the Secretary, shall provide counseling, promote communication with potential members of the Yurok Tribe concerning the provisions of this Act, and shall study and investigate programs, resources, and facilities for consideration by the Interim Council. Any property acquired for or on behalf of the Yurok Transition Team shall be held in the name of the Yurok Tribe.

(b) **INTERIM COUNCIL; ESTABLISHMENT.**—There shall be established an Interim Council of the Yurok Tribe to be composed of five members. The Interim Council shall represent the Yurok Tribe in the implementation of provisions of this Act, including the organizational provisions of this section, and subject to subsection (d) shall be the governing body of the tribe until such time as a tribal council is elected under a constitution adopted pursuant to subsection (e).

(c) **GENERAL COUNCIL; ELECTION OF INTERIM COUNCIL.**—(1) Within 30 days after the date established pursuant to section 6(a)(4), the Secretary shall prepare a list of all persons eighteen years of age or older who have elected the Yurok Tribal Membership Option pursuant to section 6(c), which persons shall constitute the eligible voters of the Yurok Tribe for the purposes of this section, and shall provide written notice to such persons of the date, time, purpose, and order of procedure for the general council meeting to be scheduled pursuant to paragraph (2) for the consideration of the nomination of candidates for election to the Interim Council.

(2) Not earlier than 30 days before, nor later than 45 days after, the notice provided pursuant to paragraph (1), the Secretary shall convene a general council meeting of the eligible voters of the Yurok Tribe on or near the Yurok Reservation, to be conducted under such order of procedures as the Secretary determines appropriate, for the nomination of candidates for election of members of the Interim



Council. No person shall be eligible for nomination who is not on the list prepared pursuant to this section.

(3) Within 45 days after the general council meeting held pursuant to paragraph (2), the Secretary shall hold an election by secret ballot, with absentee balloting and write-in voting to be permitted, to elect the five members of the Interim Council from among the nominations submitted to him from such general council meeting. The Secretary shall assure that notice of the time and place of such election shall be provided to eligible voters at least fifteen days before such election.

(4) The Secretary shall certify the results of such election and, as soon as possible, convene an organizational meeting of the newly-elected members of the Interim Council and shall provide such advice and assistance as may be necessary for such organization.

(5) Vacancies on the Interim Council shall be filled by a vote of the remaining members.

(d) INTERIM COUNCIL; AUTHORITIES AND DISSOLUTION.—(1) The Interim Council shall have no powers other than those given to it by this Act.

(2) The Interim Council shall have full authority to adopt a resolution—

(i) waiving any claim the Yurok Tribe may have against the United States arising out of the provision of this Act, and

(ii) affirming tribal consent to the contribution of Yurok Escrow monies to the Settlement Fund, and for their use as payments to the Hoopa Tribe, and to individual Hoopa members, as provided in this Act, and

(iii) to receive grants from, and enter into contracts for, Federal programs, including those administered by the Secretary and the Secretary of Health and Human Services, with respect to Federal services and benefits for the tribe and its members.

(3) The Interim Council shall have such other powers, authorities, functions, and responsibilities as the Secretary may recognize, except that any contract or legal obligation that would bind the Yurok Tribe for a period in excess of two years from the date of the certification of the election by the Secretary shall be subject to disapproval and cancellation by the Secretary if the Secretary determines that such a contract or legal obligation is unnecessary to improve housing conditions of members of the Yurok Tribe, or to obtain other rights, privileges or benefits that are in the long-term interest of the Yurok Tribe.

(4) The Interim Council shall appoint, as soon as practical, a drafting committee which shall be responsible, in consultation with the Interim Council, the Secretary and members of the tribe, for the preparation of a draft constitution for submission to the Secretary pursuant to subsection (e).

(5) The Interim Council shall be dissolved effective with the election and installation of the initial tribe governing body elected pursuant to the constitution adopted under subsection (e) or at the end of two years after such installation, whichever occurs first.

(e) ORGANIZATION OF YUROK TRIBE.—Upon written request of the Interim Council or the drafting committee and the submission of a draft constitution as provided in paragraph (4) of subsection (d), the Secretary shall conduct an election, pursuant to the provisions of the Indian Reorganization Act of June 18, 1934 (25 U.S.C. 461 et seq.) and rules and regulations promulgated thereunder, for the adoption



of such constitution and, working with the Interim Council, the election of the initial tribal governing body upon the adoption of such constitution.

25 USC 1300i-9. **SEC. 10. ECONOMIC DEVELOPMENT.**

**(a) PLAN FOR ECONOMIC SELF-SUFFICIENCY.**—The Secretary shall—

(1) enter into negotiations with the Yurok Transition Team and the Interim Council of the Yurok Tribe with respect to establishing a plan for economic development for the tribe; and

(2) in accordance with this section and not later than two years after the date of enactment of this Act, develop such a plan.

(3) upon the approval of such plan by the Interim Council or tribal governing body (and after consultation with the State and local officials pursuant to subsection (b) of this section), the Secretary shall submit such plan to the Congress.

**(b) CONSULTATION WITH STATE AND LOCAL OFFICIALS REQUIRED.**—To assure that legitimate State and local interests are not prejudiced by the proposed economic self-sufficiency plan, the Secretary shall notify and consult with the appropriate officials of the State and all appropriate local governmental officials in the State. The Secretary shall provide complete information on the proposed plan to such officials, including the restrictions on such proposed plan imposed by subsection (c) of this section. During any consultation by the Secretary under this subsection, the Secretary shall provide such information as the Secretary may possess, and shall request comments and additional information on the extent of any State or local service to the tribe.

**(c) RESTRICTIONS TO BE CONTAINED IN PLAN.**—Any plan developed by the Secretary under subsection (a) of this section shall provide that—

(1) any real property transferred by the tribe or any member to the Secretary shall be taken and held in the name of the United States for the benefit of the tribe;

(2) any real property taken in trust by the Secretary pursuant to such plan shall be subject to—

(A) all legal rights and interests in such land existing at the time of the acquisition of such land by the Secretary, including any lien, mortgage, or previously levied and outstanding State or local tax;

(B) foreclosure or sale in accordance with the laws of the State pursuant to the terms of any valid obligation in existence at the time of the acquisition of such land by the Secretary; and

(3) any real property transferred pursuant to such plan shall be exempt from Federal, State, and local taxation of any kind.

**(d) APPENDIX TO PLAN SUBMITTED TO THE CONGRESS.**—The Secretary shall append to the plan submitted to the Congress under subsection (a) of this section a detailed statement—

(1) naming each individual and official consulted in accordance with subsection (b) of this section;

(2) summarizing the testimony received by the Secretary pursuant to any such consultation; and

(3) including any written comments or reports submitted to the Secretary by any party named in paragraph (1).

## SEC. 11. SPECIAL CONSIDERATIONS.

25 USC 1300i-10.

(a) **ESTATE FOR SMOKERS FAMILY.**—The 20 acre land assignment on the Hoopa Valley Reservation made by the Hoopa Area Field Office of the Bureau of Indian Affairs on August 25, 1947, to the Smokers family shall continue in effect and may pass by descent or devise to any blood relative or relatives of one-fourth or more Indian blood of those family members domiciled on the assignment on the date of enactment of this Act.

(b) **RANCHERIA MERGER WITH YUROK TRIBE.**—If a majority of the adult members of any of the following Rancherias at Resighini, Trinidad, or Big Lagoon, vote to merge with the Yurok Tribe in an election which shall be conducted by the Secretary within ninety days after the date of enactment of this Act, the tribes and reservations of those rancherias so voting shall be extinguished and the lands and members of such reservations shall be part of the Yurok Reservation with the unallotted trust land therein held in trust by the United States for the Yurok Tribe: *Provided, however,* That the existing governing documents and the elected governing bodies of any rancherias voting to merge shall continue in effect until the election of the Interim Council pursuant to section 9. The Secretary shall publish in the Federal Register a notice of the effective date of the merger.

Federal  
Register,  
publication.

(c) **PRESERVATION OF LEASEHOLD AND ASSIGNMENT RIGHTS OF RANCHERIA RESIDENTS.**—Real property on any rancheria that merges with the Yurok Reservation pursuant to subsection (b) that is, on the date of enactment of this Act, held by any individual under a lease shall continue to be governed by the terms of the lease, and any land assignment existing on the date of the enactment of this Act shall continue in effect and may pass by descent or devise to any blood relative or relatives of Indian blood of the assignee.

## SEC. 12. KLAMATH RIVER BASIN FISHERIES TASK FORCE.

(a) **IN GENERAL.**—Section 4(c) of the Act entitled “An Act to provide for the restoration of the fishery resources in the Klamath River Basin, and for other purposes” (16 U.S.C. 460ss-3) is amended—

(A) in the matter preceding paragraph (1), by striking out “12” and inserting in lieu thereof “14”; and

(B) by inserting at the end thereof the following new paragraphs:

“(11) A representative of the Karuk Tribe, who shall be appointed by the governing body of the Tribe,

“(12) A representative of the Yurok Tribe, who shall be appointed by the Secretary until such time as the Yurok Tribe is organized upon which time the Yurok Tribe shall appoint such representative beginning with the first appointment ordinarily occurring after the Yurok Tribe is organized”.

(b) **SPECIAL RULE.**—The initial term of the representative appointed pursuant to section 4(c) (11) and (12) of such Act (as added by the amendment made by subsection (a)) shall be for that time which is the remainder of the terms of the members of the Task Force then serving. Thereafter, the term of such representatives shall be as provided in section 4(e) of such Act.

16 USC 460ss-3  
note.

**SEC. 13. TRIBAL TIMBER SALES PROCEEDS USE.**

Section 7 of the Act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 407) is amended to read as follows:

"SEC. 7. Under regulations prescribed by the Secretary of the Interior, the timber on unallotted trust land in Indian reservations or on other land held in trust for tribes may be sold in accordance with the principles of sustained-yield management or to convert the land to a more desirable use. After deduction, if any, for administrative expenses under the Act of February 14, 1920 (41 Stat. 415; 25 U.S.C. 413), the proceeds of the sale shall be used—

"(1) as determined by the governing bodies of the tribes concerned and approved by the Secretary, or

"(2) in the absence of such a governing body, as determined by the Secretary for the tribe concerned."

25 USC 1300i-11. **SEC. 14. LIMITATIONS OF ACTIONS; WAIVER OF CLAIMS.**

(a) Any claim challenging the partition of the joint reservation pursuant to section 2 or any other provision of this Act as having effected a taking under the fifth amendment of the United States Constitution or as otherwise having provided inadequate compensation shall be brought, pursuant to 28 U.S.C. 1491 or 28 U.S.C. 1505, in the United States Claims Court.

(b)(1) Any such claim by any person or entity, other than the Hoopa Valley Tribe or the Yurok Tribe, shall be forever barred if not brought within the later of 210 days from the date of the partition of the joint reservation as provided in section 2 or 120 days after the publication in the Federal Register of the option election date as required by section 6(a)(4).

(2) Any such claim by the Hoopa Valley Tribe shall be barred 180 days after the date of enactment of this Act or such earlier date as may be established by the adoption of a resolution waiving such claims pursuant to section 2(a)(2).

(3) Any such claim by the Yurok Tribe shall be barred 180 days after the general council meeting of the Yurok Tribe as provided in section 9 or such earlier date as may be established by the adoption of a resolution waiving such claims as provided in section 9(d)(2).

Reports.

(c)(1) The Secretary shall prepare and submit to the Congress a report describing the final decision in any claim brought pursuant to subsection (b) against the United States or its officers, agencies, or instrumentalities.

(2) Such report shall be submitted no later than 180 days after the entry of final judgment in such litigation. The report shall include any recommendations of the Secretary for action by Congress, including, but not limited to, any supplemental funding proposals necessary to implement the terms of this Act and any modifications to the resource and management authorities established by this Act. Notwithstanding the provisions of 28 U.S.C. 2517, any judgment

entered against the United States shall not be paid for 180 days after the entry of judgment; and, if the Secretary of the Interior submits a report to Congress pursuant to this section, then payment shall be made no earlier than 120 days after submission of the report.

Approved October 31, 1988.

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LEGISLATIVE HISTORY—S. 2723 (H.R. 4469):

HOUSE REPORTS: No. 100-938, Pt. 1, accompanying H.R. 4469 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-564 (Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 30, considered and passed Senate.

Oct. 3, 4, considered and passed House.

Public Law 100-563  
100th Congress

An Act

Oct. 31, 1988  
[H.R. 3408]

To authorize additional appropriations for the Central Utah Project, to implement a settlement with the Strawberry Water Users, to expand the John Muir Historic Site, to prohibit the expansion of any reservoir within the boundaries of Yosemite National Park, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

43 USC 620k  
note

SECTION 1. AUTHORIZATION OF ADDITIONAL AMOUNTS FOR THE COLORADO RIVER STORAGE PROJECT.

In order to provide for the continued construction of the Colorado River Storage Project, and for the continued construction of the municipal and industrial water features of the Bonneville Unit of the Central Utah Project, the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), is hereby further increased by \$45,456,000 plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for continuing construction of the previously authorized units and projects named in such Act of August 10, 1972.

SEC. 2. ENVIRONMENTAL IMPACT STATEMENT FOR IRRIGATION AND DRAINAGE SYSTEM.

Not later than December 31, 1989, the Secretary shall complete an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for the Irrigation and Drainage System of the Bonneville Unit of the Central Utah Project and submit such statement to the Congress.

SEC. 3. FISH AND WILDLIFE MITIGATION AND RECREATION.

Of the amounts appropriated for fiscal year 1990 for the construction of the Colorado River Storage Project, including funds previously authorized for fiscal year 1989, such funds in the manner previously scheduled by the Upper Colorado River Basin Office, Bureau of Reclamation, shall be available only for fish and wildlife mitigation and recreation in accordance with the schedule contained in the report of the Committee on Interior and Insular Affairs accompanying this Act (H. Rept. 100-915).

SEC. 4. STRAWBERRY VALLEY LAND COMPENSATION AND EXCHANGE.

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

(1) to modify the boundary of the Uinta National Forest to include certain Strawberry Valley Project lands currently administered by the Bureau of Reclamation, in order to provide more efficient management for public benefit;

(2) to transfer certain lands, and to compensate the Association for the loss of certain contractual surface rights and interests; and

(3) to provide for rehabilitation of certain of those lands to be administered by the Forest Service for public benefit.

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

(1) the term “Association” means the Strawberry Water Users Association,

(2) the term “Secretary” means the Secretary of the Interior, and

(3) the term “Project Lands” means approximately 56,870 acres of Strawberry Valley Project Lands and includes 95 acres to be transferred to the Association, 25,990 acres of recreation lands associated with the Bonneville Unit of the Central Utah Project, and 30,785 acres of remaining Strawberry Valley Project Lands.

(c) **BOUNDARY MODIFICATION OF UINTA NATIONAL FOREST.**—

(1) The exterior boundary of the Uinta National Forest shall be modified to include 56,775 acres of the original 56,870 acres of Strawberry Valley Project lands as generally depicted on a map entitled “Boundary Modification, Uinta National Forest”, and dated May 1988. The effective date of such modification shall be the date upon which administrative jurisdiction is transferred to the Secretary of Agriculture in accordance with subsection (e)(1)(B). Those lands encompassed by the modified boundary include 25,990 acres of recreation lands associated with the Bonneville Unit of the Central Utah Project and 30,785 acres of remaining Project Lands. Such lands shall be administered by the Forest Service in accordance with applicable laws except that the 25,990 acres shall continue to be managed by the Forest Service as recreation lands in accordance with the purposes set forth in the Memorandum of Agreement between the Department of the Interior, Bureau of Reclamation, Upper Colorado Region, and the United States Forest Service (Contract No. 2-07-40-L3016) dated February 2, 1982.

(2) A map depicting the modified boundary of the Uinta National Forest shall be on file and available for public inspection in the office of the Chief of the Forest Service and appropriate field offices and the House Interior and Insular Affairs Committee and the Senate Energy and Natural Resources Committee.

Public  
information.

(d) **VALID EXISTING RIGHTS.**—

(1) Notwithstanding any other provision of this section, the administration by the Forest Service of the lands described in subsection (c) shall not—

(A) affect or interfere with the authority of the Bureau of Reclamation to construct, operate, maintain, replace, or improve, as necessary, project facilities and access thereto associated with the Strawberry Valley Reclamation Project and Bonneville Unit of the Central Utah Project; or

(B) diminish any other authorized uses of the lands for water resource and power development under Federal law.

(2) The association shall relinquish all of its contractual surface rights and interests, including sand and gravel, in the 56,775 acres of the Project Lands in accordance with subsection (e)(2). Notwithstanding any other provision of this section, all other contractual rights and interests of the Association in the



Strawberry Valley Reclamation Project shall remain unchanged. The Association shall be exempt from fees or charges for licenses or permits, other than grazing fees, for project related facilities on Project Lands.

(e) STRAWBERRY VALLEY LAND TRANSFERS, AND OTHER CONSIDERATIONS.—

(1)(A) The Secretary is hereby authorized and directed to convey to the Association 95 acres in fee title of Project Lands, together with all improvements, as shown on a plat appended to the map referred to in subsection (c)(1). This action is consistent with the intent of the Act of April 4, 1910 (chapter 140, 36 Stat. 269).

(B) Within 15 days of payment of compensation to the Association in accordance with subsection (e)(2), the Secretary shall transfer administrative jurisdiction to the Secretary of Agriculture over the 30,785 acres of remaining Project Lands and the 25,990 acres of recreation lands. Management of the surface shall be subject to applicable law.

Contracts.

(C) Notwithstanding any other provision of this section, the association shall retain its contractual rights to issue oil, gas, coal and mineral leases, excluding sand and gravel, on the Project Lands. The authority of the Association to issue such leases and to utilize revenues therefrom as set forth in Interior Solicitor's opinion M-36863 dated August 8, 1972 (79 I.D. 513) is hereby confirmed. All such revenues shall be used and applied to Strawberry Valley Reclamation Project purposes.

(2) COMPENSATION.—There is authorized to be appropriated under Section 8, of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g), \$15,000,000 as compensation to the Association which shall be available only for such compensation and must be used for Strawberry Valley Reclamation Project purposes. Of the amounts appropriated hereafter under section 8 of such Act, the first \$15,000,000 shall be paid to the Association. Upon receipt of such compensation, the Association shall relinquish all of its contractual surface rights and interests, including sand and gravel, in the 56,775 acres of Project Lands.

Contracts.

(3) OTHER CONSIDERATIONS.—The Association shall be entitled to retain the first right of refusal to grazing privileges on the 30,785 acres of remaining Project Lands, and if permitted under the grazing rehabilitation plan pursuant to subsection (f), on the 25,990 acres of recreation lands.

(f) REHABILITATION OF LANDS.—The Forest Service shall, in coordination with the State of Utah and other appropriate agencies begin long-term rehabilitation of Project Lands. Such rehabilitation shall be five years in duration and shall permit continued grazing uses consistent with such rehabilitation. There is authorized to be appropriated under section 8 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g), \$3,000,000 which shall be available only for such rehabilitation. The Association shall be held harmless for any costs associated with rehabilitation.

(g) INTERIM RECREATION MANAGEMENT BY FOREST SERVICE.—

Until administrative jurisdiction of the 25,990 acres of recreation lands is transferred to the Secretary of Agriculture in accordance with subsection (e)(1)(B), the Congress authorizes and directs the Secretary of Agriculture to expend National Forest System appropriated funds in lieu of Department of Interior, Bureau of Reclamation funds to manage the 25,990 acres of recreation lands for the

Strawberry Reservoir adjacent to the Uinta National Forest in Utah. Such expenditures shall be in accordance with the provisions of the Memorandum of Agreement (Contract No. 2-07-40-L3016) dated February 2, 1982.

(h) LAND EXCHANGE.—

(1) AUTHORIZATION.—The Secretary of Agriculture may exchange or sell the National Forest system lands, including any administrative sites and improvements thereon, described in subsection (h)(2). Disposal or exchange of these properties is intended to facilitate the acquisition of administrative sites and offices together with improvements thereon at either Provo, Utah County, Utah or near Heber City, Wasatch County, Utah, as specified by the Secretary of Agriculture. If the sale option is exercised, moneys collected shall be held in a special account intended for this purpose and are hereby authorized for expenditure without further appropriation.

(2) LANDS.—The lands referred to in subsection (h)(1) are those lands which are depicted on a plat, entitled Heber City, Utah, dated April 17, 1978, and May 7, 1978. The plat shall be on file and available for public inspection in the office of the Chief of the Forest Service and appropriate field offices.

Public  
information.

(3) REQUIREMENT OF EQUAL VALUE.—If the lands are exchanged, the values, as determined by the Secretary of Agriculture, of the lands and building to be exchanged under this section shall be equal, or if not equal, shall be equalized by the payment of money to the grantor or the Secretary of Agriculture as the circumstances require so long as the payment does not exceed 25 percent of the total value of the land (including any improvements thereon) transferred out of Federal ownership. The Secretary of Agriculture shall make every reasonable effort to keep any such payment to the minimum amount necessary to equalize the values involved.

SEC. 5. BOUNDARY CHANGE FOR JOHN MUIR NATIONAL HISTORIC SITE, CALIFORNIA. 16 USC 461 note.

(a) MAP; LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire (by donation, purchase with donated or appropriated funds, or exchange) lands and interests in land within the area generally depicted on the map entitled "Boundary Map, John Muir National Historic Site" numbered 426-80,015B and dated July 1988. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Lands and interests in lands, within the boundaries of such area which are owned by the State of California or any political subdivision thereof, may be acquired only by donation or exchange. The Secretary of the Interior shall acquire only such interests in the John Muir grave site (as depicted on the map referred to in this subsection) as may be necessary to preserve the site in its present undeveloped condition and to provide all maintenance of the site by the Secretary of the Interior.

Gifts and  
property.

Public  
information.

(b) INCLUSION WITHIN HISTORIC SITE.—The lands and interests in lands within the boundaries of the area depicted on the map referred to in subsection (a) shall be administered as part of the John Muir National Historic Site established by the Act of August 31, 1964 (78 Stat. 753; 16 U.S.C. 461 note).

(c) AUTHORIZATION OF APPROPRIATIONS.—For purposes of acquiring the lands and interests in lands within the area depicted on the map

referred to in subsection (a), there are authorized to be appropriated such sums as may be necessary.

(d) COOPERATIVE AGREEMENT.—The Secretary of the Interior, acting through the Director of the National Park Service, is authorized to enter into a cooperative agreement with the East Bay Regional Park District of Oakland, California, for the operation and maintenance by such District of trails on lands within the John Muir National Historic Site.

16 USC 79-1.

SEC. 6. YOSEMITE NATIONAL PARK.

Notwithstanding any other provision of law, no Federal lands may be used for the expansion of the capacity of any reservoir which is located within the boundaries of Yosemite National Park unless Congress enacts specific statutory authorization after the date of the enactment of this Act for such expansion.

Approved October 31, 1988.

LEGISLATIVE HISTORY—H.R. 3408:

HOUSE REPORTS: No. 100-915 (Comm. on Interior and Insular Affairs).  
CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 13, considered and passed House.

Sept. 30, considered and passed Senate, amended.

Oct. 6, House concurred in Senate amendment with amendments.

Oct. 11, Senate concurred in House amendments with amendments.

Oct. 12, House concurred in Senate amendments.

5

NATIONAL HISTORICAL PARKS

Public Law 100-134  
100th Congress

An Act

Oct. 16, 1987  
[H.R. 2035]

To amend the Act establishing Lowell National Historical Park, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. AMENDMENTS.

The Act entitled “An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes”, approved June 5, 1978 (92 Stat. 290; 16 U.S.C. 410cc et seq.), is amended—

16 USC 410cc-13.

(1) in section 103(a)—

(A) by striking “\$18,500,000” and inserting “\$19,800,000” in paragraph (1); and

(B) by striking “\$21,500,000” and inserting “\$33,600,000” in paragraph (2);

16 USC 410cc-31.

(2) in section 301(e)(2) by striking “for a period not longer than thirty days” and inserting “until his successor is appointed”; and

(3) in section 301(i) by striking “ten” and inserting “seventeen”.

16 USC 410cc-13  
note.

SEC. 2. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by section 1 shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE OF AUTHORIZATION OF APPROPRIATION.—The amendments made by section 1(1) shall take effect on October 1, 1987.

Approved October 16, 1987.

LEGISLATIVE HISTORY—H.R. 2035 (S. 1012):

HOUSE REPORTS: No. 100-303 (Comm. on Interior and Insular Affairs).  
CONGRESSIONAL RECORD, Vol. 133 (1987):

Sept. 29, considered and passed House.  
Oct. 1, considered and passed Senate.



Public Law 100-479  
100th Congress

An Act

Oct. 7, 1988  
[H.R. 4457]

To create a national park at Natchez, Mississippi.

Historic  
preservation.  
Conservation.  
16 USC 410oo.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. PURPOSES.

The purposes of this Act are to—

- (1) preserve and interpret the history of Natchez, Mississippi, as a significant city in the history of the American South;
- (2) preserve and interpret the sites and structures associated with all the peoples of Natchez and its surrounding area from earliest inhabitants to the modern era, and including blacks both slave and free;
- (3) preserve and interpret the region's social, political, and economic development, with particular emphasis on the pre- and post-Civil War eras; and
- (4) preserve and interpret the region's commercial and agricultural history, especially in relation to the Mississippi River and cotton.

16 USC 410oo-1. SEC. 2. ESTABLISHMENT OF NATCHEZ NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—In order to provide for the benefit, inspiration, and education of the American people, there is hereby established the Natchez National Historical Park (hereinafter in this Act referred to as the “park”) in the State of Mississippi.

(b) AREA INCLUDED.—The park shall consist of the historic districts established under this Act and the following properties:

- (1) The lands and structures known as Melrose, together with all personal property located on such lands.
- (2) The lands and improvements thereon known as, or associated with, Fort Rosalie.

The property referred to in paragraph (2) shall be included within the park only if the Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) determines that the historic resources of Fort Rosalie are of sufficient national significance and integrity to warrant inclusion in the National Park System. The Secretary shall make such determination after receiving from the Governor of the State of Mississippi and the mayor of the city of Natchez, in consultation with the State Historic Preservation Officer, a recommendation based on scholarly research as to the national significance and integrity of such historic resources.

(c) BOUNDARIES; MAP.—The Secretary shall prepare a map of the lands included within the park. Such map shall be on file and available for public inspection in the offices of the National Park Service at the park and at the Department of the Interior in the District of Columbia. The Secretary may from time to time make minor revisions in the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 and following).

Public  
information.  
District of  
Columbia



## SEC. 3. ACQUISITION OF PROPERTY.

16 USC 410oo-2.

Except as otherwise provided in this section, the Secretary may acquire, by donation, purchase with donated or appropriated funds, or exchange, land or interests in land, together with structures and other improvements thereon and personal property, which is included within the park. In addition the Secretary may acquire by any such means such personal property associated with the park as he deems appropriate for interpretation of the park and such additional lands and properties as may be necessary for purposes of an administrative headquarters and administrative site. Any land, interests in land, structures, improvements, or personal property owned by the State of Mississippi or any political subdivision thereof, may be acquired only by donation. The Secretary may not acquire fee title to any property other than the property he deems necessary for an administrative site and headquarters and the property referred to in paragraph (1) or (2) of section 2, and the Secretary may not acquire the property referred to in paragraph (1) of section 2 unless at least 25 per centum of the fair market value of such property (as determined by the Secretary) is donated to the United States in connection with such acquisition.

## SEC. 4. ADMINISTRATION OF PARK.

16 USC 410oo-3.

(a) IN GENERAL.—The Secretary shall administer the park in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). Properties acquired under this Act for purposes of inclusion in the park shall be available for visitor inspection and enjoyment as promptly as practicable after the date of acquisition notwithstanding the absence of a park management plan.

Public  
information.

(b) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

## (c) HISTORIC DISTRICTS.—

(1) STUDY OF HISTORIC PROPERTIES.—The Secretary shall prepare and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a study of the properties in the city of Natchez and its immediate environs that preserve and interpret the history contained in the purposes of this Act. Such report shall consider which properties best exemplify such purposes and appropriate means for providing technical assistance to, and interpretation of, such properties. The study and report shall include consideration of Natchez-Under-the-Hill and the Briars.

Reports.

(2) ESTABLISHMENT OF DISTRICTS.—Following completion of the study under paragraph (1), but not later than one year after the date of enactment of this Act, the Secretary shall establish historic districts in the city of Natchez and its immediate environs for the preservation and interpretation of the resources that contribute to the understanding of the purposes of this Act.

(3) COOPERATIVE AGREEMENTS WITH OWNERS.—In furtherance of the purposes of this Act, and after consultation with the Advisory Commission established by this Act, the Secretary is authorized to enter into cooperative agreements with the owners of properties of historical or cultural significance (as determined by the Secretary) within any historic district established under this subsection. Such agreements shall permit the Secretary to mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of any property covered by such agreement for purposes of conducting visitors through such properties and interpreting them to the public, and that no changes or alterations shall be made in the property except by mutual agreement between the Secretary and other parties to the agreement.

(d) GENERAL MANAGEMENT PLAN.—Within three complete fiscal years after the enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a general management plan for the park. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7). Such plan shall identify appropriate facilities for proper interpretation of the site for visitors.

Gifts and  
property.  
16 USC 4100o-4.

#### SEC. 5. NATCHEZ TRACE STUDY.

The Secretary shall prepare, in consultation with the city of Natchez, a study of the feasibility of extending the Natchez Trace within the city of Natchez, including the acceptance of donations of rights-of-way. The Secretary shall transmit the study to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within one year after the date of enactment of this Act.

16 USC 4100o-5.

#### SEC. 6. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Natchez National Historical Park Advisory Commission (hereinafter in this Act referred to as the "Advisory Commission"). The Advisory Commission shall be composed of six members appointed by the Secretary. Two of such members shall be appointed from among individuals nominated by the mayor of Natchez and one from among individuals nominated by the Governor of Mississippi. Two of the members shall have expertise in historic preservation and one shall have expertise in architectural history. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Advisory Commission shall designate one of its members as Chairperson.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission on matters relating to the management and development of the park.

(c) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the

Public  
information.

area affected by the park. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) EXPENSES.—Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(e) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

16 USC 410~~oo~~-6.

There are hereby authorized to be appropriated not to exceed \$12,000,000 to carry out this Act.

Approved October 7, 1987.

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LEGISLATIVE HISTORY—H.R. 4457:

HOUSE REPORTS: No. 100-793 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-538 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

July 26, considered and passed House.

Sept. 27, considered and passed Senate.

Public Law 100-348  
100th Congress

An Act

June 27, 1988  
[H.R. 1044]

To establish the San Francisco Maritime National Historical Park in the State of California, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

San Francisco  
Maritime  
National  
Historical Park  
Act of 1988.  
Conservation.  
National Parks,  
monuments, etc.  
16 USC 410nn  
note.  
Public  
information.  
16 USC 410nn.  
Real property.

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Francisco Maritime National Historical Park Act of 1988".

SEC. 2. ESTABLISHMENT.

(a) IN GENERAL.—In order to preserve and interpret the history and achievements of seafaring Americans and of the Nation's maritime heritage, especially on the Pacific coast, there is hereby established the San Francisco Maritime National Historical Park (hereinafter in this Act referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of the lands and interests therein within the area generally depicted on the map entitled "Boundary Map, San Francisco Maritime National Historical Park", numbered 641/80,053 and dated April 7, 1987. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and in the office of the Superintendent of the park. If the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") determines, upon completion of the General Management Plan for the park, that the inclusion of the property at Jefferson and Hyde Streets, San Francisco, known as the Haslett Warehouse, would promote the purposes of the park, the Secretary may adjust the boundaries of the park to include that property after notification to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The Secretary may make other minor revisions of the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965.

(c) GOLDEN GATE NATIONAL RECREATION AREA.—The Secretary shall revise the boundaries of the Golden Gate National Recreation Area to exclude from the National Recreation Area the area within the park (as depicted on the boundary map referred to in subsection (b)). The Secretary shall transfer to the jurisdiction of the park all real and personal property of the United States administered by the Secretary as part of the National Recreation Area located within the boundaries of the park (including the museum building), together with all vessels, marine collections, libraries, historic documents, equipment and other marine artifacts which are administered by the Secretary as part of the National Recreation Area and which relate to maritime history.

(d) MUSEUM BUILDING.—The building housing and displaying the marine collections, libraries, historic documents, equipment, and

Real property.  
Gifts and  
property.  
Public buildings  
and grounds.

marine artifacts shall be named the “Sala Burton Building” and an appropriate plaque with this designation shall be prominently displayed as part of the structure.

### SEC. 3. ADMINISTRATION.

16 USC 410nn-1.

(a) **IN GENERAL.**—The Secretary shall administer the park in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), and the National Historic Preservation Act (16 U.S.C. 470-470t). The Secretary shall manage the park in such manner as will preserve and perpetuate knowledge and understanding of American maritime history and to provide for public understanding and enjoyment of maritime history.

(b) **DONATIONS.**—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

Gifts and property.

(c) **LEASING.**—The Secretary may lease any real or personal property, including vessels and heavy marine equipment such as floating drydocks, which is administered as part of the park. The net receipts from any such lease shall be credited in accordance with subsection 4(f) of the Act of October 27, 1972 (86 Stat. 1299).

Real property.  
Gifts and property.

(d) **FEES.**—Notwithstanding any other provision of law, the Secretary may impose entrance fees for admission to the ships in such amounts as he deems appropriate and may impose fees for the use by groups or organizations of the ships. All receipts from such fees shall be credited in accordance with subsection 4(f) of the Act of October 27, 1972 (86 Stat. 1299).

(e) **GENERAL MANAGEMENT PLAN.**—Within 2 years after establishment of the park, the Secretary shall prepare and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the park. The plan shall include, but not be limited to:

(1) a description of the resources of the park including, but not limited to, maritime and associated artifacts, documents, the following historic vessels: the sailing ship *Balclutha*; the steam schooner *Wapama*; the steamship *SS Jeremiah O'Brien*; the ferry *Eureka*; the schooner *C.A. Thayer*; the tug *Ellpleton Hall*; the tug *Hercules*; and the scow schooner *Alma*, and other real and personal property comprising the park collections such as written and illustrative material, objects, wrecks, small watercraft, and vessels;

Real property.  
Gifts and property.

(2) plans for the preservation of each historic vessel, including docking facilities, maintenance and ship repair facilities, and estimates for the costs thereof; a determination of the need for permanent docking facilities in a location best suited to the preservation of the historic vessels and for visitor access to the historic vessels; methods of accommodating visitors while protecting the historic vessels; and methods for providing for the proper care, exhibition, and storage of the park collections;

(3) plans for the location, preliminary design, and estimated cost of public facilities to be developed for the park, including a museum building, visitor parking, and public transit access; and

Public buildings and grounds.

(4) Plans for the interpretation of the historic vessels and park collections.

16 USC 410nn-2. **SEC. 4. ACQUISITION OF PROPERTY.**

(a) **GENERAL AUTHORITY.**—The Secretary may acquire land and interests in land within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

(b) **TRANSFERS FROM OTHER AGENCIES.**—The Secretary of Commerce may transfer the Liberty Ship SS Jeremiah O'Brien to the Secretary for inclusion in the historic fleet of the park. Any other Federal property located within the boundaries of the park which is under the administrative jurisdiction of another department or agency of the United States may, with the concurrence of the head of the administering department or agency, be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the park.

Contracts.

(c) **STATE AND LOCAL LANDS.**—Lands, and interests in lands, within the boundaries of the park which are owned by the State of California or any political subdivision thereof, may be acquired only by donation. Notwithstanding any other provision of law, the Secretary is authorized to enter into an agreement with the State of California or any political subdivision thereof under which the Secretary may improve and may use appropriated funds for the improvement of berthing facilities if the State or any political subdivision thereof makes available to the Secretary, in accordance with terms and conditions acceptable to the Secretary, lands and interests in land for the purpose of berthing the ships and providing visitor access to the historic ships.

(d)(1) **HISTORIC VESSELS AND OTHER PROPERTY.**—In furtherance of the administration of the park, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange such property as may be appropriate to carry out the purposes of this Act, including vessels, heavy marine equipment, and drydock facilities. The Secretary shall notify the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate in writing not less than 90 days before acquisition of any large historic vessel. Such notification shall indicate the estimated cost of preservation, restoration if appropriate, and maintenance of the vessel concerned.

(2) **ACQUISITION LIMITATION.**—The Secretary shall not acquire any historic vessel pursuant to this subsection until the Secretary has notified the Committees in writing that sufficient funds have been made available to preserve and maintain those vessels listed in paragraph 3(e)(1) of this Act.

16 USC 410nn-3. **SEC. 5. ADVISORY COMMISSION.**

(a) **ESTABLISHMENT.**—There is hereby established the Advisory Commission of the San Francisco Maritime National Historical Park (hereinafter in this Act referred to as the "Commission"). The Commission shall be composed of 12 members appointed by the Secretary as follows:

(1) 3 members appointed for terms of 4 years from recommendations submitted by the National Maritime Museum Association.

(2) 2 members appointed for terms of 4 years from recommendations submitted by the Governor of the State of



California, at least one of whom shall have professional expertise in maritime historic preservation.

(3) 4 members appointed for terms of 5 years from recommendations submitted by the Mayor of San Francisco with special consideration given to individuals with knowledge of museum and/or maritime issues and who represent the local fishing industry, recreational users, the business community, and neighborhood groups.

(4) 1 member appointed for a term of 5 years from recommendations from the Secretary of Commerce, who shall have professional expertise in the maritime industry.

(5) 2 members appointed for terms of 5 years, who shall have professional expertise in maritime history or historic preservation.

Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) **COMPENSATION.**—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(c) **OFFICERS.**—The Chair and other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(d) **MEETINGS.**—The Commission shall meet at the call of the Chair or a majority of its members, but not less than twice annually. Seven members of the Commission shall constitute a quorum. Consistent with the public meeting requirements of the Federal Advisory Committee Act, the Commission shall, from time to time, meet with persons concerned with maritime preservation.

(e) **BYLAWS AND CHARTER.**—The Commission may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this Act. The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Commission.

(f) **FUNCTIONS.**—The Commission shall advise the Secretary on the management and development of the park. The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Commission on matters relating to the management and development of the park.

(g) **TERMINATION.**—The Commission shall cease to exist 10 years after the date on which the first meeting of the Commission is held.

#### SEC. 6. CONFORMING AMENDMENT.

Section 4(f) of the Act of October 27, 1972 (16 U.S.C. 460bb-3(f)), is amended by striking out "National Maritime Museum" and inserting "San Francisco Maritime National Historical Park".

16 USC 410nn-4. **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not to exceed \$200,000 for planning.

Approved June 27, 1988.

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**LEGISLATIVE HISTORY—H.R. 1044:**

**HOUSE REPORTS:** No. 100-73 (Comm. on Interior and Insular Affairs).  
**SENATE REPORTS:** No. 100-373 (Comm. on Energy and Natural Resources).  
**CONGRESSIONAL RECORD:**

Vol. 133 (1987): May 4, considered and passed House.

Vol. 134 (1988): June 6, considered and passed Senate, amended.

June 14, House concurred in Senate amendments.

Public Law 100-475  
100th Congress

## An Act

To increase the amount authorized to be appropriated for acquisition at the  
Women's Rights National Historical Park.

Oct. 6, 1988  
[H.R. 2952]

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

## SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION.

Subsection (i) of section 1601 of the Act entitled "An Act to provide, with respect to the national park system: for the establishment of new units; for adjustments in boundaries; for increases in appropriation authorizations for land acquisition and development; and for other purposes" (16 U.S.C. 4101l(i)) is amended by striking out "\$490,000" and inserting in lieu thereof "\$700,000".

Approved October 6, 1988.

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LEGISLATIVE HISTORY—H.R. 2952:

HOUSE REPORTS: No. 100-395 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-532 (Comm. on Energy and Natural Resources).

## CONGRESSIONAL RECORD:

Vol. 133 (1987): Oct. 27, considered and passed House.

Vol. 134 (1988): Sept. 28, considered and passed Senate.

Public Law 100-567  
100th Congress

An Act

To authorize the establishment of the Zuni-Cibola National Historical Park in the State of New Mexico, and for other purposes.

Oct. 31, 1988  
[H.R. 4182]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Zuni-Cibola National Historical Park Establishment Act of 1988”.

SEC. 2. ESTABLISHMENT OF PARK.

(a) **ESTABLISHMENT.**—In order to preserve and protect for the benefit of present and future generations certain nationally significant historical, archeological, cultural, and natural sites and resources associated with the Zuni Tribe, and in order to assist members of the Zuni Tribe in preserving and interpreting their tribal culture, there is hereby established the Zuni-Cibola National Historical Park. The park shall consist of lands with respect to which the Secretary of the Interior has accepted a leasehold pursuant to section 3 of this Act.

(b) **EFFECTIVE DATE.**—This section shall take effect on the date of publication by the Secretary, pursuant to section 3 of this Act, of a notice that the Secretary has accepted a leasehold interest that meets the requirements of this Act.

(c) **TERMINATION.**—This section shall terminate and shall be ineffective 24 months after the date of enactment of this Act unless prior to the end of such 24-month period the Secretary has published a notice of acceptance of a leasehold pursuant to section 3 of this Act.

SEC. 3. ACQUISITION OF LEASEHOLD.

(a) **AUTHORITY OF SECRETARY.**—If, no later than 18 months after the date of enactment of this Act, the Zuni Tribe, after consultation with the Bureau of Indian Affairs, offers to the Secretary a leasehold interest in trust lands of the Zuni Indian Reservation, in New Mexico, meeting the requirements of this Act, the Secretary is authorized and directed to accept such leasehold on behalf of the National Park Service and to publish in the Federal Register a notice of such acceptance.

(b) **REQUIREMENTS.**—The Secretary shall accept a leasehold under subsection (a) of this section if such leasehold—

- (1) would continue for a period of at least 99 years;
- (2) would require no rentals or other payments by the United States to the Zuni Tribe or any other party;
- (3) would be applicable to no more than 800 acres of lands within the Zuni Indian Reservation that the Director of the National Park Service, after consultation with the Zuni Tribe and the Bureau of Indian Affairs, has determined to be nec-

Zuni-Cibola  
National  
Historical Park  
Establishment  
Act of 1988.  
Historical  
preservation.  
16 USC 410pp  
note.  
Contracts.  
16 USC 410pp.

16 USC 410pp-1.

Federal  
Register,  
publication.

essary and adequate to carry out the purposes specified in section 4(a) of this Act; and

(4) would not be inconsistent with any of the provisions of this Act.

(c) **MAP.**—As soon as possible after publication of a notice of acceptance pursuant to subsection (a) of this section, the Secretary shall prepare a map of the park and shall provide copies of such map to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate.

(d) **BOUNDARY ADJUSTMENTS.**—The Secretary, after consultation with the Advisory Commission and with the agreement of the Zuni Tribe, may make minor revisions in the boundary of the park. Prior to making any such revision, the Secretary shall provide notice of the proposed change in the boundary to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and Select Committee on Indian Affairs of the Senate. No such revision shall take effect sooner than 60 days after such notice has been provided to such Committees. After the effective date of any such revision, the Secretary shall prepare a revised map of the park, copies of which shall be provided to such Committees.

16 USC 410pp-2.

National Park  
System.

#### SEC. 4. MANAGEMENT.

(a) **PURPOSES.**—(1) The Secretary, acting through the Director of the National Park Service, and in consultation with the Advisory Commission established pursuant to section 6 of this Act, shall manage the lands covered by any leasehold accepted by the Secretary pursuant to section 3 as a unit of the National Park System consistent with the provisions of this Act, and the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461), as amended.

(2) The Secretary shall protect, manage, and administer the park for the purposes of preserving the historical, archeological, natural, scientific, cultural, and other resources and values of the park and providing for the public understanding and enjoyment of the same in such a manner as to perpetuate these resources and values for future generations.

(3) In implementing this Act, the Secretary shall cooperate with the Zuni Tribe.

(b) **JURISDICTION.**—The Secretary is authorized to accept concurrent jurisdiction from the Zuni Tribe for the purpose of law enforcement.

(c) **CONSULTATION.**—The Secretary, acting through the Director of the National Park Service, shall consult regularly with the Commission established pursuant to section 6 of this Act. The Commission shall advise the Secretary on the management and operation of the park.

(d) **FEES.**—All enrolled members of the Zuni Tribe shall be exempt from the payment of fees for admission into the park.

Contracts.

(e) **TRAINING.**—In furtherance of the purposes specified in subsection (a)(2), and after consultation with the Advisory Commission established by section 6, the Secretary is authorized to enter into cooperative agreements with the Zuni Tribe, its subordinate boards, committees and enterprises, and individual members of the Zuni Tribe for the purpose of providing training of Zuni tribal members

on the interpretation, management, protection, and preservation of archaeological and historical properties and in the provision of public services on the Zuni Indian Reservation needed for the fulfillment of the purposes specified in subsection (a)(2).

(f) **PREFERENCE.**—To the extent feasible, the Secretary shall exercise existing authorities so as to give preference to employing qualified members of the Zuni Tribe in the development, interpretation, and management of the park and in carrying out other activities related to the park.

#### SEC. 5. FEDERAL CONSISTENCY.

16 USC 410pp-3.

(a) **FEDERAL ACTIONS.**—The head of any Federal agency conducting or supporting activities directly or indirectly affecting the park shall—

(1) consult with, cooperate with, and, to the maximum extent practicable, coordinate its activities with the Secretary and with the Advisory Commission; and

(2) conduct or support such activities in a manner which—

(A) to the maximum extent practicable is consistent with the standards and criteria established pursuant to the plan required in section 7 of this Act, and

(B) will not have a significant adverse effect on the resources or values of the park, as determined by the Secretary.

(b) **PERMITS.**—No Federal agency may issue any license or permit to any person to conduct any activity within the park or which could affect the resources or values of the park unless the Secretary determines that any such proposed activity within the park will be conducted in a manner consistent with the standards and criteria established pursuant to the plan required in section 7 of this Act and wherever occurring will not have a significant adverse effect on the resources or values of the park.

(c) **LIMITATION.**—The provisions of this section shall apply only with respect to activities begun and licenses or permits issued after the date of enactment of this Act.

#### SEC. 6. ESTABLISHMENT OF ZUNI-CIBOLA ADVISORY COMMISSION.

16 USC 410pp-4.

(a) **ESTABLISHMENT.**—(1) There is established within the Department of the Interior a commission to be known as the Zuni-Cibola National Historical Park Advisory Commission which shall advise regularly the Director of the National Park Service on the planning, management, and administration of the park. The Advisory Commission shall consist of the Governor of the Zuni Tribe, the Director of the National Park Service, the Secretary of the Smithsonian Institution, the State Historic Preservation Officer of New Mexico (or their designees), and three members appointed by the Secretary from recommendations made by the Governor of the Zuni Tribe.

(2) The Advisory Commission is authorized to employ an administrative director who shall be appointed by the Advisory Commission and who shall be paid at a rate not to exceed the rate of pay payable for grade GS-12 of the General Schedule.

(3) The administrative director of the Advisory Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to classification



and General Schedule pay rates, except that the individual so appointed may not receive pay in excess of the annual rate of basic pay payable for grade GS-12 of the General Schedule.

(4) The Administrator of the General Services Administration shall provide to the Advisory Commission on a reimbursable basis such administrative support services as the Advisory Commission may request.

(b) **TERMS.**—The initial terms of members of the Advisory Commission appointed by the Secretary pursuant to subsection (a) shall be staggered, as determined by the Secretary, in order to assure continuity in the administration of the Advisory Commission. Thereafter the term shall be four years. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of such member's term until a successor is appointed. A vacancy in the Advisory Commission shall be filled in the manner in which the original appointment was made. The advisory Commission shall exist for the duration of a leasehold accepted by the Secretary pursuant to section 3, and any extensions or renewals thereof.

(c) **EXPENSES.**—The non-Federal members of the Advisory Commission appointed pursuant to subsection (a) while away from their homes or regular places of business in the performance of services for the Advisory Commission, shall be allowed travel and all other related expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) **CHAIR.**—The Governor of the Zuni Tribe shall be the Chair of the Advisory Commission. Other officers of the Advisory Commission shall be elected by a majority of the members of the Advisory Commission to serve for terms established by the Advisory Commission.

(e) **MEETINGS.**—The Advisory Commission shall meet at the call of the Chair or a majority of its members. Consistent with the public meeting requirements of the Federal Advisory Committee Act, the Advisory Commission shall from time to time meet with persons concerned with park issues relating to the Zuni Tribe.

(f) **APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—Except with respect to any requirement for reissuance of a charter and except as otherwise provided in this Act, the provisions of the Federal Advisory Committee Act shall apply to the Advisory Commission established by this section.

Public  
information.

16 USC 410pp-5.

#### **SEC. 7. PARK PLAN.**

(a) **DEADLINE.**—No later than 3 years after the date of the publication of a notice pursuant to section 3(a), the Secretary, acting through the Director of the National Park Service and in consultation with the Advisory Commission, shall develop and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate, a general management plan for the park which shall describe the appropriate uses and development of the park consistent with the purposes of this Act.

(b) **ELEMENTS.**—The park plan shall include (but not be limited to) the following:

(1) Plans for implementation of a continuing program of interpretation and visitor education about the resources and values of the park.

(2) Proposals for visitor use facilities to be developed for the park.

(3) Plans for management of the natural and cultural resources of the park in order to carry out the purposes specified in section 4(a)(2) of this Act, with particular emphasis on the preservation and long-term scientific use of archeological resources, giving high priority to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the park. The natural and cultural resources management plans shall be prepared in close consultation with the New Mexico State Historic Preservation Office and the Zuni Tribe and their traditional cultural and religious authorities.

(4) Proposals for training members of the Zuni Tribe in such fields as interpretation, management, and artifact curation.

(5) A plan to implement the provisions of section 8 of this Act so as to ensure the protection of the right of the Zuni people to practice traditional Zuni religious activities within the park boundaries in a manner consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996).

(6) Proposals for cooperative research and interpretive programs within the park to be carried out by the Zuni Tribe through its archeology program, with technical assistance from the National Park Service.

(7) Proposals for implementing the provisions of this Act relating to the operation and supply of park concessions by qualified Zuni-owned businesses.

#### SEC. 8. CULTURAL AND RELIGIOUS USES.

16 USC 410pp-6.

In furtherance of the American Indian Religious Freedom Act, the Secretary, upon the request of an appropriate official of the Zuni Tribe, may, from time to time, temporarily close to general public use one or more specific portions of the park in order to protect the privacy of religious activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes. Not later than 7 days after the first day on which any such closure takes effect, the Secretary shall provide written notification of such action to the Energy and Natural Resources Committee and Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

#### SEC. 9. DEFINITIONS.

16 USC 410pp-7.

As used in this Act—

(1) the term “Advisory Commission” means the Zuni-Cibola National Historical Park Advisory Commission established under section 6;

(2) the term “park” means lands constituting a Zuni-Cibola National Historical Park established under section 2;

(3) the term "park plan" means the general management plan developed pursuant to section 7; and

(4) the term "Secretary" means the Secretary of the Interior.

16 USC  
460uu-12.

#### SEC. 10. ADDITION TO MASAU TRAIL.

The first sentence of section 202 of the Act of December 31, 1987 (Public Law 100-225; 101 Stat. 1540) is amended by striking out "and Gila Cliff Dwelling National Monument." and inserting in lieu thereof "Gila Cliff Dwellings National Monument, and Zuni-Cibola National Historical Park."

16 USC 410pp-8.

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

Approved October 31, 1988.

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#### LEGISLATIVE HISTORY—H.R. 4182 (S. 2162):

HOUSE REPORTS: No. 100-942 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-354 accompanying S. 2162 (Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 20, considered and passed House. S. 2162 considered and passed Senate.

Oct. 11, H.R. 4182 considered and passed Senate, amended.

Oct. 12, House concurred in Senate amendment.

NATIONAL MILITARY PARKS

Public Law 100-211  
100th Congress

## An Act

Dec. 24, 1987  
[H.R. 2121]

To authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. ASSISTANCE FOR HIGHWAY RELOCATION.

Safety.  
Grants.

(a) ASSISTANCE FROM DEPARTMENT OF THE INTERIOR.—For purposes of reducing damage to natural and historic resources from highway traffic within the Chickamauga and Chattanooga National Military Park and for purposes of improving highway safety within the park, the Secretary of the Interior shall provide a grant to the State of Georgia to assist the State in relocating a 3.7 mile section of Highway 27 which passes through the park. The assistance shall be provided upon application of the State if the Secretary of the Interior, acting through the Director of the National Park Service, approves the design and siting of the highway at a location generally outside the western boundary of the park.

(b) FEDERAL SHARE.—The assistance provided by the Secretary of the Interior under subsection (a) shall not exceed 75 percent of the total costs of relocating the 3.7 mile section of highway referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than \$30,000,000 for assistance under subsection (a). Such funds shall remain available until expended.

Approved December 24, 1987.

## LEGISLATIVE HISTORY—H.R. 2121:

HOUSE REPORTS: No. 100-225 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-248 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
July 21, considered and passed House.  
Dec. 11, considered and passed Senate.



Public Law 100-132  
100th Congress

An Act

To authorize the donation of certain non-Federal lands to Gettysburg National Military Park and to require a study and report on the final development of the park.

Oct. 16, 1987  
[H.R. 797]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DONATION OF NON-FEDERAL LANDS.

16 USC 430g-3.  
Pennsylvania.

The Secretary of the Interior shall accept on behalf of the United States, the donation of approximately 31 acres of land known as the "Taney Farm" for administration as part of the Gettysburg National Military Park in Pennsylvania if such land is offered to be conveyed to the United States without cost to the United States by the Gettysburg Battlefield Preservation Association. Upon acceptance of title thereto by the United States, such property shall be subject to all laws and regulations applicable to the park.

SEC. 2. ACQUISITION OF ADDITIONAL LANDS FOR GETTYSBURG NATIONAL MILITARY PARK; STUDY AND REPORT.

16 USC 430g  
note.

(a) ACQUISITION OF ADDITIONAL LANDS.—Except as provided in section 1 of this Act, until Congress receives the study under subsection (b), the Secretary of the Interior may not acquire by purchase, donation, exchange, or any other means any additional land for the Gettysburg National Military Park which is not within the boundaries of the 3,874 acre area depicted on the map dated July 25, 1974, numbered 305-92,004 and entitled "Gettysburg National Military Park".

(b) STUDY BY NATIONAL PARK SERVICE.—The Secretary of the Interior through the National Park Service shall conduct a boundary study and shall submit a report to Congress within one year of the date of enactment of this Act, with recommendations with respect to the final development of the Gettysburg National Military Park. In conducting the study, the Secretary shall consult with the people of the community and their elected representatives at all levels as well as with other interested individuals and groups.

Approved October 16, 1987.

LEGISLATIVE HISTORY—H.R. 797:

HOUSE REPORTS: No. 100-19 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-179 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
Mar. 10, considered and passed House.  
Oct. 1, considered and passed Senate.



NATIONAL HISTORIC SITES

Public Law 100-421  
100th Congress

An Act

To authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes.

Sept. 8, 1988

[H.R. 3960]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. ESTABLISHMENT OF CHARLES PINCKNEY NATIONAL HISTORIC SITE.

Conservation.  
National parks,  
monuments, etc.  
16 USC 461 note.

(a) ESTABLISHMENT.—In order to provide for the benefit, inspiration, and education of the American people, there is hereby established the Charles Pinckney National Historic Site (hereinafter in this Act referred to as the “historic site”) in the State of South Carolina.

(b) MAP.—The historic site shall consist of the lands and interests in lands, and improvements thereon, including the Snee Farm, as generally depicted on the map entitled “Charles Pinckney National Historic Site”, numbered NA-CPNHS 80,000 and dated June 1988.

SEC. 2. ACQUISITION OF PROPERTY.

Gifts and  
property.

The Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) is authorized to acquire lands, interests in lands, and improvements within the boundaries of the historic site by donation, purchase with donated or appropriated funds, or exchange. The Secretary may also acquire by the same methods, personal property associated with, and appropriate for interpretation of, the site.

SEC. 3. ADMINISTRATION OF HISTORIC SITE.

The Secretary shall administer the historic site in accordance with the provisions of law generally applicable to units of the National Park System, including the Act of August 21, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461). In administering the historic site, the Secretary shall—

- (1) provide the interpretation of the life of Charles Pinckney;
- (2) preserve and interpret Snee Farm, home of Charles Pinckney; and
- (3) present the history of the United States as a young Nation.

SEC. 4. GENERAL MANAGEMENT PLAN.

Within 3 complete fiscal years after the enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a general management plan for the historic site. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1—1a-7). Such plan shall identify appropriate facilities for proper interpretation of the site for visitors.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved September 8, 1988.

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LEGISLATIVE HISTORY—H.R. 3960:

HOUSE REPORTS: No. 100-698 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-453 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 20, considered and passed House.

Aug. 10, considered and passed Senate.

Public Law 100-206  
100th Congress

An Act

Dec. 23, 1987  
[H.R. 2416]

To establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 161 note.

SECTION 1. ESTABLISHMENT OF JIMMY CARTER NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—In order to provide for the benefit, inspiration, and education of the American people, there is hereby established the Jimmy Carter National Historic Site in the State of Georgia. In administering the historic site, the Secretary shall—

- (1) preserve the key sites and structures located within the historic site associated with Jimmy Carter during his lifespan;
- (2) provide for the interpretation of the life and Presidency of Jimmy Carter; and
- (3) present the history of a small rural southern town.

(b) DESCRIPTION OF JIMMY CARTER NATIONAL HISTORIC SITE.—(1) The historic site shall consist of the lands and interests in lands (including the real property described in paragraph (2)) as generally depicted on the map entitled “Jimmy Carter National Historic Site and Preservation District Boundary Map”, numbered NHS-JC-80000, and dated April 1987. The map shall be on file and available for public inspection at appropriate offices of the National Park Service.

Public  
information.

(2) The real property referred to in paragraph (1) is that real property which has significant historical association with the life of James Earl Carter, Jr., 39th President of the United States, located in the town of Plains and the County of Sumter, Georgia, and described more particularly as follows—

(A) the home of former President Carter on Woodland Drive in Plains, Georgia, including the residence and approximately 2.9 acres across Woodland Drive;

(B) the Plains Railroad Depot, adjacent to the Seaboard Coast Line Railroad, which served as the campaign headquarters of former President Carter;

(C) the boyhood home of former President Carter, consisting of the residence, together with not more than 15 acres, located west of Plains near the community of Archery, Georgia;

(D) the 100-foot wide scenic easements on either side of Old Plains Highway from the intersection of U.S. Highway 280 to the boyhood home referred to in subparagraph (C);

(E) the Plains High School and grounds of approximately 12 acres; and

(F) the Gnann House at 1 Woodland Drive, which is adjacent to the residence referred to in subparagraph (A) of former President Carter.

(c) ACQUISITION OF REAL AND PERSONAL PROPERTY.—(1) Except as otherwise provided in this subsection and subject to such terms,

reservations, and conditions as the Secretary determines reasonable or necessary, the Secretary may acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise—

(A) lands and interests in lands within the boundaries of the historic site; and

(B) personal property and artifacts for purposes of the historic site.

(2) The Carter home (described in subsection (b)(2)(A)), the Plains Railroad Depot (described in subsection (b)(2)(B)), and the Plains High School (referred to in subsection (b)(2)(E)) may only be acquired by donation.

(3) Former President and Mrs. Carter may, as a condition of the acquisition of the Carter home (described in subsection (b)(2)(A)), reserve for themselves a right of use and occupancy of the home for a term of years or for a term ending at the deaths of President and Mrs. Carter.

(4) The Administrator of the General Services Administration shall acquire by purchase the Gnann House (described in subsection (b)(2)(F)) to be used for security purposes during the lives of former President and Mrs. Carter, or for such period as they may be entitled to security pursuant to Federal law, after which time the Gnann House shall be transferred to the Secretary of the Interior for administrative purposes by the National Park Service.

#### SEC. 2. JIMMY CARTER NATIONAL PRESERVATION DISTRICT.

16 USC 461 note.

(a) JIMMY CARTER NATIONAL PRESERVATION DISTRICT.—In order to preserve and interpret the life of James Earl Carter, Jr. and the rural southern town of Plains, Georgia, including the 20th century south and the roles of agriculture and the agricultural economy there is hereby established the Jimmy Carter National Preservation District, which shall consist of the area identified on the map referred to in section 1(b)(1) as “Preservation District”. The preservation district shall include the Plains Historic District as listed in the National Register of Historic Places on June 28, 1984, and those agricultural lands not to exceed 650 acres and that portion of Bond Street as depicted on such map.

(b) PRESERVATION EASEMENTS.—(1) The Secretary may obtain by donation or purchase preservation easements on historically or culturally significant (as determined by the Secretary) buildings and open spaces located within the preservation district. Each preservation easement shall contain (but need not be limited to) provisions that the Secretary shall have the right of access at reasonable times to the portions of the property covered by that easement for interpretive or other purposes, and that no changes or alterations shall be made to such portions of the property except by mutual agreement.

(2) The Secretary may mark, interpret, and provide technical assistance to properties within the preservation district in accordance with the Secretary of the Interior's Standards for Historic Preservation Projects.

#### SEC. 3. ADMINISTRATION OF HISTORIC SITE AND PRESERVATION DISTRICT.

16 USC 461 note.

(a) IN GENERAL.—The Secretary shall administer the historic site and the preservation district in accordance with the provisions of this Act, and the provisions of law generally applicable to national historic sites, including the Act entitled “An Act to establish a



National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

Contracts.

(b) **COOPERATION WITH STATE OF GEORGIA.**—The Secretary may enter into a cooperative agreement with the State of Georgia pursuant to which the Secretary may cooperate in the operation and use of the State of Georgia Visitor Center in Sumter County.

(c) **HISTORY.**—The Secretary shall gather oral history on the historic site, its occupants, and environs. The Secretary may also preserve personal property that has been acquired by the Secretary for purposes of the historic site.

(d) **REPORT.**—25 years after the date of enactment of this Act, the Secretary shall convene a distinguished group of nationally recognized historians, scholars, and other experts to examine the life of President Carter in greater historical perspective. The group shall examine the research then available on President Carter, his life and Presidency, and make recommendations on interpretation, preservation, and other issues (as appropriate) at the Jimmy Carter National Historic Site and the Jimmy Carter National Preservation District.

16 USC 461 note. **SEC. 4. ADVISORY COMMISSION.**

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory commission to provide advice on achieving balanced and accurate interpretation of the historic site.

(b) **MEMBERSHIP.**—(1) The commission shall consist of a group of five nationally recognized scholars with collective expertise on the life and Presidency of Jimmy Carter, the 20th century rural south, historic preservation, and the American Presidency.

(2) The commission members shall be appointed by the Secretary for staggered terms of 3 years each. Any vacancy on the commission shall be filled in the same manner in which the original appointment was made. Any member of the Commission appointed for a definite term may serve after the expiration of such term until a successor is appointed.

(3) Meetings of the Commission shall be called twice annually by the Secretary.

(c) **EXPENSES.**—The Secretary is authorized to pay, in accordance with section 5703 of title 5, United States Code, the expenses reasonably incurred by the members of the Commission in carrying out their responsibilities under this Act.

16 USC 461 note. **SEC. 5. MANAGEMENT PLAN.**

Not later than 3 years after the date of enactment of this Act, the Secretary shall develop and submit to the Congress a general management plan for the use and development of the historic site and the preservation district. Such plan shall—

(1) be prepared in accordance with section 12(b) of the Act entitled "An Act to improve the administration of the national park system by the Secretary, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-1 et seq.), and shall be consistent with the purposes of this Act;



(2) include consideration of the economic feasibility and interpretive necessity of providing a transportation system for visitor use; and

(3) address the preservation and interpretation of Plains High School (referred to in section 1(b)(2)(E)) including appropriate use by the town of Plains.

Following a determination of the appropriate uses of the Plains High School for the town of Plains, the Secretary may enter into a cooperative agreement with the town concerning its use of the high school.

Contracts.

#### SEC. 6. DEFINITIONS.

16 USC 461 note.

For the purposes of this Act—

(1) the term “preservation district” means the Jimmy Carter National Preservation District established under section 2;

(2) the term “historic site” means the Jimmy Carter National Historic Site established under section 1; and

(3) the term “Secretary” means the Secretary of the Interior.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

16 USC 461 note.

(a) **IN GENERAL.**—There is authorized to be appropriated such sums as may be necessary to carry out this Act, except that not more than \$3,500,000 is authorized to be appropriated for acquisition of real and personal property (including preservation easements) and development of the preservation district and the historic site.

(b) **COST SHARING.**—Not more than 60 percent of the aggregate cost of restoring the Plains High School (referred to in section 1(b)(2)(E)) may be provided from appropriated Federal funds. The remaining 40 percent, non-Federal share of such cost may be in the form of cash, goods, or services, fairly valued.

Approved December 23, 1987.

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#### LEGISLATIVE HISTORY—H.R. 2416:

HOUSE REPORTS: No. 100-342 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-250 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Oct. 5, considered and passed House.

Dec. 11, considered and passed Senate.

Public Law 100-349  
100th Congress

An Act

To revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes.

June 27, 1988  
[H.R. 2652]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Conservation.

SECTION 1. BOUNDARY REVISION OF SALEM MARITIME NATIONAL HISTORIC SITE.

(a) BOUNDARY REVISION.—The Salem Maritime National Historic Site (hereafter in this Act referred to as the “national historic site”), designated on March 17, 1938, under section 2 of the Act of August 21, 1935 (49 Stat. 666), and located in Salem, Massachusetts, shall consist of lands and interests in lands as generally depicted on the map entitled “Boundary Map, Salem Maritime National Historic Site, Salem, Massachusetts”, numbered 373-80,011, and dated April 1987. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Public  
information.

(b) ACQUISITION OF LANDS.—The Secretary of the Interior may acquire lands or interests therein within the boundary of the national historic site by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the Commonwealth of Massachusetts or any political subdivision thereof may be acquired only by donation. Lands and interests therein acquired pursuant to this Act shall become part of the national historic site and shall be subject to all the laws and regulations applicable to the national historic site.

Gifts and  
property.

Approved June 27, 1988.

LEGISLATIVE HISTORY—H.R. 2652:

HOUSE REPORTS: No. 100-344 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-357 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Oct. 5, considered and passed House.

Vol. 134 (1988): June 10, considered and passed Senate.

Public Law 100-355  
100th Congress

An Act

To increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site.

June 28, 1988  
[H.R. 2203]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Conservation.  
National parks,  
monuments, etc.

SECTION 1. AMENDMENTS.

Title II of Public Law 93-486 (88 Stat. 1463) is amended as follows:

- (1) In section 202 strike "101 of this Act" and insert "201 of this title".
- (2) In section 204 strike "Act" and insert "title".
- (3) Amend section 204 of Public Law 93-486 (88 Stat. 1463) authorizing the Sewall-Belmont House National Historic Site by striking "\$500,000" and inserting "\$2,000,000".
- (4) After section 204 insert:

"SEC. 205. (a) In order to provide a planning framework for the management, preservation, and interpretation of the Sewall-Belmont House National Historic Site, the Secretary of the Interior shall develop a Statement for Management, a Statement for Interpretation, a Scope of Collections Statements, and a Historic Structures Report. Within one year of enactment of this section the Secretary shall transmit these documents to the House of Representatives Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources.

Reports.

"(b) The National Park Service and the owner of the Sewall-Belmont House shall enter into negotiations to prepare a revised cooperative agreement detailing the respective responsibilities of each party, including actions to be taken by each party in order to facilitate greater cooperation between them. The National Park Service shall transmit to the respective committees the revised cooperative agreement within 30 days after its execution."

Contracts.

SEC. 2. EXPANSION OF THE DELTA REGION PRESERVATION COMMISSION.

Section 907(a) of Public Law 95-625, as amended, is further amended as follows:

16 USC 230f.

- (1) In clause (6), strike "region; and" and insert "region;".
- (2) In clause (7), strike "Arts." and insert "Arts; and".
- (3) Add the following new clause:

"(8) one member who shall have experience as a folklorist and who is familiar with the cultures of the Mississippi Delta Region appointed by the Secretary of the Smithsonian Institution."

SEC. 3. SAIPAN HARBOR AND SAN JOSE HARBOR PROJECTS.

(a) There is authorized to be appropriated to the Secretary of the Interior such sums as are necessary for construction of the Saipan harbor project in the Northern Mariana Islands, in accordance with the May 1987 draft feasibility report of the Honolulu District Engineer.

Northern  
Mariana  
Islands.

(b) There is authorized to be appropriated such sums as are necessary for project planning, design, and construction for replacement of the main breakwater and for necessary dredging of the San Jose harbor on the Island of Tinian in the Northern Mariana Islands. The cost-sharing provisions of Public Law 99-662 shall apply to the project, and particular consideration shall be given to possible defense uses of the harbor in determining the benefits of this project.

Approved June 28, 1988.

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LEGISLATIVE HISTORY—H.R. 2203 (S. 1682):

HOUSE REPORTS: No. 100-611 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-356 accompanying S. 1682 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

May 23, considered and passed House.

June 6, considered and passed Senate, amended.

June 14, House concurred in Senate amendment.

Public Law 100-337  
100th Congress

An Act

June 17, 1988  
[H.R. 3869]

To amend the Act providing for the establishment of the Tuskegee Institute National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes.

Conservation.  
National parks,  
monuments, etc.

16 USC 461 note.

Public buildings  
and grounds.

Federal  
Register,  
publication.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 101(a)(5) of the Act entitled "An Act to provide for the establishment of the Clara Barton National Historic Site, Maryland; John Day Fossil Beds National Monument, Oregon; Knife River Indian Villages National Historic Site, North Dakota; Springfield Armory National Historic Site, Massachusetts; Tuskegee Institute National Historic Site, Alabama; Martin Van Buren National Historic Site, New York; and Sewall-Beumont House National Historic Site, Washington, District of Columbia, and for other purposes", approved October 26, 1974 (88 Stat. 1461), is amended by striking out "(5)" and inserting in lieu thereof "(5)(A)" and by changing the semicolon to a period, deleting the word "and" thereafter, and inserting the following new subparagraph:

"(B) If, following the acquisition of Grey Columns, the Secretary determines that it would be in the public interest and in furtherance of efficient administration of the national historic site to do so, the Secretary may convey Grey Columns to Tuskegee University and in exchange therefor he may accept from the University properties which the Secretary deems necessary for administrative, parking, and maintenance facilities for the national historic site. As to the property between the Carver Museum and the Oaks, the Secretary may accept an easement from the University which shall limit development for the purpose of maintaining the view between the Carver Museum and the Oaks and provide for construction and maintenance by the Secretary of a public walkway from Campus Avenue to Montgomery Road. The conveyance of Grey Columns shall be made upon the express condition that the grantee shall maintain its historic integrity in accordance with the Secretary's standards on historic preservation and make the property available for public use subject to its primary purpose as the residence of the University's president. The exchange herein authorized shall be accomplished without monetary consideration to or from either party. Following such exchange, the Secretary shall cause to be published in the Federal Register a revised boundary map or other boundary description of the national historic site."

Approved June 17, 1988.

LEGISLATIVE HISTORY—H.R. 3869:

HOUSE REPORTS: No. 100-573 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-376 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 134 (1988):  
Apr. 19, considered and passed House.  
June 6, considered and passed Senate.

NATIONAL MONUMENTS



Public Law 100-524  
100th Congress

## An Act

Oct. 24, 1988  
[S. 2018]

To expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes.

Congaree  
Swamp  
National  
Monument  
Expansion and  
Wilderness Act.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Congaree Swamp National Monument Expansion and Wilderness Act”.

## SEC. 2. NATIONAL MONUMENT WILDERNESS.

National  
Wilderness  
Preservation  
System.  
16 USC 1132  
note.

(a) DESIGNATION OF WILDERNESS.—Certain lands comprising approximately 15,010 acres as generally depicted on a map entitled “Congaree Swamp National Monument Wilderness—Proposed”, and dated July 1988, are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System. Such lands shall be known as the Congaree Swamp National Monument Wilderness.

(b) POTENTIAL WILDERNESS ADDITIONS.—Certain lands comprising approximately 6,840 acres as depicted on the map referenced in subsection (a) are hereby designated as potential wilderness additions. Such lands shall be managed by the Secretary of the Interior (hereinafter referred to as the “Secretary”) insofar as practicable as wilderness until such time as said lands are designated as wilderness. Any lands designated as potential wilderness additions shall, upon acquisition of any non-Federal interests in land and publication in the Federal Register of a notice by the Secretary that all uses thereon prohibited by the Wilderness Act have ceased, thereby be designated wilderness, shall be part of the Congaree Swamp National Monument Wilderness, and shall be managed in accordance with the Wilderness Act.

## SEC. 3. MAP AND LEGAL DESCRIPTION.

Public  
information.

As soon as practicable after the date of enactment of this Act, the map referenced in section 2 and a legal description of the boundaries of the wilderness and potential wilderness addition designated by this Act shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, in the Office of the Superintendent of the Congaree Swamp National Monument and with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Each such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and legal description may be made.

**SEC. 4. ADMINISTRATION.**

Subject to valid existing rights, the lands designated as wilderness pursuant to this Act shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

**SEC. 5. ADDITION TO CONGAREE SWAMP NATIONAL MONUMENT.**

16 USC 431 note.

The first section of the Act approved October 18, 1976 (90 Stat. 2517), is amended by—

(1) inserting “(a)” after “That”;

(2) striking all after “Federal Register” and inserting in lieu thereof a period; and

(3) adding at the end thereof the following:

“(b) In addition to the lands described in subsection (a), the monument shall consist of the additional lands within the boundary as generally depicted on the map entitled ‘Citizens Boundary Proposal for Congaree Swamp National Monument’, numbered 178-80,009A, dated July 1988, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The map may be revised as provided in subsection (a). The total acreage of the monument including lands described in subsection (a) and this subsection shall not exceed 22,200 acres.”

Public  
information.**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 431 note.

(a) **LAND ACQUISITION FUNDS.**—Section 5(a) of the Act approved October 18, 1976 (90 Stat. 2518), is amended by adding at the end thereof the following: “The Secretary may expend such additional sums as are necessary from the Land and Water Conservation Fund for acquisition of lands described in subsection (b) of the first section.”

(b) **DEVELOPMENT FUNDS.**—Section 5 of the Act approved October 18, 1976 (90 Stat. 2518), is amended by adding at the end thereof the following:

“(c) Notwithstanding subsection (a), there are hereby authorized to be appropriated \$3,000,000 for construction and development within the monument.”

**SEC. 7. LATE PAYMENT CHARGES UNDER FEDERAL MINERAL LEASES.**

30 USC 191a.

(a) **DISTRIBUTION OF LATE PAYMENT CHARGES.**—Any interest or other charges paid to the United States by reason of the late payment of any royalty, rent, bonus, or other amount due to the United States under any lease issued by the United States for the extraction of oil, gas, coal, or any other mineral, or for geothermal steam, shall be deposited in the same account and distributed to the same recipients, in the same manner, as such royalty, rent, bonus, or other amount.

(b) **EFFECTIVE DATE.**—Subsection (a) shall apply with respect to any interest, or other charge referred to in subsection (a), which is paid to the United States on or after July 1, 1988.

(c) **PROHIBITION AGAINST RECOUPMENT.**—Any interest, or other charge referred to in subsection (a), which was paid to the United States before July 1, 1988, and distributed to any State or other

recipient is hereby deemed to be authorized and approved as of the date of payment or distribution, and no part of any such payment or distribution shall be recouped from the State or other recipient. This subsection shall not apply to interest or other charges paid in connection with any royalty, rent, bonus, or other amount determined not to be owing to the United States.

Approved October 24, 1988.

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LEGISLATIVE HISTORY—S. 2018:

HOUSE REPORTS: No. 100-977 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-449 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Aug. 9, considered and passed Senate.

Sept. 26, considered and passed House, amended.

Oct. 7, Senate concurred in House amendment.

Public Law 100-225  
100th Congress

An Act

To establish the El Malpais National Monument and the El Malpais National Conservation Area in the State of New Mexico, to authorize the Masau Trail, and for other purposes.

Dec. 31, 1987  
[H.R. 403]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—EL MALPAIS NATIONAL MONUMENT

ESTABLISHMENT OF MONUMENT

SEC. 101. (a) In order to preserve, for the benefit and enjoyment of present and future generations, that area in western New Mexico containing the nationally significant Grants Lava Flow, the Las Ventanas Chacoan Archeological Site, and other significant natural and cultural resources, there is hereby established the El Malpais National Monument (hereinafter referred to as the “monument”). The monument shall consist of approximately 114,000 acres as generally depicted on the map entitled “El Malpais National Monument and National Conservation Area” numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

16 USC 460uu.

Public  
information.

(b) As soon as practicable after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall file a legal description of the monument with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Public  
information.

TRANSFER

SEC. 102. Lands and waters and interests therein within the boundaries of the monument, which as of the day prior to the date of enactment of this Act were administered by the Forest Service, United States Department of Agriculture, are hereby transferred to the administrative jurisdiction of the Secretary to be managed as part of the monument in accordance with this Act. The boundaries of the Cibola National Forest shall be adjusted accordingly.

National Forest  
System.  
16 USC 460uu-1.

MANAGEMENT

SEC. 103. The Secretary, acting through the Director of the National Park Service, shall manage the monument in accordance with

16 USC 460uu-2.

the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and other provisions of law applicable to units of the National Park System. The Secretary shall protect, manage, and administer the monument for the purposes of preserving the scenery and the natural, historic, and cultural resources of the monument and providing for the public understanding and enjoyment of the same in such a manner as to perpetuate these qualities for future generations.

#### PERMITS

Animals.  
Contracts.  
16 USC 460uu-3.

SEC. 104. Where any lands included within the boundary of the monument on the map referred to in subsection 101(a) are legally occupied or utilized on the date of enactment of this Act for grazing purposes, pursuant to a lease, permit, or license which is—

- (a) for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, and
- (b) scheduled for termination before December 31, 1997,

the Secretary, notwithstanding any other provision of law, shall allow the persons holding such grazing privileges (or their heirs) to retain such grazing privileges until December 31, 1997, subject to such limitations, conditions, or regulations as the Secretary may prescribe to insure proper range management. No grazing shall be permitted on lands within the boundaries of the monument on or after January 1, 1998.

State and local  
governments.  
Indians.

## TITLE II—MASAU TRAIL

### DESIGNATION OF TRAIL

Arizona.  
Federal  
Register,  
publication.  
16 USC  
460uu-11.

SEC. 201. In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally significant sites of antiquity in New Mexico and eastern Arizona which are accessible by public road, the Secretary, acting through the Director of the National Park Service, with the concurrence of the agency having jurisdiction over such roads, is authorized to designate, by publication of a description thereof in the Federal Register, a vehicular tour route along existing public roads linking prehistoric and historic cultural sites in New Mexico and eastern Arizona. Such a route shall be known as the Masau Trail (hereinafter referred to as the "trail").

### AREAS INCLUDED

16 USC  
460uu-12.

SEC. 202. The trail shall include public roads linking El Malpais National Monument as established pursuant to title I of this Act, El Morro National Monument, Chaco Cultural National Historical Park, Aztec Ruins National Monument, Canyon De Chelly National Monument, Pecos National Monument, and Gila Cliff Dwellings National Monument. The Secretary may, in the manner set forth in section 201, designate additional segments of the trail from time to time as appropriate to link the foregoing sites with other cultural sites or sites of national significance when such sites are designated and protected by Federal, State, or local governments, Indian tribes, or nonprofit entities.

## INFORMATION AND INTERPRETATION

SEC. 203. With respect to sites linked by segments of the trail which are administered by other Federal, State, local, tribal, or nonprofit entities, the Secretary may, pursuant to cooperative agreements with such entities, provide technical assistance in the development of interpretive devices and materials in order to contribute to public appreciation of the natural and cultural resources of the sites along the trail. The Secretary, in cooperation with State and local governments, Indian tribes, and nonprofit entities, shall prepare and distribute informational material for the public appreciation of sites along the trail.

16 USC  
460uu-13.

## MARKERS

SEC. 204. The trail shall be marked with appropriate markers to guide the public. With the concurrence and assistance of the State or local entity having jurisdiction over the roads designated as part of the trail, the Secretary may erect thereon and maintain signs and other informational devices displaying the Masau Trail Marker. The Secretary is authorized to accept the donation of suitable signs and other informational devices for placement at appropriate locations.

16 USC  
460uu-14.

## TITLE III—EL MALPAIS NATIONAL CONSERVATION AREA

## ESTABLISHMENT OF AREA

SEC. 301. (a) In order to protect for the benefit and enjoyment of future generations that area in western New Mexico containing the La Ventana Natural Arch and the other unique and nationally important geological, archeological, ecological, cultural, scenic, scientific, and wilderness resources of the public lands surrounding the Grants Lava Flows, there is hereby established the El Malpais National Conservation Area (hereinafter referred to as the "conservation area"). The conservation area shall consist of approximately 262,690 acres of federally owned land as generally depicted on a map entitled "El Malpais National Monument and National Conservation Area" numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for inspection in the offices of the Director of the Bureau of Land Management of the Department of the Interior.

16 USC  
460uu-21.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the conservation area designated under this section with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

Public  
information.Public  
information.

## MANAGEMENT

SEC. 302. (a) The Secretary, acting through the Director of the Bureau of Land Management, shall manage the conservation area to protect the resources specified in section 301 and in accordance with this Act, the Federal Land Management and Policy Act of 1976

Animals.  
16 USC  
460uu-22.



and other applicable provisions of law, including those provisions relating to grazing on public lands.

(b) The Secretary shall permit hunting and trapping within the conservation area in accordance with applicable laws and regulations of the United States and the State of New Mexico; except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

Forests and  
forest  
products.

(c) Collection of green or dead wood for sale or other commercial purposes shall not be permitted in the conservation area.

(d) Except as otherwise provided in section 402(b), within the conservation area the grazing of livestock shall be permitted to continue, pursuant to applicable Federal law, including this Act, and subject to such reasonable regulations, policies, and practices as the Secretary deems necessary.

National  
Wilderness  
Preservation  
System.

#### TITLE IV—WILDERNESS

##### DESIGNATION OF WILDERNESS

16 USC  
460uu-31.

SEC. 401. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 131), there are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System, the Cebolla Wilderness of approximately 60,000 acres, and the West Malpais Wilderness of approximately 38,210 acres, as each is generally depicted on the map entitled "El Malpais National Monument and National Conservation Area" numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

16 USC 1132  
note.

Public  
information.

(b) As soon as practicable after the date of the enactment of this Act, the Secretary shall file a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

Public  
information.

##### MANAGEMENT

16 USC  
460uu-32.

SEC. 402. (a) Subject to valid existing rights, each wilderness area designated under this Act shall be administered by the Secretary, through the Director of the Bureau of Land Management, in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

Animals.

(b) Within the wilderness areas designated by this Act, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as

long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96-560 (16 U.S.C. 1133 note).

## TITLE V—GENERAL PROVISIONS

### MANAGEMENT PLANS

SEC. 501. (a) Within three full fiscal years following the fiscal year of enactment of this Act, the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, separate general management plans for the monument and the conservation area which shall describe the appropriate uses and development of the monument and the conservation area consistent with the purposes of this Act. The plans shall include but not be limited to each of the following:

National  
Wilderness  
Preservation  
System.  
16 USC  
460uu-41.

(1) implementation plans for a continuing program of interpretation and public education about the resources and values of the monument and the conservation area;

(2) proposals for public facilities to be developed for the conservation area or the monument, including a visitors center in the vicinity of Bandera Crater and a multiagency orientation center, to be located in or near Grants, New Mexico, and adjacent to Interstate 40, to accommodate visitors to western New Mexico;

(3) natural and cultural resources management plans for the monument and the conservation area, with a particular emphasis on the preservation and long-term scientific use of archaeological resources, giving high priority to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 and the National Historic Preservation Act within the monument and the conservation area. The natural and cultural resources management plans shall be prepared in close consultation with the Advisory Council on Historic Preservation, the New Mexico State Historic Preservation Office, and the local Indian people and their traditional cultural and religious authorities; and such plans shall provide for long-term scientific use of archaeological resources in the monument and the conservation area, including the wilderness areas designated by this Act; and

Indians.

(4) wildlife resources management plans for the monument and the conservation area prepared in close consultation with appropriate departments of the State of New Mexico and using previous studies of the area.

Wildlife.

(b)(1) The general management plan for the conservation area shall review and recommend the suitability or nonsuitability for preservation as wilderness of those lands comprising approximately 17,468 acres, identified as "Wilderness Study Area" (hereafter in this title referred to as the "WSA") on the map referenced in section 101.

(2) Pending submission of a recommendation and until otherwise directed by an Act of Congress, the Secretary, acting through the Director of the Bureau of Land Management, shall manage the

lands within the WSA so as to maintain their potential for inclusion within the National Wilderness Preservation System.

(c)(1) The general management plan for the monument shall review and recommend the suitability or nonsuitability for preservation as wilderness of all roadless lands within the boundaries of the monument as established by this Act except those lands within the areas identified as "potential development areas" on the map referenced in section 101.

(2) Pending the submission of a recommendation and until otherwise directed by Act of Congress, the Secretary, through the Director of the National Park Service, shall manage all roadless lands within the boundaries of the monument so as to maintain their potential for inclusion in the National Wilderness Preservation System, except those lands within the areas identified as "potential development areas" on the map referenced in section 101.

#### ACQUISITIONS

Public lands.  
Gifts and  
property.  
16 USC  
460uu-42.

SEC. 502. Within the monument and the conservation area, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that such lands or interests therein owned by the State of New Mexico or a political subdivision thereof may be acquired only by exchange. It is the sense of Congress that the Secretary is to complete the acquisition of non-Federal subsurface interests underlying the monument and the conservation area no later than three full fiscal years after the fiscal year of enactment of this Act.

#### STATE EXCHANGES

Public lands.  
Gifts and  
property.  
16 USC  
460uu-43.

SEC. 503. (a) Upon the request of the State of New Mexico (hereinafter referred to as the "State") and pursuant to the provisions of this section, the Secretary shall exchange public lands or interests in lands elsewhere in the State of New Mexico, of approximately equal value and selected by the State, acting through its Commissioner of Public Lands, for any lands or interests therein owned by the State (hereinafter referred to as "State lands") located within the boundaries of the monument or the conservation area which the State wishes to exchange with the United States.

(b) Within six months after the date of enactment of this Act, the Secretary shall notify the New Mexico Commissioner of Public Lands what State lands are within the monument or the conservation area. The notice shall contain a listing of all public lands or interest therein within the boundaries of the State of New Mexico which have not been withdrawn from entry and which the Secretary, pursuant to the provisions of sections 202 and 206 of the Federal Land Policy and Management Act of 1976, has identified as appropriate for transfer to the State in exchange for State lands. Such listing shall be updated at least annually. If the New Mexico Commissioner of Public Lands gives notice to the Secretary of the State's desire to obtain public lands so listed, the Secretary shall notify the Commissioner in writing as to whether the Department of the Interior considers the State lands within the monument or conservation area to be of approximately equal value to the listed lands or interests in lands the Commissioner has indicated the State desires to obtain. It is the sense of the Congress that the exchange of

lands and interests therein with the State pursuant to this section should be completed within two years after the date of enactment of this Act.

#### MINERAL EXCHANGES

SEC. 504. (a) The Secretary is authorized and directed to exchange the Federal mineral interests in the lands described in subsection (b) for the private mineral interests in the lands described in subsection (c), if—

16 USC  
460uu-44.

(1) the owner of such private mineral interests has made available to the Secretary all information requested by the Secretary as to the respective values of the private and Federal mineral interests to be exchanged; and

(2) on the basis of information obtained pursuant to paragraph (1) and any other information available, the Secretary has determined that the mineral interests to be exchanged are of approximately equal value; and

(3) the Secretary has determined—

(A) that except insofar as otherwise provided in this section, the exchange is not inconsistent with the Federal Land Policy and Management Act of 1976; and

(B) that the exchange is in the public interest.

(b) The Federal mineral interests to be exchanged under this section underlie the lands, comprising approximately 15,008 acres, depicted as "Proposed for transfer to Santa Fe Pacific" on the map referenced in subsection (d).

(c) The private mineral interests to be exchanged pursuant to this section underlie the lands, comprising approximately 15,141 acres, depicted as "Proposed for transfer to U.S." on the map referenced in subsection (d).

(d)(1) The mineral interests identified in this section underlie those lands depicted as "Proposed for transfer to Santa Fe Pacific" and as "Proposed for transfer to U.S." on a map entitled "El Malpais Leg. Boundary, HR3684/S56", revised 5-8-87.

(2) As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the mineral interest areas designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

Public  
information.

(e) It is the sense of the Congress that all exchanges pursuant to this section shall be completed no later than three years after the date of enactment of this Act.

#### ACOMA PUEBLO EXCHANGES

SEC. 505. (a)(1) Upon the request of the Pueblo of Acoma, the Secretary shall acquire by exchange any lands held in trust for the Pueblo of Acoma (hereinafter referred to as "trust lands") located within the boundary of the conservation area which the Pueblo

Indians.  
Public lands.  
16 USC  
460uu-45.

wishes to exchange pursuant to this section. Such trust lands shall be exchanged either for—

(A) lands described in subsection (c) (with respect to trust lands west of New Mexico Highway 117); or

(B) public lands of approximately equal value located outside the monument and outside the conservation area but within the boundaries of the State of New Mexico which are selected by the Pueblo of Acoma, so long as such exchange is consistent with applicable law and Bureau of Land Management resource management plans developed pursuant to the Federal Land Policy and Management Act of 1976.

(2) All lands selected by and transferred to the Pueblo of Acoma at its request pursuant to this section shall thereafter be held in trust by the Secretary for the Pueblo of Acoma in the same manner as the lands for which they were exchanged.

(3) Any lands west of New Mexico Highway 117 which are acquired by the Secretary pursuant to this section shall be incorporated into the monument and managed accordingly, and section 104 and all other provisions of this Act and other law applicable to lands designated by this Act as part of the monument shall apply to such incorporated lands.

(b) For purposes of acquiring lands pursuant to subsection (a) of this section, the Secretary, consistent with applicable law and Bureau of Land Management resource management plans described in subsection (a), shall make public lands within the boundaries of the State of New Mexico available for exchange. Nothing in this Act shall be construed as authorizing or requiring revocation of any existing withdrawal or classification of public land except in a manner consistent with applicable law.

(c)(1) The Secretary shall make the lands within the areas identified as "Acoma Potential Exchange Areas" on the map referenced in section 301 available for transfer to the Pueblo of Acoma pursuant to this subsection.

(2) Upon a request of the Pueblo of Acoma submitted to the Secretary no later than one year after the date of enactment of this Act, lands within the areas described in paragraph (1) shall be transferred to the Pueblo of Acoma in exchange for trust lands of approximately equal value within that portion of the conservation area west of New Mexico Highway 117. The Secretary may require exchanges of land under this subsection to be on the basis of compact and contiguous parcels.

(3) Any lands within the areas described in paragraph (1) not proposed for exchange by a request submitted to the Secretary by the Pueblo of Acoma within the period specified in paragraph (2), and any lands in such areas not ultimately transferred pursuant to this subsection, shall be incorporated within the conservation area and managed accordingly. In addition, any lands in that portion of the areas described in paragraph (1) lying in section 1, township 7N, range 9W, New Mexico Principal Meridian, not transferred to the Pueblo of Acoma pursuant to this subsection shall be added to and incorporated within the Cebolla Wilderness and managed accordingly.

Public lands.  
16 USC  
460uu-46.

#### EXCHANGES AND ACQUISITIONS GENERALLY; WITHDRAWAL

SEC. 506. (a) All exchanges pursuant to this Act shall be made in a manner consistent with applicable provisions of law, including this

Act, and unless otherwise specified in this Act shall be on the basis of equal value; either party to an exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal value.

(b) For purposes of this Act, the term “public lands” shall have the same meaning as such term has when used in the Federal Land Policy and Management Act of 1976.

(c) Except as otherwise provided in section 505, any lands or interests therein within the boundaries of the monument or conservation area which after the date of enactment of this Act may be acquired by the United States shall be incorporated into the monument or conservation area, as the case may be, and managed accordingly, and all provisions of this Act and other laws applicable to the monument or the conservation area, as the case may be, shall apply to such incorporated lands.

(d)(1) Except as otherwise provided in this Act, no federally-owned lands located within the boundaries of the monument or the conservation area shall be transferred out of Federal ownership, or be placed in trust for any Indian tribe or group, by exchange or otherwise.

Indians.

(2) Except as otherwise provided in this Act, and subject to valid existing rights, all Federal lands within the monument and the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

Minerals and  
mining.

(e) The acreages cited in this Act are approximate, and in the event of discrepancies between cited acreages and the lands depicted on referenced maps, the maps shall control.

(f) The Secretary is authorized to accept any lands contiguous to the boundaries of the Pecos National Monument (as such boundaries were established on the date of enactment of this Act) which may be proposed for donation to the United States. If acceptance of such lands proposed for donation would be in furtherance of the purposes for which the Pecos National Monument was established, the Secretary shall accept such lands, and upon such acceptance such lands shall be incorporated into such monument and managed accordingly.

(g)(1) Capulin Mountain National Monument is hereby redesignated as Capulin Volcano National Monument.

16 USC 431 note.

(2) Any reference in any record, map, or other document of the United States of America to Capulin Mountain National Monument shall hereafter be deemed to be a reference to Capulin Volcano National Monument.

(3) Section 1 of the Act of September 5, 1962 (76 Stat. 436) is hereby amended by striking the remaining portion of section 1 after “boundaries of the monument” and inserting “shall include the lands and interests in lands as generally depicted on the map entitled ‘Capulin Volcano National Monument Boundary Map’ which is numbered 125-80,014 and dated January 1987.”

(4) Jurisdiction over federally-owned lands within the revised boundaries of the monument is hereby transferred to the National



Park Service, without monetary consideration, for administration as part of the monument.

Indians.  
Religion.  
16 USC  
460uu-47.

#### ACCESS

SEC. 507. (a) In recognition of the past use of portions of the monument and the conservation area by Indian people for traditional cultural and religious purposes, the Secretary shall assure nonexclusive access to the monument and the conservation area by Indian people for traditional cultural and religious purposes, including the harvesting of pine nuts. Such access shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996), and (with respect to areas designated as wilderness) the Wilderness Act (78 Stat. 890; 16 U.S.C. 131).

(b) In preparing the plans for the monument and the conservation area pursuant to section 501, the Secretary shall request that the Governor of the Pueblo of Acoma and the chief executive officers of other appropriate Indian tribes make recommendations on methods of—

- (1) assuring access pursuant to subsection (a) of this section;
- (2) enhancing the privacy of traditional cultural and religious activities in the monument and the conservation area; and
- (3) protecting traditional cultural and religious sites in the monument and the conservation area.

(c) In order to implement this section and in furtherance of the American Indian Religious Freedom Act, the Secretary, upon the request of an appropriate Indian tribe, may from time to time temporarily close to general public use one or more specific portions of the monument or the conservation area in order to protect the privacy of religious activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes. Not later than seven days after the initiation of any such closure, the Secretary shall provide written notification of such action to the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives.

(d) The Secretary is authorized to establish an advisory committee to advise the Secretary concerning the implementation of this section. Any such advisory committee shall include representatives of the Pueblo of Acoma, the Pueblo of Zuni, other appropriate Indian tribes and other persons or groups interested in the implementation of this section.

#### COOPERATION

Indians.  
State and local  
governments.  
Arizona.  
16 USC  
460uu-48.

SEC. 508. In order to encourage unified and cost effective interpretation of prehistoric and historic civilizations in western New Mexico, the Secretary is authorized and encouraged to enter into cooperative agreements with other Federal, State and local public departments and agencies, Indian tribes, and nonprofit entities providing for the interpretation of prehistoric and historic civilizations in New Mexico and eastern Arizona. The Secretary may, pursuant to such agreements, cooperate in the development and operation of a multiagency orientation center and programs on lands and interests in lands inside and outside of the boundaries of the monument and the conservation area generally, with the concurrence of the owner or administrator thereof, and specifically

in or near Grants, New Mexico, adjacent to Interstate 40 in accordance with the plan required pursuant to section 501.

#### WATER RIGHTS

SEC. 509. (a) Congress expressly reserves to the United States the minimum amount of water required to carry out the purposes for which the national monument, the conservation area, and the wilderness areas are designated under this Act. The priority date of such reserved rights shall be the date of enactment of this Act. 16 USC 460uu-49.

(b) Nothing in this section shall affect any existing valid or vested water right, or applications for water rights which are pending as of the date of enactment of this Act and which are subsequently granted: *Provided*, That nothing in this subsection shall be construed to require the National Park Service to allow the drilling of ground water wells within the boundaries of the national monument.

(c) Nothing in this section shall be construed as establishing a precedent with regard to any future designations, nor shall it affect the interpretation of any other Act or any designation made pursuant thereto.

#### AUTHORIZATION

SEC. 510. There is authorized to be appropriated \$16,500,000 for the purposes of this Act, of which \$10,000,000 shall be available for land acquisition in the national monument; \$1 million shall be available for development within the national monument; \$4 million shall be available for land acquisition within the conservation area; \$1 million shall be available for development within the conservation area; and \$500,000 shall be available for planning and development of the Masau Trail. 16 USC 460uu-50.

Approved December 31, 1987.

#### LEGISLATIVE HISTORY—H.R. 403:

HOUSE REPORTS: No. 100-116 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-100 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
June 1, considered and passed House.  
Dec. 17, considered and passed Senate, amended.  
Dec. 18, House concurred in Senate amendment.

Public Law 100-560  
100th Congress

An Act

To provide for the establishment of the Poverty Point National Monument, and for other purposes.

Oct. 31, 1988  
[H.R. 775]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Conservation.  
Louisiana.  
16 USC 431 note.

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—In order to preserve the archaeological area known as Poverty Point, Louisiana, and to interpret and conduct further research on such area, its people and their culture, there is hereby established the Poverty Point National Monument (hereafter in this Act referred to as the “monument”).

(b) AREA INCLUDED.—The monument shall consist of the lands and interests in lands within the area generally depicted on the map entitled “Boundary Map, Poverty Point National Monument”, numbered PO-PT 80,000, and dated August 1988. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and at the monument. The Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) may, from time to time, make minor revisions in the boundary of the monument.

SEC. 2. ADMINISTRATION.

16 USC 431 note.

(a) IN GENERAL.—The Secretary shall administer the monument in accordance with this Act and with the provisions of law generally applicable to units of the national park system, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary is authorized to acquire personal property for the purpose of administering the monument.

Gifts and  
property.

(b) MANAGEMENT PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop and implement a management plan for the monument. The Secretary shall promptly submit such plan to the appropriate committees of the Congress.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with institutions of higher education and professional societies to conduct further research on Poverty Point, its people and their culture.

(d) EMPLOYMENT.—The Secretary shall utilize existing authority, to the extent practicable, to employ those persons managing the State commemorative area at Poverty Point, Louisiana.

SEC. 3. ACQUISITION OF LAND.

16 USC 431 note.

The Secretary may acquire land or interests in land within the boundaries of the monument by donation, purchase from a willing seller with donated or appropriated funds, or exchange. Lands, and interests in lands, within the boundaries of the monument which

are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation.

16 USC 431 note. SEC. 4. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—(1) There is hereby established the Poverty Point National Monument Advisory Commission (hereafter in this section referred to as the "Advisory Commission"). The Advisory Commission shall be composed of 7 members appointed by the Secretary as follows:

(A) 3 members from those nominated by the Governor of Louisiana, including the State of Louisiana Historic Preservation Officer;

(B) 2 members from professional archaeologists in the archaeology community; and

(C) 2 members from the public with particular interests in Poverty Point.

(2) Members of the Advisory Commission shall be appointed for terms of 3 years. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed.

(3) The Advisory Commission shall designate one of its members as Chairperson.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission on matters relating to the management and development of the monument.

Public  
information.

(c) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the monument. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) EXPENSES.—Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

(e) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

16 USC 431 note. SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved October 31, 1988.

LEGISLATIVE HISTORY—H.R. 775:

HOUSE REPORTS: No. 100-907 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 13, considered and passed House.

Oct. 11, considered and passed Senate.

Public Law 100-559  
100th Congress

An Act

To redesignate Salinas National Monument in the State of New Mexico, and for other purposes.

Oct. 28, 1988  
[S. 2545]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Conservation.  
Historic  
preservation.

TITLE I—SALINAS NATIONAL MONUMENT

SEC. 101. SALINAS PUEBLO MISSION NATIONAL MONUMENT.

(a) The Salinas National Monument, as designated by section 601 of the Act of December 19, 1980 (94 Stat. 3231), is hereby redesignated as Salinas Pueblo Missions National Monument.

16 USC 431 note.

(b) Any reference in any record, map, or other document of the United States of America to Salinas National Monument shall hereafter be deemed to be a reference to Salinas Pueblo Missions National Monument.

TITLE II—CORONADO NATIONAL TRAIL STUDY

Coronado  
National Trail  
Study Act of  
1988.  
16 USC 1241  
note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Coronado National Trail Study Act of 1988".

SEC. 202. FINDINGS.

The Congress finds that—

(1) Francisco Vasquez de Coronado led an expedition from Compostela on the Southwest Coast of Mexico, into the American Southwest in search of the legendary Seven Cities of Cibola between 1540 and 1542;

(2) Coronado's expedition of approximately 300 Spanish soldiers and 1,000 Indian allies and servants marched through the State of Arizona, then through the States of New Mexico, Texas, Oklahoma, and Kansas;

(3) Coronado and his troops found Pueblo Indian settlements, including the Zuni villages of western New Mexico, Acoma along the Rio Grande River, as far north as Taos, and east to Pecos, as well as those of the Hopi in Arizona and Plains groups in Texas, Oklahoma, and Kansas; and

(4) members of the Coronado expedition became the first Europeans to see the Grand Canyon in Arizona, the Palo Duro Canyon in Texas, and many other Southwestern landmarks.

SEC. 203. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding at the end thereof the following new paragraph:

"(32) Coronado Trail, the approximate route taken by the expedition of the Spanish explorer Francisco Vasquez de Coronado be-

Records.

tween 1540 and 1542, extending through portions of the States of Arizona, New Mexico, Texas, Oklahoma, and Kansas. The study under this paragraph shall be prepared in accordance with subsection (b) of this section. In conducting the study under this paragraph, the Secretary shall provide for (A) the review of all original Spanish documentation on the Coronado Trail, (B) the continuing search for new primary documentation on the trail, and (C) the examination of all information on the archeological sites along the trail.”.

National  
Mimbres  
Culture Study  
Act of 1988.

### TITLE III—NATIONAL MIMBRES CULTURE STUDY

#### SEC. 301. SHORT TITLE.

This title may be cited as the “National Mimbres Culture Study Act of 1988”.

#### SEC. 302. AUTHORIZATION OF STUDY.

(a) **AUTHORIZATION.**—The Secretary of the Interior is authorized to conduct a study of the Mimbres culture to determine its significance in illustrating and commemorating the prehistory of the Southwest. The study shall include an analysis of the significance of the culture as it relates to the Mogollon, Salado, and Casas Grandes cultures and shall include a list of appropriate sites for interpreting the culture.

(b) **RECOMMENDATIONS.**—The study shall include recommendations with respect to—

(1) measures for the preservation of resources associated with the Mimbres culture located in and around the vicinity of Silver City, New Mexico; and

(2) indications of types and general intensities of development, including a visitor facility with sufficient space to accommodate exhibits of Mimbres pottery and information regarding the Masau Trail, that would be associated with public enjoyment and use of the sites, including general location and anticipated costs.

(c) **COMPLETION OF STUDY.**—The study shall be completed and transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than one year after the date on which funds are appropriated for the study.

#### SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

Spanish  
Colonization  
Commemorative  
Act of 1988.

### TITLE IV—SPANISH COLONIZATION COMMEMORATIVE STUDY

#### SEC. 401. SHORT TITLE.

This title may be cited as the “Spanish Colonization Commemorative Act of 1988”.

#### SEC. 402. AUTHORIZATION OF STUDY.

(a) **AUTHORIZATION.**—The Secretary of the Interior is authorized to conduct a study of the Spanish Frontier culture and Spanish Borderlands story to determine their significance in illustrating and commemorating the Spanish colonization of the Southwest, the



Spanish colonial frontier culture, and Spanish colonialism in New Mexico. The study shall include an analysis of the significance of the San Gabriel Historic Landmark and the Los Luceros Hacienda as they relate to the Spanish Borderlands story of the Southwest.

(b) **RECOMMENDATIONS.**—The study shall include recommendations with respect to—

(1) measures for the preservation and interpretation of resources associated with the Spanish colonization of the Southwest; and

(2) indications of types and general intensities of development, including the feasibility of visitor facilities, that would be associated with public enjoyment and use of the sites, including general location and anticipated costs.

(c) **COMPLETION OF STUDY.**—The study shall be completed and transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than two years after the date on which funds are appropriated for the study.

#### **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

### **TITLE V—"A" MOUNTAIN LAND EXCHANGE**

#### **SEC. 501. SOUTHERN RIO GRANDE LAND EXCHANGE.**

The Secretary of the Interior is authorized to exchange certain lands as identified for disposal in the Southern Rio Grande Plan Amendment for certain mining claims on lands withdrawn for the National Aeronautic and Space Administration and New Mexico A and M College (now New Mexico State University) under P.L.O. 3685 and P.L.O. 2051. Once the United States determines the claims are valid under existing law, the exchange authorized by the preceding sentence shall be made on an equal value basis as determined by an independent appraisal.

Minerals and  
mining.  
Claims.

#### **SEC. 502. LAND EXCHANGE.**

(a) The Secretary of the Interior is authorized and directed to make available for exchange the Federal interests in the lands described in subsection (b) for the private interests in the lands described in subsection (c). The exchange shall be made in a manner consistent with applicable provisions of law and shall be on the basis of equal value as provided in section 206 of the Federal Land Management Act of 1976 (43 U.S.C. 1716).

(b) The Federal interests to be made available for exchange under this section are those lands in sections 14, 22, 23, 26, and 35 of township 23 south, range 2 east, New Mexico Principal Meridian which are encompassed by P.L.O. 2051.

(c) The private interests to be exchanged pursuant to this section are those lands owned by New Mexico State University in sections 19, 29, 30, and 31 of township 22 south, range 4 east, and section 6 of township 23 south, range 4 east, New Mexico Principal Meridian. The exchange may be made regardless of the reverter provision contained in the patent of those lands to the Regents of the Agricultural College of New Mexico and shall not be deemed to constitute the basis for reversion.

(d) Lands not acquired by New Mexico State University pursuant to this section and which are encompassed by P.L.O. 2051 may be disposed of, when available for disposition, by sale to or exchange with the State of New Mexico, New Mexico State University, or other public entities in accordance with the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.): *Provided, however,* That New Mexico State University is given a right of first refusal on any proposed disposition.

Education.  
Science and  
technology.  
Research and  
development.  
Energy.

(e) None of the lands transferred to New Mexico State University pursuant to this section shall be sold by New Mexico State University. All such lands shall be used for the purposes of promoting directly or indirectly educational, scientific, and research activities, including those activities currently authorized under P.L.O. 2051, or promoting the utilization of the natural geothermal resources located within the boundaries of the lands transferred. In the event that the lands transferred to New Mexico State University pursuant to this section are used for any purpose other than those for which conveyance is authorized by this subsection, title to that portion of the lands upon which there is an unauthorized use shall immediately revert to the United States without the necessity for further action to accomplish the reversion of title to the United States.

(f) Notwithstanding any other provision of law or court order, the Secretary of the Interior, if the Secretary determines it is necessary and appropriate for the purpose of consummating a conveyance of lands or interests therein under this Act, is hereby authorized and directed to revoke P.L.O. 2051 or any portion thereof necessary to consummate the transaction authorized by this title.

16 USC 431 note.

#### TITLE VI—AZTEC RUINS NATIONAL MONUMENT

##### SEC. 601. REVISION OF BOUNDARY.

Public  
information.

The boundary of Aztec Ruins National Monument is hereby revised to include the area generally depicted on the map entitled "Aztec Ruins, Addition, Aztec Ruins National Monument", numbered 319/80,015, and dated October 16, 1987. Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior

##### SEC. 602. LAND ACQUISITION.

Gifts and  
property.

The Secretary of the Interior is authorized to acquire lands, interests in lands, and improvements thereon within the boundary of the national monument as amended by section 601 by donation, exchange, or purchase with donated or appropriated funds.

##### SEC. 603. ADMINISTRATION.

National Park  
System.

The Secretary of the Interior shall administer the Aztec Ruins National Monument in accordance with the provisions of law generally applicable to units of the National Park System including the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666).

##### SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

## TITLE VII—GEORGIA O'KEEFFE STUDY

## SEC. 701. GEORGIA O'KEEFFE STUDY.

(a) In recognition of the significant impact Georgia O'Keeffe had on the world of art, the Secretary of the Interior is authorized and directed to conduct a study of the most appropriate way to interpret these nationally significant contributions. The study shall include but not be limited to an evaluation of the feasibility of marking and interpreting the landscapes consisting of the scenes and physical features from which Georgia O'Keeffe drew much of her inspiration. Art.

(b) The study shall be completed and transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within one year of the date on which funds are appropriated for the study.

## SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

## TITLE VIII—WARM SPRINGS STUDY

Warm Springs  
Study Act of  
1988.

## SEC. 801. SHORT TITLE.

This title may be cited as the "Warm Springs Study Act of 1988".

## SEC. 802. STUDY OF WARM SPRINGS CULTURE.

(a) IN GENERAL.—The Secretary of the Interior is authorized and directed to conduct a study of the culture that evolved around Warm Springs in Southwestern, New Mexico, to determine its significance in illustrating and commemorating American frontier military history and the development of American Indian policy. Indians.

(b) SPECIFICS OF STUDY.—The study shall include—

(1) an evaluation of the history of the people from the Warm Springs area in Victorio's War in relation to American frontier military history and the development of American Indian policy; and

(2) an evaluation of historic and prehistoric resources surrounding the Warm Springs at the headwaters of Canada de Alamosa and the potential for preservation and public use.

(c) COMPLETION OF STUDY.—The study shall be completed and transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within 1 year of the date on which funds are appropriated for the study.

**SEC. 803. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

Approved October 28, 1988.

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**LEGISLATIVE HISTORY—S. 2545 (H.R. 3541):**

**HOUSE REPORTS:** No. 100-790 accompanying H.R. 3541 (Comm. on Interior and Insular Affairs).

**SENATE REPORTS:** No. 100-572 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD**, Vol. 134 (1988):

July 26, H.R. 3541 considered and passed House.

Oct. 7, S. 2545 considered and passed Senate.

Oct. 12, considered and passed House.

Public Law 100-55  
100th Congress

An Act

To prohibit the imposition of an entrance fee at the Statue of Liberty National Monument, and for other purposes.

June 19, 1987  
[S. 626]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any other provision of law, after the date of enactment of this Act, the Secretary of the Interior shall not charge any entrance or admission fee at the Statue of Liberty National Monument, New Jersey and New York.

16 USC 4601-6a  
note.

Approved June 19, 1987.

LEGISLATIVE HISTORY—S. 626:

HOUSE REPORTS: No. 100-136 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-32 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
Apr. 7, considered and passed Senate.  
June 8, considered and passed House.

NATIONAL SEASHORES, RIVERS, WILD AND SCENIC RIVERS,  
AND RECREATION AREAS



Public Law 100-564  
100th Congress

An Act

To authorize and direct the acquisition of lands for Canaveral National Seashore, and for other purposes.

Oct. 31, 1988  
[H.R. 3559]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Florida.

SECTION 1. ADDITIONS TO CANAVERAL NATIONAL SEASHORE.

16 USC 459j-1  
note.  
16 USC 459j-1  
note.

(a) SEMINOLE REST AND STUCKEY'S.—

(1) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized and directed to acquire approximately 25 acres of land in the State of Florida known as Seminole Rest and approximately 10 acres of land known as Stuckey's. Both areas are depicted on a map entitled "Additions to Canaveral National Seashore" numbered NS-CAN-40000-C and dated May 1988.

(2) The Secretary shall manage the lands known as Seminole Rest for the primary purpose of protecting and interpreting their archaeological and historic resources and the lands known as Stuckey's for the primary purpose of establishing an administrative headquarters and visitor center within Volusia County, Florida.

Historic  
preservation.

(b) ACQUISITION AUTHORITY.—Land acquired under this section may only be acquired in accordance with section 2 of the Act entitled "An Act to establish the Canaveral National Seashore in the State of Florida, and for other purposes" (16 U.S.C. 459j-1).

SEC. 2. AUTHORIZATION OF APPROPRIATIONS RELATING TO DEVELOPMENT OF ESSENTIAL PUBLIC FACILITIES.

Section 9(b) of the Act entitled "An Act to establish the Canaveral National Seashore in the State of Florida, and for other purposes" (16 U.S.C. 459j-8) is amended by striking out "not more than \$500,000." and inserting in lieu thereof "\$2.6 million in addition to the sums previously appropriated."

SEC. 3. MISCELLANEOUS PROVISIONS.

16 USC 459j-1  
note.

(a) MAP.—The Secretary shall file the map referred to in this Act with the Committee on Interior and Insular Affairs, House of Representatives, and the Committee on Energy and Natural Resources, Senate, and the map shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map may be made. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

Public  
information.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the acquisitions authorized by this Act.

Approved October 31, 1988.

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LEGISLATIVE HISTORY—H.R. 3559:

HOUSE REPORTS: No. 100-695 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-534 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 20, considered and passed House.

Oct. 11, considered and passed Senate.



Public Law 100-605  
100th Congress

An Act

To authorize a study of the Hanford Reach of the Columbia River, and for other purposes. Nov. 4, 1988  
[H.R. 3614]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. COMPREHENSIVE RIVER CONSERVATION STUDY.

The Secretary of the Interior ("Secretary"), in consultation with the Secretary of Energy, shall prepare a comprehensive river conservation study for that segment of the Columbia River extending from one mile below Priest Rapids Dam downstream approximately fifty-one miles to the McNary Pool north of Richland, Washington, as generally depicted on the map entitled "Proposed Columbia River Wild and Scenic River Boundary" dated May 17, 1988, hereinafter referred to as the "study area" which is on file with the United States Department of the Interior. The study shall identify and evaluate the outstanding features of the study area and its immediate environment, including fish and wildlife, geologic, scenic, recreational, natural, historical, and cultural values, and examine alternatives for their preservation. In examining alternatives means for the preservation of such values, the Secretary shall, among other things, consider the potential addition of all or a portion of the study area to the National Wild and Scenic Rivers System, and recommend a preferred alternative for the protection and preservation of the values identified. The Secretary shall cooperate and consult with the State and political subdivisions thereof, local, and tribal governments, and other interested entities in preparation of such a study and provide for public comment. The study shall be completed and presented to Congress within three years after the date of enactment of this Act.

SEC. 2. INTERIM PROTECTION.

(a) For a period of eight years after the enactment of this Act, within the study area identified in section 1 of this Act:

(1) No Federal agency may construct any dam, channel, or navigation project.

(2) All other new Federal and non-Federal projects and activities shall, to the greatest extent practicable:

(A) be planned, designed, located and constructed to minimize direct and adverse effects on the values for which the river is under study; and

(B) utilize existing structures and facilities including, but not limited to, pipes, pipelines, transmission towers, water conduits, powerhouses, and reservoirs to accomplish the purposes of the project or activity.

(3) Federal and non-Federal entities planning new projects or activities in the study area shall consult and coordinate with the Secretary to minimize and provide mitigation for any direct

and adverse effects on the values for which the river is under study.

(4) Upon receiving notice from the entity planning the new project or activity, the Secretary shall, no later than ninety days after receiving such notice and consulting with the entity:

(A) review the proposed project or activity and make a determination as to whether there will be a direct and adverse effect on the values for which the river segment is under study; and

(B) review proposals to mitigate such effects and make such recommendations for mitigation as he deems necessary.

(5) If the Secretary determines that there will be a direct and adverse effect that has not been adequately mitigated, he shall notify the sponsoring entity and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of his determination and any proposed recommendations.

(b) During the eight year interim protection period, provided by this section, all existing projects that affect the study area shall be operated and maintained to minimize any direct and adverse effects on the values for which the river is under study, taking into account any existing and relevant license, permit, or agreement affecting the project.

#### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than \$150,000 for the purpose of conducting the study pursuant to section 1 of this Act.

Approved November 4, 1988.

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#### LEGISLATIVE HISTORY—H.R. 3614:

HOUSE REPORTS: No. 100-960 (Comm. on Interior and Insular Affairs).  
CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 26, considered and passed House.

Oct. 12, considered and passed Senate, amended.

Oct. 19, House concurred in Senate amendment.

Public Law 100-501  
100th Congress

An Act

Oct. 18, 1988  
[H.R. 5291]

To provide the Secretary of the Air Force with authority to convey certain land.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Real property.

SECTION 1. LAND EXCHANGE, OKALOOSA COUNTY, FLORIDA

(a) TRANSFER.—Subject to subsections (b) through (h), the Secretary of the Air Force may convey to the State of Florida all right, title, and interest of the United States in and to four contiguous parcels of real property (and improvements thereon) described as parcels 5 through 8, respectively, in Air Force Final Disposal Directive AF/RED 84-171 and consisting of approximately 156 acres located in Okaloosa County, Florida.

Claims.  
Waste disposal.

(b) CONSIDERATION.—(1) In consideration for the conveyance by the Secretary under subsection (a), the State of Florida shall convey to the United States all right, title, and interest of such State in and to a tract of real property (and improvements thereon) consisting of approximately 85.8 acres and located south of United States Highway 98 near the west end of the Destin Bridge, Destin, Florida, adjacent to the property of Eglin Air Force Base. Such conveyance shall specifically include any claim of the State of Florida to any lands included in such tract as may have been created by natural accretion or dumping of dredge spoil, and the State shall specifically covenant not to claim any lands abutting such tract that may be created by natural accretion or dumping of dredge spoil in the future.

(2) In addition to the consideration described in paragraph (1), Okaloosa County, Florida, shall convey to the United States all right, title, and interest it may have in the property described in such paragraph, including claims based on natural accretion or dumping of dredge spoil in the past or that may occur in the future.

(c) CONTINUED PUBLIC ACCESS.—The Secretary may take appropriate action to ensure that public access for recreational purposes to the property described in subsection (b) is continued in the manner and to the extent permitted on the date of the enactment of this Act.

Highways.  
Utilities.

(d) EXISTING EASEMENTS.—Existing easements for roads and public utilities may be excepted from any conveyance under this Act, as determined by the Secretary.

(e) EXACT DESCRIPTION OF LAND.—The exact acreages and legal descriptions of the real property to be conveyed under this Act shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the State of Florida.

(f) REVERSION FOR NONUSE.—(1) The Secretary shall, as part of the conveyance of the property described in subsection (a), provide that, at the end of the 10-year period beginning on the date of such conveyance, all of such property not being used for educational purposes at the end of such period shall revert to the United States.

(2) Any property that reverts as described in paragraph (1) shall be transferred to the Department of Agriculture, United States Forest Service, without reimbursement.

(g) TRANSFER TO NATIONAL PARK SERVICE.—Any of the land, or land accreting thereto, conveyed to the United States under subsection (b) that the Secretary determines is not needed by any department or other agency of the Department of Defense shall be transferred to the Department of the Interior, National Park Service, without reimbursement, for incorporation into the Gulf Islands National Seashore.

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

Approved October 18, 1988.

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LEGISLATIVE HISTORY—H.R. 5291:

CONGRESSIONAL RECORD, Vol. 134 (1988):

Oct. 3, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 100-174  
100th Congress

## An Act

Nov. 24, 1987  
[S. 247]

To designate the Kern River as a national wild and scenic river.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraphs at the end:

“( ) (A) NORTH FORK KERN RIVER, CALIFORNIA.—The segment of the main stem from the Tulare-Kern County line to its headwaters in Sequoia National Park, as generally depicted on a map entitled ‘Kern River Wild and Scenic River—Proposed’ and dated June, 1987; to be administered by the Secretary of Agriculture; except that portion of the river within the boundaries of the Sequoia National Park shall be administered by the Secretary of the Interior. With respect to the portion of the river segment designated by this paragraph which is within the boundaries of Sequoia National Park, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portion need not be published in the Federal Register. Such revision to the general management plan for the park shall assure that no developments or use of park lands shall be undertaken that is inconsistent with the designation of such river segment.

“(B) SOUTH FORK KERN RIVER, CALIFORNIA.—The segment from its headwaters in the Inyo National Forest to the southern boundary of the Domelands Wilderness in the Sequoia National Forest, as generally depicted on a map entitled ‘Kern River Wild and Scenic River—Proposed’ and dated June 1987; to be administered by the Secretary of Agriculture.

“(C) Nothing in this Act shall affect the continued operation and maintenance of the existing diversion project, owned by Southern California Edison on the North Fork of the Kern River, including

reconstruction or replacement of facilities to the same extent as existed on the date of enactment of this paragraph.

“(D) For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not to exceed \$100,000, to the Secretary of Agriculture for development and land acquisition.”.

Appropriation  
authorization.

Approved November 24, 1987.

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LEGISLATIVE HISTORY—S. 247:

HOUSE REPORTS: No. 100-424 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-184 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
Oct. 1, considered and passed Senate.  
Nov. 9, considered and passed House.

Public Law 100-150  
100th Congress

An Act

To designate a segment of the Kings River in California as a wild and scenic river,  
and for other purposes.

Nov. 3, 1987  
[H.R. 799]

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

SECTION 1. DESIGNATION OF KINGS RIVER.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

“(62) KINGS, CALIFORNIA.—The Middle Fork of the Kings River from its headwaters at Lake Helen between Muir Pass and Black Giant Mountain to its confluence with the main stem; the South Fork, Kings River from its headwaters at Lake 11599 to its confluence with the main stem; and the main stem of the Kings River from the confluence of the Middle Fork and the South Fork to the point at elevation 1,595 feet above mean sea level. The segments within the Kings Canyon National Park shall be administered by the Secretary of the Interior. The remaining segments shall be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public and within one year after the enactment of this paragraph, the respective Secretaries shall take such action as is required under subsection (b) of this section. In the case of the segments of the river administered by the Secretary of the Interior, the requirements of subsection (b) shall be fulfilled through appropriate revisions to the general management plan for Kings Canyon National Park, and the boundaries, classification, and development plans for such segments need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of the river under this paragraph. For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not to exceed \$250,000, to the Secretary of Agriculture for development and land acquisition.”.

National parks,  
monuments, etc.

State and local  
governments.

Appropriation  
authorization.

(b) RENUMBERING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by redesignating the paragraphs relating to the Cache La Poudre River, the Saline Bayou, Black Creek, the Klickitat, and the White Salmon as paragraphs (57) through (61), respectively.

SEC. 2. SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—In order to provide for public outdoor recreation use and enjoyment of certain areas within the Sierra National Forest and the Sequoia National Forest, to protect those areas' natural, archaeological, and scenic resources, and to provide for appropriate fish and wildlife management of those areas, there is hereby established the Kings River Special Management Area

Conservation.  
16 USC 539g.  
National Forest  
System.

(hereinafter in this Act referred to as the “special management area”). The special management area shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as “the Secretary”) through the Sierra National Forest.

Public  
information.

(b) **AREA INCLUDED.**—The special management area shall consist of the lands, waters, and interests therein within the area generally depicted on the map entitled “Boundary Map, Kings River Special Management Area”, dated April 1987. The map shall be on file and available for public inspection in the offices of the National Forest Service, Department of Agriculture. The Secretary of Agriculture may from time to time make minor revisions of the boundary of the special management area.

National Forest  
System.

(c) **ADMINISTRATION.**—The Secretary shall administer the special management area in accordance with this Act and with the provisions of law generally applicable to units of the National Forest System. In the case of any conflict between the provisions of such Acts, the provisions of this Act shall govern. In the administration of the special management area the Secretary may utilize such statutory authority as may be available to him for the conservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act. Nothing in this Act shall be construed to prohibit grazing within the special management area to the same extent, and in accordance with the same rules and regulations as applicable in the absence of this Act. The Secretary may permit the cutting of timber within the special management area only in those cases where in the judgment of the Secretary the cutting of such timber is required in order to control the attacks of fire, insects, or diseases or to otherwise conserve the scenery or the natural or historical objects in the area.

Forests and  
forest products.

(d) **MINING AND MINERAL LEASING.**—Subject to valid existing rights, lands within the special management area are withdrawn from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States and from operation of the Geothermal Steam Act of 1970.

State and local  
governments.

(e) **HUNTING AND FISHING.**—The Secretary shall permit hunting and fishing on lands and waters within the special management area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies, regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) **MANAGEMENT PLAN.**—After consultation with the State of California, the Secretary shall publish a management plan for the special management area within three years after the enactment of this Act. The plan shall provide for public outdoor recreation use and enjoyment of the special management area, protect the area’s natural, archeological, and scenic resources, and provide for appropriate fish and wildlife management within the area. The plan shall contain provisions for management of vegetation within the area designed to enhance the wildlife carrying capacity of the area. The plan shall permit off-road vehicular use of off-road trails to the same extent and in the same locations as was permitted before enactment of this Act. The plan shall provide for the development of hiking

trails in the special management area and shall include a trail from Garlic Creek to Little Tehipite Valley.

(g) ACCESS TO PRIVATE LANDS.—If any State or privately owned land or any valid mining claim or other valid occupancy is within the special management area, or if State or private subsurface rights underlie public lands within the special management area, the Secretary shall provide the State or private owner, claimant, or occupier and their successors in interest such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the site concerned. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of the special management area, taking into account the traditional and customary means of access used prior to the enactment of this Act.

(h) SPECIFIC PROTECTIONS.—In recognition of the dispute that exists over whether a dam project should be constructed in the segment of the Main Stem of the Kings River from the point at elevation 1,595 feet above mean sea level downstream to the point at elevation 990 feet above mean sea level, Congress declares its intention at this time not to designate that segment of the Kings River as a component of the Wild and Scenic Rivers System. Notwithstanding any other provision of law, no Federal lands may be used for the construction of any dam or diversion within the boundaries of the special management area without specific authority of the Congress. In order to protect the natural, cultural, recreational, fishery, and wildlife values of the river segment referred to in this subsection, that segment shall be subject to the provisions of section 7(a) of the Act of October 2, 1968 (82 Stat. 906), in the same manner as if it were designated. Nothing in this Act shall preclude the Kings River Conservation District from conducting studies as it may deem appropriate. Dams.

Approved November 3, 1987.

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LEGISLATIVE HISTORY—H.R. 799:

HOUSE REPORTS: No. 100-49 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-185 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Apr. 21, considered and passed House.

Oct. 1, considered and passed Senate, amended.

Oct. 13, House concurred in Senate amendments.

Public Law 100-149  
100th Congress

An Act

To amend the Wild and Scenic Rivers Act by designating a segment of the Merced River in California as a component of the National Wild and Scenic Rivers System.

Nov. 2, 1987  
[H.R. 317]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DESIGNATION OF MERCED RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

“( ) MERCED, CALIFORNIA.—The main stem from its sources (including Red Peak Fork, Merced Peak Fork, Triple Peak Fork, and Lyell Fork) on the south side of Mount Lyell in Yosemite National Park to a point 300 feet upstream of the confluence with Bear Creek, consisting of approximately 71 miles, and the South Fork of the river from its source near Triple Divide Peak in Yosemite National Park to the confluence with the main stem, consisting of approximately 43 miles, both as generally depicted on the map entitled ‘Merced River Wild and Scenic Rivers—Proposed’, dated June 1987, to be administered by the Secretary of Agriculture and the Secretary of the Interior. With respect to the portions of the river designated by this paragraph which are within the boundaries of Yosemite National Park, and the El Portal Administrative Unit, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portions need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of such river segments. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph, except that no more than \$235,000 may be appropriated to the Secretary of Agriculture for the acquisition of lands and interests in lands.”.

National parks,  
monuments, etc.

Appropriation  
authorization.

SEC. 2. STUDY.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end thereof—



“(96) MERCED, CALIFORNIA.—The segment from a point 300 feet upstream of the confluence with Bear Creek downstream to the point of maximum flood control storage of Lake McClure (elevation 867 feet mean sea level).”.

(b) RENUMBERING.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by redesignating the paragraphs relating to the Klickitat and White Salmon as paragraphs (94) and (95) respectively.

Approved November 2, 1987.

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LEGISLATIVE HISTORY—H.R. 317:

HOUSE REPORTS: No. 100-32 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-96 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Mar. 31, considered and passed House.

July 8, considered and passed Senate, amended.

Oct. 13, House concurred in Senate amendment with amendment.

Oct. 16, Senate concurred in House amendment.

Public Law 100-557  
100th Congress

An Act

Oct. 28, 1988  
[S. 2148]

To amend the Wild and Scenic Rivers Act of 1968, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Omnibus Oregon  
Wild and Scenic  
Rivers Act of  
1988.  
16 USC 1271  
note.

TITLE I—OMNIBUS OREGON WILD AND SCENIC RIVERS ACT  
OF 1988

SEC. 101. SHORT TITLE.

This title may be referred to as the "Omnibus Oregon Wild and Scenic Rivers Act of 1988".

16 USC 1274.

SEC. 102. AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT.

Section 3(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 907), as amended, is further amended by adding the following new paragraphs at the end thereof:

"( ) BIG MARSH CREEK, OREGON.—The 15-mile segment from the northeast quarter of section 15, township 26 south, range 6 east, to its confluence with Crescent Creek in the northeast quarter of section 20, township 24 south, range 7 east, as a recreational river; to be administered by the Secretary of Agriculture: *Provided*, That nothing in this Act shall prohibit the Secretary from undertaking construction activities to enhance and restore wetland resources associated with Big Marsh Creek.

"( ) CHETCO, OREGON.—The 44.5-mile segment from its headwaters to the Siskiyou National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

"(A) The 25.5-mile segment from its headwaters to Boulder Creek at the Kalmiopsis Wilderness boundary as a wild river;

"(B) the 8-mile segment from Boulder Creek to Steel Bridge as a scenic river; and

"(C) the 11-mile segment from Steel Bridge to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river.

"( ) CLACKAMAS, OREGON.—The 47-mile segment from Big Springs to Big Cliff; to be administered by the Secretary of Agriculture in the following classes:

"(A) The 4-mile segment from Big Springs to the Forest Service Road 4690 bridge as a scenic river;

"(B) the 3.5-mile segment from the Forest Service Road 4690 bridge to the junction with Oregon State Highway 224 as a recreational river;

"(C) the 10.5-mile segment from Oregon State Highway 224 to the June Creek Bridge as a scenic river;

"(D) the 9-mile segment from June Creek Bridge to Tar Creek as a recreational river;

"(E) the 5.5-mile segment from Tar Creek to just south of Indian Henry Campground as a scenic river; and

“(F) the 14.5-mile segment just south of Indian Henry Camp-ground to Big Cliff as a recreational river.

“( ) CRESCENT CREEK, OREGON.—The 10-mile segment from the southwest quarter of section 11, township 24 south, range 6 east, to the west section line of section 13, township 24 south, range 7 east, as a recreational river; to be administered by the Secretary of Agriculture.

“( ) CROOKED, OREGON.—The 15-mile segment from the National Grassland boundary to Dry Creek; to be administered by the Secretary of the Interior in the following classes:

“(A) The 7-mile segment from the National Grassland boundary to River Mile 8 south of Opal Spring as a recreational river; and

“(B) the 8-mile segment from Bowman Dam to Dry Creek as a recreational river.

“( ) DESCHUTES, OREGON.—Those portions as follows:

“(A) The 40.4-mile segment from Wickiup Dam to northern boundary of Sunriver at the southwest quarter of section 20, township 19 south, range 11 east as a recreational river; to be administered by the Secretary of Agriculture;

“(B) the 11-mile segment from the northern boundary of Sunriver at the southwest quarter of section 20, township 19 south, range 11 east, to Lava Island Camp as a scenic river; to be administered by the Secretary of Agriculture;

“(C) the 3-mile segment from Lava Island Camp to the Bend Urban Growth Boundary at the southwest corner of section 13, township 18 south, range 11 east, as a recreational river; to be administered by the Secretary of Agriculture;

“(D) the 19-mile segment from Oden Falls to the Upper End of Lake Billy Chinook as a scenic river; to be administered by the Secretary of the Interior;

“(E) the 100-mile segment from the Pelton Reregulating Dam to its confluence with the Columbia River as a recreational river; to be administered by the Secretary of the Interior through a cooperative management agreement between the Confederated Tribes of the Warm Springs Reservation, and the State of Oregon as provided in section 10(e) of this Act and section 105 of the Omnibus Oregon Wild and Scenic Rivers Act of 1988.

“( ) DONNER UND BLITZEN, OREGON.—Those segments, including its major tributaries, as a wild river; to be administered by the Secretary of the Interior as follows:

“(A) The 16.75-mile segment of the Donner und Blitzen from its confluence with the South Fork Blitzen and Little Blitzen;

“(B) the 12.5-mile segment of the Little Blitzen from its headwaters to its confluence with the South Fork Blitzen;

“(C) the 16.5-mile segment of the South Fork Blitzen from its headwaters to its confluence with the South Fork Blitzen;

“(D) the 10-mile segment of Big Indian Creek from its headwaters to its confluence with the South Fork Blitzen;

“(E) the 3.7-mile segment of Little Indian Creek from its headwaters to its confluence with Big Indian Creek; and

“(F) the 13.25-mile segment of Fish Creek from its headwaters to its confluence with the Donner und Blitzen.

“( ) EAGLE CREEK, OREGON.—The 27-mile segment from its headwaters below Eagle Lake to the Wallowa-Whitman National Forest

boundary at Skull Creek; to be administered by the Secretary of Agriculture in the following classes:

“(A) The 4-mile segment from its headwaters below Eagle Lake to the Eagle Cap Wilderness boundary at Hummingbird Mountain as a wild river;

“(B) the 15.5-mile segment from the Eagle Cap Wilderness boundary at Hummingbird Mountain to Paddy Creek as a recreational river;

“(C) the 6-mile segment from Paddy Creek to Little Eagle Creek as a scenic river; and

“(D) the 1.5-mile segment from Little Eagle Creek to the Wallowa-Whitman National Forest boundary as a recreational river.

“( ) ELK, OREGON.—The 19-mile segment to be administered by the Secretary of Agriculture in the following classes:

“(A) The 17-mile segment from the confluence of the North and South Forks of the Elk to Anvil Creek as a recreational river; and

“(B) the 2-mile segment of the North Fork Elk from the falls to its confluence with the South Fork as a wild river.

“( ) GRANDE RONDE, OREGON.—The 43.8-mile segment from its confluence with the Wallowa River to the Oregon-Washington State line in the following classes:

“(A) The 1.5-mile segment from its confluence with the Wallowa River to the Umatilla National Forest boundary in section 11, township 3 north, range 40 east, as a recreational river; to be administered by the Secretary of Agriculture;

“(B) the 17.4-mile segment from the Umatilla National Forest boundary in section 11, township 3 north, range 40 east, to the Wallowa-Whitman National Forest boundary approximately one-half mile east of Grossman Creek as a wild river; to be administered by the Secretary of Agriculture;

“(C) the 9-mile segment from the Wallowa-Whitman National Forest boundary approximately one-half mile east of Grossman Creek to Wildcat Creek as a wild river; to be administered by the Secretary of the Interior; and

“(D) the 15.9-mile segment from Wildcat Creek to the Oregon-Washington State line as a recreational river; to be administered by the Secretary of the Interior.

“( ) IMNAHA, OREGON.—Those segments, including the South Fork Imnaha; to be administered by the Secretary of Agriculture in the following classes:

“(A) The 6-mile segment from its confluence with the North and South Forks of the Imnaha River to Indian Crossing as a wild river;

“(B) the 58-mile segment from Indian Crossing to Cow Creek as a recreational river;

“(C) the 4-mile segment from Cow Creek to its mouth as a scenic river; and

“(D) the 9-mile segment of the South Fork Imnaha from its headwaters to its confluence with the Imnaha River as a wild river.

“( ) JOHN DAY, OREGON.—The 147.5-mile segment from Service Creek to Tumwater Falls as a recreational river; to be administered through a cooperative management agreement between the State of Oregon and the Secretary of the Interior as provided in section 10(e) of this Act.

"( ) JOSEPH CREEK, OREGON.—The 8.6-mile segment from Joseph Creek Ranch, one mile downstream from Cougar Creek, to the Wallowa-Whitman National Forest boundary as a wild river; to be administered by the Secretary of Agriculture.

"( ) LITTLE DESCHUTES, OREGON.—The 12-mile segment from its source in the northwest quarter of section 15, township 26 south, range 6½ east to the north section line of section 12, township 26 south, range 7 east as a recreational river; to be administered by the Secretary of Agriculture.

"( ) LOSTINE, OREGON.—The 16-mile segment from its headwaters to the Wallowa-Whitman National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

"(A) The 5-mile segment from its headwaters to the Eagle Cap Wilderness boundary as a wild river; and

"(B) the 11-mile segment from the Eagle Cap Wilderness boundary to the Wallowa-Whitman National Forest boundary at Silver Creek as a recreational river.

"( ) MALHEUR, OREGON.—The 13.7-mile segment from Bosonberg Creek to the Malheur National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

"(A) The 7-mile segment from Bosonberg Creek to Malheur Ford as a scenic river; and

"(B) the 6.7-mile segment from Malheur Ford to the Malheur National Forest boundary as a wild river.

"( ) MCKENZIE, OREGON.—The 12.7-mile segment from Clear Lake to Scott Creek; to be administered by the Secretary of Agriculture in the following classes:

"(A) The 1.8-mile segment from Clear Lake to the head of maximum pool at Carmen Reservoir as a recreational river;

"(B) the 4.3-mile segment from a point 100 feet downstream from Carmen Dam to the maximum pool at Trail Bridge Reservoir as a recreational river; and

"(C) the 6.6-mile segment from the developments at the base of the Trail Bridge Reservoir Dam to Scott Creek as a recreational river.

"( ) METOLIUS, OREGON.—The 28.6-mile segment from the south Deschutes National Forest boundary to Lake Billy Chinook in the following classes:

"(A) The 11.5-mile segment from the south Deschutes National Forest boundary (approximately 2,055.5 feet from Metolius Springs) to Bridge 99 as a recreational river; to be administered by the Secretary of Agriculture;

"(B) the 17.1-mile segment from Bridge 99 to Lake Billy Chinook as a scenic river; by the Secretary of Agriculture, through a cooperative management agreement between the Secretary of the Interior and the Confederated Tribes of the Warm Springs Reservation, as provided in section 10(e) of this Act and section 105 of the Omnibus Oregon Wild and Scenic Rivers Act of 1988: *Provided*, That the river and its adjacent land area will be managed to provide a primitive recreational experience as defined in the ROS User's Guide.

"( ) MINAM, OREGON.—The 39-mile segment from its headwaters at the south end of Minam Lake to the Eagle Cap Wilderness boundary, one-half mile downstream from Cougar Creek, as a wild river; to be administered by the Secretary of Agriculture.

“( ) NORTH FORK CROOKED, OREGON.—The 32.3-mile segment from its source at Williams Prairie to one mile from its confluence with the Crooked River in the following classes:

“(A) The 3-mile segment from its source at Williams Prairie to the Upper End of Big Summit Prairie as a recreational river; to be administered by the Secretary of Agriculture;

“(B) the 3.7-mile segment from the Lower End of Big Summit Prairie to the bridge across from the Deep Creek Campground as a recreational river; to be administered by the Secretary of Agriculture;

“(C) the 8-mile segment from the bridge across from the Deep Creek Campground to the Ochoco National Forest boundary, one-half mile from Lane Dog Creek as a scenic river; to be administered by the Secretary of Agriculture;

“(D) the 1.5-mile segment from the Ochoco National Forest boundary to Upper Falls as a scenic river; to be administered by the Secretary of the Interior;

“(E) the 11.1-mile segment from Upper Falls to Committee Creek as a wild river; to be administered by the Secretary of the Interior; and

“(F) the 5-mile segment from Committee Creek to one mile from its confluence with the Crooked River as a recreational river; to be administered by the Secretary of the Interior.

“( ) NORTH FORK JOHN DAY, OREGON.—The 54.1-mile segment from its headwaters in the North Fork of the John Day Wilderness Area at section 13, township 8 south, range 36 east, to its confluence with Camas Creek in the following classes:

“(A) The 3.5-mile segment from its headwaters in the North Fork of the John Day Wilderness at section 13, township 8 south, range 36 east, to the North Fork of the John Day Wilderness boundary as a wild river; to be administered by the Secretary of Agriculture;

“(B) the 7.5-mile segment from the North Fork of the John Day Wilderness boundary to Trail Creek as a recreational river; to be administered by the Secretary of Agriculture;

“(C) the 24.3-mile segment from Trail Creek to Big Creek as a wild river; to be administered by the Secretary of Agriculture;

“(D) the 10.5-mile segment from Big Creek to Texas Bar Creek as a scenic river; to be administered by the Secretary of Agriculture; and

“(E) the 8.3-mile segment from Texas Bar Creek to its confluence with Camas Creek as a recreational river; to be administered by the Secretary of Agriculture.

“( ) NORTH FORK MALHEUR, OREGON.—The 25.5-mile segment from its headwaters to the Malheur National Forest boundary as a scenic river; to be administered by the Secretary of Agriculture.

“( ) NORTH FORK OF THE MIDDLE FORK OF THE WILLAMETTE, OREGON.—The 42.3-mile segment from Waldo Lake to the Willamette National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

“(A) The 8.8-mile segment from Waldo Lake to the south section line of section 36, township 19 south, range 5½ east as a wild river;

“(B) the 6.5-mile segment from the south section line of section 36, township 19 south, range 5½ east to Fisher Creek as a scenic river; and



“(C) the 27-mile segment from Fisher Creek to the Willamette National Forest boundary as a recreational river.

“( ) NORTH FORK OWYHEE, OREGON.—The 8-mile segment from the Oregon-Idaho State line to its confluence with the Owyhee River as a wild river; to be administered by the Secretary of the Interior.

“( ) NORTH FORK SMITH, OREGON.—The 13-mile segment from its headwaters to the Oregon-California State line; to be administered by the Secretary of Agriculture in the following classes:

“(A) The 6.5-mile segment from its headwaters to Horse Creek as a wild river;

“(B) the 4.5-mile segment from Horse Creek to Baldface Creek as a scenic river; and

“(C) the 2-mile segment from Baldface Creek to the Oregon-California State line as a wild river.

“( ) NORTH FORK SPRAGUE, OREGON.—The 15-mile segment from the head of River Spring in the southwest quarter of section 15, township 35 south, range 16 east, to the northwest quarter of the southwest quarter of section 11, township 35 south, range 15 east, as a scenic river; to be administered by the Secretary of Agriculture.

“( ) NORTH POWDER, OREGON.—The 6-mile segment from its headwaters to the Wallowa-Whitman National Forest boundary at River Mile 20 as a scenic river; to be administered by the Secretary of Agriculture.

“( ) NORTH UMPQUA, OREGON.—The 33.8-mile segment from the Soda Springs Powerhouse to Rock Creek in the following classes:

“(A) The 25.4-mile segment from the Soda Springs Powerhouse to the Umpqua National Forest boundary as a recreational river; to be administered by the Secretary of Agriculture; and

“(B) the 8.4-mile segment from the Umpqua National Forest boundary to its confluence with Rock Creek as a recreational river; to be administered by the Secretary of the Interior.

“( ) POWDER, OREGON.—The 11.7-mile segment from Thief Valley Dam to the Highway 203 bridge as a scenic river; to be administered by the Secretary of the Interior.

“( ) QUARTZVILLE CREEK, OREGON.—The 12-mile segment from the Willamette National Forest boundary to slack water in Green Peter Reservoir as a recreational river; to be administered by the Secretary of the Interior.

“( ) ROARING, OREGON.—The 13.7-mile segment from its headwaters to its confluence with the Clackamas River; to be administered by the Secretary of Agriculture in the following classes:

“(A) The 13.5-mile segment from its headwaters to one-quarter mile upstream of the mouth as a wild river; and

“(B) the 0.2-mile segment from one-quarter mile upstream of the mouth to its confluence with the Clackamas River as a recreational river.

“( ) SALMON, OREGON.—The 33.5-mile segment from its headwaters to its confluence with the Sandy River in the following classes:

“(A) The 7-mile segment from its headwaters to the south boundary line of section 6, township 4 south, range 9 east as a recreational river; to be administered by the Secretary of Agriculture: *Provided*, That designation and classification shall not preclude the Secretary from exercising discretion to approve the construction, operation, and maintenance of ski lifts, ski runs, and associated facilities for the land comprising the Timberline

Lodge Winter Sports Area insofar as such construction does not involve water resources projects;

“(B) the 15-mile segment from the south boundary line at section 6, township 4 south, range 9 east to the junction with the South Fork of the Salmon River as a wild river; to be administered by the Secretary of Agriculture;

“(C) the 3.5-mile segment from the junction with the south fork of the Salmon River to the Mt. Hood National Forest boundary as a recreational river; to be administered by the Secretary of Agriculture;

“(D) the 3.2-mile segment from the Mt. Hood National Forest boundary to Lymp Creek as a recreational river; to be administered by the Secretary of the Interior; and

“(E) the 4.8-mile segment from Lymp Creek to its confluence with the Sandy River as a scenic river; to be administered by the Secretary of the Interior.

“( ) SANDY, OREGON.—Those portions as follows:

“(A) The 4.5-mile segment from its headwaters to the section line between sections 15 and 22, township 2 south, range 8 east as a wild river; to be administered by the Secretary of Agriculture;

“(B) the 7.9-mile segment from the section line between sections 15 and 22, township 2 south, range 8 east to the Mt. Hood National Forest boundary at the west section line of section 26, township 2 south, range 7 east as a recreational river; to be administered by the Secretary of Agriculture; and

“(C) the 12.5-mile segment from the east boundary of sections 25 and 36, township 1 south, range 4 east in Clackamas County near Dodge Park, downstream to the west line of the east half of the northeast quarter of section 6, township 1 south, range 4 east, in Multnomah County at Dabney State Park, the upper 3.8 miles as a scenic river and the lower 8.7 miles as a recreational river; both to be administered through a cooperative management agreement between the State of Oregon, the Secretary of the Interior and the Counties of Multnomah and Clackamas in accordance with section 10(e) of this Act.

“( ) SOUTH FORK JOHN DAY, OREGON.—The 47-mile segment from the Malheur National Forest to Smokey Creek as a recreational river; to be administered by the Secretary of the Interior.

“( ) SQUAW CREEK, OREGON.—The 15.4-mile segment from its source to the hydrologic Gaging Station 800 feet upstream from the intake of the McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek Fork; to be administered by the Secretary of Agriculture as follows:

“(A) The 6.6-mile segment and its tributaries from the source to the Three Sisters Wilderness boundary as a wild river; and

“(B) the 8.8-mile segment from the boundary of the Three Sisters Wilderness Area to the hydrologic Gaging Station 800 feet upstream from the intake of the McAllister Ditch as a scenic river: *Provided*, That nothing in this Act shall prohibit the construction of facilities necessary for emergency protection for the town of Sisters relative to a rapid discharge of Carver Lake if no other reasonable flood warning or control alternative exists.

“( ) SYCAN, OREGON.—The 59-mile segment from the northeast quarter of section 5, township 34 south, range 17 east to Coyote

Bucket at the Fremont National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

“(A) The 26.4-mile segment from the northeast quarter of section 5, township 34 south, range 17 east to the west section line of section 22, township 32 south, range 14½ east, as a scenic river;

“(B) the 8.6-mile segment from the west section line of section 22, township 32 south, range 14 east, to the Fremont National Forest boundary in the southeast quarter of section 10, township 33 south, range 13 east, as a recreational river; and

“(C) the 24-mile segment from the Fremont National Forest boundary in the southwest quarter of section 10, township 33 south, range 13 east, to Coyote Bucket at the Fremont National Forest boundary, as a scenic river.

“( ) UPPER ROGUE, OREGON.—The 40.3-mile segment from the Crater Lake National Park boundary to the Rogue River National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

“(A) The 0.5-mile segment from the Crater Lake National Park boundary to approximately 0.1-mile downstream from the forest road 6530760 (West Lake Road) crossing as a scenic river;

“(B) the 6.1-mile segment from approximately 0.1-mile downstream from the forest road 6530760 (West Lake Road) crossing to Minehaha Creek as a wild river; and

“(C) the 33.7-mile segment from Minehaha Creek to the Rogue River National Forest boundary as a scenic river.

“( ) WENAH, OREGON.—The 21.55-mile segment from the confluence of the North Fork and the South Fork to its confluence with the Grande Ronde River; to be administered by the Secretary of Agriculture in the following classes:

“(A) The 18.7-mile segment from the confluence of the North Fork and South Fork to the Umatilla National Forest as a wild river;

“(B) the 2.7-mile segment from the Umatilla National Forest boundary to the easternmost boundary of the Wenaha State Wildlife Area as a scenic area; and

“(C) the 0.15-mile segment from the easternmost boundary of the Wenaha State Wildlife Area to the confluence with the Grande Ronde River as a recreational river.

“( ) WEST LITTLE OWYHEE, OREGON.—The 51-mile segment from its headwaters to its confluence with Owyhee River as a wild river; to be administered by the Secretary of the Interior.

“( ) WHITE, OREGON.—The 46.5-mile segment from its headwaters to its confluence with the Deschutes River in the following classes:

“(A) The 2-mile segment from its headwaters to the section line between sections 9 and 16, township 3 south, range 9 east, as a recreational river; to be administered by the Secretary of Agriculture: *Provided*, That designation and classification shall not preclude the Secretary from exercising discretion to approve construction, operation, and from exercising discretion to approve construction, operation, and maintenance of ski lifts, ski runs, and associated facilities for the land comprising the Mt. Hood Winter Sports Area insofar as such construction does not involve water resource projects and is consistent with protecting the values for which the river was designated.

“(B) the 13.6-mile segment from the section line between sections 9 and 16, township 3 south, range 9 east, to Deep Creek as a recreational river; to be administered by the Secretary of Agriculture;

“(C) the 6.5-mile segment from Deep Creek to the Mt. Hood National Forest boundary as a scenic river; to be administered by the Secretary of Agriculture;

“(D) the 17.5-mile segment from the Mt. Hood National Forest boundary to Three Mile Creek as a scenic river; to be administered by the Secretary of the Interior;

“(E) the 5.3-mile segment from Three Mile Creek to River Mile 2.2 as a recreational river; to be administered by the Secretary of the Interior; and

“(F) the 1.6-mile segment from River Mile 1.6 to its confluence with the Deschutes River as a recreational river; to be administered by the Secretary of the Interior.”.

#### SEC. 103. WILD AND SCENIC RIVER STUDIES.

16 USC 1276.

Section 5(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 910), as amended, is further amended by adding the following new paragraphs at the end thereof:

“( ) BLUE, OREGON.—The segment from its headwaters to the Blue River Reservoir; by the Secretary of Agriculture.

“( ) CHEWAUCAN, OREGON.—The segment from its headwaters to the Paisley Urban Growth boundary to be studied in cooperation with, and integrated with, the Klamath River Basin Plan; by the Secretary of Agriculture.

“( ) NORTH FORK MALHEUR, OREGON.—The segment from the Malheur National Forest boundary to Beulah Reservoir; by the Secretary of the Interior.

“( ) SOUTH FORK MCKENZIE, OREGON.—The segments from its headwaters to the upper end of Cougar Reservoir and from the lower end of Cougar Reservoir to its confluence with the McKenzie River; by the Secretary of Agriculture.

“( ) STEAMBOAT CREEK, OREGON.—The entire creek; by the Secretary of Agriculture.

“( ) WALLOWA, OREGON.—The segment from its confluence with the Minam River to its confluence with the Grande Ronde River; by the Secretary of Agriculture.”.

#### SEC. 104. UPPER KLAMATH RIVER STUDY.

Section 5(d) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 910) is amended by inserting “(1)” after “(d)” and by inserting the following new paragraph at the end thereof:

“(2) The Congress finds that the Secretary of the Interior, in preparing the Nationwide Rivers Inventory as a specific study for possible additions to the National Wild and Scenic Rivers System, identified the Upper Klamath River from below the John Boyle Dam to the Oregon-California State line. The Secretary, acting through the Bureau of Land Management, is authorized under this subsection to complete a study of the eligibility and suitability of such segment for potential addition to the National Wild and Scenic Rivers System. Such study shall be completed, and a report containing the results of the study shall be submitted to Congress by April 1, 1990. Nothing in this paragraph shall affect the authority or responsibilities of

Reports.

any other Federal agency with respect to activities or actions on this segment and its immediate environment.”.

**SEC. 105. INDIAN TREATY LANDS AND ADMINISTRATIVE PROVISIONS.**

16 USC 1274  
note.

(a)(1) Lands now or hereafter held in trust by the United States for the benefit of an Indian tribe or individual Indian shall not be included within the boundaries of the Deschutes or Metolius Rivers as designated by this title without the consent of the applicable tribal council.

(2) When Indian treaty lands exist in association with lands included in the National Wild and Scenic Rivers System under this title, the Secretaries of the Interior and Agriculture, as appropriate, shall fully consult and enter into written cooperative management agreements with the affected Indian tribe for planning, administration, and management of such areas as provided in section 10(e) of this Act.

Contracts.

(b) Nothing in this title shall affect:

(1) The jurisdiction or responsibilities of an Indian tribe with respect to fish, wildlife, land, and water management;

(2) the treaty or other rights of an Indian tribe;

(3) the water and land claims, present or future, of an Indian tribe;

(4) the relicensing or amending the license of the Pelton Hydroelectric Project, FERC Project No. 2030 so long as such project does not adversely affect the values for which the Deschutes River was designated;

(5) the rights or jurisdiction of Indian tribes over waters or any river or stream within the affected river area or stream, or over any ground water resource; or

(6) the beneficial ownership interest of land held in trust, now or hereafter, by the United States for Indian Tribes or individual Indians.

(c) Nothing in this title shall preclude or impair the use by the City of Portland, Oregon, of water in the Bull Run and Little Sandy Rivers to the extent that such water is necessary for the purpose of municipal water supply.

**SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 1274  
note.

There are authorized to be appropriated for fiscal years after the fiscal year 1988—

(a) for the purpose of acquisition of lands, waters, and interests therein pursuant to this title, not to exceed \$5,000,000;

(b) for the purpose of preparing the studies for the rivers and river segments listed in section 103 of this title, not to exceed \$2,500,000; and

(c) for the purpose of preparing the study of the river segment listed in section 104 of this title, not to exceed \$200,000.

**TITLE II—UMATILLA BASIN PROJECT, OREGON**

Umatilla Basin  
Project Act.  
Fish and fishing.

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Umatilla Basin Project Act”.

**SEC. 202. AUTHORIZATION OF PROJECT.**

(a) For purposes of mitigating losses to anadromous fishery resources and continuing water service to the Hermiston, West Exten-

sion, Westland, and Stanfield Irrigation Districts, for the project water exchange, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, and Acts amendatory thereof and supplementary thereto), is authorized to construct, operate, and maintain the Umatilla Basin Project, Oregon, substantially in accordance with the report entitled: "Umatilla Basin Project, Oregon, Planning Report" dated February 12, 1988, in the manner specified by this title. The principal work of the project shall consist of—

- (1) lands, water rights, or interests therein acquired for the benefit of fishery resources;
- (2) measures to conserve water and improve the efficiency of the existing conveyance, distribution, and drainage systems of the Umatilla Project, where such measures are found to make water available for the benefit of fishery resources;
- (3) pumping plants and related diversion, conveyance, and distribution features;
- (4) works incidental to the rehabilitation or modification of existing irrigation systems necessary to accomplish a water exchange required to fulfill the purposes of this title;
- (5) fish passage and protective facilities and other necessary mitigation measures;
- (6) a program to monitor and regulate project operations; and
- (7) a program to evaluate fishery resource mitigation measures.

#### SEC. 203. INTEGRATION AND OPERATION OF PROJECT.

Project facilities and features authorized by this title shall be integrated and coordinated, from an operational standpoint, into existing features of the Umatilla Project, and shall be operated in a manner consistent with Federal reclamation laws and water rights established pursuant to State law including the contract rights of water users. Prior to the initiation of project construction, the Secretary shall secure the necessary State and local permits and other authorities for the operation of project facilities, and through the conclusion of appropriate agreements with the State of Oregon, the relevant irrigation districts, and the Confederated Tribes of the Umatilla Indian Reservation provide for the monitoring and regulation of project-related water supplies for the purposes herein identified.

#### SEC. 204. POWER FOR PROJECT PUMPING.

The Administrator of the Bonneville Power Administration, consistent with provisions of the Columbia River Basin Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697), shall provide for project power needed to effect the water exchange with irrigation districts for purposes of mitigating anadromous fishery resources. The cost of power shall be credited to fishery restoration goals of the Columbia River Basin Fish and Wildlife Program.

#### SEC. 205. OPERATION AND MAINTENANCE COSTS.

Non-Federal interests shall be responsible for the cost of operating and maintaining the project, except for those costs associated with implementation of section 204 of this title, and to fulfill the purpose of mitigating losses to anadromous fisheries resources.



## SEC. 206. INTERIM FLOW AUGMENTATION.

Until the facilities authorized in this title are constructed and in operation, and as an interim measure to provide flow augmentation of the Umatilla River for anadromous fishery resources, funds are authorized to be appropriated to the Secretary, through the end of fiscal year 1998, to provide for interim operation and maintenance of existing pumps or other facilities for the purpose of providing flow augmentation for anadromous fish.

Appropriation  
authorization.

## SEC. 207. NON-FEDERAL COSTS.

(a) CREDIT FOR NON-FEDERAL FISHERY RESOURCE IMPROVEMENTS.—The Umatilla Basin Project authorized by this title is a Federal action to improve streamflow and fish passage conditions and shall be considered part of a comprehensive program to restore the Umatilla River basin anadromous fishery resource. Related fishery resource improvement facilities which utilize funding sources under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (94 Stat. 2697) and programs of the State of Oregon and other entities shall be consolidated in any final calculation of required cost sharing.

(b) TREATMENT OF NON-FEDERAL COSTS INCURRED IN IMPLEMENTING PROJECT FEATURES BEFORE APPROPRIATIONS.—To the extent any public or private entity shares in the cost of or constructs any feature of the project or portion thereof prior to the appropriation of funds for construction of such feature, the costs incurred shall be credited to the total amount of any cost sharing required for the project. The Secretary is authorized to accept title to facilities appropriate to the project without compensation and thereafter to operate and maintain such facilities.

## SEC. 208. CONJUNCTIVE USE OF PUMPING FACILITIES.

When project pumping capacity is available in excess of that needed for fishery resource benefits as determined by the Secretary of the Interior, such project pumping capacity may be made available for use on presently irrigated lands eligible for service within the irrigation districts that participate in the project authorized in this title at a rate based on the operation and maintenance costs related to such conjunctive use and an appropriate share of capital costs for such use as specified by an agreement between the Secretary of the Interior and the irrigation districts: *Provided*, That (a) boundaries of the irrigation districts may be modified, upon approval of the Secretary of the Interior, to include such lands that received irrigation water service from those districts prior to October 1, 1988; and (b) that such use shall be considered as secondary to the purpose of providing water for fishery resource purposes. Pumping power for this purpose shall be provided to the Bureau of Reclamation by the Administrator of the Bonneville Power Administration. The Administrator's rate for this service during the peak period shall be the forecasted average rate to be paid by public agencies for irrigation loads during peak periods. The rate during the off peak period shall be the rate paid by public agencies for irrigation loads during off peak periods. The cost of power for such pumping, and the cost of transmitting power from the Federal Columbia River Power System to the project pumping facilities shall be borne by irrigation districts receiving the benefit of such water.

## SEC. 209. LEASE AND PURCHASE OF WATER.

Appropriation  
authorization.

The Secretary is authorized to acquire from willing parties land, water rights, or interests therein for benefit of fishery resources consistent with the purpose of this title: *Provided*, That acquisition of water rights shall be in accordance with applicable State law. There is hereby authorized to be appropriated not more than \$1,000,000 to accomplish the purposes of this section.

## SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) There is hereby authorized to be appropriated for construction of the Umatilla Basin Project and the study authorized by section 213 of this title the sum of \$42,400,000 (April 1987 prices), less any amounts previously appropriated for the project, plus or minus such amounts as may be required by reason of changes in the cost of construction work of the types involved therein as shown by applicable engineering cost indices and exclusive of facilities indicated in section 210(b) of this title: *Provided*, That such funds are authorized to be appropriated only through the tenth fiscal year after which construction funds are first made available: *Provided further*, That all costs, including operation and maintenance costs, allocated to the mitigation of anadromous fish species and the study authorized in section 213 of this title shall be nonreimbursable. There are also authorized to be appropriated such sums as may be required for the Federal share of operation and maintenance of the project, including the monitoring and evaluation of project accomplishments.

(b) Related fish passage and protective facilities constructed or to be constructed by the Bonneville Power Administration that are features of the Columbia River Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) shall be consolidated into calculations of project costs and benefits: *Provided*, That the Secretary shall not request an appropriation of funds to construct any such facilities.

## SEC. 211. WATER RIGHTS.

Nothing in this title shall be construed to—

- (1) impair the validity of or preempt any provision of State water law, or of any interstate compact governing water;
- (2) alter the rights of any State to any appropriated share of the waters of any body or surface or ground water, whether determined by past or future interstate compacts, or by past or future legislative or final judicial allocations;
- (3) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal;
- (4) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resources; or
- (5) affect any water rights of any Indian or Indian tribe if such rights were established by the setting aside of a reservation by treaty, Executive order, agreements, or Act of Congress.

## SEC. 212. REHABILITATION AND BETTERMENT AUTHORIZATION.

Conservation.

For purposes of encouraging water conservation and improvements to water supply systems of the irrigation districts participating in the project authorized by this title, Stanfield and Westland Irrigation Districts shall be eligible to receive financial assistance,

in an amount not to exceed \$2,000,000 each, as deemed appropriate by the Secretary, under provisions of the Rehabilitation and Betterment Act of October 7, 1949 (63 Stat. 724), as amended.

**SEC. 213. REVIEW OF UMATILLA PROJECT OPERATIONS.**

Within one year from the date of enactment of this title, the Secretary shall complete a review of current operations of the Umatilla Project, for the purpose of identifying opportunities to further mitigate losses to anadromous fishery resources. Within 90 days of the completion of this review, the Secretary shall transmit a report thereon, together with any conclusions and recommendations to improve the management of the existing project, including measures that may require additional legislation, to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The review shall include, but not be limited to the following:

Reports.

- (a) Contract negotiation and administration;
- (b) water conservation plans and activities required by section 210 of the Reclamation Reform Act of 1982 (Public Law 97-293);
- (c) allocation of reservoir storage space;
- (d) water deliveries outside the authorized service area; and
- (e) water rights held by the United States.

Approved October 28, 1988.

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**LEGISLATIVE HISTORY—S. 2148 (H.R. 4164):**

HOUSE REPORTS: No. 100-1053, Pt. 1, accompanying H.R. 4164 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-570 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Oct. 7, considered and passed Senate.

Oct. 12, considered and passed House.

Public Law 100-677  
100th Congress

An Act

To prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes.

Nov. 17, 1988  
[S. 2102]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SALMON AND SNAKE RIVERS.

16 USC 1274  
note.

(a) The Federal Energy Regulatory Commission shall not issue any preliminary permit, license, or exemption from licensing for the construction of any dam, diversion or bypass under the Federal Power Act (41 Stat. 1063), as amended, on:

(1) the Salmon River, Idaho, from Long Tom Bar to the confluence of the Snake River, or

(2) the Snake River, Idaho, from the eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette Meridian to the pool formed behind Lower Granite Dam.

(b) In order to further the purposes of the Wild and Scenic Rivers Act (82 Stat. 906), as amended, and to protect the values for which certain portions of the Salmon River, Idaho and the Snake River, Idaho were designated as components of the system, no dam may be constructed on the segments of the Salmon or Snake Rivers referred to in subsection (a).

SEC. 2. LAKE TOBESOFKEE.

Georgia.  
Energy.

In the case of any hydroelectric power project located or proposed to be located at Lake Tobesofkee in Bibb County, Georgia, the provisions of the Federal Power Act shall continue to apply, except that the Federal Energy Regulatory Commission shall not issue any permit, license, or exemption under that Act or under any other provision of law administered by the Commission to any person or public or private entity for such project or for any transmission or other facilities used in connection with, or appurtenant to, such

project without having obtained the prior consent of the governing body of Bibb County.

Approved November 17, 1988.

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LEGISLATIVE HISTORY—S. 2102:

SENATE REPORTS: No. 100-468 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 134 (1988):

Aug. 11, considered and passed Senate.

Oct. 20, considered and passed House, amended.

Oct. 21, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Nov. 17, Presidential statement.

Public Law 100-554  
100th Congress

An Act

Oct. 28, 1988  
[S. 1914]

To designate a segment of the Wildcat River in the State of New Hampshire as a component of the National Wild and Scenic Rivers System, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DESIGNATION OF WILDCAT RIVER.

In order to preserve and protect for present and future generations the outstanding scenic, natural, recreational, scientific, historic, and ecological values of the Wildcat River in the State of New Hampshire, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) as amended, by adding the following new paragraph at the end thereof:

Contracts.

“(65) WILDCAT RIVER, NEW HAMPSHIRE.—(A) A 14.51 mile segment including the following tributaries: Wildcat Brook, Bog Brook, and Great Brook (all as generally depicted on a map entitled ‘Wildcat River’, dated October 1987) to be administered as follows: those segments of the Wildcat River and its tributaries located within the boundary of the White Mountain National Forest (hereinafter in this paragraph referred to as ‘the forest’) shall be administered by the Secretary of Agriculture (hereinafter in this paragraph referred to as the ‘Secretary’); those segments located outside the boundary of the forest shall be administered by the Secretary through a cooperative agreement with the Board of Selectmen of the town of Jackson and the State of New Hampshire pursuant to section 10(e) of this Act. Such agreement shall provide for the long-term protection, preservation, and enhancement of the river segments located outside the boundary of the forest and shall be consistent with the comprehensive management plan to be prepared by the Secretary pursuant to section 3(d) of this Act and with the July 1987 River Conservation Plan prepared by the Wildcat Brook Advisory Committee in conjunction with the National Park Service.

“(B)(i) To assist in the implementation of this paragraph, the Secretary shall establish, within 3 months after the date of enactment of this subparagraph, a Wildcat River Advisory Commission (hereinafter in this paragraph referred to as the ‘Commission’).

“(ii) The Commission shall be composed of 7 members appointed by the Secretary as follows: one member from recommendations submitted by the Governor of the State of New Hampshire; 4 members from recommendations submitted by the Jackson Board of Selectmen, of which at least 2 members shall be riparian property owners, and at least one member shall be on the Board of Selectmen; one member from recommendations submitted by the Jackson Conservation Commission; and one member selected by the Secretary. Members of the Commission shall be appointed for terms of 3 years. A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder



of such term. Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Commission shall designate one of its members as Chairman.

“(iii) The Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the designation of the segments described in this paragraph. Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement. Public information.

“(iv) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this paragraph on vouchers signed by the Chairman.

“(v) Four members of the Commission shall constitute a quorum but a lesser number may hold hearings.

“(vi) The Commission shall cease to exist on the date 10 years after the enactment of this paragraph.

“(vii) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to the Commission.

“(C) The authority of the Secretary to acquire lands outside the boundary of the White Mountain National Forest for purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof. The Secretary may also acquire scenic easements for purposes of this paragraph as provided in section 6 of this Act.

“(D) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph.”. Appropriation authorization.

Approved October 28, 1988.

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LEGISLATIVE HISTORY—S. 1914:

HOUSE REPORTS: No. 100-904 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-369 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 7, considered and passed Senate.

Sept. 13, considered and passed House, amended.

Oct. 12, Senate concurred in House amendment.

NATIONAL MEMORIALS

Public Law 100-701  
100th Congress

An Act

Nov. 19, 1988  
[H.R. 4212]

To amend the Joint resolution of April 27, 1962, to permit the Secretary of the Interior to establish the former home of Alexander Hamilton as a national memorial at its present location in New York, New York.

Historic  
preservation.  
Conservation

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Joint resolution of April 27, 1962 (76 Stat. 57), is amended by striking all after the resolving clause and inserting the following:

“SECTION 1. HAMILTON GRANGE NATIONAL MEMORIAL.

16 USC 431 note.

“(a) ESTABLISHMENT.—In order to provide for the benefit, inspiration, and education of the American people, there is hereby established the Hamilton Grange National Memorial (hereinafter in this Act referred to as the ‘memorial’) in the State of New York.

“(b) MAP.—The memorial shall consist of the lands and interests in lands and improvements as generally depicted on the map entitled ‘Hamilton Grange National Memorial Boundary Map’ numbered 416/80,002 and dated June 1988.

“SEC. 2. ACQUISITION OF PROPERTY.

“The Secretary of the Interior (hereinafter in this Act referred to as the ‘Secretary’) is authorized to acquire lands, interests in lands, and improvements thereon within the boundaries of the memorial by donation. The Secretary is authorized to reimburse the owner not more than \$15,000 for administrative costs directly related to the transfer of ownership of this property. The Secretary may also acquire by the donation, purchase with donated or appropriated funds or by exchange, personal property associated with and appropriate for interpretation of the memorial.

“SEC. 3. ADMINISTRATION OF MEMORIAL.

“The Secretary shall administer the memorial in accordance with the provisions of law generally applicable to units of the National Park System, including the Act of August 21, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461). In administering the memorial, the Secretary shall—

“(1) provide for the interpretation of the life of Alexander Hamilton;

“(2) preserve and interpret the history of The Grange, home of Alexander Hamilton; and

“(3) present the history of the United States as a young Nation.

“SEC. 4. GENERAL MANAGEMENT PLAN.

“Within 3 complete fiscal years after the enactment of this section, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the memorial. The

plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1—1a-7). Such plan shall identify appropriate facilities for proper interpretation of the site for visitors.

**“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated such sums as may be necessary to carry out this Act, but not to exceed \$2,500,000 for development.”.

SEC. 2. Notwithstanding any other provision of law or any order of land classification based thereon, the Secretary of the Interior is authorized to consider an application for desert land entry covering approximately 280 acres of public lands, 105 of which constitute a part of a scenic easement area of the Dinosaur National Monument, Utah, as identified on a map entitled “Desert Land Entry—Dinosaur National Monument—October 1, 1987”. If the applicant meets the requirements of section 3 of this Act, the Secretary shall issue a patent to the applicant in accordance with the Desert Land Entry Act (43 U.S.C. 321 et seq.). Such patent shall reserve to the United States a right-of-way 200 feet in width for the Dinosaur National Monument entrance road.

Public lands.  
Patents and  
trademarks.  
Utah.  
16 USC 431 note.

SEC. 3. The Secretary shall not issue a patent to the lands described in section 2 until the applicant has: (a) complied with the requirements of the Desert Land Entry Act; and (b) conveyed to the United States, at no cost, title to scenic easements for purposes of Dinosaur National Monument on lands identified by the National Park Service as tracts 07-114, south half; 07-115, the complete tract.

SEC. 4. The scenic easements acquired by the Secretary and any patents issued by him under this Act shall be subject to the restrictions set forth in the scenic easement deed dated March 16, 1967, and filed in the records of Moffat County, Colorado, at pages 2 and 3 of book 341 of the deed of records of the county.

Patents and  
trademarks.

Approved November 19, 1988.

**LEGISLATIVE HISTORY—H.R. 4212:**

HOUSE REPORTS: No. 100-699 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-536 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 20, considered and passed House.

Oct. 21, considered and passed Senate, amended. House concurred in Senate amendments.

Public Law 100-528  
100th Congress

## An Act

To remove certain restrictions on land acquisitions for Antietam National  
Battlefield.Oct. 25, 1988  
[H.R. 4554]*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*SECTION 1. REMOVAL OF CERTAIN RESTRICTIONS ON LAND ACQUISI-  
TIONS FOR ANTIETAM NATIONAL BATTLEFIELD. Maryland.

(a) ACREAGE LIMITATION.—The first section of the Act entitled “An Act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland”, approved April 22, 1960 (16 U.S.C. 430oo) is amended by striking out “Not more than 600 acres of land, however, shall be acquired in fee by purchase or condemnation, but neither this limitation nor any other provision of law shall preclude such acquisition of the fee title to other lands and its immediate reconveyance to the former owner with such covenants, restrictions, or conditions as will accomplish the purposes of this section: *Provided*, That the cost to the Government of any such transaction shall not exceed the reasonable value of the covenants, restrictions, or conditions thereby imposed on the property.”.

(b) SCENIC EASEMENT LIMITATION.—Section 319(a) of the National Parks and Recreation Act of 1978 (16 U.S.C. 430oo note) is amended by striking out “only scenic easements over”.

(c) SITE REDESIGNATION.—Section 319(b) of the National Parks and Recreation Act of 1978 (16 U.S.C. 430nn note) is amended by striking out “, including only scenic easements acquired pursuant to subsection (a) of this section,”.

Approved October 25, 1988.

## LEGISLATIVE HISTORY—H.R. 4554 (S. 2565):

HOUSE REPORTS: No. 100-909 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 13, considered and passed House.

Oct. 11, considered and passed Senate.



NATIONAL BATTLEFIELDS



Manassas  
National  
Battlefield Park  
Amendments of  
1988.  
Virginia.  
Conservation.  
16 USC 429b  
note.

## TITLE X—MANASSAS NATIONAL BATTLEFIELD PARK

### SEC. 10001. SHORT TITLE.

This title may be cited as the “Manassas National Battlefield Park Amendments of 1988”.

### SEC. 10002. ADDITION TO MANASSAS NATIONAL BATTLEFIELD PARK.

The first section of the Act entitled “An act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes”, approved April 17, 1954 (16 U.S.C. 429b), is amended—

(1) by inserting “(a)” after “That”; and

(2) by adding at the end thereof the following:

“(b)(1) In addition to subsection (a), the boundaries of the park shall include the area, comprising approximately 600 acres, which is south of U.S. Route 29, north of Interstate Route 66, east of Route 705, and west of Route 622. Such area shall hereafter in this Act be referred to as the ‘Addition’.

Real property.

“(2)(A) Notwithstanding any other provision of law, effective on the date of enactment of the Manassas National Battlefield Park Amendments of 1988, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, all the real property within the Addition.

“(B) The United States shall pay just compensation to the owners of any property taken pursuant to this paragraph and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of the agreed negotiated value of such property or the valuation of such property awarded by judgment and shall be made from the permanent judgment appropriation established pursuant to 31 U.S.C. 1304. Such payment shall include interest on the value of such property which shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from the date of enactment of the Manassas

National Battlefield Park Amendments of 1988 to the last day of the month preceding the date on which payment is made.

“(C) In the absence of a negotiated settlement, or an action by the owner, within 1 year after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary may initiate a proceeding at anytime seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

“(3) Not later than 6 months after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary shall publish in the Federal Register a detailed description and map depicting the boundaries of the Addition. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Federal  
Register,  
publication.  
Public  
information.

“(c) The Secretary shall not allow any unauthorized use of the Addition after the enactment of the Manassas National Battlefield Park Amendments of 1988, except that the Secretary may permit the orderly termination of all operations on the Addition and the removal of equipment, facilities, and personal property from the Addition.”.

#### SEC. 10003. VISUAL PROTECTION.

Section 2(a) of the Act entitled “An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes”, approved April 17, 1954 (16 U.S.C. 429b-1), is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end thereof the following:

“(2) The Secretary shall cooperate with the Commonwealth of Virginia, the political subdivisions thereof, and other parties as designated by the Commonwealth or its political subdivisions in order to promote and achieve scenic preservation of views from within the park through zoning and such other means as the parties determine feasible.”.

#### SEC. 10004. HIGHWAY RELOCATION.

16 USC 429b  
note.

(a) **STUDY.**—The Secretary of the Interior (hereafter in this section referred to as the “Secretary”), in consultation and consensus with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County, shall conduct a study regarding the relocation of highways (known as routes 29 and 234) in, and in the vicinity of, the Manassas National Battlefield Park (hereinafter in this section referred to as the “park”). The study shall include an assessment of the available alternatives, together with cost estimates and recommendations regarding preferred options. The study shall specifically consider and develop plans for the closing of those public highways (known as routes 29 and 234) that transect the park and shall include analysis of the timing and method of such closures and of means to provide alternative routes for traffic now transecting the park. The Secretary shall provide for extensive public involvement in the preparation of the study.

(b) **DETERMINATION.**—Within 1 year after the enactment of this Act, the Secretary shall complete the study under subsection (a). The study shall determine when and how the highways (known as routes 29 and 234) should be closed.

(c) **ASSISTANCE.**—The Secretary shall provide funds to the appropriate construction agency for the construction and improvement of

State and local  
governments.

the highways to be used for the rerouting of traffic now utilizing highways (known as routes 29 and 234) to be closed pursuant to subsection (b) if the construction and improvement of such alternatives are deemed by the Secretary to be in the interest of protecting the integrity of the park. Not more than 75 percent of the costs of such construction and improvement shall be provided by the Secretary and at least 25 percent shall be provided by State or local governments from any source other than Federal funds. Such construction and improvement shall be approved by the Secretary of Transportation.

(d) **AUTHORIZATION.**—There is authorized to be appropriated to the Secretary not to exceed \$30,000,000 to prepare the study required by subsection (a) and to provide the funding described in subsection (c).

Approved November 10, 1988.

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**LEGISLATIVE HISTORY—H.R. 4333 (S. 2238):**

**HOUSE REPORTS:** No. 100-795 (Comm. on Ways and Means) and No. 100-1104 (Comm. of Conference).

**SENATE REPORTS:** No. 100-445 accompanying S. 2238 (Comm. on Finance).

**CONGRESSIONAL RECORD**, Vol. 134 (1988):

Aug. 4, considered and passed House.

Oct. 6, 7, S. 2238 considered in Senate.

Oct. 11, H.R. 4333 considered and passed Senate, amended.

Oct. 21, House and Senate agreed to conference report.

Public Law 100-205  
100th Congress

An Act

To amend the boundaries of Stones River National Battlefield, Tennessee, and for other purposes.

Dec. 23, 1987  
[H.R. 1994]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. STONES RIVER NATIONAL BATTLEFIELD.

16 USC 426n.

(a) EXPANSION OF STONES RIVER NATIONAL BATTLEFIELD.—In furtherance of the Act of March 3, 1927 (44 Stat. 1399), as amended, the boundary of Stones River National Battlefield (hereinafter referred to as “battlefield”) is hereby revised to include the lands generally depicted on the map entitled “Boundary Map, Stones River National Battlefield” numbered 327/80,001, and dated March 1987. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and in the office of the Superintendent of the Stones River National Battlefield.

16 USC 426.

Public  
information.

(b) ACQUISITION OF LANDS.—The Secretary of the Interior (hereinafter referred to as “Secretary”) is hereby authorized to acquire lands or interests therein within the boundary of the battlefield by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Tennessee or any political subdivision thereof may be acquired only by donation. Lands and interests therein acquired pursuant to this Act shall become part of the battlefield, subject to all the laws and regulations applicable thereto.

SEC. 2. AGREEMENT.

16 USC 426o.

The Secretary is authorized to enter into an agreement with the city of Murfreesboro, Tennessee, under which (1) the Secretary shall acquire sufficient interest in land and shall construct thereon a trail linking the battlefield with Fortress Rosecrans, (2) the city shall operate and maintain the trail in accordance with standards approved by the Secretary, and (3) the Secretary shall preserve the existing remnants of Fortress Rosecrans and the city shall operate and maintain the fortress.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

16 USC 426p.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved December 23, 1987.

LEGISLATIVE HISTORY—H.R. 1994 (S. 963):

HOUSE REPORTS: No. 100-187 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-243 accompanying S. 963 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
June 29, considered and passed House.  
Dec. 11, considered and passed Senate.

NATIONAL TRAILS

PUBLIC LAW 100-552—OCT. 28, 1988

**LEWIS AND CLARK NATIONAL HISTORIC  
TRAIL INTERPRETIVE CENTER, MONTANA**



Public Law 100-552  
100th Congress

An Act

Oct. 28, 1988  
[S. 1704]

To authorize the establishment of the Lewis and Clark National Historic Trail Interpretive Center in the State of Montana, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 1244  
note.

SECTION 1. FINDINGS.

The Congress finds that—

(1) the site at which the historic Lewis and Clark Expedition commenced in St. Louis, Missouri, and the site at which the expedition terminated at Fort Clatsop in Oregon have been recognized as sites of historic significance on the Lewis and Clark National Historic Trail; and

(2) the historic significance of the travels of Lewis and Clark on the High Plains and their portage around the Great Falls of the Missouri requires additional recognition and interpretation.

16 USC 1244  
note.

SEC. 2. ESTABLISHMENT.

(a) LEWIS AND CLARK NATIONAL HISTORIC TRAIL INTERPRETIVE CENTER.—That to further the public's understanding and provide appropriate interpretation of the scope and accomplishments of the Lewis and Clark Expedition, within the State of Montana and along the Lewis and Clark National Historic Trail, the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") is authorized to establish the Lewis and Clark National Historic Trail Interpretive Center (hereinafter in this Act referred to as the "Center"). The Secretary shall establish the Center upon the transfer by the State of Montana to the United States of the lands described in subsection (b) and such additional easements and other rights as the Secretary deems necessary to ensure adequate public access to the Center.

Public  
information.

(b) MAP.—The Center shall consist of those lands, located in the vicinity of Great Falls, Montana, donated by the State of Montana, not to exceed fifty acres, as generally depicted on the map entitled "Boundary Map, Proposed Lewis and Clark National Historic Trail Interpretive Center", dated June 1980. The map shall be on file and available for public inspection in the offices of the Chief, United States Forest Service, Department of Agriculture, and the State of Montana Department of Fish, Wildlife, and Parks.

(c) REVERSION OF LANDS.—Any lands or portions of lands granted to the Secretary by the State of Montana for use in connection with the Center shall revert to the State of Montana if, at any time, the Secretary uses such lands for any purpose other than those authorized under this Act.

16 USC 1244  
note.

SEC. 3. ADMINISTRATION.

(a) AUTHORIZATION.—The Secretary shall administer the Center in accordance with this Act and the laws, rules, and regulations applicable to the national forests in such manner as will best provide

for the interpretation of the scope and accomplishments of the Lewis and Clark Expedition, along the Lewis and Clark National Historic Trail within the State of Montana. In no event shall the Center be used for purposes other than those provided for by this Act.

(b) **PLAN.**—Within two years after the establishment of the Center, the Secretary shall prepare and submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a plan for the development and interpretation of the Center. Such plan shall include but not be limited to provisions for—

(1) interpretation to the public of available historic resources, documents, and artifacts associated with the Lewis and Clark Expedition, and

(2) development of facilities for public use and enjoyment of the area.

(c) **DONATIONS.**—Notwithstanding any other provision of law, the Secretary may accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(d) **COOPERATIVE AGREEMENTS.**—In administering the Center, the Secretary is authorized to enter into cooperative agreements with the State of Montana, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and firefighting departments or agencies. The Secretary is also authorized to enter into cooperative agreements with other Federal agencies, and with State or local public agencies for the development and operation of facilities and services in furtherance of the purposes of this Act. The Secretary is encouraged to develop, in conjunction with the State of Montana, a cooperative management plan for the entire Giant Springs Park which will enhance the general public's opportunity to use and enjoy the Center as well as the nearby historical sites, and other State and Federal lands.

Public health  
and safety.  
Law  
enforcement  
and crime.

(e) **COOPERATING ASSOCIATION.**—The Secretary is authorized and directed to enter into an agreement with the Portage Route chapter of the Lewis and Clark Heritage Foundation or a similarly affiliated organization to provide educational and interpretive materials to the public that highlight the travels of Lewis and Clark, High Plains Indians, explorers, or other historical features of the area, that are compatible with the purposes of the Center. Such agreement shall include but not be limited to each of the following:

Education.

(1) Provisions requiring the Foundation to obtain and maintain its status as a nonprofit tax-exempt organization.

(2) A provision permitting the Secretary to have access to the documents and records of the Foundation that involve the Center.

(3) The Foundation shall agree to return to the Center the profits earned from the sale of educational and interpretive materials.

(4) Minimum operating requirements and procedures for the sale of educational and interpretive materials at the Center.

(5) A procedure to settle disagreements between the Foundation and the Secretary.

(6) Reasonable rent and maintenance costs for the use of an area within the Center.

(7) Other items of mutual agreement.

The Secretary may terminate the agreement for good cause.

16 USC 1244  
note.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), there is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, including such sums as may be necessary for the planning and designing of, and site preparation for, the Center and associated structures and improvements.

(b) CONSTRUCTION OF INTERPRETIVE CENTER.—There is hereby authorized to be appropriated not more than \$3,500,000 for the construction of the Lewis and Clark National Historic Trail Interpretive Center and associated structures and improvements.

(c) Any new spending authority described in subsection (c)(2)(A) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

#### SEC. 5. MISSOURI RIVER WILD AND SCENIC RIVER.

16 USC 1274  
note.

Subsection (g) of section 203 of the Act approved October 12, 1976 (90 Stat. 2327, 2329), is amended as follows:

(1) Strike out "except" in paragraph (1)(G) and insert in lieu thereof "including".

(2) Strike out "National Park Service" in paragraph (2) and insert in lieu thereof "Bureau of Land Management".

Approved October 28, 1988.

#### LEGISLATIVE HISTORY—S. 1704 (H.R. 1982):

HOUSE REPORTS: No. 100-788 accompanying H.R. 1982 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-526 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

July 26, H.R. 1982 considered and passed House.

Oct. 11, S. 1704 considered and passed Senate.

Oct. 12, considered and passed House.

PUBLIC LAW 100-699—NOV. 19, 1988

**OMNIBUS PUBLIC LANDS AND NATIONAL  
FORESTS ADJUSTMENTS ACT OF 1988**

Public Law 100-699  
100th Congress

An Act

Nov. 19, 1988  
[H.R. 3680]

To revoke certain public land orders, transfer certain public lands, and for other purposes.

Omnibus Public  
Lands and  
National Forests  
Adjustments Act  
of 1988.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Omnibus Public Lands and National Forests Adjustments Act of 1988".

**TITLE I—PHILLIPS COUNTY, MONTANA**

**SEC. 101. AUTHORIZATION OF EXCHANGE.**

Notwithstanding the order of the United States District Court for the District of Columbia dated February 10, 1985, in Civil Action Numbered 85-2238, the Secretary of the Interior (hereafter in this title referred to as "the Secretary") is hereby authorized to revoke applicable public land orders, to revoke withdrawals, to terminate classifications, and to take such other actions as the Secretary determines necessary in order to consummate, in accordance with applicable law, an exchange of lands with Phillips County, Montana, as described in Bureau of Land Management Land Report Serial Number M-66965, dated May 8, 1986, if the Secretary determines such exchange to be in the public interest.

**SEC. 102. CONDITIONS OF EXCHANGE.**

(a) **MANAGEMENT.**—Nothing in this title shall be construed as enlarging or diminishing the extent to which the United States or any other party may be responsible, under applicable laws of the United States or the State of Montana, for proper management of lands involved in the exchange described in section 101 (including control of public access to such lands) or for management, control, removal, or other actions related to any hazardous substances or other materials located on such lands.

(b) **HAZARDOUS SUBSTANCES.**—Prior to consummating the exchange described in section 101, the Secretary shall advise the county and appropriate officials of the United States and the State of Montana concerning any information, from inspection or otherwise, the Secretary has concerning hazardous substances or other materials (including, but not limited to, industrial solvents or wastes) located on such lands.

**TITLE II—VETERAN, WYOMING TOWNSITE**

**SEC. 201. SURVEY AND PLAT.**

As soon as possible after the date of enactment of this Act, the Secretary of the Interior (hereafter in this title referred to as "the Secretary") shall resurvey and prepare a new plat for the townsite

of Veteran, Wyoming, to take into account the actual and common use of streets and alleys on such lands for designation as public reservations in accordance with the Act of April 16, 1906 (34 Stat. 116).

**SEC. 202. PATENT AND SALES.**

**(a) PATENT.—**

(1) After completion of the work required to complete the survey and plat required under section 201, the Secretary shall patent the title of the United States in and to the public reservation lands referred to in subsection (a) to Goshen County, Wyoming.

(2) Title of the United States in and to a 90 feet by 75 feet lot of approximately 0.15 acres which is described in the records of the Goshen County, Wyoming, clerk's office as "a tract in southwest corner of town of Veteran, Block 40 in the original town of Veteran," shall be patented to Goshen County United School District Number One.

**(b) DISPOSAL, ETC.—**The Secretary, acting through the Commissioner of Reclamation, is authorized to dispose of Federal lands within the townsite area for fair market value, by negotiated or public sale, and to revoke withdrawals, terminate classifications, and take other steps necessary to implement this title, notwithstanding the order of the United States District Court for the District of Columbia dated February 10, 1985, in Civil Action Numbered 85-2238.

**TITLE III—MATTERS INVOLVING LANDS IN THE STATE OF UTAH**

**SEC. 301. FARMINGTON CITY EXCHANGE.**

**(a) EXCHANGE.—**

(1) Subject to valid existing rights, if Farmington City, Utah (hereafter in this section referred to as the "city"), transfers to the United States all right, title, and interest of the city in and to the land described in paragraph (2)(A), the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall transfer to the city all right, title, and interest of the United States in and to the land described in paragraph (2)(B). Any land acquired by the United States under this section shall be added to and managed as part of the Wasatch National Forest.

(2)(A) The land referred to in paragraph (1) to be transferred by the city is that land depicted as parcels Ai, Aii, and Aiii on the map entitled "Farmington Exchange" and dated May 1988, on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(B) The land referred to in paragraph (1) to be transferred by the United States is that land depicted as parcel Bi on the map referred to in subparagraph (A).

(3) Before transferring land to the city pursuant to this subsection, the Secretary shall appraise the values of the lands described in subparagraphs (A) and (B) of paragraph (2). If, based on such appraisal, the fair market value of the lands being transferred to the city is not equal to the fair market value of the lands to be transferred to the United States, the



Secretary shall require the city to pay, or shall pay to the city, an amount sufficient to equalize such values.

**(b) CITY OR STATE LANDS WHICH MAY BE EXCHANGED.—**

(1)(A) Within the 3-year period beginning on the date of enactment of this Act, the Secretary, in conjunction with the city and the State of Utah (hereafter in this section referred to as the "State"), shall identify city or State lands which are suitable for transfer to the United States for national forest purposes in exchange for the Federal lands depicted as parcels Bii, Biii, Biv, Bv, and Bvi on the map referred to in subsection (a)(2)(A).

(B) Subject to valid existing rights, if within such period the city or the State (as the case may be) transfers to the United States the city or State lands identified pursuant to subparagraph (A), the Secretary shall transfer the appropriate Federal lands depicted as parcels Bii, Biii, Biv, Bv, and Bvi on the map referred to in subsection (a)(2)(A) to the city or the State, as appropriate. The values of lands exchanged under this section shall be of equal value as determined by the Secretary, or, if they are not of equal value, the values shall be equalized by payment to or by the Secretary so long as the payment does not exceed 25 percent of the total value of the lands transferred out of Federal ownership.

(2) In lieu of an exchange under paragraph (1), the Secretary may transfer by sale for fair market value the Federal lands depicted as parcels Bii, Biii, Biv, Bv, and Bvi on the map referred to in subsection (a)(2)(A) to the city or the State of Utah, as appropriate.

**SEC. 302. KANAB CITY TRANSFER.**

Minerals and  
mining.  
Energy.

(a) **WITHDRAWAL.**—Subject to valid existing rights, all public lands located within the city limits of Kanab City, Utah (as such limits stood on April 1, 1988) are hereby withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws. The withdrawal under this subsection shall terminate on the date which is five years after the date of enactment of this Act.

(b) **RIGHT OF KANAB CITY TO PURCHASE CERTAIN WITHDRAWN LANDS.**—As soon as possible after the date of enactment of this Act, the Secretary of the Interior (hereafter in this section referred to as the "Secretary") shall determine which public lands withdrawn by subsection (a) meet the disposal criteria specified in section 203(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(a)) and shall notify the city of Kanab City concerning such determination. For the four-year period beginning on the date of enactment of this Act, the city of Kanab City, Utah, shall have the exclusive right to purchase any public lands withdrawn by subsection (a) that the Secretary has determined to be suitable for disposal.

(c) **PUBLIC SALE.**—After the expiration of the period of exclusive right specified in subsection (b), the Secretary may offer any lands covered by such exclusive right for sale under appropriate provisions of the Federal Land Policy and Management Act of 1976, but the city of Kanab City, Utah, shall be given the opportunity to meet the high bid offered by any other party and if such city matches such high bid, the city shall be declared the highest bidder and allowed to purchase the property offered for sale.

(d) **TERMS AND CONDITIONS.**—All sales of public lands under this section shall be for fair market value and subject to valid existing rights, and the Secretary may attach such conditions to any sale under this section, and any patent issued in consequence of such sale, as the Secretary determines necessary or appropriate.

Patents and  
trademarks.

#### SEC. 303. RIVERDALE.

(a) **AUTHORIZATION FOR SALE.**—If not later than one year after the date of enactment of this Act the city of Riverdale, Utah, submits to the Secretary of the Interior a request to release and quitclaim to the city all right, title, and interest of the United States in and to the property described in subsection (b), the Secretary is authorized to release and quitclaim such right, title, and interest, in accordance with this section.

(b) **PROPERTY DESCRIPTION.**—The property referred to in subsection (a) is that certain parcel of land, comprising approximately 13.6 acres transferred to the city of Riverdale, Utah, by the United States by a deed dated April 30, 1975, as generally depicted on the map entitled "Riverdale City Parcel" dated May 1988.

(c) **CONSIDERATION.**—A release and quitclaim under this section shall be in consideration for payment by the city of Riverdale, Utah, to the United States of the fair market value of the right, title, and interest of the United States in the property described in subsection (b) and shall have the effect of releasing any restrictions imposed on the use of such property by the deed referenced in such subsection. Such fair market value shall not include the value of improvements on such property.

(d) **DISPOSITION OF FUNDS.**—All funds received by the United States from the city of Riverdale, Utah, in consideration for a release and quitclaim under this section shall be covered into the land and water conservation fund in the Treasury of the United States and shall be available for expenditure in accordance with the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.).

#### SEC. 304. BRIGHAM CITY: REMOVAL OF RESTRICTIONS.

Real property.

##### (a) 1959 CONVEYANCE.—

(1) The Secretary of the Interior shall execute such instruments as may be necessary to remove the restrictions on the property described in paragraph (2) that the property be used for public school purposes and that the property be available to Indians and non-Indians on the same terms, unless otherwise approved by the Secretary of the Interior.

Schools and  
colleges.  
Indians.

(2) The property referred to in paragraph (1) is approximately 9.39 acres of property conveyed by the United States by quitclaim deed on February 12, 1959, to the Board of Education for the Box Elder County School District, Box Elder County, Utah, recorded March 5, 1959, in Box Elder County Deed Book numbered 123 at page 450.

##### (b) 1977 CONVEYANCE.—

(1) The Secretary of the Interior shall execute such instruments as may be necessary to remove the restrictions of the property described in paragraph (2) that—

(A) the property not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of the Interior agrees in writing can assure the continued use and maintenance of the prop-

Contracts.

erty for public park or public recreational purposes subject to the same terms and conditions in the original instrument of conveyance; but

(B) nothing in subparagraph (A) shall preclude the grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is obtained in writing from the Secretary of the Interior.

(2) The property referred to in paragraph (1) is approximately 16.619 acres of property conveyed by deed without warranty dated May 11, 1977, from the United States of America to the city of Brigham City and recorded on May 23, 1977, in county records of Box Elder County, State of Utah, book numbered 292, pages 503 through 507.

**(c) 1983 CONVEYANCE.—**

(1) The Secretary of the Interior shall execute such instruments as may be necessary to remove the restriction on the property described in paragraph (2) that—

(A) the property not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of the Interior agrees in writing can assure the continued use and maintenance of the property for public park or public recreational purposes subject to the same terms and conditions in the original instrument of conveyance; but

Contracts.

(B) nothing in subparagraph (A) shall preclude the grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is obtained in writing from the Secretary of the Interior.

(2) The property referred to in paragraph (1) is approximately 81.2 acres of property conveyed by the United States by deed without warranty on March 29, 1983, recorded April 11, 1983, in Box Elder County, Utah, Deed Book numbered 369 at page 578.

Conservation.  
Historic  
preservation.

## **TITLE IV—OREGON TRAIL**

### **SEC. 401. END OF THE OREGON TRAIL STUDY.**

(a) **STUDY.**—In furtherance of the interpretation and commemoration of the Oregon National Historic Trail, the Secretary of the Interior (hereafter in this title referred to as the “Secretary”) is authorized and directed to conduct a study to determine the feasibility and desirability of protecting and preserving those lands and resources associated with the western terminus of the Oregon Trail in Oregon City, Oregon.

(b) **CONSULTATION AND COORDINATION.**—As part of such study, the Secretary shall consult with other interested Federal agencies and State and local bodies, and the study shall be coordinated with applicable outdoor recreation plans and related plans for the preservation of historic and natural resources in the area.

(c) **REPORT.**—Within one year after the date of enactment of this section, the Secretary shall make a report of the Secretary’s findings and recommendations to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on

Energy and Natural Resources of the Senate. The report of the Secretary shall include, but not be limited to, findings with respect to the historical and natural values of the lands and resources involved, and recommendations as to the historic preservation and markings of the area.

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

## **TITLE V—CLARK COUNTY, NEVADA**

### **SEC. 501. CATHOLIC DIOCESE OF RENO/LAS VEGAS, NEVADA.**

Real property.

(a) **FINDINGS.**—The Congress finds the following:

(1) In 1949 Marie D. Lawton purchased from Clark County in a tax sale 40 acres of land in Clark County, Nevada.

(2) She paid taxes on this property until her death in 1975, at which time the property was bequeathed to the Roman Catholic Diocese of Reno/Las Vegas to be used to benefit the Home of the Good Shepherd, which works with troubled young women in the western States.

(3) Since 1975 the Diocese has paid taxes on the property.

(4) It has recently been discovered that Clark County erred in selling the property in 1949 since the land at that time was actually in the public domain.

(b) **PURPOSE.**—The purpose of this section is to convey this property to the Diocese of Reno/Las Vegas so it may be sold to benefit the Home of the Good Shepherd.

(c) **CONVEYANCE.**—Subject to valid existing rights and notwithstanding any other provision of law, the Secretary of the Interior shall convey without consideration to the Catholic Diocese of Reno/Las Vegas, Nevada, the lands described as follows: one 40-acre parcel comprising the northwest one-quarter of southwest one-quarter of section 13 township 19 south range 61 east Mount Diablo base line and meridian, subject to the limitations of subsection (d) of this section. The administrative costs of such conveyance shall be borne by the Catholic Diocese of Reno/Las Vegas, Nevada.

(d) **RESERVATION OF RIGHT-OF-WAY.**—A right-of-way and construction easement shall be reserved to the United States to accommodate flood control facilities of the Clark County Regional Flood Control District. Said right-of-way shall be no more than 75 feet in width and 1,320 feet in length, and shall be located in accordance with the Clark County Flood Control District Master Plan.

## **TITLE VI—COAL MINING HERITAGE**

Conservation.  
Historic  
preservation.

### **SEC. 601. COAL MINING HERITAGE STUDY.**

(a) **STUDY.**—The Secretary of the Interior, acting through the Director of the National Park Service, is authorized and directed to conduct a study to determine the feasibility of protecting and preserving certain significant cultural, historic, and natural resources associated with the coal mining heritage of southern West Virginia. The study shall include, but not be limited to, the identification of—

(1) Specific sites and points of interest associated with the coal mining heritage of West Virginia, the Appalachian Region and the Nation.

(2) The historic and cultural values of such sites and points of interest.

(3) The relationship between such sites and points of interest with the natural, scenic, recreational, cultural and historic resources in the region managed by State or Federal agencies, including State and national park system units, recreational lakes, State forest system units, and historic landmarks.

(4) A vehicular tour route along existing public roads linking such sites, points of interest and such other resources managed by State or Federal agencies.

(b) CONSULTATION AND COORDINATION.—As part of such study, the Secretary shall consult with other interested Federal agencies, State and local government authorities, and nonprofit organizations.

West Virginia.

(c) AREA TO BE STUDIED.—The study shall focus on the eleven county areas consisting of Cabell, Wayne, Mingo, Logan, McDowell, Wyoming, Raleigh, Mercer, Boone, Fayette and Summers Counties, West Virginia.

(d) REPORT.—Within one year after the date of enactment of this Act, the Secretary shall make a report of his findings to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

Approved November 19, 1988.

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LEGISLATIVE HISTORY—H.R. 3680:

HOUSE REPORTS: No. 100-717, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 13, considered and passed House.

Oct. 21, considered and passed Senate.

Public Law 100-35  
100th Congress

An Act

May 8, 1987  
[H.R. 240]

To amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DESIGNATION.

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

“(15) The Santa Fe National Historic Trail, a trail of approximately 950 miles from a point near Old Franklin, Missouri, through Kansas, Oklahoma, and Colorado to Santa Fe, New Mexico, as generally depicted on a map entitled ‘The Santa Fe Trail’ contained in the Final Report of the Secretary of the Interior pursuant to subsection (b) of this section, dated July 1976. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Santa Fe Trail except with the consent of the owner thereof. Before acquiring any easement or entering into any cooperative agreement with a private landowner with respect to the trail, the Secretary shall notify the landowner of the potential liability, if any, for injury to the public resulting from physical conditions which may be on the landowner’s land. The United States shall not be held liable by reason of such notice or failure to provide such notice to the landowner. So that significant route segments and sites recognized as associated with the Santa Fe Trail may be distinguished by suitable markers, the Secretary of the Interior is authorized to accept the donation of suitable markers for placement at appropriate locations.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 10(c)(2) of such Act (16 U.S.C. 1249(c)(2)) is amended by inserting “and (15)” after “(13)”.

Approved May 8, 1987.

LEGISLATIVE HISTORY—H.R. 240:

HOUSE REPORTS: No. 100-16 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-39 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
Mar. 10, considered and passed House.  
Apr. 12, considered and passed Senate.

Missouri.  
Kansas.  
Oklahoma.  
Colorado.  
New Mexico.  
Public  
information.  
Gifts and  
property.



Public Law 100-192  
100th Congress

An Act

To amend the National Trails System Act to designate the Trail of Tears as a  
National Historic Trail.

Dec. 16, 1987  
[S. 578]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraph at the end thereof:

“(16)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled “Trail of Tears” and dated June 1986. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

“(B) In carrying out his responsibilities pursuant to subsections 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky, Fort Smith, Arkansas, Trail of Tears State Park, Missouri, and Tahlequah, Oklahoma.”.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)(2)) is amended by striking “through (13) and (15)” and inserting “, (10), (11), (12), (13), (15), and (16)”.

Approved December 16, 1987.

LEGISLATIVE HISTORY—S. 578:

HOUSE REPORTS: No. 100-461 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-175 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Oct. 1, considered and passed Senate.

Dec. 1, considered and passed House, amended.

Dec. 3, Senate concurred in House amendments.

NATIONAL CAPITAL PARKS

Public Law 100-265  
100th Congress

## Joint Resolution

Approving the location of the Black Revolutionary War Patriots Memorial.

Mar. 25, 1988

[S.J. Res. 216]

Whereas section 6(a) of 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 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as area I shall be deemed disapproved unless, not later than one hundred and fifty days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in area I, the location is approved by law; Whereas the joint resolution approved October 27, 1986 (100 Stat. 3144), authorizes the Black Revolutionary War Patriots Foundation to establish a memorial on Federal land in the District of Columbia and its environs to honor the estimated five thousand courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the countless black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom; and Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said joint resolution approved October 27, 1986, should be located in area I: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the location of a commemorative work to honor the slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom, authorized by the joint resolution approved October 27, 1986 (100 Stat. 3144), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as area I, is hereby approved.

40 USC 1003  
note.

Approved March 25, 1988.

## LEGISLATIVE HISTORY—S.J. Res. 216:

SENATE REPORTS: No. 100-288 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 134 (1988):  
Feb. 26, considered and passed Senate.  
Mar. 15, considered and passed House.

Public Law 100-267  
100th Congress

## Joint Resolution

Approving the location of the Korean War Memorial.

Mar. 28, 1988  
[S.J. Res. 225]

Whereas section 6(a) of 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 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as Area I shall be deemed disapproved unless, not later than 150 days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in Area I, the location is approved by law;

Whereas the Act approved October 28, 1986 (100 Stat. 3226), authorizes The American Battle Monuments Commission to establish a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act approved October 28, 1986, should be located in Area I: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the location of a commemorative work to honor members of the Armed Forces who served in the Korean War, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war, authorized by the Act approved October 28, 1986 (100 Stat. 3226), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as Area I, is hereby approved.

40 USC 1003  
note.

Approved March 28, 1988.

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LEGISLATIVE HISTORY—S.J. Res. 225:

HOUSE REPORTS: No. 100-516 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-289 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Feb. 26, considered and passed Senate.

Mar. 15, 16, considered and passed House.

Public Law 100-63  
100th Congress

### An Act

To authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior.

June 30, 1987  
[H.R. 191]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ESTABLISHMENT OF PEACE GARDEN.

The Secretary of the Interior, acting through the Director of the National Park Service is authorized to enter into an agreement with the Peace Garden Project, Incorporated (a nonprofit corporation organized under the laws of the State of California) pursuant to which the Peace Garden Project, Incorporated may construct a garden to be known as the "Peace Garden" on a site on Federal land in the District of Columbia to honor the commitment of the people of the United States to world peace. The site for the Peace Garden shall be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

National Parks,  
monuments, etc.  
40 USC 1003  
note.  
District of  
Columbia.  
Public buildings  
and grounds.

#### SEC. 2. PROCEDURES AND DOCUMENTATION.

(a) **PROCEDURES.**—The site selection, design and construction of the Peace Garden shall comply with all procedures, rules, policies, and provisions of law applicable to the establishment of commemorative works on Federal land in the District of Columbia.

(b) **DOCUMENTATION.**—The agreement under section 1 shall require that the Peace Garden Project, Incorporated provide complete documentation of the design and construction of the Peace Garden to the Director of the National Park Service. Such documentation shall be permanently maintained.

#### SEC. 3. PREPARATION AND APPROVAL OF DESIGN PLANS.

The agreement under section 1 shall require the Peace Garden Project, Incorporated to be responsible for the preparation of the design plans for the Peace Garden. Such plans shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission.

#### SEC. 4. APPROVAL FOR COMMENCEMENT OF CONSTRUCTION.

The Peace Garden Project, Incorporated may not commence construction of the Peace Garden until both of the following conditions have been met:

(1) The Secretary of the Interior has determined that the full amount of funds estimated to be necessary for the completion of such construction in accordance with the design plans approved under section 3 are available from non-Federal sources.

(2) An additional amount equal to 10 percent of the estimated construction cost has been made available from non-Federal sources to the Secretary of the Interior to provide for maintenance of the Peace Garden.



**SEC. 5. MAINTENANCE.**

The Secretary of the Interior shall, upon the completion of the construction of the Peace Garden, maintain the garden. Notwithstanding any other provision of law, the Secretary may retain and use for such purpose the monies made available under paragraph (2) of section 4.

**SEC. 6. PAYMENT OF EXPENSES.**

The United States may not pay any expense of the construction of the Peace Garden except that technical advice may be provided by the Secretary of the Interior as he deems necessary.

**SEC. 7. EXPIRATION OF AUTHORITY.**

The authority to establish the Peace Garden under this Act shall expire at the end of the 5-year period beginning on the date of the enactment of this Act, unless construction of such garden begins during such period.

Approved June 30, 1987.

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**LEGISLATIVE HISTORY—H.R. 191:**

HOUSE REPORTS: No. 100-17 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-69 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Mar. 10, considered and passed House.

June 17, considered and passed Senate.



Public Law 100-660  
100th Congress

An Act

Nov. 15, 1988  
[S. 2042]

To authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial on Federal land in the District of Columbia or its environs to honor women of the Armed Forces of the United States who served in the Republic of Vietnam during the Vietnam era.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

40 USC 1003  
note.

SECTION 1. ESTABLISHMENT OF MEMORIAL.

(a) IN GENERAL.—The Vietnam Women's Memorial Project, Inc., is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era.

(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 (40 U.S.C. 1001 et seq.).

SEC. 2. PAYMENT OF EXPENSES.

The United States shall not pay any expense of the establishment of the memorial.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress, with respect to location of the memorial in accordance with the Act referred to in section 1(b), that it would be most fitting and appropriate to place the memorial within the 2.2 acre site of the Vietnam Veterans Memorial in the District of Columbia.

Approved November 15, 1988.

LEGISLATIVE HISTORY—S. 2042:

HOUSE REPORTS: No. 100-948 (Comm. on House Administration).

SENATE REPORTS: No. 100-371 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 14, considered and passed Senate.

Sept. 23, considered and passed House, amended.

Oct. 12, Senate concurred in House amendments with amendments.

Oct. 21, House disagreed to Senate amendments. Senate receded from its amendments.

NATIONAL PRESERVES

Public Law 100-301  
100th Congress

An Act

To establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes.

Apr. 29, 1988

[S. 90]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Big Cypress National Preserve Addition Act”.

(b) AMENDMENT OF BIG CYPRESS NATIONAL PRESERVE ACT.—Whenever in this Act an amendment is expressed in terms of an amendment to the Act of October 11, 1974, such amendment shall be considered to be made to the Act entitled “An Act to establish the Big Cypress National Preserve in the State of Florida, and for other purposes”, approved October 11, 1974 (Public Law 93-440; 88 Stat. 1257).

Big Cypress  
National  
Preserve  
Addition Act.  
National  
Wilderness  
Preservation  
System.  
Conservation.  
Public lands.  
16 USC 698f  
note.

SEC. 2. FINDINGS AND PURPOSE.

16 USC 698f  
note.

(a) FINDINGS.—The Congress finds that—

(1) the planned construction of Interstate 75 is presently being designed in such a way as to improve the natural water flow to the Everglades National Park, which has been disrupted by State Road 84 (commonly known as “Alligator Alley”);

(2) the planned construction of Interstate 75 provides an opportunity to enhance protection of the Everglades National Park, to promote protection of the endangered Florida panther, and to provide for public recreational use and enjoyment of public lands by expanding the Big Cypress National Preserve to include those lands adjacent to Interstate 75 in Collier County north and east of the Big Cypress National Preserve, west of the Broward County line, and south of the Hendry County line;

(3) the Federal acquisition of lands bordering the Big Cypress National Preserve in conjunction with the construction of Interstate 75 would provide significant public benefits by limiting development pressure on lands which are important both in terms of fish and wildlife habitat supporting endangered species and of wetlands which are the headwaters of the Big Cypress National Preserve; and

(4) public ownership of lands adjacent to the Big Cypress National Preserve would enhance the protection of the Everglades National Park while providing recreational opportunities and other public uses currently offered by the Big Cypress National Preserve.

(b) PURPOSE.—It is the purpose of this Act to establish the Big Cypress National Preserve Addition.

## SEC. 3. ESTABLISHMENT OF ADDITION.

(a) BIG CYPRESS NATIONAL PRESERVE ADDITION.—The Act of October 11, 1974, is amended by adding at the end thereof the following new section:

16 USC 698m-1.

“SEC. 9. (a) In order to—

“(1) achieve the purposes of the first section of this Act;

“(2) complete the preserve in conjunction with the planned construction of Interstate Highway 75; and

“(3) insure appropriately managed use and access to the Big Cypress Watershed in the State of Florida,

Public  
information.

the Big Cypress National Preserve Addition is established.

“(b) The Big Cypress National Preserve Addition (referred to in this Act as the ‘Addition’) shall comprise approximately 146,000 acres as generally depicted on the map entitled Big Cypress National Preserve Addition, dated April, 1987, and numbered 176-91000C, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior, Washington, D.C., and shall be filed with appropriate offices of Collier County in the State of Florida. The Secretary shall, as soon as practicable, publish a detailed description of the boundaries of the Addition in the Federal Register.

Federal  
Register,  
publication.

“(c) The area within the boundaries depicted on the map referred to in subsection (b) shall be known as the ‘Big Cypress National Preserve Addition’ and shall be managed in accordance with section 4.

“(d) For purposes of administering the Addition and notwithstanding section 2(c), it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated with respect to the Addition in not more than five years after the date of the enactment of this paragraph.”.

16 USC 698j.

(b) HUNTING, FISHING, AND TRAPPING.—Section 5 of the Act of October 11, 1974, is amended by inserting “and the Addition” after “preserve” each place it appears.

16 USC 698l.

(c) SUITABILITY AS WILDERNESS.—Section 7 of the Act of October 11, 1974, is amended—

(1) by inserting “with respect to the preserve and five years from the date of the enactment of the Big Cypress National Preserve Addition Act with respect to the Addition” after “date of the enactment of this Act” in the first sentence; and

(2) by inserting “or the area within the Addition (as the case may be)” after “preserve” each place it appears.

16 USC 698k.

(d) INDIAN RIGHTS.—Section 6 of the Act of October 11, 1974, is amended as follows:

(1) In clause (i) insert “and the Addition” after “preserve” and insert “(January 1, 1985, in the case of the Addition)” after “1972”.

(2) In clause (ii) insert “or within the Addition” after “preserve”.

## SEC. 4. ACQUISITION OF LAND WITHIN ADDITION.

16 USC 698f.

(a) UNITED STATES SHARE OF ACQUISITION COSTS.—The first section of the Act of October 11, 1974, is amended by adding at the end thereof the following new subsection:

“(d)(1) The aggregate cost to the United States of acquiring lands within the Addition may not exceed 80 percent of the total cost of such lands.



“(2) Except as provided in paragraph (3), if the State of Florida transfers to the Secretary lands within the Addition, the Secretary shall pay to or reimburse the State of Florida (out of funds appropriated for such purpose) an amount equal to 80 percent of the total costs to the State of Florida of acquiring such lands.

“(3) The amount described in paragraph (1) shall be reduced by an amount equal to 20 percent of the amount of the total cost incurred by the Secretary in acquiring lands in the Addition other than from the State of Florida.

“(4) For purposes of this subsection, the term ‘total cost’ means that amount of the total acquisition costs (including the value of exchanged or donated lands) less the amount of the costs incurred by the Federal Highway Administration and the Florida Department of Transportation, including severance damages paid to private property owners as a result of the construction of Interstate 75.”.

(b) **METHODS OF LAND ACQUISITION IN THE ADDITION.**—The first sentence of subsection (c) of the first section of the Act of October 11, 1974, is amended—

16 USC 698f.

(1) by inserting “or the Addition” after “preserve” the first place it appears; and

(2) in the first proviso—

(A) by inserting “in the preserve” after “subdivisions,”; and

(B) by striking out the colon and inserting in lieu thereof “and, any land acquired by the State of Florida, or any of its subdivisions, in the Addition shall be acquired in accordance with subsection (d):”.

(c) **VALUATION AND APPRAISAL.**—The fourth sentence of subsection (c) of such section is amended by inserting “or the Addition” after “preserve” each place it appears.

(d) **ACQUISITION OF PROPERTY RIGHTS BY THE STATE OF FLORIDA.**—Subsection (c) of such section is amended by adding at the end thereof the following: “Nothing in this Act shall be construed to interfere with the right of the State of Florida to acquire such property rights as may be necessary for Interstate 75.”.

(e) **EXCLUSION OF SUBSURFACE ESTATE.**—The third sentence of subsection (c) of such section is amended by inserting “and the Addition” after “preserve” each place it appears.

(f) **IMPROVED PROPERTY IN ADDITION.**—Section 3(b) of the Act of October 11, 1974, is amended—

16 USC 698h.

(1) in clause (i) by inserting “with respect to the preserve and January 1, 1986, with respect to the Addition” after “November 23, 1971,”; and

(2) in clause (ii)—

(A) by inserting “with respect to the preserve and January 1, 1986, with respect to the Addition” after “November 23, 1971,” the first place it appears; and

(B) by inserting “or January 1, 1986, as the case may be,” after “November 23, 1971,” the second and third places it appears.

#### SEC. 5. COOPERATION AMONG AGENCIES.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

“SEC. 10. The Secretary and other involved Federal agencies shall cooperate with the State of Florida to establish recreational access

Recreation.  
16 USC 698m-2.

points and roads, rest and recreation areas, wildlife protection, hunting, fishing, frogging, and other traditional recreational opportunities in conjunction with the creation of the Addition and the construction of Interstate Highway 75. Three of such access points shall be located within the preserve (including the Addition).”.

#### SEC. 6. REPORT TO CONGRESS.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

16 USC 698m-3.

“SEC. 11. Not later than two years after the date of the enactment of this section, the Secretary shall submit to the Congress a detailed report on, and further plan for, the preserve and Addition including—

“(1) the status of the existing preserve, the effectiveness of past regulation and management of the preserve, and recommendations for future management of the preserve and the Addition;

“(2) a summary of the public’s use of the preserve and the status of the access points developed pursuant to section 10;

“(3) the need for involvement of other State and Federal agencies in the management and expansion of the preserve and Addition;

“(4) the status of land acquisition; and

“(5) a determination, made in conjunction with the State of Florida, of the adequacy of the number, location, and design of the recreational access points on I-75/Alligator Alley for access to the Big Cypress National Preserve, including the Addition.

The determination required by paragraph (5) shall incorporate the results of any related studies of the State of Florida Department of Transportation and other Florida State agencies. Any recommendation for significant changes in the approved recreational access points, including any proposed additions, shall be accompanied by an assessment of the environmental impact of such changes.”.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

16 USC 698m.

Section 8 of the Act of October 11, 1974, is amended—

(1) by striking out “There” in the first sentence and inserting in lieu thereof “(a) Except as provided in subsection (b), there”; and

(2) by adding at the end thereof the following new subsection:

“(b) There is hereby authorized to be appropriated from the Land and Water Conservation Fund not to exceed \$49,500,000 for the acquisition of lands within the Addition. There is hereby authorized to be appropriated such sums as may be necessary for development in the Addition.

#### SEC. 8. OIL AND GAS EXPLORATION, DEVELOPMENT AND PRODUCTION.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

Regulations.

16 USC 698m-4.

“SEC. 12. (a) Within nine months from the date of the enactment of the Big Cypress National Preserve Addition Act, the Secretary shall promulgate, subject to the requirements of subsections (b)-(e) of this section, such rules and regulations governing the exploration for and development and production of non-Federal interests in oil and gas located within the boundaries of the Big Cypress National Preserve and the Addition, including but not limited to access on,



across, or through all lands within the boundaries of the Big Cypress National Preserve and the Addition for the purpose of conducting such exploration or development and production, as are necessary and appropriate to provide reasonable use and enjoyment of privately owned oil and gas interests, and consistent with the purposes for which the Big Cypress National Preserve and the Addition were established. Rules and regulations promulgated pursuant to the authority of this section may be made by appropriate amendment to or in substitution of the rules and regulations respecting non-Federal oil and gas rights (currently codified at 36 CFR 9.30, et seq. (1986)).

“(b) Any rule or regulation promulgated by the Secretary under subsection (a) of this section shall provide that—

“(1) exploration or development and production activities may not be undertaken, except pursuant to a permit issued by the National Park Service authorizing such activities or access; and

“(2) final action by the National Park Service with respect to any application for a permit authorizing such activities shall occur within 90 days from the date such an application is submitted unless—

“(A) the National Park Service and the applicant agree that such final action shall occur within a shorter or longer period of time; or

“(B) the National Park Service determines that an additional period of time is required to ensure that the National Park Service has, in reviewing the application, complied with other applicable law, Executive orders and regulations; or

“(C) the National Park Service, within 30 days from the date of submission of such application, notifies the applicant that such application does not contain all information reasonably necessary to allow the National Park Service to consider such application and requests that such additional information be provided. After receipt of such notification to the applicant, the applicant shall supply any reasonably necessary additional information and shall advise the National Park Service that the applicant believes that the application contains all reasonably necessary information and is therefore complete, whereupon the National Park Service may—

“(i) within 30 days of receipt of such notice from the applicant to the National Park Service determine that the application does not contain all reasonably necessary additional information and, on that basis, deny the application; or

“(ii) review the application and take final action within 60 days from the date that the applicant provides notification to the National Park Service that its application is complete.

“(c) Such activities shall be permitted to occur if such activities conform to requirements established by the National Park Service under authority of law.

“(d) In establishing standards governing the conduct of exploration or development and production activities within the boundaries of the Big Cypress National Preserve or the Addition, the Secretary shall take into consideration oil and gas exploration and development and production practices used in similar habitats or

Contracts.

ecosystems within the Big Cypress National Preserve or the Addition at the time of promulgation of the rules and regulations under subsection (a) or at the time of the submission of the application seeking authorization for such activities, as appropriate.

“(e) Prior to the promulgation of rules or regulations under this section, the Secretary is authorized, consistent with the purposes of which the Big Cypress National Preserve Addition was established, to enter into interim agreements with owners of non-Federal oil and gas interests governing the conduct of oil and gas exploration, development or production activities within the boundaries of the Addition, which agreements shall be superseded by the rules and regulations promulgated by the Secretary when applicable: *Provided*, That such agreement shall be consistent with the requirements of subsections (b)–(d) of this section and may be altered by the terms of rules and regulations subsequently promulgated by the Secretary: *Provided further*, That this provision shall not be construed to enlarge or diminish the authority of the Secretary to establish rules and regulations applicable to the conduct of exploration or development and production activities within the Big Cypress National Preserve or the Addition.

“(f) There is hereby authorized to be established a Minerals Management Office within the Office of the Superintendent of the Big Cypress National Preserve, for the purpose of ensuring, consistent with the purposes for which the Big Cypress National Preserve was established, timely consideration of and final action on applications for the exploration or development and production of non-Federal oil and gas rights located beneath the surface of lands within the boundaries of the Big Cypress National Preserve and the Addition.

Appropriation authorization.

“(g) There are hereby authorized to be appropriated such sums as may be necessary to carry out the activities set forth in this section.”.

Approved April 29, 1988.

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LEGISLATIVE HISTORY—S. 90 (H.R. 184):

HOUSE REPORTS: No. 100-30 accompanying H.R. 184 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-45 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Mar. 31, H.R. 184 considered and passed House.

Dec. 11, S. 90 considered and passed Senate.

Vol. 134 (1988): Mar. 7, considered and passed House, amended.

Mar. 31, Senate concurred in House amendments with amendments.

Apr. 12, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Apr. 29, Presidential statement.

Public Law 100-249  
100th Congress

An Act

Authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes.

Feb. 16, 1988  
[H.R. 1983]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

National parks,  
monuments, etc.

## TITLE I—FORT CAROLINE NATIONAL MEMORIAL

### SECTION 101. AMENDMENTS OF 1950 ACT.

The Act entitled “An Act to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, Saint Johns Bluff, Florida”, approved September 21, 1950 (64 Stat. 897), is amended as follows:

(1) Section 2 is amended by adding the following after the final period: “Such historical park shall serve as the principal interpretive center and administrative facility for the ecological, historic, and prehistoric resources made available under this legislation. In furtherance of the interpretive and administrative functions referred to in the preceding sentence, the Secretary shall construct and maintain appropriate museum facilities for the display of important artifacts and materials that illustrate the history and prehistory of the region.”.

(2) Section 3 is repealed, and sections 4 and 5 are redesignated as sections 3 and 4, respectively.

(3) Section 4, as so redesignated, is amended by striking out the phrase “, not to exceed \$40,000,”.

## TITLE II—PRESERVATION OF ST. JOHNS RIVER VALLEY ECOLOGICAL AREA AND PROTECTION OF SIGNIFICANT HIS- TORIC ASSETS

### SEC. 201. TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE.

16 USC 698n.

(a) ESTABLISHMENT.—There is hereby established in the St. Johns River Valley, Florida, where the Timucuan Indians lived in prehistoric and historic times, the Timucuan Ecological and Historic Preserve (hereafter in this Act referred to as the “Preserve”). The Preserve shall comprise the lands, waters, and interests therein within the boundaries generally depicted on a map of Duval County, Florida, entitled “Timucuan Ecological and Historic Preserve” numbered NA-TEHP 80,003-A and dated July 1987. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the

Indians.

Public  
information.

Interior may make minor revisions in the boundary of the Preserve in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965. The Preserve shall also include within its boundaries all that land consisting of approximately 500 acres adjacent to Fort Caroline National Memorial and known as the Theodore Roosevelt Preserve, being land formerly owned by one Willie Brown and donated by him to The Nature Conservancy.

Gifts and  
property.

(b) LAND ACQUISITION.—The Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) is authorized to acquire lands and interests therein within the Preserve by donation, purchase with donated or appropriated funds, or exchange, but no lands other than wetlands or interests therein may be acquired without the consent of the owner. For purposes of this subsection, the term “wetlands” has the same meaning as provided by section 3 of the Emergency Wetlands Resources Act of 1986. Lands, interests in lands, and improvements thereon within the boundaries of the Preserve which are owned by the State of Florida or any political subdivision thereof may be acquired only by donation or exchange. On lands acquired for inclusion within the Preserve, the Secretary shall not impair any legal riparian right of access nor shall he preclude the continued use of any legal right of way.

Boating.  
Hunting.  
Fish and fishing.  
Safety.

(c) ADMINISTRATION.—The Secretary shall administer those lands acquired for inclusion within the Preserve in such a manner as to protect the natural ecology of such land and water areas in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4). The Secretary shall permit boating, boating-related activities, hunting, and fishing within the Preserve in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety.

(d) Nothing in this Act shall affect development of a multiunit residential/resort project currently proposed for Fort George Island, nor shall any provision of this Act be construed to affect any Federal, State or local law applicable to such project.

Gifts and  
property.  
16 USC 698a.

#### SEC. 202. PROTECTION OF SIGNIFICANT HISTORIC ASSETS.

The Secretary, with the consent of the owners thereof, may acquire by donation or purchase with donated funds the following properties or sites of significant historic interest in Duval County, Florida:

- (1) Spanish sixteenth century forts San Gabriel and San Estaban.
- (2) Spanish eighteenth century fort Dos Hermanas.
- (3) English eighteenth century forts at Saint Johns Bluff and Fort George Island.
- (4) Spanish sixteenth and seventeenth century mission San Juan del Puerto.
- (5) Site of the American Revolutionary War battle of Thomas Creek.
- (6) The Zephaniah Kingsley plantation, with its eighteenth and nineteenth century buildings.
- (7) The Spanish American War fortification on Saint Johns Bluff.
- (8) The confederate fort known as the Yellow Bluff Fort State Historic Site.

## SEC. 203. INTEGRATED ADMINISTRATION AND INTERPRETATION.

16 USC 698p.

Any properties of historic interest acquired under section 202 shall become part of the Preserve established under section 201. The Secretary shall administer such properties in accordance with a plan that integrates the administration and interpretation of the ecological values of the Preserve and the historical values of the sites so acquired and the historical features of Fort Caroline. Such administration and interpretation shall be conducted through the facilities and staff of Fort Caroline National Memorial consistent with section 2 of the Act of September 21, 1950 (64 Stat. 897).

Approved February 16, 1988.

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LEGISLATIVE HISTORY—H.R. 1983:

HOUSE REPORTS: No. 100-224 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-247 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): July 21, considered and passed House.

Dec. 11, considered and passed Senate, amended.

Vol. 134 (1988): Feb. 2, House concurred in Senate amendments.



NATIONAL RESERVES



Public Law 100-486  
100th Congress

An Act

To authorize the Secretary of the Interior to provide for the development and operation of a visitor and environmental education center in the Pinelands National Reserve, in the State of New Jersey.

Oct. 13, 1988

[S. 1165]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PINELANDS INTERPRETATIVE AND EDUCATIONAL PROGRAM;  
INTERIOR DEPARTMENT STUDY AND RECOMMENDATIONS.**

Section 502 of the National Parks and Recreation Act of 1978 (Public Law 95-625; 16 U.S.C. 471i) is amended by adding at the end the following new subsection:

**“(1) PINELANDS INTERPRETATIVE AND EDUCATIONAL PROGRAM;  
INTERIOR DEPARTMENT STUDY AND RECOMMENDATIONS.—**

**“(1) STUDY AND RECOMMENDATIONS FOR INTERPRETATIVE AND EDUCATIONAL PROGRAM.—**For the purpose of enhancing public understanding, awareness, and appreciation with respect to the natural and cultural resources of the Pine Barrens area of New Jersey, the Secretary shall, within 9 months after the enactment of this subsection, study and recommend appropriate initiatives to provide an educational and interpretative program for the Reserve. The Secretary shall conduct such study in consultation with the planning entity and the appropriate departments and agencies of the State of New Jersey.

**“(2) ITEMS INCLUDED.—**The study and recommendations required by this subsection shall include, but not be limited to each of the following:

**“(A) Interpretative and informational materials, exhibits, films, lectures, and other devices and educational methods.**

**“(B) A plan to provide for educational and interpretative programs for the Reserve, considering among other things the improvement of existing facilities and interpretative programs in the Reserve, including the possible use of existing facilities such as Whitesbog, Batsto, Double Trouble State Park and Stockton State College.**

**“(C) The use and enhancement of existing fire towers in the Reserve to serve as observation platforms.**

**“(D) The appropriate role for departments and agencies of the State of New Jersey and the Federal Government in implementing the program.**

**“(3) STUDY OF DEVELOPMENT CREDIT BANK AND DEVELOPMENT CREDIT SYSTEM.—**The Secretary is authorized and directed to study the State of New Jersey Pinelands Development Credit Bank and Pinelands Development Credit System, and to submit to the Congress within 9 months after enactment of this subsection such recommendations as the Secretary determines appropriate for improvements of the operation of the State Pinelands Development Credit Bank and the overall Pinelands Development Credit Program.

**"(4) STUDY OF MUNICIPAL COUNCIL.**—The Secretary shall study the Pinelands Municipal Council, and submit to the Congress within 9 months after enactment of this subsection such recommendations as the Secretary determines appropriate for improvements of the operation of the council.

Appropriation  
authorization.

**"(5) CONTRACTS AND AGREEMENTS.**—The Secretary may enter into such contracts and agreements with the State of New Jersey and other public and private entities as may be necessary and appropriate to carry out the authorities and responsibilities of the Secretary under this subsection. For purposes of this subsection, there is authorized to be appropriated not more than \$500,000 to prepare and complete the study pursuant to paragraph (1) and \$3,000,000 to implement the recommendations of such study upon its approval by the Congress, the Federal share of which may not exceed 75 percent of the total cost."

## **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 471i.

Section 502(k) of the National Parks and Recreation Act of 1978 is amended by inserting "(1)" before the first full sentence thereof, and adding at the end thereof the following new paragraph:

**"(2)** In addition to other funds authorized pursuant to this subsection, there are hereby authorized to be appropriated not to exceed \$14,500,000 for land acquisition, the Federal share of which may not exceed 50 percent of the total cost. Land acquisition pursuant to this subsection shall be carried out in accordance with the requirements of subsection (h) of this section insofar as such requirements are not inconsistent with this paragraph. Such acquisitions shall also be carried out in a manner consistent with the management plan and shall include—

**"(A)** lands located within the preservation area of the National Reserve which is designated in the management plan;

**"(B)** lands that are within the areas protected by the management plan and that are threatened by adverse development or have critical ecological values; or

**"(C)** lands that have limited practical use because of their location in the Reserve and that are held by landowners who both own less than 50 acres in the Reserve and have exhausted existing remedies to secure relief.

Additional funds contributed by the State to the Pinelands Development Bank after enactment of this Act, not to exceed \$5,000,000, may be counted as part of the State share of land acquisition funds."

Approved October 13, 1988.

### **LEGISLATIVE HISTORY—S. 1165:**

HOUSE REPORTS: No. 100-933 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-244 (Comm. on Energy and Natural Resources).

### **CONGRESSIONAL RECORD:**

Vol. 133 (1987): Dec. 11, considered and passed Senate.

Vol. 134 (1988): Sept. 20, considered and passed House, amended.

Sept. 30, Senate concurred in House amendment.



ADVISORY COUNCILS AND COMMISSIONS

Public Law 100-573  
100th Congress

An Act

Oct. 31, 1988  
[H.R. 5001]

To establish the Delaware Water Gap National Recreation Area Citizen Advisory Commission.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 460o  
note.

SECTION 1. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "Delaware Water Gap National Recreation Area Citizen Advisory Commission" (hereafter in this Act referred to as the "Commission"). The Commission shall advise the Secretary of the Interior on matters pertaining to the management and operation of the Delaware Water Gap National Recreation Area, as well as on other matters affecting the recreation area and its surrounding communities.

16 USC 460o  
note.  
New Jersey.  
Pennsylvania.

SEC. 2. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of the following 11 members appointed not later than 60 days after the date of the enactment of this Act from among persons with knowledge of the recreation area:

(1) 2 members appointed by the Secretary of the Interior (hereafter in this Act referred to as the "Secretary").

(2) 2 members appointed by the Secretary from among residents of New Jersey nominated by the Governor of New Jersey.

(3) 2 members appointed by the Secretary from among residents of Pennsylvania nominated by the Governor of Pennsylvania.

(4) 1 member appointed by the Secretary from among the residents of each of the following counties nominated by the county administrator of each such county: Sussex County, New Jersey, Warren County, New Jersey, Pike County, Pennsylvania, Monroe County, Pennsylvania, and Northampton County, Pennsylvania.

The Secretary shall ensure that the membership of the Commission is fairly balanced in terms of the points of view represented and the functions to be performed by the Commission.

(b) TERMS.—Members shall be appointed to the Commission for a term of 4 years. A member may serve after the expiration of his term until his successor has taken office.

(c) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(d) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

(e) CHAIRPERSON.—The Commission shall elect a chairperson from among the members of the Commission.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.



(g) **VOTING.**—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(h) **CHARTER.**—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

### SEC. 3. POWERS OF COMMISSION.

16 USC 460o  
note.

(a) **HEARINGS.**—The Commission may, for the purpose of carrying out its functions under section 1, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) **MEETINGS WITH SECRETARY OF THE INTERIOR.**—Members of the Commission shall meet with the Secretary of the Interior or his designee at least once every 6 months. Such meetings shall be open to the public and shall be held at such times and in such places as to encourage public participation. The Commission shall provide the public with adequate notice of such meetings.

Public  
information.

(c) **RULES AND REGULATIONS.**—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operation.

(d) **ASSISTANCE FROM FEDERAL AGENCIES.**—Upon request of the chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head make any of the facilities and services of such agency or instrumentality available to the Commission.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

### SEC. 4. REPORTS.

16 USC 460o  
note.

The Commission each year shall transmit to the Secretary of the Interior and to each House of the Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

### SEC. 5. TERMINATION OF COMMISSION.

16 USC 460o  
note.

The Commission shall terminate on the date that is 10 years after the date of the enactment of this Act.

### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

16 USC 460o  
note.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved October 31, 1988.

#### LEGISLATIVE HISTORY—H.R. 5001:

HOUSE REPORTS: No. 100-975 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 26, considered and passed House.

Oct. 14, considered and passed Senate.

Public Law 100-250  
100th Congress

An Act

Feb. 16, 1988  
[H.R. 2566]

To amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title IX of the National Parks and Recreation Act of 1978, as amended (16 U.S.C. 230), is further amended as follows:

16 USC 230.

(a) In section 901 by adding the following new phrase and renumbering subsequent phrases accordingly:

“(4) folk life centers to be established in the Acadian region;”.

Cultural  
programs.  
16 USC 230a.  
Public lands.  
Gifts and  
property.

(b) In section 902 by adding the following new subsection:

“(g) The Secretary is authorized to acquire lands or interests in lands by donation, purchase with donated or appropriated funds or exchange, not to exceed approximately 20 acres, in Acadian villages and towns. Any lands so acquired shall be developed, maintained and operated as part of the Jean Lafitte National Historical Park.”.

16 USC 230f.

(c) In section 907(e) by striking out “ten years” and inserting in lieu thereof “twenty years”.

Approved February 16, 1988.

LEGISLATIVE HISTORY—H.R. 2566:

HOUSE REPORTS: No. 100-304 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-251 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Sept. 29, considered and passed House.

Dec. 19, considered and passed Senate, amended.

Vol. 134 (1988): Feb. 2, House concurred in Senate amendment.



Public Law 100-558  
100th Congress

## An Act

Oct. 28, 1988  
[S. 2436]

To reauthorize the Sleeping Bear Dunes National Lakeshore Advisory Commission.

16 USC 460x-3.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4 of Public Law 91-479, relating to the establishment of Sleeping Bear Dunes National Lakeshore, is amended—

(1) in subsection (a) striking “ten” and inserting “twenty”;  
and

(2) by amending subsection (e) to read as follows:

“(e) The Secretary or his designee shall consult with the Commission with respect to—

“(1) matters relating to the development of the lakeshore and with respect to the provisions of sections 9, 12, and 13 of this Act; and

“(2) matters relating to the implementation of the General Management Plan provided for in section 6(b).”.

Approved October 28, 1988.

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LEGISLATIVE HISTORY—S. 2436:

SENATE REPORTS: No. 100-472 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 134 (1988):

Aug. 11, considered and passed Senate.

Oct. 12, considered and passed House.

Public Law 100-698  
100th Congress

## An Act

Nov. 19, 1988  
[H.R. 3313]

To establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 461 note.

**SECTION 1. FINDINGS AND PURPOSE.****(a) FINDINGS.**—The Congress finds that—

(1) the iron and steelmaking, coal, and transportation industries and the labor of their workers contributed significantly to America's movement westward, allowed for the growth of the Nation's cities, and helped fuel and move its industrial growth and development and establish its standing among nations of the world;

(2) there are only a few recognized historic sites that are devoted to portraying the development and growth of heavy industry and the industrial labor movement in America; and

(3) the 9-county region in southwestern Pennsylvania known as the Allegheny Highlands contain significant examples of iron and steel, coal, and transportation industries, and is a suitable region in which the story of American industrial heritage can be appropriately interpreted to present and future generations.

**(b) PURPOSE.**—In furtherance of the findings set forth in subsection (a) of this section, it is the purpose of this Act to establish, through a commission representing all concerned levels of government, the means by which the cultural heritage of the 9-county region in southwestern Pennsylvania associated with the three basic industries of iron and steel, coal, and transportation may be recognized, preserved, promoted, interpreted, and made available for the benefit of the public.

16 USC 461 note.

**TITLE I—SOUTHWESTERN PENNSYLVANIA HERITAGE PRESERVATION COMMISSION****SEC. 101. ESTABLISHMENT.**

**(a) IN GENERAL.**—To carry out the purpose of this title and to implement, as appropriate, the document which is entitled "Action Plan—America's Industrial Heritage Project" and which is dated August 1987, there is hereby established in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission (hereinafter referred to as the "Commission"). The Commission shall exercise the responsibilities and authorities herein conferred on the Commission with respect to that region in southwestern Pennsylvania comprising the counties of Bedford, Blair, Cambria, Fayette, Fulton, Huntingdon, Indiana, Somerset,

and Westmoreland. The Commission shall consist of 21 members, appointed by the Secretary of the Interior (hereinafter referred to as the "Secretary") as follows:

(1) 2 members appointed from recommendations submitted by the Governor of Pennsylvania of which one shall represent the interests of the Pennsylvania Historical and Museum Commission; and the other shall represent the Pennsylvania Department of Community Affairs;

(2) 9 members appointed from recommendations submitted by the county commissioners of the Pennsylvania counties of Bedford, Blair, Cambria, Fayette, Fulton, Huntingdon, Indiana, Somerset, and Westmoreland, of which one member shall be appointed from the recommendations of each such county from groups and individuals representing historic preservation, tourism promotion, business and industry and industrial and labor history;

(3) 4 members appointed from recommendations from the Southern Alleghenies Planning and Development Commission;

(4) 4 members appointed from recommendations from Laurel Highlands, Inc.;

(5) 2 members appointed by the Secretary from recommendations by the Director of the National Park Service who shall have knowledge and experience in the field of historic preservation; and

(6) the Director of the National Park Service, ex officio, or his delegate.

(b) **APPOINTMENT.**—All members of the Commission shall be appointed for terms of 3 years, except that the terms of the 9 members appointed from recommendations submitted by each county pursuant to subsection (a)(2) shall be for 2 years.

(c) **CHAIRMAN.**—The Commission shall elect a chairman from among its members. The term of the chairman shall be 2 years.

(d) **TERMS.**—Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(e) **QUORUM.**—A simple majority of Commission members shall constitute a quorum.

(f) **MEETINGS.**—The Commission shall meet at least quarterly or at the call of the chairman or a majority of its members.

(g) **COMPENSATION.**—Members of the Commission shall serve without compensation as such. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.

#### SEC. 102. STAFF OF THE COMMISSION.

(a) **STAFF.**—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) **EXPERTS AND CONSULTANTS.**—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) **STAFF OF OTHER AGENCIES.**—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from the Commonwealth of Pennsylvania (and any political subdivision thereof) and may reimburse the commonwealth or political subdivision for those services.

(d) **ADMINISTRATIVE SUPPORT.**—The Administrator of the General Services Administration shall provide such administrative support services as the Commission may request, on a reimbursable basis.

#### SEC. 103. POWERS OF THE COMMISSION.

(a) **IN GENERAL.**—The Commission may for the purpose of carrying out this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable.

(b) **BYLAWS.**—The Commission may make such bylaws, rules and regulations, consistent with this Act, as it considers necessary to carry out its functions under this title.

(c) **DELEGATION.**—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) **TECHNICAL ADVISORY GROUPS.**—The Commission may establish and appoint one or more technical advisory groups to provide technical advice in financing, historic preservation, recreation, tourism, and intergovernmental coordination.

(e) **DONATIONS.**—Notwithstanding any other provision of law, the Commission may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties.

(f) **FUNDS FROM OTHER SOURCES.**—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(g) **MAIL.**—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(h) **OBTAINING PROPERTY.**—(1) The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties except that the Commission may not acquire any real property or interest in real property otherwise than under paragraph (2).

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the Corridor—

(A) by gift or device; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that

such money would be used to purchase real property, or interests in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

#### SEC. 104. FUNCTIONS OF THE COMMISSION.

(a) **IN GENERAL.**—The Commission shall—

(1) make loans and grants, from funds appropriated for that purpose or from funds donated or otherwise made available to the Commission, for the purpose of conserving and protecting sites, buildings, and objects which are related to the industrial development of the area and which are included or eligible for inclusion on the National Register of Historic Places;

(2) coordinate activities of Federal, State, and local governments and private businesses and organizations in order to further historic preservation and compatible economic revitalization;

(3) develop guidelines and standards for projects, consistent with standards established by the National Park Service for the preservation of historic properties, including interpretive methods, that will further historic preservation in the region; and

(4) provide advice and assistance in preparation of loan or grant applications to the Commission and applications for loans or grants from other Federal or non-Federal sources in furtherance of the purposes of this title.

Any loan made under this subsection shall be for a term expiring before the date 10 years after the enactment of this Act and shall be subject to such other terms and conditions, including interest, as may be established by the Commission with the approval of the Secretary.

(b) **ANNUAL REPORTS.**—The Commission shall submit an annual report to the Secretary setting forth its expenses and income and the entities to which any loans and grants were made during the year for which the report is made. The Secretary shall submit an annual report to the Congress describing the loans, grants, and technical assistance provided under this Act. Such report shall specify the amount, recipient, and purpose of any loan, grant, or technical assistance so provided and shall include an analysis of the adequacy of actions taken during the previous year to preserve, protect, and interpret the significant sites, buildings, and objects within the area; as well as the anticipated funds and personnel to be made available by the Secretary during the next fiscal year to implement the provisions of this Act.

(c) **COST ESTIMATES.**—Prior to making any grant or loan the Commission shall require detailed cost estimates to be prepared for the project to be funded. Within one year from the date of enactment, the Commission shall submit to the appropriate committees of the Congress detailed cost estimates for the projects identified in the action plan referred to in section 101 of this title.

(d) **STUDY REPORT.**—The Commission, in consultation with the Secretary, the Pittsburgh Area Steel Industry Heritage Task Force,

Loans.  
Grants.  
Conservation.

and other interested parties which represent the greater Allegheny and Washington Counties/Mon-Valley area shall within 2 years of enactment of this Act, submit a report concerning the cultural and historical resource values of the greater Allegheny and Washington Counties/Mon-Valley area to the Secretary. Such report shall include an analysis of the methods and means of inventorying, preserving and interpreting the cultural and historical resources of the area, along with recommendations concerning the coordination of activities in the 11 counties represented by the Commission and the Pittsburgh Area Steel Industry Heritage Task Force and other interested parties. The Secretary shall review the report and submit it along with any comments or recommendations that the Secretary may wish to make to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within 180 days after receipt of such report from the Commission.

(e) EXPIRATION.—The Commission established pursuant to this title shall cease to exist 10 years from the date of enactment of this Act. Any property or funds of the Commission remaining upon the expiration of the Commission shall be transferred by the Commission to the United States, to a State or local government agency, to a private nonprofit organization exempt from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986, or to any combination of the foregoing.

#### SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated \$3,000,000 to the Commission to carry out the purposes of this title. Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds from non-Federal sources.

16 USC 1244  
note.

## TITLE II—SOUTHWESTERN PENNSYLVANIA INDUSTRIAL HERITAGE ROUTE

#### SEC. 201. DESIGNATION OF ROUTE.

Federal  
Register,  
publication.

(a) DESIGNATION.—In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally and regionally significant sites in southwestern Pennsylvania which are accessible by public road, the Secretary of Interior (hereinafter referred to as the “Secretary”), with the concurrence of the agency having jurisdiction over such roads, shall designate, by publication of a description thereof in the Federal Register, a vehicular tour route along existing public roads linking historic, cultural, natural, scenic, and recreational sites in southwestern Pennsylvania. Such route shall be known as the Southwestern Pennsylvania Industrial Heritage Route (hereinafter referred to as the “route”), and shall be marked with an appropriate marker to guide members of the visiting public. With the concurrence of the State or local entity having jurisdiction over such roads so designated, the Secretary may erect thereon signs and other informational devices displaying the Southwestern Pennsylvania Industrial Heritage Route marker. The Secretary is authorized to accept the donation of signs and other informational devices for placement at appropriate locations along the route.

Gifts and  
property.



(b) **INITIAL ROUTE.**—The route as initially designated shall include public roads linking Allegheny Portage Railroad National Historic Site, Johnstown Flood National Memorial, Historic Saltsburg, Eliza and Mt. Etna Furnaces, the Charles Schwab Estate, Friendship Hill National Historic Site, Fort Necessity National Battlefield, Altoona Railroad Shops, Altoona Railroader's Memorial Museum, Cambria Iron Works, Johnstown Inclined Plane, Johnstown Flood Museum, Conemaugh Gap, East Broadtop Railroad National Historic Landmark, Gallitzin Tunnels, Horseshoe Curve National Historic Landmark, Fort Ligonier, Bushy Run Battlefield, Seldom Seen Valley Mine, and Somerset Historical Center.

(c) **ADDITIONAL SEGMENTS.**—The Secretary may, in the manner set forth in section 201 of this title, designate additional segments of the route from time to time as appropriate to link the sites referred to in subsection (b) with other historic, cultural, natural, scenic, and recreational sites when such sites are designated and protected by Federal, State and local governments, Indian tribes, or nonprofit entities.

**SEC. 202. TECHNICAL ASSISTANCE.**

With respect to sites linked by segments of the route which are administered by other Federal, State, local, tribal, or nonprofit entities, the Secretary may, pursuant to cooperative agreements with such entities, provide technical assistance in the development of interpretive devices and materials in order to contribute to public appreciation of the historic, cultural, natural, scenic, and recreational sites along the route.

**SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

There is hereby authorized to be appropriated \$150,000 to the Secretary to carry out the purposes of this title. No funds made available under this title shall be used for the operation, maintenance, or repair of any road or related structure.

Approved November 19, 1988.

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**LEGISLATIVE HISTORY—H.R. 3313:**

HOUSE REPORTS: No. 100-789 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-533 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

July 26, considered and passed House.

Oct. 21, considered and passed Senate, amended. House concurred in Senate amendments.

Public Law 100-412  
100th Congress

An Act

Aug. 22, 1988  
[H.R. 3880]

To extend the authorization of the Upper Delaware Citizens Advisory Council for an additional ten years.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. EXTENSION OF AUTHORIZATION.

The last sentence of paragraph (1) of section 704(f) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; relating to the Upper Delaware River) is amended by striking out “ten” and inserting in lieu thereof “20”.

Approved August 22, 1988.

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LEGISLATIVE HISTORY—H.R. 3880:

HOUSE REPORTS: No. 100-697 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-452 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 20, considered and passed House.

Aug. 9, considered and passed Senate.

MISCELLANEOUS ENACTMENTS

Public Law 100-693  
100th Congress

An Act

To declare that certain lands in the State of California which form a part of the right-of-way granted by the United States to the Central Pacific Railway Company have been abandoned, and for other purposes.

Nov. 18, 1988

[H.R. 4039]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. FINDINGS.

The Congress finds that—

- (1) Southern Pacific Transportation Company is the successor grantee of the real property described in section 3;
- (2) through a petition to the Interstate Commerce Commission to be allowed to cease using such property for the provision of railroad services, through the removal of tracks, and through other actions, the Southern Pacific Transportation Company has taken steps to abandon and relinquish the real property described in section 3;
- (3) the County of Alameda (a political subdivision of the State of California wherein the real property described in section 3 is situated) has acted to include such property within its County System of Highways; and
- (4) use for public purposes of lands granted for railroad rights-of-way, including use of such land for highway, communications, and other public purposes as well as for public recreational trails or other recreational purposes, is in the national interest.

SEC. 2. DECLARATION OF ABANDONMENT, ETC.

(a) ABANDONMENT OF RIGHT-OF-WAY.—The Congress hereby declares that the Southern Pacific Transportation Company has abandoned the real property described in section 3.

(b) UNITED STATES INTEREST.—(1) Except as otherwise provided in this Act, any and all right, title, or interest of the United States in the real property described in section 3 shall be retained and managed by the Secretary of the Interior for use as a public recreational trail or for other recreational purposes, as well as for such other uses as the Secretary may determine to be appropriate pursuant to applicable law, so long as such uses do not preclude trail use.

(2) Paragraph (1) of this subsection shall not apply to any portion of the real property described in section 3 embraced in a public highway in a manner meeting the requirements of the Act of March 8, 1922 (43 U.S.C. 912).

(3) Section 4 of this Act shall apply to all the real property described in section 3, regardless of whether any portion of such property may be covered by paragraph (2) of this subsection.

(c) LIMITATIONS.—(1) Nothing in this Act shall be construed as expanding or diminishing any right, title, or interest of any party other than the United States in the real property described in

section 3 which under applicable law vested in any such party on or before the date of enactment of this Act.

(2) Nothing in this Act shall be construed as requiring or permitting the acquisition by the United States of any right, title, or interest in the real property described in section 3 greater than any such right, title, or interest of the United States in such real property as of the date of enactment of this Act.

#### SEC. 3. DESCRIPTION OF PROPERTY.

(a) **IN GENERAL.**—The property referred to in sections 1, 2, and 4 is certain real property situated in the County of Alameda, State of California, forming a part of the right-of-way granted by the United States to the Central Pacific Railway Company in the Act entitled “An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean, and to secure to the Government the Use of the same for Postal, Military, and Other Purposes”, approved July 1, 1862 (12 Stat. 489).

(b) **SPECIFIC DESCRIPTION.**—The real property referred to in subsection (a) involves certain real property situated in the unincorporated townships of Murray, Pleasanton, and Washington, and in the incorporated area of the cities of Union City and Fremont, and is more particularly described as follows:

(1) **PARCEL 1.**—A strip of land, 400 feet in width, acquired by the Central Pacific Railway Company by an Act of Congress dated July 1, 1862 (as shown on the map entitled “C.P.R.Y. Co. Oakland to Sacramento Main Line Via Niles and Tracy Map of Real Estate and Right of Way Properties through Alameda County, California” dated 1914, in Alameda County Road Department Files numbered A 77-32, A 77-33, and A 77-34), lying equally 200 feet on each side of the center line more particularly described in that certain Quitclaim Deed from the Southern Pacific Transportation Company, a Delaware corporation, to the County of Alameda, dated March 15, 1985, and recorded April 23, 1985, as Series No. 85-077990, Official Records of Alameda County, California.

(2) **PARCEL 2.**—Those strips of land varying in width acquired by the Central Pacific Railroad Company by an Act of Congress, dated July 1, 1862 (as shown on the map entitled “C.P.R.Y. Co. Oakland to Sacramento Main Line Via Niles and Tracy Map of Real Estate and Right of Way Properties through Alameda County, California” dated 1914, in Alameda County Road Department Files numbered A 77-26, A 77-27, and A 77-28), the center line of said strips of land being more particularly described in that certain Quitclaim Deed from the Southern Pacific Transportation Company, a Delaware corporation, to the County of Alameda, dated March 15, 1985, and recorded April 23, 1985, as Series No. 85-077991, Official Records of Alameda County, California.

(3) **PARCEL 3.**—Those strips of land varying in width acquired by—

(A) the Central Pacific Railroad Company under the Act referred to in subsection (a) (as shown on the map entitled “C.P.R.Y. Co. Oakland to Sacramento Main Line Via Niles and Tracy Map of Real Estate and Right of Way Properties through Alameda County, California” dated 1914, in Alameda County Road Department Files numbered A 77-26, A 77-27, and A 77-28);



(B) the Western Pacific Railroad Company by Order and Declaration dated June 22, 1868, concerning the Report of Commissioners in the matter of the Western Pacific Railroad Company against Matthew W. Dixon, et al., in the District Court of the Third Judicial District in and for the County of Alameda, State of California, a certified copy of the Order recorded September 7, 1869, in Book 43 of Deeds at page 262, Records of Alameda County, California; and

(C) the Western Pacific Railroad Company by deed dated April 18, 1870, from Jonas G. Clark, recorded June 14, 1870, in Book 55 of Deeds at page 342, Records of Alameda County.

#### SEC. 4. RESERVATION AND RESTRICTIONS.

(a) RESERVATION.—Any and all rights of the United States in and to all oil, coal, and other minerals in the real property described in section 3 shall be retained by and reserved to the United States, together with the right to prospect for, mine, and remove such oil, coal, and other minerals under applicable law.

Petroleum and  
petroleum  
products.  
Coal.  
Minerals and  
mining.  
Highways.

(b) RESTRICTIONS.—Any portion of the real property described in section 3 embraced in a public highway in a manner meeting the requirements of the Act of March 8, 1922 (43 U.S.C. 912), shall be used only for such purposes (including but not limited to public recreational purposes) as may be authorized under laws of the State of California applicable to property forming part of such public highway. In the event that any portion of such real property should be used for any other purpose, or in the event that an attempt should be made to transfer ownership of any portion of such real property to any party other than the State of California or a political subdivision thereof, there shall revert to and be vested in the United States all the right, title, and interest in such real property which the United States possessed on the date of enactment of this Act.

#### SEC. 5. MOUNTAIN WARFARE TRAINING CENTER.

Unless otherwise provided by law, the lands within the Toiyabe National Forest, in California, which have been used for purposes of the United States Marine Corps Mountain Warfare Training Center, shall be retained as part of such National Forest. The Secretary of Agriculture shall continue to make such lands available to the United States Marine Corps for purposes of such training center, subject to such restrictions as the Secretary of Agriculture finds appropriate to protect the natural, environmental,

Armed Forces.  
National Forest  
System.



## Recreation.

aesthetic, scientific, cultural, and other resources and values of such lands. So far as possible, consistent with use of such lands by the United States Marine Corps for purposes of the Mountain Warfare Training Center, the affected lands shall be open to public recreation and other uses.

Approved November 18, 1988.

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LEGISLATIVE HISTORY—H.R. 4039:

HOUSE REPORTS: No. 100-941 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 20, considered and passed House.

Oct. 21, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Nov. 18, Presidential statement.

Public Law 100-692  
100th Congress

An Act

Nov. 18, 1988  
[H.R. 3957]

To establish the Delaware and Lehigh Navigation Canal National Heritage Corridor  
in the Commonwealth of Pennsylvania.

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

Delaware and  
Lehigh  
Navigation  
Canal National  
Heritage  
Corridor Act of  
1988.  
Conservation.  
Cultural  
programs.  
Historic  
preservation.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Delaware and Lehigh Navigation  
Canal National Heritage Corridor Act of 1988".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Delaware Canal, which opened for regular commercial  
navigation in 1834, provided an early and essential link in a  
4,000 mile national transportation route and helped to trans-  
form Pennsylvania from an agrarian region to the center of an  
industrialized society.

(2) The Canal served as the primary means for transporting  
coal and other bulk goods from the "Anthracite Region" of  
Pennsylvania to New York, New Jersey, Philadelphia, and  
other industrial centers as far away as Europe.

(3) As part of an elaborate national transportation system, the  
Delaware Canal and Lehigh Navigation Canal played a critical  
role in supplying our developing Nation with the coal that  
fueled its factories and heated its homes.

(4) The route of the Delaware Canal parallels stagecoach  
routes and the trails of the Lenni-Lenape Indians, and passes  
numerous 18th, 19th, and 20th century sites of national and  
State historical significance.

(5) In 1978, the Delaware Canal was declared a National  
Historic Landmark, and portions of the Lehigh Navigation  
Canal were placed on the National Register of Historic Places  
and designated a National Recreation Trail.

16 USC 461 note.

**SEC. 3. ESTABLISHMENT OF NATIONAL HERITAGE CORRIDOR; PURPOSE.**

(a) **ESTABLISHMENT.**—There is hereby established in the Common-  
wealth of Pennsylvania the Delaware and Lehigh Navigation Canal  
National Heritage Corridor (hereinafter in this Act referred to as  
the "Corridor").

(b) **PURPOSE.**—It is the purpose of this Act to provide a manage-  
ment framework to assist the Commonwealth and its political sub-  
divisions in developing and implementing integrated cultural,  
historical, and natural resource policies and programs that will  
preserve and interpret for the educational and inspirational benefit  
of present and future generations the unique and significant con-  
tributions to our national heritage of certain historic and cultural  
lands, waterways, and structures within and surrounding the Dela-  
ware and Lehigh Navigation Canal in the Commonwealth.

**SEC. 4. BOUNDARIES AND ADMINISTRATION.**

(a) **BOUNDARIES.**—The boundaries of the Corridor shall include those lands generally depicted on the map entitled “Delaware and Lehigh Navigation Canal National Heritage Corridor” numbered DELE-90,000 and dated August, 1988. The map shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, District of Columbia, and the Pennsylvania Department of Environmental Resources. As soon as practical after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description and map of the boundaries established under this subsection.

Public  
information.

Federal  
Register,  
publication.

(b) **ADMINISTRATION.**—The Corridor shall be administered in accordance with the provisions of this Act.

**SEC. 5. DELAWARE AND LEHIGH NAVIGATION CANAL NATIONAL HERITAGE CORRIDOR COMMISSION.**

(a) **ESTABLISHMENT.**—There is hereby established the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission (hereinafter in this Act referred to as the “Commission”). The Commission shall assist appropriate Federal, State, and local authorities in the development and implementation of an integrated resource management plan for the Corridor.

(b) **MEMBERSHIP.**—The Commission shall be composed of 21 members appointed not later than 6 months after the date of enactment of this Act as follows:

(1) The Director of the National Park Service ex officio (or his delegate).

(2) 4 individuals appointed by the Secretary, after receiving recommendations from the Governor who shall represent the Pennsylvania Department of Environmental Resources, the Pennsylvania Historical and Museum Commission, the Pennsylvania Department of Commerce/Economic Development Partnership, and the Pennsylvania Department of Community Affairs.

(3) 8 representatives of local governments from the Commonwealth appointed by the Secretary, after receiving recommendations from the Governor, of whom 4 shall be representatives from the Lehigh Navigation Canal region and 4 shall be representatives from the Delaware Canal region.

(4) 8 individuals from the general public who are citizens of the Commonwealth appointed by the Secretary, after receiving recommendations from the Governor, who shall have knowledge and experience in appropriate fields of interest, relating to the preservation, use, and interpretation of the Corridor of whom 4 shall be residents of the Lehigh Navigation Canal region and 4 shall be residents of the Delaware Canal region. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) **TERMS.**—Members of the Commission shall be appointed for terms of 3 years and may be reappointed.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor has taken office.

(d) **COMPENSATION.**—Members of the Commission shall receive no pay on account of their service on the Commission, but while away

from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(e) **CHAIRPERSON.**—The chairperson of the Commission shall be elected by the members of the Commission. The term of the chairperson shall be 2 years.

(f) **QUORUM.**—(1) 11 members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The affirmative vote of not less than 6 members of the Commission shall be required to approve the budget of the Commission.

(g) **MEETINGS.**—The Commission shall hold its first meeting not later than 90 days after the date on which its members are appointed, and shall meet at least quarterly at the call of the chairperson or 6 of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

#### SEC. 6. STAFF OF THE COMMISSION.

(a) **IN GENERAL.**—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) **EXPERTS AND CONSULTANTS.**—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) **STAFF OF OTHER AGENCIES.**—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from the Commonwealth and any political subdivision thereof, and may reimburse the Commonwealth or such political subdivision for those services.

#### SEC. 7. POWERS OF COMMISSION.

(a) **HEARINGS.**—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may not issue subpoenas or exercise any subpoena authority.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of the General Services Administration shall provide to the Commission,

on a reimbursable basis, such administrative support services as the Commission may request.

(d) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) **USE OF FUNDS TO OBTAIN MONEY.**—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) **GIFTS.**—(1) Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(2) For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(g) **ACQUISITION OF REAL PROPERTY.**—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the Corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) **COOPERATIVE AGREEMENTS.**—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the Commonwealth, with any political subdivision of the Commonwealth, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the Commonwealth, such political subdivision, or such person which may affect the implementation of the Plan.

(i) **ADVISORY GROUPS.**—The Commission may establish such advisory groups as it deems necessary to ensure open communication with, and assistance from, the Commonwealth, political subdivisions of the Commonwealth, and interested persons.

#### SEC. 8. DUTIES OF THE COMMISSION.

(a) **PREPARATION OF PLAN.**—Within 2 years after the Commission conducts its first meeting, it shall submit to the Secretary of the Interior a Cultural Heritage and Corridor Management Plan. The Plan shall be based on existing Federal, Commonwealth, and local plans, but shall coordinate those plans and present a unified historic preservation and interpretation plan for the Corridor. The Plan shall—

(1) provide an inventory which includes any property in the Corridor which should be preserved, restored, managed, developed, maintained, or acquired because of its national historic or cultural significance;

(2) develop an historic interpretation plan to interpret the history of the Canal and its surrounding area;

(3) recommend policies for resource management which consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements, that will protect the Corridor's historical, cultural, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization efforts;

(4) detail the ways in which local, Commonwealth, and Federal programs may best be coordinated to promote the purposes of this Act; and

(5) contain a program for implementation of the Plan by the Commonwealth and its political subdivisions.

(b) **IMPLEMENTATION OF PLAN.**—After review and approval of the Plan by the Secretary of the Interior as provided in section 10(a), the Commission shall implement the Plan by taking appropriate steps to preserve and interpret the historic resources of the Canal and its surrounding area, and to support public and private efforts in economic revitalization consistent with the goals of the Plan. These steps may include, but need not be limited to—

(1) assisting the Commonwealth in preserving the Canal;

(2) assisting the Commonwealth and local governments in designing, establishing, and maintaining visitor centers and other interpretive exhibits in the Corridor;

(3) assisting in increasing public awareness of and appreciation for the historical, architectural, and geological resources and sites in the Corridor;

(4) assisting the Commonwealth, local governments, and non-profit organizations in the restoration of any historic building in the Corridor;

(5) encouraging by appropriate means enhanced economic and industrial development in the Corridor consistent with the goals of the Plan;

(6) encouraging local governments to adopt land use policies consistent with the management of the Corridor and the goals of the Plan, and to take actions to implement those policies; and

(7) ensuring that clear, consistent signs identifying access points and sites of interest are put in place throughout the Corridor.

#### **SEC. 9. TERMINATION OF COMMISSION.**

(a) **TERMINATION.**—Except as provided in subsection (b), the Commission shall terminate on the day occurring 5 years after the date of the enactment of this Act.

(b) **EXTENSIONS.**—The Commission may be extended for a period of not more than 5 years beginning on the day of termination referred to in subsection (a) if, not later than 180 days before such day—

(1) the Commission determines such extension is necessary in order to carry out the purpose of this Act;

(2) the Commission submits such proposed extension to the Committee on Interior and Insular Affairs of the United States



House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate; and  
(3) the Secretary approves such extension.

**SEC. 10. DUTIES OF THE SECRETARY.**

(a) **APPROVAL OF PLAN.**—The Secretary of the Interior shall approve or disapprove a Plan submitted to him under this Act by the Commission not later than 60 days after he receives such Plan. The Secretary shall approve a Plan submitted to him if—

(1) he finds that the Plan, if implemented, would adequately protect the significant historical and cultural resources of the Corridor while providing adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor;

(2) he determines that the Commission held public hearings and provided adequate opportunity for public and governmental involvement in the preparation of the Plan; and

(3) he receives adequate assurances from appropriate Commonwealth officials that the recommended implementation program identified in the Plan will be initiated within a reasonable time after the date of approval of the Plan, and that such implementation program will ensure effective implementation of the State and local aspects of the Plan.

(b) **DISAPPROVAL OF PLAN.**—If the Secretary disapproves a Plan submitted to him by the Commission, he shall advise the Commission in writing of the reasons therefore and shall make recommendations for revisions in the Plan. The Commission shall within 90 days of receipt of such notice of disapproval revise and resubmit the plan to the Secretary who shall approve or disapprove a proposed revision within 60 days after the date it is submitted to him.

(c) **INTERPRETIVE MATERIALS.**—Following approval of the Plan as provided under subsection (a), the Secretary shall assist the Commission in designing and producing interpretive materials based on the Plan. Such materials may include—

(1) guide brochures for exploring the Corridor by automobile, train, bicycle, boat, or foot;

(2) indoor and outdoor visitor displays, which may include video presentations, at several locations along the Corridor; and

(3) a mobile display describing the history of the Corridor, to be used in the Corridor, public buildings, libraries, and schools.

(d) **TECHNICAL ASSISTANCE.**—The Secretary of the Interior shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan.

**SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.**

Any Federal entity conducting or supporting activities directly affecting the flow of the Canal or the natural resources of the Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner consistent with the Plan and the provisions of this Act.

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) **COMMISSION.**—There is authorized to be appropriated annually to the Commission to carry out its duties under this Act \$350,000, except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

(b) **SECRETARY.**—There are authorized to be appropriated annually to the Secretary such sums as may be necessary to carry out his duties under this Act.

#### SEC. 13. DEFINITIONS.

For purposes of this Act—

(1) the term “Canal” means the Delaware and Lehigh Navigation Canal;

(2) the term “Commission” means the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission established under section 5(a);

(3) the term “Commonwealth” means the Commonwealth of Pennsylvania;

(4) the term “Corridor” means the Delaware and Lehigh Navigation Canal National Heritage Corridor established under section 3(a);

(5) the term “Plan” means the Cultural Heritage and Corridor Management Plan to be prepared by the Commission pursuant to section 8(a); and

(6) the term “Secretary” means the Secretary of the Interior.

Approved November 18, 1988.

#### LEGISLATIVE HISTORY—H.R. 3957:

HOUSE REPORTS: No. 100-906 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 13, considered and passed House.

Oct. 14, considered and passed Senate, amended.

Oct. 19, House concurred in certain Senate amendments and disagreed to another.

Oct. 20, Senate receded from its amendment.

Public Law 100-187  
100th Congress

An Act

To amend the National Trails System Act to provide for a study of the De Soto Trail, and for other purposes.

Dec. 11, 1987  
[S. 1297]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

De Soto National  
Trail Study Act  
of 1987.  
16 USC 1241  
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “De Soto National Trail Study Act of 1987”.

SEC. 2. FINDINGS.

The Congress finds that—

- (1) Hernando de Soto landed in the vicinity of Tampa Bay on May 30, 1539;
- (2) de Soto then led his expedition of approximately 600 through the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, and Arkansas;
- (3) de Soto died on the banks of the Mississippi River in 1542;
- (4) the survivors of de Soto's expedition went on to Texas, then back through Arkansas, and into Louisiana in search of a route to Mexico;
- (5) the de Soto expedition represented the first large group of Europeans to explore so deeply into the Southeastern region;
- (6) archeologists have recently uncovered, in Tallahassee, Florida, what may have been de Soto's first winter camp;
- (7) the State of Florida has completed identification and marking of close to three-fourths of de Soto's trail in that State; and
- (8) several other States are in the process of identifying and marking de Soto's trail within their borders.

SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

“(31) De Soto Trail, the approximate route taken by the expedition of the Spanish explorer Hernando de Soto in 1539, extending through portions of the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, to the area of Little Rock, Arkansas, on to Texas and Louisiana, and any other States which may have been crossed

Southeastern  
States.

by the expedition. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than one calendar year after the date of enactment of this paragraph."

Approved December 11, 1987.

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LEGISLATIVE HISTORY—S. 1297:

HOUSE REPORTS: No. 100-462 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-177 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 133 (1987):  
Oct. 1, considered and passed Senate.  
Dec. 1, considered and passed House.

Public Law 100-164  
100th Congress

## Joint Resolution

To recognize the Disabled American Veterans Vietnam Veterans National Memorial as a memorial of national significance.

Nov. 13, 1987

[H.J. Res. 97]

New Mexico.

Whereas in August, 1968, following the tragic death of their eldest son and brother, First Lieutenant Victor Davis Westphall, III, in the southeast Asian conflict, Dr. and Mrs. Victor Westphall and their younger son, Douglas, began construction of a memorial chapel at Angel Fire Recreation Area, near Eagle Nest, New Mexico, to honor Vietnam veterans;

Whereas the chapel was opened in 1971 as a memorial to all Vietnam veterans: the living, the dead, and the maimed in body and spirit;

Whereas the Disabled American Veterans and other interested persons have contributed much financial assistance toward the chapel;

Whereas in September, 1982, the Disabled American Veterans established a non-profit corporation to improve and perpetuate the chapel;

Whereas the chapel was rededicated and named the Disabled American Veterans Vietnam Veterans National Memorial in May, 1983;

Whereas the chapel has become known to millions of people in this Nation and abroad through extensive publicity in the national and international news media;

Whereas the chapel has inspired the construction of other memorials to Vietnam veterans throughout the United States, including the Vietnam Veterans Memorial in Washington, D.C.;

Whereas the chapel has received an award for architectural excellence from the New Mexico Society of Architects;

Whereas Dr. Westphall has received the New Mexico Medal of Merit in recognition of his services in connection with the chapel and its programs over the years;

Whereas to many persons, especially Vietnam veterans, the chapel is literally sacred; and

Whereas the chapel has served for more than 15 years as a national shrine without benefit of an official national designation: Now, therefore, be it

16 USC 431 note. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Disabled American Veterans Vietnam Veterans National Memorial near Eagle Nest, New Mexico, is hereby recognized as a memorial of national significance, and the President is requested to issue a proclamation commemorating the occasion of this recognition and saluting the efforts of those individuals who have made the creation and continued existence of the Memorial possible.*

Approved November 13, 1987.

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LEGISLATIVE HISTORY—H.J. Res. 97:

CONGRESSIONAL RECORD, Vol. 133 (1987):  
May 4, considered and passed House.  
Oct. 30, considered and passed Senate.



Public Law 100-642  
100th Congress

An Act

To amend the Act of June 6, 1900, to increase the number of trustees of the Frederick Douglass Memorial and Historical Association.

Nov. 9, 1988  
[H.R. 4236]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. BOARD OF TRUSTEES OF THE FREDERICK DOUGLASS MEMORIAL AND HISTORICAL ASSOCIATION.

(a) **NUMBER.**—Section 4 of the Act of June 6, 1900 (ch. 806; 31 Stat. 662), is amended by striking out “not less than five members nor more than nine” and inserting in lieu thereof “not less than 9 members nor more than 19 members”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect upon the election of additional members of the board of trustees of the Frederick Douglass Memorial and Historical Association (pursuant to the amendment made by subsection (a)) at a regular or special meeting of the board called for the purpose of such an election.

Approved November 9, 1988.

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LEGISLATIVE HISTORY—H.R. 4236:

HOUSE REPORTS: No. 100-1091 (Comm. on the District of Columbia).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Oct. 19, considered and passed House.

Oct. 20, considered and passed Senate.

Public Law 100-33  
100th Congress

An Act

To designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic river system.

May 7, 1987  
[H.R. 14]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION AS STUDY RIVERS.**

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following:

“(96) MAURICE, NEW JERSEY.—The segment from Shell Pile to the point three miles north of Laurel Lake.

“(97) MANUMUSKIN, NEW JERSEY.—The segment from its confluence with the Maurice River to the crossing of State Route 49.

“(98) MENANTICO CREEK, NEW JERSEY.—The segment from its confluence with the Maurice River to its source.”.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

For the purpose of conducting the studies of the rivers named in section 1 there are authorized to be appropriated such sums as necessary.

Approved May 7, 1987.

**LEGISLATIVE HISTORY—H.R. 14:**

HOUSE REPORTS: No. 100-18 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-38 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Mar. 10, considered and passed House.

Apr. 23, considered and passed Senate.

Public Law 100-515  
100th Congress

An Act

To provide for the establishment of the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

Oct. 20, 1988  
[S. 2057]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Conservation.

**SECTION 1. DESIGNATION OF NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.**

16 USC 1244  
note.

In order to provide for public appreciation, education, understanding, and enjoyment, through a coordinated interpretive program of certain nationally significant natural and cultural sites associated with the coastal area of the State of New Jersey that are accessible generally by public road, the Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Director of the National Park Service, with the concurrence of the agency having jurisdiction over such roads, is authorized to designate, by publication of a map or other description thereof in the Federal Register, a vehicular tour route along existing public roads linking such natural and cultural sites in New Jersey. Such route shall be known as the New Jersey Coastal Heritage Trail Route (hereinafter referred to as the "route").

Federal  
Register,  
publication.  
Highways.

**SEC. 2. LOCATION; ADDITIONAL SEGMENTS.**

16 USC 1244  
note.

The route shall follow public roads, which are generally located to the east of the Garden State Parkway, linking the New Jersey portion of Gateway National Recreation Area, known generally as the Sandy Hook Unit, with the national historic landmark in Cape May and that area north and west of Cape May in the vicinity of Deepwater, New Jersey. The Secretary may, in the manner set forth in section 1, designate additional segments of the route from time to time as appropriate to link the foregoing sites with other natural and cultural sites when such sites are designated and protected by Federal, State, or local governments, or other public or private entities.

**SEC. 3. INVENTORY AND PLAN.**

16 USC 1244  
note.

(a) **PREPARATION.**—Within one year after the date of availability of funds, the Secretary shall prepare a comprehensive inventory of sites along the route and general plan which shall include but not be limited to the location and description of each of the following:

- (1) Significant fish and wildlife habitat and other natural areas.
- (2) Unique geographic or geologic features and significant landforms.
- (3) Important cultural resources, including historical and archeological resources.
- (4) Migration routes for raptors and other migratory birds, marine mammals, and other wildlife.

Fish and fishing.  
Wildlife.

Historic  
preservation.  
Birds.

(b) **INTERPRETIVE PROGRAM.**—The general plan shall include proposals for a comprehensive interpretive program of the area and it shall identify alternatives for appropriate levels of protection of significant resources.

(c) **TRANSMISSION TO CONGRESS.**—The Secretary shall transmit the comprehensive inventory and the general plan to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

(d) **CONSULTATION; PUBLIC PARTICIPATION.**—The inventory and plan shall be prepared in consultation with other Federal agencies, the State of New Jersey, units of local government, and public and private entities. In addition, the Secretary shall ensure that there are ample opportunities for public involvement and participation in the preparation of the inventory and plan.

16 USC 1244  
note.

#### **SEC. 4. PUBLIC APPRECIATION.**

With respect to sites linked by segments of the route which are administered by other Federal, State, local nonprofit or private entities, the Secretary is authorized, pursuant to cooperative agreements with such entities, to provide technical assistance in the development of interpretive devices and materials and conservation methods regarding the resources enumerated in section 3 in order to contribute to public appreciation, understanding and conservation of the natural and cultural resources of the sites along the route. The Secretary, in cooperation with State and local governments, and other public and private entities, shall prepare and distribute informational material for the public appreciation of sites along the route.

16 USC 1244  
note.

#### **SEC. 5. MARKERS.**

The route is to be marked with appropriate markers to guide the public. With the concurrence and assistance of the State or local entity having jurisdiction over the roads designated as part of the route, the Secretary may erect thereon signs and other informational devices displaying the New Jersey Coastal Heritage Trail Route marker. The Secretary is authorized to accept the donation of suitable signs and other informational devices for placement at appropriate locations.

Gifts and  
property.

16 USC 1244  
note.

#### **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary not more than \$250,000 to carry out the purposes of this Act. No funds made available under this Act shall be used for the operation, maintenance, or repair of any road or related structure.

16 USC 1244  
note.  
Public buildings  
and grounds.

#### **SEC. 7. REVITALIZATION OF OFFICERS ROW, SANDY HOOK, NEW JERSEY.**

(a) **AGREEMENT WITH STATE.**—To further the revitalization, rehabilitation, and utilization of the area known as "Officers Row" located within the Sandy Hook Unit of the Gateway National Recreation Area, the Secretary of the Interior, or his designee, shall enter into an agreement to permit the State of New Jersey to use and occupy the property depicted on the map numbered 646/80,003, entitled "Marine Science Laboratory Land Assignment", dated September 1988, for the express purpose of constructing, developing, and operating, without cost to the National Park Service, a marine sciences laboratory to be known as the "James J. Howard Marine

Sciences Laboratory". The design of the new facility, the rehabilitation of Building 74, the design and location of landscaping modifications thereto, shall be reviewed by, and subject to the approval of, the Director of the National Park Service or his designee using the standards for rehabilitation and National Park Service guidelines and policies approved by the Secretary of the Interior.

(b) REVERSION.—If the improvements described in subsection (a) are not used as a marine sciences laboratory by the State of New Jersey, all use of the property and the improvements thereon shall revert, without consideration, to the National Park Service.

Approved October 20, 1988.

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LEGISLATIVE HISTORY—S. 2057:

HOUSE REPORTS: No. 100-905 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-372 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 8, considered and passed Senate.

Sept. 13, considered and passed House, amended.

Sept. 30, Senate concurred in House amendments with amendments.

Oct. 3, 4, House concurred in Senate amendments.



Public Law 100-336  
100th Congress

## An Act

To authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park, in the State of Illinois, and for other purposes.

June 17, 1988  
[H.R. 1100]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* The Secretary of the Interior (hereinafter referred to as the "Secretary") in recognition of the efforts to create Wildlife Prairie Park, is authorized and directed to prepare and make available within two years after the date of enactment of this Act to the Forest Park Foundation for publication and distribution, an interpretive handbook describing that area of approximately one thousand eight hundred acres near Peoria, Illinois, owned by the Forest Park Foundation and designated as the Wildlife Prairie Park. The handbook shall describe the purposes of the Wildlife Prairie Park, the historical, cultural, and ecological values, the methods of site acquisition and development, the management goals and the facilities that exist for public use.

Conservation.  
National parks,  
monuments, etc.

SEC. 2. (a) The Secretary shall, in consultation with interested conservation, professional, and park management organizations and individuals, prepare and submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of criteria for the elements of national significance and other factors necessary for a proposed area to be considered appropriate for inclusion as an affiliated area of the National Park System including an analysis of applicability to Wildlife Prairie Park. In addition the report shall address the responsibilities to be required of the operators of an affiliated area and the responsibilities of the National Park Service to any such designated area.

Reports.  
16 USC 1a-5  
note.

(b) The report shall be submitted not later than two years from the date of enactment of this Act and shall provide recommendations by the Secretary of the Interior including but not limited to how criteria for national significance and other factors should be made applicable to future proposed affiliated areas, when such areas are considered by the Secretary. The Secretary shall also recommend any criteria or procedures for such considerations by the Congress including recommendations for legislative action.

SEC. 3. There are authorized for appropriation such sums as may be necessary to carry out the purposes of this Act.

Appropriation  
authorization.

Approved June 17, 1988.

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LEGISLATIVE HISTORY—H.R. 1100:

HOUSE REPORTS: No. 100-186 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-374 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD:  
Vol. 133 (1987): June 29, considered and passed House.  
Vol. 134 (1988): June 6, considered and passed Senate.





