

UNITED STATES DEPARTMENT OF THE INTERIOR
KENNETH L. SALAZAR, *Secretary*

NATIONAL PARK SERVICE
DANIEL N. WENK, *Acting Director*

**LAWS RELATING TO
THE NATIONAL PARK SERVICE**

SUPPLEMENT VIII
104th and 105th Congresses
January 1995 to December 1998

Compiled and Edited By
LaTonya R. Ward
National Park Service

Formatted By
Donna Krause
Government Printing Office



WASHINGTON: 2009

FOREWORD

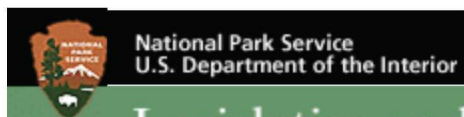
This is the eighth supplement to the publication, *Laws Relating to the National Park Service*, first printed in 1933 and supplemented in 1944, 1963, 1972, 1978, 2000, and 2001.

This volume contains laws relating to the National Park Service enacted by the 106th and 107th Congresses between January 1999 and December 2002. Similar to the last four volumes covering the 95th–105th Congresses, the text of each public law is the same version used in the *United States Statutes at Large* (*Statutes at Large*).

In compiling this volume, a line of stars in the text denotes omitted material. We have made every effort to have as complete and accurate a text as possible. We encourage you to recheck the *Statutes at Large* if you have any doubt about the official text of any law.

We express our sincere thanks to Donna Krause at the Government Printing Office for formatting this publication and digitizing the volume for Internet accessibility. We also thank LaTonya Ward for her sustained, excellent work in completing this project and to the staff of the Office of Legislative and Congressional Affairs for their editorial assistance.

Donald J. Hellmann
Assistant Director
Legislative and Congressional Affairs



Legislative and Congressional Affairs

National Park Service Laws, Supplement VIII 104th - 105th Congresses January 1995 - December 1998

Title Page

Foreward

Table of Contents

I. General Legislation

1. Advisory Council on Historic Preservation	1
2. American Battlefield Protection Program	3
3. Challenge Cost-Share Agreement Authority	5
4. Concessions Management	6
5. Confirmation of Director of NPS by Senate	21
6. Cooperative Agreement Authority	22
7. Cooperative Management Agreements	24
8. Cooperative Research Agreement Authority	26
9. Damage to National Park Resources	27
10. Employee Training and Development	28
11. Federal Reporting Requirements	29
12. Fee Authority	35
13. Feral Burros and Horses	48
14. Historic Leasing Simplification	49
15. Leasing of Park Buildings	50
16. Limitation on Expenditure of Funds for Park Buildings	52
17. Historically Black Colleges and Universities	53
18. Housing in National Parks	55
19. Minor Boundary Revision Authority	61
20. Museum Management Authority	63
21. National Cave and Karst Research Institute	65
22. National Maritime Heritage Program Extension	67
23. National Park Foundation	69
24. National Park System Advisory Board	73
25. New Area Studies	76
26. Offenses Against Property of National Cemeteries	79
27. Park Police and Law Enforcement Program Needs	80
28. POW/MIA Flag Display	81
29. Resource Inventory and Management	83
30. Strategic and Performance Plans and Park Budgets	86
31. Subsistence Hunting and Fishing in Alaska	87
32. Tax Benefits Authority	92
33. Telecommunications Act of 1996	97
34. Transportation Equity Act for the 21st Century	100
35. Transportation of Children to Parks	176
36. Travel and Transportation Reform Act	177
37. Underground Railroad Network to Freedom Program	185

38. Volunteers in Parks	188
II. <u>Appropriations</u>	
1. Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklaholma City, and Rescissions Act for FY 1995	189
2. Omnibus Consolidated Recissions and Appropriations Act for FY 1996	192
3. Omnibus Consolidated Appropriations Act for FY 1997	207
4. Emergency Supplemental Appropriations for FY 1997	218
5. Interior Appropriations Act for FY 1998	221
6. District of Columbia Appropriations Act for FY 1998	249
7. Emergency Supplemental Appropriations for FY 1998	250
8. Omnibus Consolidated and Emergency Supplemental Appropriations for FY 1999	255
III. <u>National Parks</u>	
1. Biscayne	281
2. Carlsbad Caverns	282
3. Channel Islands	284
4. Everglades	288
5. Grand Canyon	312
6. Grand Teton	313
7. Great Basin	315
8. Hawaii Volcanoes	317
9. Olympic	318
10. Redwood	321
11. Rocky Mountain	323
12. Shenandoah	331
13. Yellowstone	333
14. Yosemite	339
15. Zion	341
IV. <u>National Parks and Preserves</u>	
1. Denali	343
2. Gates of the Arctic	348
3. Glacier Bay	351
4. Katmai	362
5. Lake Clark	366
V. <u>National Preserves</u>	
1. Big Thicket	367
2. Mojave	369
3. Tallgrass Prairie	371
VI. <u>National Historical Parks</u>	
1. Adams	377
2. Boston	380
3. Colonial	381
4. Cumberland Gap	383
5. Dayton Aviation	384
6. Independence	385
7. Jean Lafitte	386
8. Kaloko-Honokohau	387
9. Marsh-Billings-Rockefeller	388
10. Morristown	389
11. Natchez	390
12. New Bedford Whaling	392
13. Women's Rights	396
VII. <u>National Military Parks</u>	
1. Chickamauga and Chattanooga	399
2. Shiloh	402
VIII. <u>National Historic Sites</u>	

1. Abraham Lincoln Birthplace	405
2. Edison	407
3. Eleanor Roosevelt	410
4. Fort Davis	411
5. Fort Vancouver	412
6. Frederick Law Olmsted	413
7. Grant-Kohrs Ranch	414
8. Home of Franklin D. Roosevelt	415
9. Jimmy Carter	416
10. Little Rock Central High School	417
11. Lower East Side Tenement	420
12. Manzanar	423
13. Nicodemus	427
14. Pennsylvania Avenue	430
15. Tuskegee Airmen	434
16. Washita Battlefield	439
17. Weir Farm	442
IX. <u>National Memorials and Memorial Parks</u>	
1. Arkansas Post	445
2. Benjamin Banneker	446
3. Black Patriots	447
4. Franklin Delano Roosevelt	449
5. George Mason Memorial	457
6. Japanese American Patriotism	458
7. Mahatma Gandhi	461
8. Martin Luther King, Jr.	462
9. National Peace Garden	464
10. Oklahoma City	465
11. Victims of Communism	472
12. Wright Brothers	473
X. <u>National Monuments</u>	
1. Aniakchak National Monument and Preserve	477
2. Bandelier	481
3. Craters of the Moon	486
4. Fort Pulaski	487
5. Hagerman Fossil Beds	488
6. Petroglyph	489
7. Walnut Canyon	494
8. White Sands	496
9. Wupatki	499
10. Yucca House	500
XI. <u>National Seashores</u>	
1. Cape Cod	501
2. Cape Hatteras	502
3. Cape Lookout	503
XII. <u>National Lakeshores</u>	
1. Indiana Dunes	507
2. Pictured Rocks	509
XIII. <u>National Recreation Areas</u>	
1. Boston Harbor Islands	511
2. Delaware Water Gap	519
3. Gauley River	522
4. Golden Gate	524
5. Lake Chelan	533
6. Santa Monica Mountains	

XIV. National Rivers

1. New River Gorge539
2. Ozark National Scenic Riverways541

XV. National Capital Parks

1. Black Revolutionary War Patriots Memorial543
2. John F. Kennedy Center for the Performing Arts546
3. National Law Enforcement Memorial548
4. Oxen Cove Park551

XVI. National Trails System

1. Great Western Scenic555
2. Lewis and Clark556
3. Old Spanish557
4. Selma to Montgomery558

XVII. Wild and Scenic Rivers

1. Bluestone559
2. Columbia560
3. Lamprey561
4. Wekiva River, Seminole Creek, and Rock Springs Run563
5. Wild and Scenic Rivers Generic Amendments564

XVIII. National Heritage Areas

1. Augusta Canal567
2. Automobile571
3. Blackstone River Valley National Heritage Corridor577
4. Cache La Poudre River Corridor583
5. Delaware and Lehigh Navigation Canal National Heritage Corridor595
6. Essex598
7. Hudson River Valley602
8. Illinois and Michigan Canal National Heritage Corridor610
9. National Coal612
10. Ohio & Erie Canal National Heritage Corridor615
11. Shenandoah Valley Battlefields National Historic District624
12. South Carolina National Heritage Corridor631
13. Steel Industry American Heritage Area636
14. Tennessee Civil War641

XIX. Miscellaneous Enactments

1. AIDS Memorial Grove, California647
2. Aleutian World War II National Historic Area, Alaska648
3. Arlington National Cemetery Land Transfer

.....	650
4. Calumet Ecological Park	.....653
5. Carl Gardenr Federal Lands Cleanup Day	.....655
6. Casa Malpais National Historic Landmark	.....656
7. Centennial of Flight Commission	.....658
8. Center for Historically Black Heritage at Florida A&M University Grant	.....667
9. Chacoan Outliers Protection Act	.....669
10. Charleston, Arkansas National Commemorative Site	.....672
11. Chesapeake Bay Gateways and Watertrails Network	.....674
12. Daughters of the American Colonists	.....676
13. Ferry Farm, Virginia Land Acquisition Authority and Study	.....677
14. Great Falls Historic District, New Jersey	.....679
15. Hawaiian Islands	.....682
16. Juneau, Alaska Road Easement Transfer	.....683
17. Lorton Correctional Complex Virginia Land Transfer	.....685
18. Merced County, California Land Transfer	.....688
19. National Children's Island Act of 1995	.....690
20. New Castle, New Hampshire Land Exchange	.....695
21. New Mexico Hispanic Cultural Center	.....697
22. Outdoor Recreational Opportunities for the Disabled	.....702
23. Pennsylvania Avenue Development Corporation	.....703
24. Presidio Trust	.....707
25. Recreation Lakes	.....717
26. Revolutionary War and War of 1812 Historic Preservation Study	.....720
27. Rosie the Riveter Study	.....722
28. Sand Creek Massacre Study	.....724
29. Sterling Forest	.....726
30. United States Civil War Center	.....728
31. United States Commemorative Coin Act	.....729
32. Utah Land Exchange	.....734
33. Vancouver National Historic Reserve	.....738

34. Women's Rights Anniversary Commission	
.....	740

XX. [Appendix A](#)

1. Automobile Heritage Area Act	
.....	745
2. Lower East Side Tenement Act	
.....	766
3. National Parks Omnibus Management Act	
.....	770
4. Omnibus Parks and Public Lands Management Act of 1996	
.....	797
5. Weir Farm National Historic Site Act Amendments	
.....	986

XXI. [Appendix B](#)

1. Frederick Douglass Home	
.....	991

I. GENERAL LEGISLATION

1. Advisory Council on Historic Preservation

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

110 STAT. 4153

* * * * *

SEC. 509. ADVISORY COUNCIL ON HISTORIC PRESERVATION REAUTHORIZATION.

110 STAT. 4157

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

16 USC 470t.

(b) REPORTING REQUIREMENTS.—Within 18 months after the date of enactment of this Act, the Advisory Council on Historic Preservation shall submit a report to the appropriate congressional committees containing an analysis of alternatives for modifying the regulatory process for addressing impacts of Federal actions on nationally significant historic properties, as well as alternatives for future promulgation and oversight of regulations for implementation of section 106 of the National Historic Preservation Act.

16 USC 470f note.

(c) TECHNICAL AMENDMENTS.—Title II of the National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows:

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

16 USC 470i.

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

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

“SEC. 215. Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of the purposes of this Act.”.

16 USC 470v–1.

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

110 STAT. 4158
16 USC 470m.

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

110 STAT. 4158

PUBLIC LAW 104-333—NOV. 12, 1996

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

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



2. American Battlefield Protection Program

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

110 STAT. 4171

* * * * *

SEC. 604. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

110 STAT. 4173
American Battlefield Protection Act of 1996.
16 USC 469k.

(a) SHORT TITLE.—This section may be cited as the “American Battlefield Protection Act of 1996”.

(b) PURPOSE.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(c) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

110 STAT. 4174

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$3,000,000 annually to carry out this section, to remain available until expended.

(e) REPEAL.—

(1) IN GENERAL.—This section is repealed as of the date that is 10 years after the date of enactment of this section.

(2) NO EFFECT ON GENERAL AUTHORITY.—The Secretary may continue to conduct battlefield studies in accordance with other authorities available to the Secretary.

110 STAT. 4174

PUBLIC LAW 104-333—NOV. 12, 1996

(3) UNOBLIGATED FUNDS.—Any funds made available under this section that remain unobligated shall be credited to the general fund of the Treasury.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



3. Challenge Cost-Share Agreement Authority

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

110 STAT. 4190

* * * * *

(g) CHALLENGE COST-SHARE AGREEMENT AUTHORITY.—

110 STAT. 4199

(1) DEFINITIONS.—For purposes of this subsection:

16 USC 1f.

(A) The term “challenge cost-share agreement” means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))), any affiliated area, or any designated National Scenic or Historic Trail.

(B) The term “cooperator” means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(2) CHALLENGE COST-SHARE AGREEMENTS.—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(3) USE OF FEDERAL FUNDS.—In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



4. Concessions Management

112 STAT. 3497

PUBLIC LAW 105–391—NOV. 13, 1998

Public Law 105–391 105th Congress

An Act

Nov. 13, 1998
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

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

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

* * * * *

112 STAT. 3503

National Park
Service
Concessions
Management
Improvement Act
of 1998.
Contracts.
16 USC 5901
note.
16 USC 5951.

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “National Park Service Concessions Management Improvement Act of 1998”.

SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as have to be provided within such units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair these resources and values; and

112 STAT. 3504

(2) development of public accommodations, facilities, and services within such units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of such units.

(b) POLICY.—It is the policy of the Congress that the development of public accommodations, facilities, and services in units of the National Park System shall be limited to those accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3504

SEC. 403. AWARD OF CONCESSIONS CONTRACTS.

16 USC 5952.

In furtherance of the findings and policy stated in section 402, and except as provided by this title or otherwise authorized by law, the Secretary shall utilize concessions contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to units of the National Park System. Such concessions contracts shall be awarded as follows:

(1) **COMPETITIVE SELECTION PROCESS.**—Except as otherwise provided in this section, all proposed concessions contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concessions contracts.

(2) **SOLICITATION OF PROPOSALS.**—Except as otherwise provided in this section, prior to awarding a new concessions contract (including renewals or extensions of existing concessions contracts) the Secretary shall publicly solicit proposals for the concessions contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish notice of its availability at least once in local or national newspapers or trade publications, and/or the Commerce Business Daily, as appropriate, and shall make the prospectus available upon request to all interested parties.

(3) **PROSPECTUS.**—The prospectus shall include the following information:

(A) The minimum requirements for such contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concessions contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services which may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, if any, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concessions contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of such factors in the selection process. 112 STAT. 3505

(G) Such other information related to the proposed concessions operation as is provided to the Secretary pursuant to a concessions contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concessions contract held by an existing concessioner as set forth in paragraph (7).

(4) **MINIMUM REQUIREMENTS.**—(A) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include the following:

112 STAT. 3505

PUBLIC LAW 105-391—NOV. 13, 1998

(i) The minimum acceptable franchise fee or other forms of consideration to the Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the unit of the National Park System.

(B) The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is not likely to provide satisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) The Secretary may not execute a concessions contract which materially amends or does not incorporate the proposed terms and conditions of the concessions contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concessions contract incorporating such material amendments or changes.

(5) SELECTION OF THE BEST PROPOSAL.—(A) In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services.

112 STAT. 3506

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(C) In developing regulations to implement this title, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession, contracts should be identified as a factor in the selection of a best proposal under this section.

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3506

(6) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of \$5,000,000 or a duration of more than 10 years to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—(A) Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concessions contract, or any other form of preference to a concessions contract.

(B) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concessions contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) As used in this title, the term “preferential right of renewal” means that the Secretary, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 402, shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal for a proposed new concessions contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(D) A concessioner which successfully exercises a preferential right of renewal in accordance with the requirements of this title shall be entitled to award of the proposed new concessions contract to which such preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—(A) The provisions of paragraph (7) shall apply only to the following:

Applicability.

(i) Subject to subparagraph (B), outfitting and guide concessions contracts.

(ii) Subject to subparagraph (C), concessions contracts with anticipated annual gross receipts under \$500,000.

(B) For the purposes of this title, an “outfitting and guide concessions contract” means a concessions contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. Outfitting and guide concessioners, where otherwise qualified, include concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. An outfitting and guide concessioner is entitled to a preferential right of renewal under this title only if—

112 STAT. 3507

(i) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on lands owned by the United States within a unit of the National Park System, other

112 STAT. 3507

PUBLIC LAW 105-391—NOV. 13, 1998

than a capital improvement constructed by a concessioner pursuant to the terms of a concessions contract prior to the date of the enactment of this title or constructed or owned by a concessioner or his or her predecessor before the subject land was incorporated into the National Park System;

(ii) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(iii) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) A concessioner that holds a concessions contract that the Secretary estimates will result in gross annual receipts of less than \$500,000 if renewed shall be entitled to a preferential right of renewal under this title if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concessions contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a unit of the National Park System.

(10) SECRETARIAL AUTHORITY.—Nothing in this title shall be construed as limiting the authority of the Secretary to determine whether to issue a concessions contract or to establish its terms and conditions in furtherance of the policies expressed in this title.

(11) EXCEPTIONS.—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation, the following:

(A) A temporary concessions contract or an extension of an existing concessions contract for a term not to exceed 3 years in order to avoid interruption of services to the public at a unit of the National Park System, except that prior to making such an award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such interruption.

(B) A concessions contract in extraordinary circumstances where compelling and equitable considerations require the award of a concessions contract to a particular party in the public interest. Such award of a concessions contract shall not be made by the Secretary until at least 30 days after publication in the Federal Register of notice of the Secretary's intention to do so and the reasons for such action, and submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

112 STAT. 3508

Federal Register,
publication.

16 USC 5953.

SEC. 404. TERM OF CONCESSIONS CONTRACTS.

A concessions contract entered into pursuant to this title shall generally be awarded for a term of 10 years or less. However,

PUBLIC LAW 105–391—NOV. 13, 1998

112 STAT. 3508

the Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.

16 USC 5954.

(a) **LEASEHOLD SURRENDER INTEREST UNDER NEW CONCESSIONS CONTRACTS.**—On or after the date of the enactment of this title, a concessioner that constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concessions contract shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

(1) A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concessions contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) A leasehold surrender interest—

(A) may be pledged as security for financing of a capital improvement or the acquisition of a concessions contract when approved by the Secretary pursuant to this title;

(B) shall be transferred by the concessioner in connection with any transfer of the concessions contract and may be relinquished or waived by the concessioner; and

(C) shall not be extinguished by the expiration or other termination of a concessions contract and may not be taken for public use except on payment of just compensation.

(3) The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(4) Effective 9 years after the date of the enactment of this Act, the Secretary may provide, in any particular new concession contract the Secretary estimates will have a leasehold surrender interest of more than \$10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on either (A) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on the day before the date of the enactment of this Act or (B) such alternative formula that is consistent with the objectives of this title. The Secretary may only use such an alternative formula if the Secretary determines, after scrutiny of the financial and other circumstances involved in this particular concession contract (including providing notice in the Federal Register and opportunity for comment), that

Effective date.

112 STAT. 3509

Federal Register,
publication.

such alternative formula is, compared to the standard method of determining value provided for in paragraph (3), necessary in order to provide a fair return to the Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes such an alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described in paragraph (3).

(5) Where a concessioner, pursuant to the terms of a concessions contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement shall be added to the then current value of the concessioner's leasehold surrender interest.

(b) SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—

(1) A concessioner which has obtained a possessory interest as defined pursuant to Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.), as in effect on the day before the date of the enactment of this Act, under the terms of a concessions contract entered into before that date shall, upon the expiration or termination of such contract, be entitled to receive compensation for such possessory interest improvements in the amount and manner as described by such concessions contract. Where such a possessory interest is not described in the existing contract, compensation of possessory interest shall be determined in accordance with the laws in effect on the day before the date of enactment of this Act.

(2) In the event such prior concessioner is awarded a new concessions contract after the effective date of this title replacing an existing concessions contract, the existing concessioner shall, instead of directly receiving such possessory interest compensation, have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and shall carry over as the initial value of such leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter shall be resolved through binding arbitration.

(3) In the event that a new concessioner is awarded a concessions contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner shall have a leasehold surrender interest in such prior improvements and the initial value in such leasehold surrender interest (instead of construction cost), shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous contract.

(c) TRANSITION TO SUCCESSOR CONCESSIONER.—Upon expiration or termination of a concessions contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concessions contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. A successor concessioner shall have a leasehold

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3510

surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concessions contract.

(d) **TITLE TO IMPROVEMENTS.**—Title to any capital improvement constructed by a concessioner on lands owned by the United States in a unit of the National Park System shall be vested in the United States.

(e) **DEFINITIONS.**—For purposes of this section:

(1) **CONSUMER PRICE INDEX.**—The term “Consumer Price Index” means the “Consumer Price Index—All Urban Consumers” published by the Bureau of Labor Statistics of the Department of Labor, unless such index is not published, in which case another regularly published cost-of-living index approximating the Consumer Price Index shall be utilized by the Secretary; and

(2) **CAPITAL IMPROVEMENT.**—The term “capital improvement” means a structure, fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concessions contract and located on lands of the United States within a unit of the National Park System.

(f) **SPECIAL REPORTING REQUIREMENT.**— Not later than 7 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives containing a complete analysis of the concession program as well as—

Deadline.

(1) an assessment of competition in the solicitation of prospectuses, fair and/or increased return to the Government, and improvement of concession facilities and infrastructure; and

(2) an assessment of any problems with the management and administration of the concession program that are a direct result of the implementation of the provisions of this title.

SEC. 406. REASONABLENESS OF RATES.

16 USC 5955.

(a) **IN GENERAL.**—Each concessions contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) **APPROVAL BY SECRETARY REQUIRED.**—A concessioner’s rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary: length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials,

112 STAT. 3511

112 STAT. 3511

PUBLIC LAW 105-391—NOV. 13, 1998

and type of patronage. Such rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in the preceding sentence.

Deadline.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board established under section 409(a) regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to the Congress the reasons for not implementing the recommendations.

16 USC 5956.

SEC. 407. FRANCHISE FEES.

(a) IN GENERAL.—A concessions contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value shall be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing necessary and appropriate services for visitors at reasonable rates.

(b) AMOUNT OF FRANCHISE FEE.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concessions contract shall be specified in the concessions contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. The Secretary shall include in concessions contracts with a term of more than 5 years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of such extraordinary unanticipated changes. Such provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

112 STAT. 3512

(c) SPECIAL ACCOUNT.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concessions contracts shall be deposited into a special account established in the Treasury of the United States. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the National Park System regardless of the unit of the National Park System in which the funds were collected. The funds deposited into the special account shall remain available until expended.

(d) SUBACCOUNT FOR EACH UNIT.—There shall be established within the special account required under subsection (c) a subaccount for each unit of the National Park System. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single unit of the National Park System under concessions contracts. The funds credited to the subaccount for a unit of the National Park System shall be available for expenditure by the Secretary, without further appropriation, for use at the unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3512

SEC. 408. TRANSFER OF CONCESSIONS CONTRACTS.

16 USC 5957.

(a) **APPROVAL OF THE SECRETARY.**—No concessions contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) **CONDITIONS.**—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation or entity seeking to acquire a concessions contract is not qualified or able to satisfy the terms and conditions of the concessions contract;

(2) such transfer or conveyance would have an adverse impact on (A) the protection, conservation, or preservation of the resources of the unit of the National Park System or (B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such transfer or conveyance are likely, directly or indirectly, to reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract, adversely affect the quality of facilities and services provided by the concessioner, or result in a need for increased rates and charges to the public to maintain the quality of such facilities and services.

(c) **TRANSFER TERMS.**—The terms and conditions of any contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a), unless such transfer or conveyance would have an adverse impact as described in paragraph (2) of subsection (b).

SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

16 USC 5958.

(a) **ESTABLISHMENT.**—There is hereby established a National Park Service Concessions Management Advisory Board (in this title referred to as the "Advisory Board") whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in the National Park System.

(b) **DUTIES.**—

(1) **ADVICE.**—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to assure that services and facilities provided by concessioners are necessary and appropriate, meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make National Park Service concessions programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) **RECOMMENDATIONS.**—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient, less burdensome, and timelier the review or approval of concessioner rates and charges to the public.

112 STAT. 3513

112 STAT. 3513

PUBLIC LAW 105-391—NOV. 13, 1998

(B) The nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title.

(C) The allocation of concession fees.

The initial recommendations under subparagraph (A) relating to rates and charges shall be submitted to the Secretary not later than one year after the first meeting of the Board.

(3) ANNUAL REPORT.—The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concessions business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

112 STAT. 3514

(d) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2008. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(e) SERVICE ON ADVISORY BOARD.—Service of an individual as a member of the Advisory Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or other comparable provisions of Federal law.

16 USC 5959.

SEC. 410. CONTRACTING FOR SERVICES.

(a) CONTRACTING AUTHORIZED.—(1) To the maximum extent practicable, the Secretary shall contract with private entities to

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3514

conduct or assist in those elements of the management of the National Park Service concessions program considered by the Secretary to be suitable for non-Federal performance. Such management elements include each of the following:

- (A) Health and safety inspections.
- (B) Quality control of concessions operations and facilities.
- (C) Strategic capital planning for concessions facilities.
- (D) Analysis of rates and charges to the public.

(2) The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for National Park Service concessions contracts.

(B) Development of guidelines for a national park system capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director of the National Park Service regarding the conduct of annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall also consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) CONDITION.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concessions contracts and activities pursuant to this title and the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.). The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the National Park Service concessions program under this section.

SEC. 411. MULTIPLE CONTRACTS WITHIN A PARK.

16 USC 5960.

If multiple concessions contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a specific national park, the Secretary shall establish a comparable franchise fee structure for all such same or similar contracts, except that the terms and conditions of any existing concessions contract shall not be subject to modification or open to renegotiation by the Secretary because of an award of a new contract at the same approximate location or resource.

112 STAT. 3515

SEC. 412. SPECIAL RULE FOR TRANSPORTATION CONTRACTING SERVICES.

16 USC 5961.

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a unit of the National Park System shall be no more than 10 years in length, including a base period of 5 years and annual extensions for an additional 5-year period based on satisfactory performance and approval by the Secretary.

SEC. 413. USE OF NONMONETARY CONSIDERATION IN CONCESSIONS CONTRACTS.

16 USC 5962.

Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this title.

112 STAT. 3515

PUBLIC LAW 105-391—NOV. 13, 1998

16 USC 5963.

SEC. 414. RECORDKEEPING REQUIREMENTS.

(a) **IN GENERAL.**—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessions contract have been and are being faithfully performed, and the Secretary and any duly authorized representative of the Secretary shall, for the purpose of audit and examination, have access to such records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

(b) **ACCESS TO RECORDS.**—The Comptroller General or any duly authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

SEC. 415. REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT.

16 USC 20 note.

(a) **REPEAL.**—Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority.

(b) **CONFORMING AMENDMENTS.**—(1) The fourth sentence of section 3 of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 3), is amended—

(A) by striking all through “no natural” and inserting “No natural,”; and

(B) by striking the last proviso in its entirety.

(2) Section 12 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-7) is amended by striking subsection (c).

(3) The second paragraph under the heading “NATIONAL PARK SERVICE” in the Act of July 31, 1953 (67 Stat. 261, 271), is repealed.

112 STAT. 3516
16 USC 17b-1.
16 USC 5951
note.

(c) **ANILCA.**—Nothing in this title amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.

16 USC 5964.

SEC. 416. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, NATIVE SAMOAN, AND NATIVE HAWAIIAN HANDICRAFTS.

(a) **IN GENERAL.**—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where such trade currently does not exist.

(b) **EXEMPTION FROM FRANCHISE FEE.**—In furtherance of these purposes, the revenue derived from the sale of United States Indian,

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3516

Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

SEC. 417. REGULATIONS.

16 USC 5965.

As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in a unit of the National Park System are not segmented or otherwise split into separate concessions contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concessions contract below \$500,000. The Secretary shall also promulgate regulations which further define the term “United States Indian, Alaskan Native, and Native Hawaiian handicrafts” for the purposes of this title.

SEC. 418. COMMERCIAL USE AUTHORIZATIONS.

16 USC 5966.

(a) IN GENERAL.—To the extent specified in this section, the Secretary, upon request, may authorize a private person, corporation, or other entity to provide services to visitors to units of the National Park System through a commercial use authorization. Such authorizations shall not be considered as concessions contracts pursuant to this title nor shall other sections of this title be applicable to such authorizations except where expressly so stated.

(b) CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations.

(2) ELEMENTS OF AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

112 STAT. 3517

(c) LIMITATIONS.—Any authorization issued under this section shall be limited to—

(1) commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and

112 STAT. 3517

PUBLIC LAW 105-391—NOV. 13, 1998

provided solely within a unit of the National Park System pursuant to such authorization;

(2) the incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit; or

(3) such uses by organized children's camps, outdoor clubs and nonprofit institutions (including back country use) and such other uses as the Secretary determines appropriate.

Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(d) PROHIBITION ON CONSTRUCTION.—An authorization issued under this section shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of a unit of the National Park System.

(e) DURATION.—The term of any authorization issued under this section shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(f) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concessions contracts.

16 USC 5951
note.

SEC. 419. SAVINGS PROVISION.

(a) TREATMENT OF GLACIER BAY CONCESSION PERMITS PROSPECTUS.—Nothing contained in this title shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the "1998 Glacier Bay Prospectus"). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

112 STAT. 3518

Expiration date.

(b) PREFERENTIAL RIGHT OF RENEWAL.—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective date of this title, shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7). Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009.

* * * * *

112 STAT. 3523

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



5. Confirmation of Director of NPS by Senate

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

110 STAT. 4190

* * * * *

(e) SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL
PARK SERVICE.—

110 STAT. 4196

(1) IN GENERAL.—The first section of the Act entitled “An
Act to establish a National Park Service, and for other pur-
poses”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C.
1; commonly referred to as the “National Park Service Organic
Act”), is amended in the first sentence by striking “who shall
be appointed by the Secretary” and all that follows and
inserting “who shall be appointed by the President, by and
with the advice and consent of the Senate. The Director shall
have substantial experience and demonstrated competence in
land management and natural or cultural resource conserva-
tion. The Director shall select two Deputy Directors. The first
Deputy Director shall have responsibility for National Park
Service operations, and the second Deputy Director shall have
responsibility for other programs assigned to the National Park
Service.”.

110 STAT. 4197

(2) EFFECTIVE DATE AND APPLICATION.—The amendment
made by subsection (a) shall take effect on February 1, 1997,
and shall apply with respect to the individual (if any) serving
as the Director of the National Park Service on that date.

16 USC 1 note.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



6. Cooperative Agreement Authority

110 STAT. 3009

PUBLIC LAW 104–208—SEPT. 30, 1996

*Public Law 104–208
104th Congress

An Act

Sept. 30, 1996
[H.R. 3610]

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Omnibus
Consolidated
Appropriations
Act, 1997.

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

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS**Sec. 101.**

* * * * *

110 STAT.
3009–181

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1997.

AN ACT

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

110 STAT.
3009–187

NATIONAL PARK SERVICE

* * * * *

110 STAT.
3009–188
110 STAT.
3009–189
16 USC 1g.

ADMINISTRATIVE PROVISIONS

* * * * *

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

* * * * *

*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

PUBLIC LAW 104–208—SEPT. 30, 1996 110 STAT. 3009–749

This Act may be cited as the “Omnibus Consolidated Appropriations Act, 1997”.

Approved September 30, 1996.

LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm. on Conference).

SENATE REPORTS: No. 104–286 accompanying S. 1894 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



7. Cooperative Management Agreements

112 STAT. 3497

PUBLIC LAW 105–391—NOV. 13, 1998

Public Law 105–391
105th Congress

An Act

Nov. 13, 1998
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

* * * * *

112 STAT. 3521

TITLE VIII—MISCELLANEOUS PROVISIONS

* * * * *

112 STAT. 3522

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) IN GENERAL.—Section 3 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–2) is amended by adding at the end the following:

* * * * *

112 STAT. 3523

“(1) COOPERATIVE MANAGEMENT AGREEMENTS.—

“(1) IN GENERAL.—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas. The Secretary may not transfer administration responsibilities for any unit of the National Park System under this paragraph.

“(2) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

“(3) ASSIGNMENT.—An assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3523

may be for any period of time determined by the Secretary
and the State or local agency to be mutually beneficial.”.

* * * * *

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



8. Cooperative Research Agreement Authority

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4186

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

* * * * *

110 STAT. 4201

SEC. 818. NATIONAL PARK AGREEMENTS.

Section 3 of the Act entitled “An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes” approved August 18, 1970 (16 U.S.C. 1a–2), is amended—

(1) in paragraph (i), by striking the period at the end thereof and inserting in lieu thereof “; and”; and

(2) by adding at the end thereof the following:

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

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



9. Damage to National Park Resources

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

110 STAT. 4190

* * * * *

(h) COST RECOVERY FOR DAMAGE TO NATIONAL PARK
RESOURCES.—Public Law 101–337 is amended as follows:

(1) In section 1 (16 U.S.C. 19jj), by amending subsection

(d) to read as follows:

“(d) ‘Park system resource’ means any living or non-living
resource that is located within the boundaries of a unit of the
National Park System, except for resources owned by a non-Federal
entity.”.(2) In section 1 (16 U.S.C. 19jj) by adding at the end
thereof the following:“(g) ‘Marine or aquatic park system resource’ means any living
or non-living part of a marine or aquatic regimen within or is
a living part of a marine or aquatic regimen within the boundaries
of a unit of the National Park System, except for resources owned
by a non-Federal entity.”.(3) In section 2(b) (16 U.S.C. 19jj–1(b)), by inserting “any
marine or aquatic park resource” after “any park system
resource”.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



10. Employee Training and Development

112 STAT. 3497

PUBLIC LAW 105–391—NOV. 13, 1998

Public Law 105–391 105th Congress

An Act

Nov. 13, 1998
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

* * * * *

112 STAT. 3498

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

16 USC 5911.

SEC. 101. PROTECTION, INTERPRETATION, AND RESEARCH IN THE NATIONAL PARK SYSTEM.

Recognizing the ever increasing societal pressures being placed upon America’s unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System.

16 USC 5912.

SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING.

The Secretary shall develop a comprehensive training program for employees in all professional careers in the work force of the National Park Service for the purpose of assuring that the work force has available the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park System.

16 USC 5913.

SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING.

Within 2 years after the enactment of this Act, the Secretary shall develop a clear plan for management training and development, whereby career, professional National Park Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including explicitly the position of superintendent of a unit of the National Park System.

* * * * *

112 STAT. 3523

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105–767 (Comm. on Resources).

SENATE REPORTS: No. 105–202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



11. Federal Reporting Requirements

PUBLIC LAW 104–66—DEC. 21, 1995

109 STAT. 707

Public Law 104–66
104th Congress**An Act**

To provide for the modification or elimination of Federal reporting requirements.

Dec. 21, 1995

[S. 790]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Federal Reports
Elimination and
Sunset Act of
1995.**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Reports Elimination and Sunset Act of 1995”.

* * * * *

TITLE I—DEPARTMENTS

109 STAT. 709

* * * * *

Subtitle H—Department of the Interior

109 STAT. 721

SEC. 1081. REPORTS ELIMINATED.

* * * * *

(f) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(h)) is repealed.

* * * * *

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

109 STAT. 733

* * * * *

SEC. 3002. REPORTS MODIFIED.

109 STAT. 734

Section 552b(j) of title 5, United States Code, is amended to read as follows:

“(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

“(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

“(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

“(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

“(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.”.

SEC. 3003. TERMINATION OF REPORTING REQUIREMENTS.31 USC 1113
note.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2) of this subsection and subsection (d), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 4 years after the date of the enactment of this Act.

109 STAT. 735

PUBLIC LAW 104-66—DEC. 21, 1995

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.);

or

(B) the Chief Financial Officers Act of 1990 (Public Law 101-576), including provisions enacted by the amendments made by that Act.

President.

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) is the list prepared by the Clerk of the House of Representatives for the first session of the One Hundred Third Congress under clause 2 of rule III of the Rules of the House of Representatives (House Document No. 103-7).

(d) SPECIFIC REPORTS EXEMPTED.—Subsection (a)(1) shall not apply to any report required under—

(1) section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);

(2) section 306 of that Act (22 U.S.C. 2226);

(3) section 489 of that Act (22 U.S.C. 2291h);

(4) section 502B of that Act (22 U.S.C. 2304);

(5) section 634 of that Act (22 U.S.C. 2394);

(6) section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a);

(7) section 25 of the Arms Export Control Act (22 U.S.C. 2765);

(8) section 28 of that Act (22 U.S.C. 2768);

(9) section 36 of that Act (22 U.S.C. 2776);

(10) section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425);

(11) section 104 of the FREEDOM Support Act (22 U.S.C. 5814);

(12) section 508 of that Act (22 U.S.C. 5858);

(13) section 4 of the War Powers Resolution (50 U.S.C. 1543);

(14) section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703);

(15) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(16) section 207 of the International Economic Policy Act of 1972 (Public Law 92-412; 86 Stat. 648);

(17) section 4 of Public Law 93-121 (87 Stat. 448);

(18) section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(19) section 704 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5474);

(20) section 804 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 104 Stat. 72);

(21) section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f);

(22) section 2 of the Act of September 21, 1950 (Chapter 976; 64 Stat. 903);

PUBLIC LAW 104–66—DEC. 21, 1995

109 STAT. 736

(23) section 3301 of the Panama Canal Act of 1979 (22 U.S.C. 3871);

(24) section 2202 of the Export Enhancement Act of 1988 (15 U.S.C. 4711);

(25) section 1504 of Public Law 103–160 (10 U.S.C. 402 note);

(26) section 502 of the International Security and Development Coordination Act of 1985 (22 U.S.C. 2349aa–7);

(27) section 23 of the Act of August 1, 1956 (Chapter 841; 22 U.S.C. 2694(2));

(28) section 5(c)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(5));

(29) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(30) section 50 of Public Law 87–297 (22 U.S.C. 2590);

(31) section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a); or

(32) section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469).

Approved December 21, 1995.

LEGISLATIVE HISTORY—S. 790:

HOUSE REPORTS: No. 104–327 (Comm. on Government Reform and Oversight).
CONGRESSIONAL RECORD, Vol. 141 (1995):

July 17, considered and passed Senate.

Nov. 14, considered and passed House, amended.

Dec. 6, Senate concurred in House amendment with an amendment.

Dec. 7, House concurred in Senate amendment.



110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

* * * * *

110 STAT. 4190

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

* * * * *

110 STAT. 4195

**(d) ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING
REQUIREMENTS.—**

(1) REPEALS.—The following provisions are hereby repealed:

(A) Section 302(c) of the Act entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes (Public Law 95-344; 92 Stat. 478; 16 U.S.C. 2302(c)).

110 STAT. 4196

(B) Section 503 of the Act of December 19, 1980 (Public Law 96-550; 94 Stat. 3228; 16 U.S.C. 410ii-2).

(C) Subsections (b) and (c) of section 4 of the Act of October 15, 1982 (Public Law 97-335; 96 Stat. 1628; 16 U.S.C. 341 note).

(D) Section 7 of Public Law 89-671 (96 Stat. 1457; 16 U.S.C. 284f).

(E) Section 3(c) of the National Trails System Act (Public Law 90-543; 82 Stat. 919; 16 U.S.C. 1242(c)).

(F) Section 4(b) of the Act of October 24, 1984 (Public Law 98-540; 98 Stat. 2720; 16 U.S.C. 1a-8).

(G) Section 106(b) of the National Visitor Center Facilities Act of 1968 (Public Law 90-264; 82 Stat. 44; 40 U.S.C. 805(b)).

(H) Section 6(f)(7) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 900; 16 U.S.C. 460l-8(f)(7)).

(I) Subsection (b) of section 8 of the Act of August 18, 1970 (Public Law 91-383; 90 Stat. 1940; 16 U.S.C. 1a-5(b)).

(J) The last sentence of section 10(a)(2) of the National Trails System Act (Public Law 90-543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

(K) Section 4 of the Act of October 31, 1988 (Public Law 100-573; Stat. 2891; 16 U.S.C. 460o note).

(L) Section 104(b) of the Act of November 19, 1988 (Public Law 100-698; 102 Stat. 4621).

16 USC 461 note.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4196

(M) Section 1015(b) of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95-625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

(N) Section 105 of the Act of August 13, 1970 (Public Law 91-378; 16 U.S.C. 1705).

(O) Section 307(b) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470w-6(b)).

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

(A) Section 10 of the Archaeological Resources Protection Act of 1979, by striking the last sentence of subsection (c) (Public Law 96-95; 16 U.S.C. 470ii(c)).

(B) Section 5(c) of the Act of June 27, 1960 (Public Law 86-523; 16 U.S.C. 469a-3(c); 74 Stat. 220), by inserting a period after “Act” and striking “and shall submit” and all that follows.

(C) Section 7(a)(3) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 903; 16 U.S.C. 460l-9(a)(3)), by striking the last sentence.

(D) Section 111 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 104 Stat. 278), by striking the second sentence.

16 USC 431 note.

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

(F) Section 101(a)(1)(B) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470a) by inserting a period after “Register” the last place such term appears and by striking “and submitted” and all that follows.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



112 STAT. 3280

PUBLIC LAW 105–362—NOV. 10, 1998

Public Law 105–362
105th Congress

An Act

Nov. 10, 1998

[S. 1364]

Federal Reports
Elimination Act
of 1998.

To eliminate unnecessary and wasteful Federal reports.

*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.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal
Reports Elimination Act of 1998”.

* * * * *

112 STAT. 3289

TITLE IX—DEPARTMENT OF THE INTERIOR

SEC. 901. REPORTS ELIMINATED.

* * * * *

112 STAT. 3290

(g) **STUDY OF THE FEASIBILITY AND SUITABILITY OF ESTABLISH-
ING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.**—

(1) **REPEAL.**—Section 8 of the Niobrara Scenic River Des-
ignation Act of 1991 (Public Law 102–50; 16 U.S.C. 1a–5 note)
is repealed.

16 USC 1274
note.

(2) **REDESIGNATION.**—Section 9 of such Act (Public Law
102–50; 105 Stat. 258) is redesignated as section 8.

(h) **STUDY OF ROUTE 66.**—The Route 66 Study Act of 1990
(Public Law 101–400; 104 Stat. 861) is repealed.

* * * * *

112 STAT. 3295

Approved November 10, 1998.

LEGISLATIVE HISTORY—S. 1364:

SENATE REPORTS: No. 105–187 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 144 (1998):

June 10, considered and passed Senate.

Oct. 13, considered and passed House, amended.

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



12. Fee Authority

PUBLIC LAW 104–134—APR. 26, 1996

110 STAT. 1321

* Public Law 104–134
104th Congress

An Act

Making appropriations for fiscal year 1996 to make a further downpayment toward
a balanced budget, and for other purposes.

Apr. 26, 1996
[H.R. 3019]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*
SECTION 101.

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.

* * * * *

(c) For programs, projects or activities in the Department of
the Interior and Related Agencies Appropriations Act, 1996, pro-
vided as follows, to be effective as if it had been enacted into
law as the regular appropriations Act:

110 STAT.
1321–156

AN ACT

Making appropriations for the Department of the Interior and
related agencies for the fiscal year ending September 30, 1996,
and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1996.

* * * * *

TITLE III—GENERAL PROVISIONS

110 STAT.
1321–196

* * * * *

110 STAT.
1321–200
16 USC 460l–6a.

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.—(a)
The Secretary of the Interior (acting through the Bureau of Land
Management, the National Park Service and the United States
Fish and Wildlife Service) and the Secretary of Agriculture (acting
through the Forest Service) shall each implement a fee program
to demonstrate the feasibility of user-generated cost recovery for
the operation and maintenance of recreation areas or sites and
habitat enhancement projects on Federal lands.

110 STAT.
1321–201

(b) In carrying out the pilot program established pursuant
to this section, the appropriate Secretary shall select from areas
under the jurisdiction of each of the four agencies referred to
in subsection (a) no fewer than 10, but as many as 50, areas,
sites or projects for fee demonstration. For each such demonstration,
the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area
or for the use of outdoor recreation sites, facilities, visitor
centers, equipment, and services by individuals and groups,
or any combination thereof;

(2) shall establish fees under this section based upon a
variety of cost recovery and fair market valuation methods
to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable
commissions, with any public or private entity to provide visitor

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

110 STAT. 1321–201 PUBLIC LAW 104–134—APR. 26, 1996

services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than \$100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, 20 percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

110 STAT.
1321–202

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: *Provided*, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-202

health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869-4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

Effective date.
Termination
date.

* * * * *

Approved April 26, 1996.

110 STAT.
1321-381

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104-537 (Comm. of Conference).

SENATE REPORTS: No. 104-236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11-15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



110 STAT. 3009

PUBLIC LAW 104–208—SEPT. 30, 1996

*Public Law 104–208
104th Congress

An Act

Sept. 30, 1996
[H.R. 3610]

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Omnibus
Consolidated
Appropriations
Act, 1997.

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

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101.

* * * * *

110 STAT.
3009–181

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1997.

AN ACT

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

* * * * *

110 STAT.
3009–219

TITLE III—GENERAL PROVISIONS

* * * * *

16 USC 460l–6a
note.

SEC. 319. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading “Title III—General Provisions” amend section 315(b) by striking “50, areas,” and inserting in lieu thereof “100, areas,” and amend section 315(f) by striking “September 30, 1998” and inserting in lieu thereof “September 30, 1999” and by striking “September 30, 2001” and inserting in lieu thereof “September 30, 2002”.

* * * * *

110 STAT.
3009–749

Approved September 30, 1996.

*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm. on Conference).

SENATE REPORTS: No. 104–286 accompanying S. 1894 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



PUBLIC LAW 105–18—JUNE 12, 1997

111 STAT. 158

Public Law 105–18
105th Congress

An Act

Making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

June 12, 1997
[H.R. 1871]

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

1997 Emergency
Supplemental
Appropriations
Act for Recovery
from Natural
Disasters, and for
Overseas
Peacekeeping
Efforts, Including
Those in Bosnia.

* * * * *

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS
FOR RECOVERY FROM NATURAL DISASTERS

111 STAT. 169

* * * * *

CHAPTER 5

111 STAT. 177

DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, CHAPTER 5

111 STAT. 181

SEC. 5001. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading “Title III—General Provisions” amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections “104%” and inserting in lieu thereof “100%”; by striking in each of those sections “1995” and inserting in lieu thereof “1994”; and by striking in each of those sections “and thereafter annually adjusted upward by 4%.”.

16 USC 460l–6a
note.

* * * * *

Approved June 12, 1997.

111 STAT. 217

LEGISLATIVE HISTORY—H.R. 1871:

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 12, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

June 12, Presidential statement.



111 STAT. 1

PUBLIC LAW 105–83—NOV. 14, 1997

Public Law 105–83
105th Congress

An Act

Nov. 14, 1997
[H.R. 2107]

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,* That the
following sums are appropriated, out of any money in the Treasury
not otherwise appropriated, for the fiscal year ending September
30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

111 STAT. 19
16 USC 460l–6a
note.

SEC. 107. In fiscal year 1998 and thereafter, for those years
in which the recreation fee demonstration program authorized in
Public Law 104–134 is in effect, the fee collection support authority
provided in 16 U.S.C. 460l–6(i)(1)(B) applies only to parks not
included in the fee demonstration program, and that the amount
retained under this authority to cover fee collection costs will not
exceed those costs at the non-demonstration parks, or 15 percent
of all fees collected at non-demonstration parks in a fiscal year
whichever is less. Fee collection costs for parks included in the
fee demonstration program will be covered by the fees retained
at those parks.

* * * * *

111 STAT. 47

TITLE III—GENERAL PROVISIONS

* * * * *

111 STAT. 54
16 USC 460l–6a
note.

SEC. 320. (a) Section 101(c) of Public Law 104–134 is amended
as follows: Under the heading “TITLE III—GENERAL PROVI-
SIONS” amend section 315(c)(1) by striking subparagraphs (A) and
(B) and inserting:

“(A) Eighty percent to a special account in the Treasury
for use without further appropriation, by the agency which
administers the site, to remain available for expenditure in
accordance with paragraph (2)(A).

“(B) Twenty percent to a special account in the Treasury
for use without further appropriation, by the agency which
administers the site, to remain available for expenditure in
accordance with paragraph (2)(B).”.

(b) Subparagraph (C) of section 315(c)(1) is amended by insert-
ing “and the National Park Service” after “the Fish and Wildlife
Service”.

SEC. 321. None of the funds collected under the Recreational
Fee Demonstration program may be used to plan, design, or con-
struct a visitor center or any other permanent structure without

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 54

prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

* * * * *

Approved November 14, 1997.

111 STAT. 85

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm. of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



112 STAT. 2681

PUBLIC LAW 105–277—OCT. 21, 1998

***Public Law 105–277**
105th Congress

An Act

Oct. 21, 1998
 [H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

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

Omnibus
 Consolidated and
 Emergency
 Supplemental
 Appropriations
 Act, 1999.

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
 SEC. 101.

* * * * *

112 STAT.
 2681–231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
 2681–232
 Department of
 the Interior and
 Related Agencies
 Appropriations
 Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–252

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–255

SEC. 115. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

* * * * *

112 STAT.
 2681–286

TITLE III—GENERAL PROVISIONS

* * * * *

112 STAT.
 2681–291

16 USC 460l–6a
 note.

SEC. 327. Section 101(c) of Public Law 104–134, as amended, is further amended as follows: Under the heading “Title III—Gen-

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-291

eral Provisions” amend section 315(f) (16 U.S.C. 460l-6a note) by striking “September 30, 1999” after the words “and end on” and inserting “September 30, 2001” and striking “September 30, 2002” after the words “remain available through” and inserting “September 30, 2004”.

* * * * * *

Approved October 21, 1998.

112 STAT.
2681-919

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105-648 (Comm. on Appropriations) and 105-825 (Comm. of Conference).

SENATE REPORTS: No. 105-249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



112 STAT. 3055

PUBLIC LAW 105–327—OCT. 30, 1998

Public Law 105–327
105th Congress

An Act

Oct. 30, 1998
[S. 1333]

To amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

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

SECTION 1. USE OF CERTAIN RECREATIONAL FEES.

Section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(i)(1)) is amended by adding at the end the following:

“(C) UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

“(i) WITHHOLDING OF AMOUNTS.—Notwithstanding subparagraph (A), section 315(c) of section 101(c) of the Omnibus Consolidated Receptions and Appropriations Act of 1996 (16 U.S.C. 4601–6a note; Public Law 104–134), or section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (16 U.S.C. 4601–6a note; Public Law 105–83), the Secretary of the Interior shall withhold from the special account under subparagraph (A) 100 percent of the fees and charges collected in connection with any unit of the National Park System at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

“(ii) USE OF AMOUNTS.—Amounts withheld under clause (i) shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary for the unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.”.

112 STAT. 3056

Approved October 30, 1998.

LEGISLATIVE HISTORY—S. 1333:

SENATE REPORTS: No. 105–311 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.

Oct. 10, considered and passed House.



PUBLIC LAW 105–391—NOV. 13, 1998

112 STAT. 3497

Public Law 105–391
105th Congress

An Act

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

Nov. 13, 1998

[S. 1693]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

* * * * *

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

112 STAT. 3518

SEC. 501. FEES.

16 USC 5981.

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary’s satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

SEC. 502. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.

Contracts
16 USC 5982.

Not later than 6 months after the date of enactment of this title, the Secretary of the Interior and the Secretary of Agriculture shall enter into an agreement providing for an apportionment among each agency of all proceeds derived from the sale of Golden Eagle Passports by private vendors. Such proceeds shall be apportioned to each agency on the basis of the ratio of each agency’s total revenue from admission fees collected during the previous fiscal year to the sum of all revenue from admission fees collected during the previous fiscal year for all agencies participating in the Golden Eagle Passport Program.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM**SEC. 601. PURPOSES.**

16 USC 5991.

The purposes of this title are—

(1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and

(2) to generate revenue for support of the National Park System.

112 STAT. 3519

PUBLIC LAW 105-391—NOV. 13, 1998

16 USC 5992.

SEC. 602. NATIONAL PARK PASSPORT PROGRAM.

(a) PROGRAM.—The Secretary shall establish a national park passport program. A national park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

(b) EFFECTIVE PERIOD.—A national park passport stamp shall be effective for a period of 12 months from the date of purchase.

(c) TRANSFERABILITY.—A national park passport and stamp shall not be transferable.

16 USC 5993.

SEC. 603. ADMINISTRATION.

(a) STAMP DESIGN COMPETITION.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

(2) Each competition shall be open to the public and shall be a means to educate the American people about the National Park System.

(b) SALE OF PASSPORTS AND STAMPS.—(1) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(2) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

(3) The Secretary may limit the number of private vendors of national park passports (including stamps).

(c) USE OF PROCEEDS.—

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

(2) Net proceeds from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) AGREEMENTS.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

(e) FEE.—The fee for a national park passport and stamp shall be \$50.

16 USC 5994.

SEC. 604. FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.

The Secretary of Interior shall—

(1) make Golden Eagle Passports issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(a)(1)(A)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 460l-6a note), available to foreign visitors to the United States; and

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3520

(2) make such Golden Eagle Passports available for purchase outside the United States, through commercial tourism channels and consulates or other offices of the United States.

SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.

16 USC 5995.

(a) **PARK PASSPORT NOT REQUIRED.**—A national park passport shall not be required for—

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(2)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note); or

(2) an individual who has obtained a Golden Age or Golden Access Passport under paragraph (4) or (5) of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)).

(b) **GOLDEN EAGLE PASSPORTS.**—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(1)(A)) or such Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note) shall be honored for admission to each unit of the National Park System.

(c) **ACCESS.**—A national park passport shall provide access to each unit of the National Park System under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

(d) **LIMITATIONS.**—A national park passport may not be used to obtain access to other Federal recreation fee areas outside of the National Park System.

(e) **EXEMPTIONS AND FEES.**—A national park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(b)) or such Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note).

* * * * *

Approved November 13, 1998.

112 STAT. 3523

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



13. Feral Burros and Horses

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

* * * * *

SEC. 803. FERAL BURROS AND HORSES.(a) **VEHICLES AND AIRCRAFT.**—Section 9 of the Act of December
15, 1971 (16 U.S.C. 1338a), is amended by adding at the end
thereof the following: “Nothing in this title shall be deemed to
limit the authority of the Secretary in the management of units
of the National Park System, and the Secretary may, without
regard either to the provisions of this title, or the provisions of
section 47(a) of title 18, United States Code, use motor vehicles,
fixed-wing aircraft, or helicopters, or to contract for such use, in
furtherance of the management of the National Park System, and
section 47(a) of title 18, United States Code, shall be applicable
to such use.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



14. Historic Leasing Simplification

PUBLIC LAW 105–391—NOV. 13, 1998

112 STAT. 3497

Public Law 105–391
105th Congress**An Act**

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

Nov. 13, 1998
[S. 1693]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

* * * * *

TITLE VIII—MISCELLANEOUS PROVISIONS

112 STAT. 3521

* * * * *

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

112 STAT. 3522

* * * * *

(b) **HISTORIC LEASE PROCESS SIMPLIFICATION.**—The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.112 STAT. 3523
16 USC 470h–3
note.

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105–767 (Comm. on Resources).

SENATE REPORTS: No. 105–202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



15. Leasing of Park Buildings

112 STAT. 3497

PUBLIC LAW 105–391—NOV. 13, 1998

Public Law 105–391 105th Congress

An Act

Nov. 13, 1998
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

* * * * *

112 STAT. 3521

TITLE VIII—MISCELLANEOUS PROVISIONS

* * * * *

112 STAT. 3522

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) IN GENERAL.—Section 3 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–2) is amended by adding at the end the following:

“(k) LEASES.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), the Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

“(2) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under paragraph (1) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concessions contract, commercial use authorization, or similar instrument.

“(3) USE.—Buildings and associated property leased under paragraph (1)—

“(A) shall be used for an activity that is consistent with the purposes established by law for the unit in which the building is located;

“(B) shall not result in degradation of the purposes and values of the unit; and

“(C) shall be compatible with National Park Service programs.

“(4) RENTAL AMOUNTS.—

“(A) IN GENERAL.—With respect to a lease under paragraph (1)—

“(i) payment of fair market value rental shall be required; and

“(ii) section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b) shall not apply.

“(B) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

“(C) REGULATION.—The Secretary shall promulgate regulations implementing this subsection that includes

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3522

provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

“(5) SPECIAL ACCOUNT.—

“(A) DEPOSITS.—Rental payments under a lease under paragraph (1) shall be deposited in a special account in the Treasury of the United States.

“(B) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

“(i) facility refurbishment;

“(ii) repair and replacement;

“(iii) infrastructure projects associated with park resource protection; and

“(iv) direct maintenance of the leased buildings and associated properties.

“(C) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this Act.

Procedures.

112 STAT. 3523

* * * * *

Approved November 13, 1998.

112 STAT. 3523

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



16. Limitation on Expenditure of Funds for Park Buildings

110 STAT. 4093 PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * * * *

110 STAT. 4097

DIVISION I

* * * * * * *

110 STAT. 4186

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

SEC. 801. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading “MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR”, which appears under the heading “UNDER THE DEPARTMENT OF THE INTERIOR”, as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

* * * * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



17. Historically Black Colleges and Universities

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

110 STAT. 4153

* * * * *

**SEC. 507. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES
HISTORIC BUILDING RESTORATION AND PRESERVATION.**110 STAT. 4156
16 USC 470a
note.(a) **AUTHORITY TO MAKE GRANTS.**—From the amounts made
available to carry out the National Historic Preservation Act, the
Secretary of the Interior shall make grants in accordance with
this section to eligible historically black colleges and universities
for the preservation and restoration of historic buildings and
structures on the campus of these institutions.(b) **GRANT CONDITIONS.**—Grants made under subsection (a)
shall be subject to the condition that the grantee covenants, for
the period of time specified by the Secretary, that—(1) no alteration will be made in the property with respect
to which the grant is made without the concurrence of the
Secretary; and(2) reasonable public access to the property with respect
to which the grant is made will be permitted by the grantee
for interpretive and educational purposes.(c) **MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES
LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.**—(1)
Except as provided by paragraph (2), the Secretary may obligate
funds made available under this section for a grant with respect
to a building or structure listed on, or eligible for listing on, the
National Register of Historic Places only if the grantee agrees
to match, from funds derived from non-Federal sources, the amount
of the grant with an amount that is equal or greater than the
grant.(2) The Secretary may waive paragraph (1) with respect to
a grant if the Secretary determines from circumstances that an
extreme emergency exists or that such a waiver is in the public
interest to assure the preservation of historically significant
resources.(d) **FUNDING PROVISION.**—Pursuant to section 108 of the
National Historic Preservation Act, \$29,000,000 shall be made avail-
able to carry out the purposes of this section. Of amounts made

110 STAT. 4156

PUBLIC LAW 104-333—NOV. 12, 1996

available pursuant to this section, \$5,000,000 shall be available for grants to Fisk University, \$2,500,000 shall be available for grants to Knoxville College, \$2,000,000 shall be available for grants to Miles College, Alabama, \$1,500,000 shall be available for grants to Talladega College, Alabama, \$1,550,000 shall be available for grants to Selma University, Alabama, \$250,000 shall be available for grants to Stillman College, Alabama, \$200,000 shall be available for grants to Concordia College, Alabama, \$2,900,000 shall be available for grants to Allen University, South Carolina, \$1,000,000 shall be available for grants to Claflin College, South Carolina, \$2,000,000 shall be available for grants to Voorhees College, South Carolina, \$1,000,000 shall be available for grants to Rust College, Mississippi, and \$3,000,000 shall be available for grants to Tougaloo College, Mississippi.

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

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

(1) HISTORICALLY BLACK COLLEGES.—The term “historically black colleges and universities” has the same meaning given the term “part B institution” by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

110 STAT. 4157

(2) HISTORIC BUILDING AND STRUCTURES.—The term “historic building and structures” means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



18. Housing in National Parks

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

110 STAT. 4190

(a) NATIONAL PARK SERVICE HOUSING IMPROVEMENT.—16 USC 17o.
note.**(1) PURPOSES.—**The purposes of this section are—(A) to develop where necessary an adequate supply
of quality housing units for field employees of the National
Park Service within a reasonable time frame;(B) to expand the alternatives available for construc-
tion and repair of essential Government housing;(C) to rely on the private sector to finance or supply
housing in carrying out this section, to the maximum extent
possible, in order to reduce the need for Federal appropria-
tions;(D) to ensure that adequate funds are available to
provide for long-term maintenance needs of field employee
housing; and(E) to eliminate unnecessary Government housing and
locate such housing as is required in a manner such that
primary resource values are not impaired.(2) **GENERAL AUTHORITY.—**To enhance the ability of the
Secretary of the Interior (hereafter in this subsection referred
to as “the Secretary”), acting through the Director of the
National Park Service, to effectively manage units of the
National Park System, the Secretary is authorized where nec-
essary and justified to make available employee housing, on
or off the lands under the administrative jurisdiction of the
National Park Service, and to rent or lease such housing to
field employees of the National Park Service at rates based
on the reasonable value of the housing in accordance with
requirements applicable under section 5911 of title 5, United
States Code.(3) **REVIEW AND REVISION OF HOUSING CRITERIA.—**Upon
the enactment of this Act, the Secretary shall review and revise
the existing criteria under which housing is provided to employ-
ees of the National Park Service. Specifically, the Secretary

110 STAT. 4190

PUBLIC LAW 104-333—NOV. 12, 1996

shall examine the existing criteria with respect to what circumstances the National Park Service requires an employee to occupy Government quarters to provide necessary services, protect Government property, or because of a lack of availability of non-Federal housing in the geographic area.

(4) SUBMISSION OF REPORT.—A report detailing the results of the revisions required by paragraph (3) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

110 STAT. 4191

(5) REVIEW OF CONDITION OF AND COSTS RELATING TO HOUSING.—Using the revised criteria developed under paragraph (3), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

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

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

(A) LEASE TO BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may—

(i) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(ii) lease developed and undeveloped non-Federal land for providing field employee quarters.

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

(C) TERMS AND CONDITIONS.—Each lease under subparagraph (A)(i)—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4191

(i) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(ii) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(iii) shall contain such additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(iv) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

110 STAT. 4192

(D) CONTRIBUTIONS BY UNITED STATES.—The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this paragraph.

(8) RENTAL GUARANTEE PROGRAM.—

(A) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease to build arrangement as set forth in paragraph (7) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this paragraph shall be in writing.

(B) LIMITATIONS.—The Secretary may not guarantee—

(i) the occupancy of more than 75 percent of the units constructed or rehabilitated under such lease; and

(ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

In no event shall outstanding guarantees be in excess of \$3,000,000,

(C) RENTAL TO GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made

(D) FAILURE TO MAINTAIN A SATISFACTORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

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

110 STAT. 4192

PUBLIC LAW 104-333—NOV. 12, 1996

(10) CONTRACTS FOR THE MANAGEMENT OF FIELD EMPLOYEE QUARTERS.—

(A) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

(B) TERMS AND CONDITIONS.—Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

(11) LEASING OF SEASONAL EMPLOYEE QUARTERS.—

(A) GENERAL AUTHORITY.—Subject to subparagraph (B), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

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

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

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

(C) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this paragraph from annual appropriations for the year in which such lease is made.

(12) SURVEY OF EXISTING FACILITIES.—The Secretary shall—

(A) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for carrying out the agency mission, using existing information; and

(B) develop an agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

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

(14) ANNUAL BUDGET SUBMITTAL.—The President's proposed budget to Congress for the first fiscal year beginning after enactment of this Act, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

(15) STUDY OF HOUSING ALLOWANCES.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to determine the feasibility of providing eligible

110 STAT. 4193

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4193

employees of the National Park Service with housing allowances rather than Government housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(16) STUDY OF SALE OF EMPLOYEE HOUSING.—Within 18 months of the date of the enactment of the Act, the Secretary shall complete a study of the sale of Government quarters to a cooperative consisting of field employees. The Secretary shall examine the potential benefits to the Government as well as the employees and any risks associated with such a program.

(17) GENERAL PROVISIONS.—

(A) CONSTRUCTION LIMITATIONS ON FEDERAL LANDS.—The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which will impact primary resource values of the area or adversely affect the mission of the agency.

110 STAT. 4194

(B) RENTAL RATES.—To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(C) EXEMPTION FROM LEASING REQUIREMENTS.—The provisions of section 5 of the Act of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 4601-22), and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall not apply to leases issued by the Secretary under this section.

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

(19) DEFINITIONS.—For purposes of this subsection:

(A) The term “field employee” means—

(i) an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and

(ii) other individuals who are authorized to occupy Government quarters under section 5911 of title 5, United States Code, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

(B) The term “land management agency” means the National Park Service, Department of the Interior.

(C) The term “primary resource values” means resources which are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

110 STAT. 4194

PUBLIC LAW 104-333—NOV. 12, 1996

(D) The term “quarters” means quarters owned or leased by the Government.

(E) The term “seasonal quarters” means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



19. Minor Boundary Revision Authority

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

110 STAT. 4190

* * * * *

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

110 STAT. 4194

(1) In the first sentence, by striking “Committee on
Natural” and inserting “Committee on”.(2)(A) By striking “: *Provided, however,*” and all that follows
through “1965”; and(B) by inserting “(1)” after “(c)” and by inserting at the
end the following:“(2) For the purposes of clause (i) of paragraph (1), in all
cases except the case of technical boundary revisions (resulting
from such causes as survey error or changed road alignments),
the authority of the Secretary under such clause (i) shall apply
only if each of the following conditions is met:

110 STAT. 4195

“(A) The sum of the total acreage of lands, waters, and
interests therein to be added to the area and the total such
acreage to be deleted from the area is not more than 5 percent
of the total Federal acreage authorized to be included in the
area and is less than 200 acres in size.“(B) The acquisition, if any, is not a major Federal action
significantly affecting the quality of the human environment,
as determined by the Secretary.“(C) The sum of the total appraised value of the lands,
water, and interest therein to be added to the area and the
total appraised value of the lands, waters, and interests therein
to be deleted from the area does not exceed \$750,000.“(D) The proposed boundary revision is not an element
of a more comprehensive boundary modification proposal.“(E) The proposed boundary has been subject to a public
review and comment period.

110 STAT. 4195

PUBLIC LAW 104-333—NOV. 12, 1996

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

“(G) The lands are adjacent to other Federal lands administered by the Director of the National Park Service.

“Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



20. Museum Management Authority

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

**SEC. 804. AUTHORITIES OF THE SECRETARY OF THE INTERIOR
RELATING TO MUSEUMS.**

110 STAT. 4187

(a) FUNCTIONS.—The Act entitled “An Act to increase the public
benefits from the National Park System by facilitating the manage-
ment of museum properties relating thereto, and for other purposes”
approved July 1, 1955 (16 U.S.C. 18f), is amended—(1) in subsection (b) of the first section, by striking out
“from such donations and bequests of money”; and

(2) by adding at the end thereof the following:

“SEC. 2. ADDITIONAL FUNCTIONS.

16 USC 18f–2.

(a) MUSEUM OBJECTS AND COLLECTIONS.—In addition to the
functions specified in the first section of this Act, the Secretary
of the Interior may perform the following functions in such manner
as he shall consider to be in the public interest:“(1) Transfer museum objects and museum collections that
the Secretary determines are no longer needed for museum
purposes to qualified Federal agencies, including the Smithso-
nian Institution, that have programs to preserve and interpret
cultural or natural heritage, and accept the transfer of museum
objects and museum collections for the purposes of this Act
from any other Federal agency, without reimbursement. The
head of any other Federal agency may transfer, without
reimbursement, museum objects and museum collections
directly to the administrative jurisdiction of the Secretary of
the Interior for the purpose of this Act.“(2) Convey museum objects and museum collections that
the Secretary determines are no longer needed for museum
purposes, without monetary consideration but subject to such
terms and conditions as the Secretary deems necessary, to
private institutions exempt from Federal taxation under section
501(c)(3) of the Internal Revenue Code of 1986 and to non-
Federal governmental entities if the Secretary determines that
the recipient is dedicated to the preservation and interpretation

110 STAT. 4187

PUBLIC LAW 104-333—NOV. 12, 1996

of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

“(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

110 STAT. 4188

“(b) REVIEW AND APPROVAL.—The Secretary shall ensure that museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under this section.”.

(b) APPLICATION AND DEFINITIONS.—The Act entitled “An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes” approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding the following after section 2:

16 USC 18f-3.

“SEC. 3. APPLICATION AND DEFINITIONS.

“(a) APPLICATION.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for the purposes of the National Park System before the date of enactment of this section as well as those museum objects and museum collections that may be acquired on or after such date.

“(b) DEFINITION.—For the purposes of this Act, the terms ‘museum objects’ and ‘museum collections’ mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



21. National Cave and Karst Research Institute

PUBLIC LAW 105–325—OCT. 30, 1998

112 STAT. 3038

Public Law 105–325
105th Congress

An Act

To establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

Oct. 30, 1998

[S. 231]

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 Cave and Karst Research Institute Act of 1998”.

National Cave
and Karst
Research
Institute Act of
1998.
16 USC 4310
note.

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to further the science of speleology;
- (2) to centralize and standardize speleological information;
- (3) to foster interdisciplinary cooperation in cave and karst research programs;
- (4) to promote public education;
- (5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and
- (6) to promote and develop environmentally sound and sustainable resource management practices.

SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the “Secretary”), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the “Institute”).

(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

SEC. 4. ADMINISTRATION OF THE INSTITUTE.

(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled “An Act to conduct certain studies in the State of New Mexico”, approved November 15, 1990 (Public Law 101–578; 16 U.S.C. 4310 note).

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public

112 STAT. 3039

PUBLIC LAW 105-325—OCT. 30, 1998

or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

(1) a grant or donation from a private person; or

(2) a transfer of funds from another Federal agency.

SEC. 5. FUNDING.

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved October 30, 1998.

LEGISLATIVE HISTORY—S. 231:

HOUSE REPORTS: No. 105-496 (Comm. on Resources).

SENATE REPORTS: No. 105-37 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 143 (1997): July 11, considered and passed Senate.

Vol. 144 (1998): Oct. 10, considered and passed House.



22. National Maritime Heritage Program Extension

PUBLIC LAW 105–85—NOV. 18, 1997

111 STAT. 1629

Public Law 105–85
105th Congress**An Act**

To authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Nov. 18, 1997
[H.R. 1119]

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

National Defense
Authorization
Act for Fiscal
Year 1998.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 1998”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

* * * * *

**DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS**

111 STAT. 1645

* * * * *

TITLE X—GENERAL PROVISIONS

111 STAT. 1866

* * * * *

**SEC. 1026. REPORTS RELATING TO EXPORT OF VESSELS THAT MAY
CONTAIN POLYCHLORINATED BIPHENYLS.**

111 STAT. 1878

* * * * *

(c) AMENDMENTS RELATING TO DISPOSAL OF OBSOLETE VESSELS FROM THE NATIONAL DEFENSE RESERVE FLEET.—Section 6 of the National Maritime Heritage Act of 1994 (Public Law 103–451; 108 Stat. 4776; 16 U.S.C. 5405) is amended—

- (1) in subsections (a)(1) and (b)(2)—
 - (A) by inserting “or 510(i)” after “508”; and
 - (B) by inserting “or 1160(i)” after “1158”;
- (2) in subsection (b)(2), by striking out “first 6” and inserting in lieu thereof “first 8”; and

111 STAT. 1878

PUBLIC LAW 105–85—NOV. 18, 1997

(3) in subsection (c)(1)(A), by striking out “1999” and inserting in lieu thereof “2001”.

* * * * *

111 STAT. 2078

Approved November 18, 1997.

LEGISLATIVE HISTORY—H.R. 1119 (S. 924) (S. 936):

HOUSE REPORTS: No. 105–132 (Comm. on National Security) and 105–340 (Comm. of Conference).

SENATE REPORTS: No. 105–29 accompanying S. 924 and S. 936 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 19, 20, 23–25, considered and passed House.

July 11, considered and passed Senate, amended.

Oct. 28, House agreed to conference report.

Nov. 5, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 18, Presidential statement.



23. National Park Foundation

PUBLIC LAW 104–208—SEPT. 30, 1996

110 STAT. 3009

*Public Law 104–208
104th Congress

An Act

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Sept. 30, 1996
[H.R. 3610]

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

Omnibus
Consolidated
Appropriations
Act, 1997.

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101.

* * * * *

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

110 STAT.
3009–181

AN ACT

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

Department of
the Interior and
Related Agencies for
Appropriations
Act, 1997.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

NATIONAL PARK SERVICE

110 STAT.
3009–187

* * * * *

ADMINISTRATIVE PROVISIONS

110 STAT.
3009–188

Appropriations for the National Park Service shall be available for the purchase of not to exceed 404 passenger motor vehicles, of which 287 shall be for replacement only, including not to exceed 320 for police-type use, 13 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the

*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

110 STAT. 3009–189 PUBLIC LAW 104–208—SEPT. 30, 1996

southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

16 USC 1g.

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

Notwithstanding any other provision of law, remaining balances, including interest, from funds granted to the National Park Foundation pursuant to the National Park System Visitor Facilities Fund Act of 1983 (Public Law 97–433, 96 Stat. 2277) shall be available to the National Park Foundation for expenditure in units of the National Park System for the purpose of improving visitor facilities.

* * * * *

110 STAT.
3009–749

Approved September 30, 1996.

LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm. on Conference).

SENATE REPORTS: No. 104–286 accompanying S. 1894 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



PUBLIC LAW 105–391—NOV. 13, 1998

112 STAT. 3497

Public Law 105–391
105th Congress

An Act

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

Nov. 13, 1998

[S. 1693]

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

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

* * * * *

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

112 STAT. 3520

SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

Public Law 90–209 (commonly known as the National Park Foundation Act; 16 U.S.C. 19 et seq.) is amended by adding at the end the following new section:

“SEC. 11. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

16 USC 19o.

“(a) **ESTABLISHMENT.**—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

“(b) **IMPLEMENTATION.**—The program under subsection (a) shall be implemented to—

“(1) assist in the creation of local nonprofit support organizations; and

“(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

“(c) **PROGRAM.**—The program under subsection (a) shall include the greatest number of national park units as is practicable.

112 STAT. 3521

“(d) **REQUIREMENTS.**—The program under subsection (a) shall include, at a minimum—

“(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

“(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

“(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

“(e) **ANNUAL REPORT.**—The Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

“(f) **AFFILIATIONS.**—

“(1) **CHARTER OR CORPORATE BYLAWS.**—Nothing in this section requires—

“(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the Foundation; or

112 STAT. 3521

PUBLIC LAW 105–391—NOV. 13, 1998

“(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

“(2) ESTABLISHMENT.—An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization.”.

* * * * *

112 STAT. 3523

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105–767 (Comm. on Resources).

SENATE REPORTS: No. 105–202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



24. National Park System Advisory Board

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

110 STAT. 4190

(f) NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION.—

110 STAT. 4197

(1) NATIONAL PARK SYSTEM ADVISORY BOARD.—Section 3
of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463)
is amended as follows:

(A) In subsection (a) by striking the first 3 sentences and inserting in lieu thereof: “There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land

110 STAT. 4197

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4198

use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.”

(B) By redesignating subsections (b) and (c) as (f) and (g) and by striking from the first sentence of subsection (f), as so redesignated “1995” and inserting in lieu thereof “2006”.

(C) By adding the following new subsections after subsection (a):

“(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

“(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

“(c)(1) Upon request of the Director, the Board is authorized to—

“(A) hold such hearings and sit and act at such times,

“(B) take such testimony,

“(C) have such printing and binding done,

“(D) enter into such contracts and other arrangements.

“(E) make such expenditures, and

“(F) take such other actions, as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

“(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

“(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4198

“(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.” 110 STAT. 4199

“(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

“(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Park System Advisory Board \$200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463). 16 USC 463 note.

(3) EFFECTIVE DATE.—This subsection shall take effect on December 7, 1997. 16 USC 463 note.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



25. New Area Studies

112 STAT. 3497

PUBLIC LAW 105–391—NOV. 13, 1998

Public Law 105–391 105th Congress

An Act

Nov. 13, 1998
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

* * * * *

112 STAT. 3501
National Park
System New
Areas Studies
Act.
16 USC 1 note.

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the “National Park System New Areas Studies Act”.

16 USC 1a–5
note.

SEC. 302. PURPOSE.

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM AREAS.

Section 8 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–5) is amended as follows:

(1) By inserting “GENERAL AUTHORITY.—” after “(a)”.

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words “For the purposes of carrying” the following: “(f) AUTHORIZATION OF APPROPRIATIONS.—”.

(4) By inserting the following after subsection (a):

Records.

“(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

“(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

112 STAT. 3502

“(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

“(B) themes, sites, and resources not already adequately represented in the National Park System; and

“(C) public petition and Congressional resolutions.

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3502

“(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

“(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

“(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

“(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

“(2) In conducting the study, the Secretary shall consider whether the area under study—

“(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

“(B) is a suitable and feasible addition to the system.

“(3) Each study—

“(A) shall consider the following factors with regard to the area being studied—

“(i) the rarity and integrity of the resources;

“(ii) the threats to those resources;

“(iii) similar resources are already protected in the National Park System or in other public or private ownership;

“(iv) the public use potential;

“(v) the interpretive and educational potential;

“(vi) costs associated with acquisition, development and operation;

“(vii) the socioeconomic impacts of any designation;

“(viii) the level of local and general public support;

and

“(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

“(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

“(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

“(D) may include any other information which the Secretary deems to be relevant.

112 STAT. 3503

112 STAT. 3503

PUBLIC LAW 105-391—NOV. 13, 1998

“(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

“(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary’s preferred management option for the area.

“(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

“(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.”.

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: “For carrying out subsections (b) through (d) there are authorized to be appropriated \$2,000,000 for each fiscal year.”.

* * * * *

112 STAT. 3523

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



26. Offenses Against Property of National Cemeteries

PUBLIC LAW 105–101—NOV. 19, 1997

111 STAT. 2202

Public Law 105–101
105th Congress**An Act**

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

Nov. 19, 1997
[S. 813]*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 “Veterans’ Cemetery Protection Act of 1997”.

Veterans’
Cemetery Act of
1997.
28 USC 994 note.**SEC. 2. SENTENCING FOR OFFENSES AGAINST PROPERTY AT NATIONAL CEMETERIES.**

28 USC 994 note.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 2 levels for any offense against the property of a national cemetery.

(b) COMMISSION DUTIES.—In carrying out subsection (a), the Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of an offense described in that subsection are—

(1) appropriately severe; and

(2) reasonably consistent with other relevant directives and with other Federal sentencing guidelines.

(c) DEFINITION OF NATIONAL CEMETERY.—In this section, the term “national cemetery” means a cemetery—

(1) in the National Cemetery System established under section 2400 of title 38, United States Code; or

(2) under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Interior.

111 STAT. 2203

Approved November 19, 1997.

LEGISLATIVE HISTORY—S. 813 (H.R. 1532):

HOUSE REPORTS: No. 105–142 accompanying H.R. 1532 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Nov. 4, considered and passed Senate.

Nov. 8, considered and passed House.



27. Park Police and Law Enforcement Program Needs

112 STAT. 3497

PUBLIC LAW 105–391—NOV. 13, 1998

**Public Law 105–391
105th Congress****An Act**Nov. 13, 1998
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

* * * * *

112 STAT. 3521

TITLE VIII—MISCELLANEOUS PROVISIONS

16 USC 6011.

SEC. 801. UNITED STATES PARK POLICE.(a) **APPOINTMENT OF TASK FORCE.**—Not later than 60 days after the date of enactment of this title, the Secretary shall appoint a multidisciplinary task force to fully evaluate the shortfalls, needs, and requirements of law enforcement programs in the National Park Service, including a separate analysis for the United States Park Police, which shall include a review of facility repair, rehabilitation, equipment, and communication needs.

Deadline.

(b) **SUBMISSION OF REPORT.**—Not later than one year after the date of enactment of this title, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives a report that includes—

- (1) the findings and recommendations of the task force;
 - (2) complete justifications for any recommendations made;
- and
- (3) a complete description of any adverse impacts that would occur if any need identified in the report is not met.

* * * * *

112 STAT. 3523

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105–767 (Comm. on Resources).

SENATE REPORTS: No. 105–202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



28. POW/MIA Flag Display

PUBLIC LAW 105–354—NOV. 3, 1998

112 STAT. 3238

Public Law 105–354
105th Congress

An Act

To codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

Nov. 3, 1998

[S. 2524]

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

SECTION 1. TITLE 36, UNITED STATES CODE.

Title 36, United States Code, is amended as follows:

(1) In section 902, strike subsections (b) and (c) and substitute the following:

“(b) **REQUIRED DISPLAY.**—The POW/MIA flag shall be displayed at the locations specified in subsection (d) of this section on POW/MIA flag display days. The display serves—

“(1) as the symbol of the Nation’s concern and commitment to achieving the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for; and

“(2) as the symbol of the Nation’s commitment to achieving the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

“(c) **DAYS FOR FLAG DISPLAY.**—(1) For purposes of this section, POW/MIA flag display days are the following:

“(A) Armed Forces Day, the third Saturday in May.

“(B) Memorial Day, the last Monday in May.

“(C) Flag Day, June 14.

“(D) Independence Day, July 4.

“(E) National POW/MIA Recognition Day.

“(F) Veterans Day, November 11.

“(2) In addition to the days specified in paragraph (1) of this subsection, POW/MIA flag display days include—

“(A) in the case of display at medical centers of the Department of Veterans Affairs (required by subsection (d)(7) of this section), any day on which the flag of the United States is displayed; and

“(B) in the case of display at United States Postal Service post offices (required by subsection (d)(8) of this section), the last business day before a day specified in paragraph (1) that in any year is not itself a business day.

“(d) **LOCATIONS FOR FLAG DISPLAY.**—The locations for the display of the POW/MIA flag under subsection (b) of this section are the following:

“(1) The Capitol.

“(2) The White House.

112 STAT. 3239

PUBLIC LAW 105-354—NOV. 3, 1998

“(3) The Korean War Veterans Memorial and the Vietnam Veterans Memorial.

“(4) Each national cemetery.

“(5) The buildings containing the official office of—

“(A) the Secretary of State;

“(B) the Secretary of Defense;

“(C) the Secretary of Veterans Affairs; and

“(D) the Director of the Selective Service System.

“(6) Each major military installation, as designated by the Secretary of Defense.

“(7) Each medical center of the Department of Veterans Affairs.

“(8) Each United States Postal Service post office.

“(e) COORDINATION WITH OTHER DISPLAY REQUIREMENT.—Display of the POW/MIA flag at the Capitol pursuant to subsection (d)(1) of this section is in addition to the display of that flag in the Rotunda of the Capitol pursuant to Senate Concurrent Resolution 5 of the 101st Congress, agreed to on February 22, 1989 (103 Stat. 2533).

“(f) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the POW/MIA flag pursuant to this section shall be in a manner designed to ensure visibility to the public.

“(g) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the POW/MIA flag.”.

* * * * *

112 STAT. 3246

Approved November 3, 1998.

LEGISLATIVE HISTORY—S. 2524:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 8, considered and passed Senate.

Oct. 12, considered and passed House.



29. Resource Inventory and Management

PUBLIC LAW 105–391—NOV. 13, 1998

112 STAT. 3497

Public Law 105–391
105th Congress**An Act**

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

Nov. 13, 1998
[S. 1693]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

* * * * *

**TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY
AND MANAGEMENT**

112 STAT. 3499

SEC. 201. PURPOSES.

16 USC 5931.

The purposes of this title are—

(1) to more effectively achieve the mission of the National Park Service;

(2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;

(3) to ensure appropriate documentation of resource conditions in the National Park System;

(4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.); and

(5) to encourage the publication and dissemination of information derived from studies in the National Park System.

SEC. 202. RESEARCH MANDATE.

16 USC 5932.

The Secretary is authorized and directed to assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information.

SEC. 203. COOPERATIVE AGREEMENTS.112 STAT. 3500
16 USC 5933.(a) **COOPERATIVE STUDY UNITS.**—The Secretary is authorized and directed to enter into cooperative agreements with colleges and universities, including but not limited to land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the National Park System, or the larger region of which parks are a part.(b) **REPORT.**—Within one year of the date of enactment of this title, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives on progress in the

Deadline.

112 STAT. 3500

PUBLIC LAW 105–391—NOV. 13, 1998

establishment of a comprehensive network of such college and university based cooperative study units as will provide full geographic and topical coverage for research on the resources contained in units of the National Park System and their larger regions.

16 USC 5934.

SEC. 204. INVENTORY AND MONITORING PROGRAM.

The Secretary shall undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

16 USC 5935.

SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any unit of the National Park System for purposes of scientific study.

(b) CRITERIA.—A request for use of a unit of the National Park System under subsection (a) may only be approved if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and National Park Service management policies; and

(2) will be conducted in a manner as to pose no threat to park resources or public enjoyment derived from those resources.

(c) FEE WAIVER.—The Secretary may waive any park admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) NEGOTIATIONS.—The Secretary may enter into negotiations with the research community and private industry for equitable, efficient benefits-sharing arrangements.

16 USC 5936.

SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGEMENT DECISIONS.

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which an action undertaken by the National Park Service may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered. The trend in the condition of resources of the National Park System shall be a significant factor in the annual performance evaluation of each superintendent of a unit of the National Park System.

112 STAT. 3501

16 USC 5937.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

Information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units of the National Park System, may be withheld from the public in response to a request under section 552 of title 5, United States Code, unless the Secretary determines that—

PUBLIC LAW 105–391—NOV. 13, 1998

112 STAT. 3501

(1) disclosure of the information would further the purposes of the unit of the National Park System in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other applicable laws protecting the resource or object.

* * * * *

Approved November 13, 1998.

112 STAT. 3523

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105–767 (Comm. on Resources).

SENATE REPORTS: No. 105–202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



30. Strategic and Performance Plans and Park Budgets

112 STAT. 3497

PUBLIC LAW 105–391—NOV. 13, 1998

**Public Law 105–391
105th Congress****An Act**Nov. 13, 1998
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) SHORT TITLE.—This Act may be cited as the “National
Parks Omnibus Management Act of 1998”.

* * * * *

112 STAT. 3498

**TITLE I—NATIONAL PARK SERVICE CAREER
DEVELOPMENT, TRAINING, AND MANAGEMENT**

* * * * *

112 STAT. 3499
16 USC 5914.**SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.**Public
information.(a) STRATEGIC AND PERFORMANCE PLANS FOR EACH UNIT.—
Each unit of the National Park System shall prepare and make
available to the public a 5-year strategic plan and an annual
performance plan. Such plans shall reflect the National Park Service
policies, goals, and outcomes represented in the Service-wide Strategic
Plan, prepared pursuant to the provisions of the Government
Performance and Results Act of 1993 (Public Law 103–62; 107
Stat. 285).(b) ANNUAL BUDGET FOR EACH UNIT.—As a part of the annual
performance plan for a unit of the National Park System prepared
pursuant to subsection (a), following receipt of the appropriation
for the unit from the Operations of the National Park System
account (but no later than January 1 of each year), the superintendent
of the unit shall develop and make available to the public
the budget for the current fiscal year for that unit. The budget
shall include, at a minimum, funding allocations for resource
preservation (including resource management), visitor services
(including maintenance, interpretation, law enforcement, and search
and rescue) and administration. The budget shall also include
allocations into each of the above categories of all funds retained
from fees collected for that year, including (but not limited to)
special use permits, concession franchise fees, and recreation use
and entrance fees.

* * * * *

112 STAT. 3523

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105–767 (Comm. on Resources).

SENATE REPORTS: No. 105–202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



31. Subsistence Hunting and Fishing in Alaska

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 1

Public Law 105–83
105th Congress**An Act**Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.Nov. 14, 1997
[H.R. 2107]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

* * * * *

TITLE III—GENERAL PROVISIONS

111 STAT. 47

* * * * *

SEC. 316. SUBSISTENCE HUNTING AND FISHING IN ALASKA. (a) MORATORIUM ON FEDERAL MANAGEMENT.—None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act hereafter enacted may be used prior to December 1, 1998 to issue or implement final regulations, rules, or policies pursuant to title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over the navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

111 STAT. 50
16 USC 3102
note.

(b) AMENDMENTS TO ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—

(1) AMENDMENT OF ANILCA.—Except as otherwise expressly provided, whenever in this subsection an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(2) DEFINITIONS.—Section 102(2) (16 U.S.C. 3102(2)) is amended to read as follows:

“(2) The term ‘Federal land’ means lands the title to which is in the United States after December 2, 1980. ‘Federal land’ does not include lands the title to which is in the State, an Alaska Native corporation, or other private ownership.”.

(3) FINDINGS.—Section 801 (16 U.S.C. 3111) is amended—

(A) by inserting “(a)” immediately before “The Congress finds and declares”; and

(B) by inserting at the end the following new subsection:

“(b) The Congress finds and declares further that—

“(1) subsequent to the enactment of this Act in 1980, the subsistence law of the State of Alaska (AS 16.05) accomplished the goals of Congress and requirements of this Act in providing subsistence use opportunities for rural residents of Alaska, both Alaska Native and non-Alaska Native;

“(2) the Alaska subsistence law was challenged in Alaska courts, and the rural preference requirement in the law was

111 STAT. 50

PUBLIC LAW 105-83—NOV. 14, 1997

found in 1989 by the Alaska Supreme Court in *McDowell v. State of Alaska* (785 P.2d 1, 1989) to violate the Alaska Constitution;

“(3) since that time, repeated attempts to restore the validity of the State law through an amendment to the Alaska Constitution have failed, and the people of Alaska have not been given the opportunity to vote on such an amendment;

“(4) in accordance with title VIII of this Act, the Secretary of the Interior is required to manage fish and wildlife for subsistence uses on all public lands in Alaska because of the failure of State law to provide a rural preference;

“(5) the Ninth Circuit Court of Appeals determined in 1995 in *State of Alaska v. Babbitt* (73 F.3d 698) that the subsistence priority required on public lands under section 804 of this Act applies to navigable waters in which the United States has reserved water rights as identified by the Secretary of the Interior;

“(6) management of fish and wildlife resources by State governments has proven successful in all 50 States, including Alaska, and the State of Alaska should have the opportunity to continue to manage such resources on all lands, including public lands, in Alaska in accordance with this Act, as amended; and

“(7) it is necessary to amend portions of this Act to restore the original intent of Congress to protect and provide for the continued opportunity for subsistence uses on public lands for Alaska Native and non-Alaska Native rural residents through the management of the State of Alaska.”.

(4) TITLE VIII DEFINITIONS.—Section 803 (16 U.S.C. 3113) is amended—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period and inserting a semicolon at the end of paragraph (2); and

(C) by inserting at the end the following new paragraphs:

“(3) ‘customary and traditional uses’ means the noncommercial, long-term, and consistent taking of, use of, or reliance upon fish and wildlife in a specific area and the patterns and practices of taking or use of that fish and wildlife that have been established over a reasonable period of time, taking into consideration the availability of the fish and wildlife;

“(4) ‘customary trade’ means, except for money sales of furs and furbearers, the limited noncommercial exchange for money of fish and wildlife or their parts in minimal quantities; and

“(5) ‘rural Alaska resident’ means a resident of a rural community or area. A ‘rural community or area’ means a community or area substantially dependent on fish and wildlife for nutritional and other subsistence uses.”.

(5) PREFERENCE FOR SUBSISTENCE USES.—Section 804 (16 U.S.C. 3114) is amended—

(A) by inserting “(a)” immediately before the first sentence; and

(B) by inserting at the end the following new subsection:

“(b) The priority granted by this section is for a reasonable opportunity to take fish and wildlife. For the purposes of this

111 STAT. 51

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 51

subsection, the term ‘reasonable opportunity’ means an opportunity, consistent with customary and traditional uses (as defined in section 803(3)), to participate in a subsistence hunt or fishery with a reasonable expectation of success, and does not mean a guarantee that fish and wildlife will be taken.”.

(6) LOCAL AND REGIONAL PARTICIPATION.—Section 805 (16 U.S.C. 3115) is amended—

(A) in subsection (a) by striking “one year after the date of enactment of this Act,”; and

(B) by amending subsection (d) to read as follows:

“(d)(1) Upon certification by the Secretary that the State has enacted and implemented laws of general applicability which are consistent with, and which provide for the definition, preference, and participation specified in sections 803, 804, and 805, the Secretary shall not implement subsections (a), (b), and (c) of this section, and the State may immediately assume management for the taking of fish and wildlife on the public lands for subsistence uses pursuant to this title. Upon assumption of such management by the State, the Secretary shall not implement subsections (a), (b), and (c) of this section unless a court of competent jurisdiction determines that such laws have been repealed, modified, or implemented in a way that is inconsistent with, or does not provide for, the definition, preference, and participation specified in sections 803, 804, and 805, or that the State has failed to cure any such inconsistency after such determination. The State laws shall otherwise supercede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. The Secretary may bring a judicial action to enforce this subsection.

111 STAT. 52

“(2)(A) Laws establishing a system of local advisory committees and regional advisory councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.

“(B) The members of each regional advisory council established under this subsection shall be appointed by the Governor of Alaska. Each council shall have ten members, four of whom shall be selected from nominees who reside in the region submitted by tribal councils in the region, and six of whom shall be selected from nominees submitted by local governments and local advisory committees. Three of these six shall be subsistence users who reside in the subsistence resource region and three shall be sport or commercial users who may be residents of any subsistence resource region. Regional council members shall have staggered terms of three years

111 STAT. 52

PUBLIC LAW 105-83—NOV. 14, 1997

in length, with no limit on the number of terms a member may serve. A quorum shall be a majority of the members of the council.”.

(7) JUDICIAL ENFORCEMENT.—Section 807 (16 U.S.C. 3117)

is amended by inserting the following as subsection (b):

“(b) State agency actions may be declared invalid by the court only if they are arbitrary, capricious, or an abuse of discretion, or otherwise not in accordance with law. When reviewing any action within the specialized knowledge of a State agency, the court shall give the decision of the State agency the same deference it would give the same decision of a comparable Federal agency.”.

(8) REGULATIONS.—Section 814 (16 U.S.C. 3124) is amended—

(A) by inserting “, and the State at any time the State has complied with section 805(d)” after “Secretary”; and

(B) by adding at the end the following new sentence: “During any time that the State has complied with section 805(d), the Secretary shall not make or enforce regulations implementing section 805(a), (b), or (c).”.

(9) LIMITATIONS, SAVINGS CLAUSES.—Section 815 (16 U.S.C. 3125) is amended—

111 STAT. 53

(A) by striking “or” at the end of paragraph (3);

(B) by striking the period at the end of paragraph

(4) and inserting in lieu thereof a semicolon and “or”; and

(C) by inserting at the end the following new paragraph:

“(5) prohibiting the Secretary or the State from entering into co-management agreements with Alaska Native organizations or other local or regional entities when such organization or entity is managing fish and wildlife on public lands in Alaska for subsistence uses.”.

16 USC 3102
note.

(c) SAVINGS CLAUSE.—No provision of this section, amendment made by this section, or exercise of authority pursuant to this section may be construed to validate, invalidate, or in any way affect—

(1) any assertion that an Alaska Native organization (including a federally recognized tribe, traditional Alaska Native council, or Alaska Native council organized pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.), as amended) has or does not have governmental authority over lands (including management of, or regulation of the taking of, fish and wildlife) or persons within the boundaries of the State of Alaska;

(2) any assertion that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist within the boundaries of the State of Alaska;

(3) any assertion that the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 3101 et seq.) is or is not Indian law; or

(4) the authority of the Secretary of the Interior under section 1314(c) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3202(c)).

16 USC 3102
note.

(d) EFFECTIVE DATE.—Unless and until laws are adopted in the State of Alaska which provide for the definition, preference, and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), the amendments made by subsection (b) of this section

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 53

shall be effective only for the purposes of determining whether the State's laws provide for such definition, preference, and participation. The Secretary shall certify before December 1, 1998 if such laws have been adopted in the State of Alaska. Subsection (b) shall be repealed on such date if such laws have not been adopted.

Certification.
Alaska.

* * * * *

Approved November 14, 1997.

111 STAT. 85

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm. of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



32. Tax Benefits Authority

111 STAT. 788

PUBLIC LAW 105–34—AUG. 5, 1997

*** Public Law 105–34**
105th Congress

An Act

Aug. 5, 1997
 [H.R. 2014]

To provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

Taxpayer Relief
 Act of 1997.

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

SECTION 1. SHORT TITLE; ETC.

26 USC 1 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Taxpayer Relief Act of 1997”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

26 USC 15 note.

(c) **SECTION 15 NOT TO APPLY.**—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

26 USC 6654
 note.

(d) **WAIVER OF ESTIMATED TAX PENALTIES.**—No addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 for any period before January 1, 1998, for any payment the due date of which is before January 16, 1998, with respect to any underpayment attributable to such period to the extent such underpayment was created or increased by any provision of this Act.

(e) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

* * * * *

111 STAT. 845

TITLE V—ESTATE, GIFT, AND GENERATION-SKIPPING TAX PROVISIONS

Subtitle A—Estate and Gift Tax Provisions

* * * * *

111 STAT. 857

SEC. 508. TREATMENT OF LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) **ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.**—Section 2031 (relating to the definition of gross estate) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) **ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.**—

“(1) **IN GENERAL.**—If the executor makes the election described in paragraph (6), then, except as otherwise provided in this subsection, there shall be excluded from the gross estate the lesser of—

* Note: This is a hand enrollment pursuant to Public Law 105–32.

PUBLIC LAW 105-34—AUG. 5, 1997

111 STAT. 857

“(A) the applicable percentage of the value of land subject to a qualified conservation easement, reduced by the amount of any deduction under section 2055(f) with respect to such land, or

“(B) the exclusion limitation.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ‘applicable percentage’ means 40 percent reduced (but not below zero) by 2 percentage points for each percentage point (or fraction thereof) by which the value of the qualified conservation easement is less than 30 percent of the value of the land (determined without regard to the value of such easement and reduced by the value of any retained development right (as defined in paragraph (5))).

“(3) EXCLUSION LIMITATION.—For purposes of paragraph (1), the exclusion limitation is the limitation determined in accordance with the following table:

In the case of estates of decedents dying during:	The exclusion limitation is:
1998	\$100,000
1999	\$200,000
2000	\$300,000
2001	\$400,000
2002 or thereafter	\$500,000.

“(4) TREATMENT OF CERTAIN INDEBTEDNESS.—

“(A) IN GENERAL.—The exclusion provided in paragraph (1) shall not apply to the extent that the land is debt-financed property.

“(B) DEFINITIONS.—For purposes of this paragraph—

“(i) DEBT-FINANCED PROPERTY.—The term ‘debt-financed property’ means any property with respect to which there is an acquisition indebtedness (as defined in clause (ii)) on the date of the decedent’s death.

“(ii) ACQUISITION INDEBTEDNESS.—The term ‘acquisition indebtedness’ means, with respect to debt-financed property, the unpaid amount of—

“(I) the indebtedness incurred by the donor in acquiring such property,

“(II) the indebtedness incurred before the acquisition of such property if such indebtedness would not have been incurred but for such acquisition,

“(III) the indebtedness incurred after the acquisition of such property if such indebtedness would not have been incurred but for such acquisition and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition, and

“(IV) the extension, renewal, or refinancing of an acquisition indebtedness.

“(5) TREATMENT OF RETAINED DEVELOPMENT RIGHT.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to the value of any development right retained by the donor in the conveyance of a qualified conservation easement.

“(B) TERMINATION OF RETAINED DEVELOPMENT RIGHT.—If every person in being who has an interest (whether or not in possession) in the land executes an agreement to extinguish permanently some or all of any development

111 STAT. 858

111 STAT. 858

PUBLIC LAW 105-34—AUG. 5, 1997

rights (as defined in subparagraph (D)) retained by the donor on or before the date for filing the return of the tax imposed by section 2001, then any tax imposed by section 2001 shall be reduced accordingly. Such agreement shall be filed with the return of the tax imposed by section 2001. The agreement shall be in such form as the Secretary shall prescribe.

“(C) ADDITIONAL TAX.—Any failure to implement the agreement described in subparagraph (B) not later than the earlier of—

“(i) the date which is 2 years after the date of the decedent’s death, or

“(ii) the date of the sale of such land subject to the qualified conservation easement, shall result in the imposition of an additional tax in the amount of the tax which would have been due on the retained development rights subject to such agreement. Such additional tax shall be due and payable on the last day of the 6th month following such date.

“(D) DEVELOPMENT RIGHT DEFINED.—For purposes of this paragraph, the term ‘development right’ means any right to use the land subject to the qualified conservation easement in which such right is retained for any commercial purpose which is not subordinate to and directly supportive of the use of such land as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

111 STAT. 859

“(6) ELECTION.—The election under this subsection shall be made on the return of the tax imposed by section 2001. Such an election, once made, shall be irrevocable.

“(7) CALCULATION OF ESTATE TAX DUE.—An executor making the election described in paragraph (6) shall, for purposes of calculating the amount of tax imposed by section 2001, include the value of any development right (as defined in paragraph (5)) retained by the donor in the conveyance of such qualified conservation easement. The computation of tax on any retained development right prescribed in this paragraph shall be done in such manner and on such forms as the Secretary shall prescribe.

“(8) DEFINITIONS.—For purposes of this subsection—

“(A) LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—The term ‘land subject to a qualified conservation easement’ means land—

“(i) which is located—

“(I) in or within 25 miles of an area which, on the date of the decedent’s death, is a metropolitan area (as defined by the Office of Management and Budget),

“(II) in or within 25 miles of an area which, on the date of the decedent’s death, is a national park or wilderness area designated as part of the National Wilderness Preservation System (unless it is determined by the Secretary that land in or within 25 miles of such a park or wilderness area is not under significant development pressure), or

“(III) in or within 10 miles of an area which, on the date of the decedent’s death, is an Urban

PUBLIC LAW 105-34—AUG. 5, 1997

111 STAT. 859

National Forest (as designated by the Forest Service),

“(ii) which was owned by the decedent or a member of the decedent’s family at all times during the 3-year period ending on the date of the decedent’s death, and

“(iii) with respect to which a qualified conservation easement has been made by an individual described in subparagraph (C), as of the date of the election described in paragraph (6).

“(B) QUALIFIED CONSERVATION EASEMENT.—The term ‘qualified conservation easement’ means a qualified conservation contribution (as defined in section 170(h)(1)) of a qualified real property interest (as defined in section 170(h)(2)(C)), except that clause (iv) of section 170(h)(4)(A) shall not apply, and the restriction on the use of such interest described in section 170(h)(2)(C) shall include a prohibition on more than a de minimis use for a commercial recreational activity.

“(C) INDIVIDUAL DESCRIBED.—An individual is described in this subparagraph if such individual is—

“(i) the decedent,

“(ii) a member of the decedent’s family,

“(iii) the executor of the decedent’s estate, or

“(iv) the trustee of a trust the corpus of which includes the land to be subject to the qualified conservation easement.

111 STAT. 860

“(D) MEMBER OF FAMILY.—The term ‘member of the decedent’s family’ means any member of the family (as defined in section 2032A(e)(2)) of the decedent.

“(9) APPLICATION OF THIS SECTION TO INTERESTS IN PARTNERSHIPS, CORPORATIONS, AND TRUSTS.—This section shall apply to an interest in a partnership, corporation, or trust if at least 30 percent of the entity is owned (directly or indirectly) by the decedent, as determined under the rules described in section 2033A(e)(3).”

(b) CARRYOVER BASIS.—Section 1014(a) (relating to basis of property acquired from a decedent) is amended by striking “or” at the end of paragraphs (1) and (2), by striking the period at the end of paragraph (3) and inserting “, or” and by adding at the end the following new paragraph:

“(4) to the extent of the applicability of the exclusion described in section 2031(c), the basis in the hands of the decedent.”

(c) QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.—Subsection (c) of section 2032A (relating to alternative valuation method) is amended by adding at the end the following new paragraph:

“(8) QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.—A qualified conservation contribution (as defined in section 170(h)) by gift or otherwise shall not be deemed a disposition under subsection (c)(1)(A).”

(d) QUALIFIED CONSERVATION CONTRIBUTION WHERE SURFACE AND MINERAL RIGHTS ARE SEPARATED.—Section 170(h)(5)(B)(ii) (relating to special rule) is amended to read as follows:

“(ii) SPECIAL RULE.—With respect to any contribution of property in which the ownership of the surface estate and

111 STAT. 860

PUBLIC LAW 105-34—AUG. 5, 1997

mineral interests has been and remains separated, subparagraph (A) shall be treated as met if the probability of surface mining occurring on such property is so remote as to be negligible.”.

(e) EFFECTIVE DATES.—

26 USC 1014
note.

(1) EXCLUSION.—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying after December 31, 1997.

26 USC 170 note.

(2) EASEMENTS.—The amendments made by subsections (c) and (d) shall apply to easements granted after December 31, 1997.

* * * * *

111 STAT. 1103

Approved August 5, 1997.

LEGISLATIVE HISTORY—H.R. 2014 (S. 949):

HOUSE REPORTS: Nos. 105-148 (Comm. on the Budget) and 105-220 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 26, considered and passed House.

June 27, considered and passed Senate, amended, in lieu of S. 949.

July 31, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Aug. 5, Presidential remarks and statement.

Aug. 11, Presidential remarks and special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Aug. 12, Cancellation of items pursuant to Line Item Veto Act.



33. Telecommunications Act of 1996

PUBLIC LAW 104–104—FEB. 8, 1996

110 STAT. 56

Public Law 104–104
104th Congress**An Act**

To promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.

Feb. 8, 1996
[S. 652]

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the “Telecommunications Act of 1996”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

Telecommuni-
cations Act of
1996.
Intergovern-
mental relations.
47 USC 609 note.

* * * * *

TITLE VII—MISCELLANEOUS PROVISIONS

110 STAT. 145

* * * * *

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

110 STAT. 151

(a) **NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.**—Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

“(7) **PRESERVATION OF LOCAL ZONING AUTHORITY.**—

“(A) **GENERAL AUTHORITY.**—Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

“(B) **LIMITATIONS.**—

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

“(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

110 STAT. 151

PUBLIC LAW 104-104—FEB. 8, 1996

Records.

“(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

110 STAT. 152

“(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.

Courts.

“(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) the term ‘personal wireless services’ means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

“(ii) the term ‘personal wireless service facilities’ means facilities for the provision of personal wireless services; and

“(iii) the term ‘unlicensed wireless service’ means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).”.

Rules.

(b) RADIO FREQUENCY EMISSIONS.—Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

President.
47 USC 332 note.

(c) AVAILABILITY OF PROPERTY.—Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency’s mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to

PUBLIC LAW 104–104—FEB. 8, 1996

110 STAT. 152

make property, rights-of-way, and easements under their jurisdiction available for such purposes.

* * * * *

Approved February 8, 1996.

110 STAT. 161

LEGISLATIVE HISTORY—S. 652 (H.R. 1555):

HOUSE REPORTS: No. 104–204, Pt. 1 accompanying H.R. 1555 (Comm. on Commerce).

SENATE REPORTS: Nos. 104–23 (Comm. on Commerce, Science, and Transportation) and 104–230 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 141 (1995): June 7, 8, 12–15, considered and passed Senate.
Aug. 2, 4, H.R. 1555 considered and passed House.
Oct. 12, S. 652 considered and passed House, amended, in lieu of H.R. 1555.

Vol. 142 (1996): Feb. 1, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Feb. 8, Presidential remarks and statement.



34. Transportation Equity Act for the 21st Century

111 STAT. 2552

PUBLIC LAW 105–130—DEC. 1, 1997

Public Law 105–130
105th Congress

An Act

Dec. 1, 1997

[S. 1519]

To provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

Surface
Transportation
Extension Act of
1997.

23 USC 101 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 “Surface Transportation Extension Act of 1997”.

23 USC 104 note.

SEC. 2. ADVANCES.

(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the “Secretary”) shall apportion funds made available under section 1003(d) of the Intermodal Surface Transportation Efficiency Act of 1991 to each State in the ratio that—

(1) the State’s total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States’ total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, minimum allocation under section 157 of title 23, United States Code, Interstate reimbursement under section 160 of that title, the donor State bonus under section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1940), hold harmless under section 1015(a) of that Act (105 Stat. 1943), 90 percent of payments adjustments under section 1015(b) of that Act (105 Stat. 1944), section 1015(c) of that Act (105 Stat. 1944), an amount equal to the funds provided under sections 1103 through 1108 of that Act (105 Stat. 2027), and funding restoration under section 202 of the National Highway System Designation Act of 1995 (109 Stat. 571).

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

PUBLIC LAW 105–130—DEC. 1, 1997

111 STAT. 2553

(B) the ratio that—

(i) the amount of funds apportioned for the item, or allocated under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027), to the State for fiscal year 1997; bears to

(ii) the total of the amount of funds apportioned for the items, and allocated under those sections, to the State for fiscal year 1997.

(3) USE OF FUNDS.—Amounts apportioned to a State under subsection (a) attributable to sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 shall be available to the State for projects eligible for assistance under chapter 1 of title 23, United States Code.

(4) ADMINISTRATION.—Funds authorized by the amendment made by subsection (d) shall be administered as if they had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deduction under section 104(a) of title 23, United States Code, the set-asides under section 104(b)(1) of that title for the territories and under section 104(f)(1) of that title for metropolitan planning, and the expenditure required under section 104(d)(1) of that title shall not apply to those funds.

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would, but for this section, be apportioned to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 1998 under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(f) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) is amended by adding at the end the following:

“(d) ADVANCE AUTHORIZATIONS.—

“(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 1997 \$5,500,000,000 for the period of November 16, 1997, through January 31, 1998.

“(2) SPECIAL RULE.—Funds apportioned under subsection (a) shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

“(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) AUTHORIZATION.—Notwithstanding section 157(e) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 157 of title 23, United States Code, not to exceed \$15,460,000 for the period of January 26, 1998, through January 31, 1998.

111 STAT. 2554

PUBLIC LAW 105-130—DEC. 1, 1997

“(2) ALLOCATION.—The Secretary shall allocate the amounts authorized under paragraph (1) to each State in the ratio that—

“(A) the amount allocated to the State for fiscal year 1997 under section 157 of that title; bears to

“(B) the amounts allocated to all States for fiscal year 1997 under section 157 of that title.

“(f) CONTRACT AUTHORITY.—Funds authorized under subsections (d) and (e) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.”.

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), after the date of enactment of this Act, the Secretary shall allocate to each State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66) that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 1997, of Federal-aid highway apportionments subject to any limitation on obligations; or

(ii) 50 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; but

(B) not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) shall not exceed \$9,786,275,000.

(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998, until the earlier of the date of enactment of a multiyear law reauthorizing the Federal-aid highway program or July 1, 1998.

(B) REOBLIGATION.—Subparagraph (A) shall not preclude the reobligation of previously obligated funds.

(C) DISTRIBUTION OF REMAINING OBLIGATION AUTHORITY.—On the earlier of the date of enactment of a law described in subparagraph (A) or July 1, 1998, the Secretary shall distribute to each State any remaining amounts of obligation authority for Federal-aid highways and highway safety construction programs by allocation in accordance with section 310(a) of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66).

(D) CONTRACT AUTHORITY.—No contract authority made available to the States prior to July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 1998 for the purposes of the matter under the heading “LIMITATION

PUBLIC LAW 105–130—DEC. 1, 1997

111 STAT. 2555

ON OBLIGATIONS)” under the heading “FEDERAL-AID HIGHWAYS” in title I of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66).

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) **IN GENERAL.**—In addition to any other authority of a State to transfer funds, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, before, on, or after the date of enactment of this Act, granted to the State for any program under section 410 of that title before, on, or after such date of enactment, or allocated to the State for any program under chapter 311 of title 49, United States Code, before, on, or after such date of enactment, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) **TREATMENT OF TRANSFERRED FUNDS.**—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) **RESTORATION OF APPORTIONMENTS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) **PROGRAM CATEGORY RECONCILIATION.**—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway, highway safety, and motor carrier safety programs.

(3) **LIMITATION ON STATUTORY CONSTRUCTION.**—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) **GUIDANCE.**—The Secretary may issue guidance for use in carrying out this section.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) **EXPENSES OF FEDERAL HIGHWAY ADMINISTRATION.**—

(1) **AUTHORITY TO BORROW.**—

(A) **FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.**—If unobligated balances of funds deducted by the Secretary under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses for fiscal year 1998, the Secretary may borrow to pay those expenses not to exceed \$60,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(B) **REQUIREMENT TO REIMBURSE.**—Funds borrowed under subparagraph (A) shall be reimbursed from amounts

111 STAT. 2556

PUBLIC LAW 105-130—DEC. 1, 1997

made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—In addition to funds made available under paragraph (1), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative and research expenses of the Federal-aid highway program \$158,500,000 for fiscal year 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) USE OF CERTAIN ADMINISTRATIVE FUNDS.—Section 104(i)(1) of title 23, United States Code, is amended by inserting “, and for the period of October 1, 1997, through March 31, 1998,” after “1997”.

(b) BUREAU OF TRANSPORTATION STATISTICS.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172) is amended—

49 USC 111.

(1) by inserting “(a) IN GENERAL.—” before “Chapter I”; and

(2) in the first sentence of subsection (b)—

(A) by striking “1996, and” and inserting “1996,”; and

(B) by inserting before the period at the end the following: “, and \$12,500,000 for the period of October 1, 1997, through March 31, 1998”.

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) FEDERAL LANDS HIGHWAYS.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A)—

(A) by striking “1992 and” and inserting “1992,”; and

(B) by inserting before the period at the end the following: “, and \$95,500,000 for the period of October 1, 1997, through March 31, 1998”;

(2) in subparagraph (B)—

(A) by striking “1995, and” and inserting “1995,”; and

(B) by inserting before the period at the end the following: “and \$86,000,000 for the period of October 1, 1997, through March 31, 1998”; and

(3) in subparagraph (C)—

(A) by striking “1995, and” and inserting “1995,”; and

(B) by inserting before the period at the end the following: “, and \$42,000,000 for the period of October 1, 1997, through March 31, 1998”.

(b) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by section 2(d)) is amended by adding at the end the following:

23 USC 104.

“(e) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting ‘and

PUBLIC LAW 105–130—DEC. 1, 1997

111 STAT. 2557

\$7,500,000 for the period of October 1, 1997, through March 31, 1998' after '1997'."

(c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX EVASION.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended in the first sentence by inserting before the period at the end the following: "and \$2,500,000 for the period of October 1, 1997, through March 31, 1998".

(2) SCENIC BYWAYS PROGRAM.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1998) is amended in the first sentence—

(A) by striking "1994, and" and inserting "1994,"; and

(B) by inserting before the period at the end the following: ", and \$7,000,000 for the period of October 1, 1997, through March 31, 1998".

(d) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended—

(1) by striking "1992 and" and inserting "1992,"; and

(2) by inserting before the period at the end the following: ", and \$47,000,000 for the period of October 1, 1997, through March 31, 1998".

23 USC 307 note.

(e) SURFACE TRANSPORTATION RESEARCH.—

(1) OPERATION LIFESAVER.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under section 104(d)(1) of title 23, United States Code, \$150,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the Dwight David Eisenhower Transportation Fellowship Program under section 307(a)(1)(C)(ii) of title 23, United States Code, \$1,000,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) NATIONAL HIGHWAY INSTITUTE.—Section 321(f) of title 23, United States Code, is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$2,500,000 for the period of October 1, 1997, through

111 STAT. 2558

PUBLIC LAW 105-130—DEC. 1, 1997

March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.”.

(4) EDUCATION AND TRAINING PROGRAM.—Section 326(c) of title 23, United States Code, is amended by adding at the end the following: “There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$3,000,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.”.

(f) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, \$78,500,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds authorized under paragraph (1) to the States in accordance with section 104(f)(2) of title 23, United States Code.

(g) TERRITORIES.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by subsection (b)) is amended by adding at the end the following:

“(f) TERRITORIES.—

“(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands \$15,000,000 for the period of October 1, 1997, through March 31, 1998.

“(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.”.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) by striking “1996, and” and inserting “1996,”; and

(2) by inserting before the period at the end the following: “, and \$83,000,000 for the period of October 1, 1997, through March 31, 1998”; and

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking “5” and inserting “6”; and

PUBLIC LAW 105-130—DEC. 1, 1997

111 STAT. 2559

(B) in paragraph (3), by striking “and fifth” and inserting “fifth, and sixth”;

(2) in subsection (d)(2)(B), by striking “two” and inserting “3”; and

(3) in the first sentence of subsection (j)—

(A) by striking “1997, and” and inserting “1997,”; and

(B) by inserting before the period at the end the following “, and \$12,500,000 for the period of October 1, 1997, through March 31, 1998”.

(c) NATIONAL DRIVER REGISTER.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking “1994, and” and inserting “1994,”; and

(2) by inserting after “1997,” the following: “and \$1,855,000 for the period of October 1, 1997, through March 31, 1998,”.

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraphs (1) through (5), by striking “not more” each place it appears and inserting “Not more”; and

(2) by adding at the end the following:

“(6) Not more than \$45,000,000 for the period of October 1, 1997, through March 31, 1998.”.

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

49 USC 5309,
5337, 5338.

Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087-2140) is amended by adding at the end the following:

“SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

“(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ‘, and for the period of October 1, 1997, through March 31, 1998’ after ‘1997’.

“(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

“(1) in subsection (a), by inserting ‘and for the period of October 1, 1997, through March 31, 1998,’ after ‘1997,’; and

“(2) by adding at the end the following:

“(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).’.

“(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

“(1) in subsection (a)—

“(A) in paragraph (1), by adding at the end the following:

“(F) \$1,328,400,000 for the period of October 1, 1997, through March 31, 1998.’; and

“(B) in paragraph (2), by adding at the end the following:

“(F) \$369,000,000 for the period of October 1, 1997, through March 31, 1998.’;

“(2) in subsection (b)(1), by adding at the end the following:

“(F) \$1,131,600,000 for the period of October 1, 1997, through March 31, 1998.’;

111 STAT. 2560

PUBLIC LAW 105-130—DEC. 1, 1997

“(3) in subsection (c), by inserting ‘and not more than \$1,500,000 for the period of October 1, 1997, through March 31, 1998,’ after ‘1997.’;

“(4) in subsection (e), by inserting ‘and not more than \$3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,’ after ‘1997.’;

“(5) in subsection (h)(3), by inserting ‘and \$3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998’ after ‘1997.’;

“(6) in subsection (j)(5)—

“(A) in subparagraph (B), by striking ‘and’ at the end;

“(B) in subparagraph (C), by striking the period at the end and inserting ‘; and’; and

“(C) by adding at the end the following:

“(D) the lesser of \$1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.’;

“(7) in subsection (k), by striking ‘or (e)’ and inserting ‘(e), or (m)’; and

“(8) by adding at the end the following:

“(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

“(1) \$125,000 to carry out section 5316(a).

“(2) \$1,500,000 to carry out section 5316(b).

“(3) \$500,000 to carry out section 5316(c).

“(4) \$500,000 to carry out section 5316(d).

“(5) \$500,000 to carry out section 5316(e).’.”.

SEC. 9. EXTENSION OF TRUST FUNDS FUNDED BY HIGHWAY-RELATED TAXES.

26 USC 9503. (a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “1997” and inserting “1998”; and

(ii) by striking the last sentence and inserting the following new flush sentence:

“In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of this sentence.”;

(B) in paragraph (4)(A), by striking “1997” and inserting “1998”;

(C) in paragraph (5)(A), by striking “1997” and inserting “1998”; and

(D) in paragraph (6)(E), by striking “1997” and inserting “1998”; and

(2) in subsection (e)(3)—

(A) by striking “1997” and inserting “1998”, and

(B) by striking all that follows “the enactment of” and inserting “the last sentence of subsection (c)(1).”.

PUBLIC LAW 105–130—DEC. 1, 1997

111 STAT. 2561

(b) AQUATIC RESOURCES TRUST FUND.—Section 9504(c) of the Internal Revenue Code of 1986 (relating to expenditures from Boat Safety Account) is amended by striking “April 1, 1998” and inserting “October 1, 1998”. 26 USC 9504.

(c) NATIONAL RECREATIONAL TRAILS TRUST FUND.—Section 9511(c) of the Internal Revenue Code of 1986 (relating to expenditures from Trust Fund) is amended by striking “1997” and inserting “1998”. 26 USC 9511.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997. 26 USC 9503 note.

Approved December 1, 1997.

LEGISLATIVE HISTORY—S. 1519:

CONGRESSIONAL RECORD, Vol. 143 (1997):

Nov. 10, considered and passed Senate.

Nov. 12, considered and passed House.



112 STAT. 107

PUBLIC LAW 105–178—JUNE 9, 1998

Public Law 105–178
105th Congress

An Act

June 9, 1998
[H.R. 2400]

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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

Transportation
Equity Act for
the 21st Century.
Grants.
Inter-
governmental
relations.
Loans.
23 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Transportation Equity Act for the 21st Century”.

* * * * *

112 STAT. 111

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) **INTERSTATE MAINTENANCE PROGRAM.**—For the Interstate maintenance program under section 119 of title 23, United States Code, \$3,427,341,000 for fiscal year 1998, \$3,957,103,000 for fiscal year 1999, \$3,994,524,000 for fiscal year 2000, \$4,073,322,000 for fiscal year 2001, \$4,139,630,000 for fiscal year 2002, and \$4,217,635,000 for fiscal year 2003.

112 STAT. 112

(2) **NATIONAL HIGHWAY SYSTEM.**—For the National Highway System under section 103 of such title \$4,112,480,000 for fiscal year 1998, \$4,748,523,000 for fiscal year 1999, \$4,793,429,000 for fiscal year 2000, \$4,887,986,000 for fiscal year 2001, \$4,967,556,000 for fiscal year 2002, and \$5,061,162,000 for fiscal year 2003.

(3) **BRIDGE PROGRAM.**—For the bridge program under section 144 of such title \$2,941,454,000 for fiscal year 1998, \$3,395,354,000 for fiscal year 1999, \$3,427,472,000 for fiscal year 2000, \$3,495,104,000 for fiscal year 2001, \$3,552,016,000 for fiscal year 2002, and \$3,618,966,000 for fiscal year 2003.

(4) **SURFACE TRANSPORTATION PROGRAM.**—For the surface transportation program under section 133 of such title \$4,797,620,000 for fiscal year 1998, \$5,539,944,000 for fiscal year 1999, \$5,592,333,000 for fiscal year 2000, \$5,702,651,000 for fiscal year 2001, \$5,795,482,000 for fiscal year 2002, and \$5,904,689,000 for fiscal year 2003.

(5) **CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.**—For the congestion mitigation and air quality improvement program under section 149 of such title \$1,192,619,000 for fiscal year 1998, \$1,345,415,000 for fiscal year 1999, \$1,358,138,000 for fiscal year 2000, \$1,384,930,000 for fiscal year 2001, \$1,407,474,000 for fiscal year 2002, and \$1,433,996,000 for fiscal year 2003.

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 112

(6) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) \$450,000,000 for each of fiscal years 1999 through 2003.

(7) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of such title \$30,000,000 for fiscal year 1998, \$40,000,000 for fiscal year 1999, and \$50,000,000 for each of fiscal years 2000 through 2003.

(8) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title \$225,000,000 for fiscal year 1998 and \$275,000,000 for each of fiscal years 1999 through 2003.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of such title \$196,000,000 for fiscal year 1998 and \$246,000,000 for each of fiscal years 1999 through 2003.

(C) PARK ROADS AND PARKWAYS.—For park roads and parkways under section 204 of such title \$115,000,000 for fiscal year 1998 and \$165,000,000 for each of fiscal years 1999 through 2003.

(D) REFUGE ROADS.—For refuge roads under section 204 of such title \$20,000,000 for each of fiscal years 1999 through 2003.

(9) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—For the national corridor planning and development and coordinated border infrastructure programs under sections 1118 and 1119 of this Act \$140,000,000 for each of fiscal years 1999 through 2003.

(10) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) \$30,000,000 for each of fiscal year 1998 and \$38,000,000 for each of fiscal years 1999 through 2003.

112 STAT. 113

(11) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of title 23, United States Code, \$23,500,000 for each of fiscal years 1998 and 1999, \$24,500,000 for each of fiscal years 2000 and 2001, and \$25,500,000 for fiscal year 2002, and \$26,500,000 for fiscal year 2003.

(12) VALUE PRICING PILOT PROGRAM.—For the value pricing pilot program under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) \$7,000,000 for fiscal year 1999, and \$11,000,000 for each of fiscal years 2000 through 2003.

(13) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, \$1,025,695,000 for fiscal year 1998, \$1,398,675,000 for fiscal year 1999, \$1,678,410,000 for fiscal year 2000, \$1,678,410,000 for fiscal year 2001, \$1,771,655,000 for fiscal year 2002, and \$1,771,655,000 for fiscal year 2003.

(14) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 143 of such title \$5,000,000 for each of fiscal years 1998 through 2003.

(15) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(r) of this Act \$110,000,000 for fiscal years 1998 through 2003.

23 USC 101 note.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$16,600,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

Notification.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

112 STAT. 114

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include, but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, résumé of principal owners, financial capacity, and type of work preferred.

(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

Reports.

(6) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 114

General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of paragraph (1), including an analysis of—

(A) in the case of small business concerns certified in each State under paragraph (4) as owned and controlled by socially and economically disadvantaged individuals—

(i) the number of the small business concerns; and

(ii) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, III, and V of this Act;

(B) in the case of small business concerns described in subparagraph (A) that receive prime contracts and subcontracts funded under titles I, III, and V of this Act—

(i) the number of the small business concerns;

(ii) the annual gross receipts of the small business concerns; and

(iii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(C) in the case of small business concerns described in subparagraph (A) that do not receive prime contracts and subcontracts funded under titles I, III, and V of this Act—

(i) the annual gross receipts of the small business concerns; and

(ii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(D) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, III, and V of this Act, other than small business concerns described in subparagraph (B)—

(i) the annual gross receipts of the business concerns; and

(ii) the net worth of individuals that own and control the business concerns;

(E) the rate of graduation from any programs carried out to comply with the requirement of paragraph (1) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(F) the overall cost of administering the requirement of paragraph (1), including administrative costs, certification costs, additional construction costs, and litigation costs;

(G) any discrimination on the basis of race, color, national origin, or sex against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(H)(i) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, III, and V of this Act; and

112 STAT. 115

(ii) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(I) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(J) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(i) the issuance of a final order described in paragraph (5) by a Federal court that suspends a program established under paragraph (1); or

(ii) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(K) the impact of the requirement of paragraph (1), and any program carried out to comply with paragraph (1), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

* * * * *

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 110 and inserting the following:

“§ 110. Revenue aligned budget authority

“(a) DETERMINATION OF AMOUNT.—On October 15 of fiscal year 1999, and each fiscal year thereafter, the Secretary shall allocate an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(I)(cc)).

“(b) GENERAL DISTRIBUTION.—The Secretary shall—

“(1) determine the ratio that—

“(A) the sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of the for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program) for which funds are allocated from such Trust Fund by the Secretary under this title and the Transportation Equity Act for the 21st Century for a fiscal year, bears to

“(B) the total of all sums authorized to be appropriated from such Trust Fund for such programs for such fiscal year;

“(2) multiply the ratio determined under paragraph (1) by the total amount of funds to be allocated under subsection (a) for such fiscal year;

“(3) allocate the amount determined under paragraph (2) among such programs in the ratio that—

“(A) the sums authorized to be appropriated from such Trust Fund for each of such programs for such fiscal year, bears to

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 130

“(B) the sums authorized to be appropriated from such Trust Fund for all such programs for such fiscal year; and

“(4) allocate the remainder of the funds to be allocated under subsection (a) for such fiscal year to the States in the ratio that—

“(A) the total of all funds authorized to be appropriated from such Trust Fund for Federal-aid highway and highway safety construction programs that are apportioned to each State for such fiscal year but for this section, bears to

“(B) the total of all funds authorized to be appropriated from such Trust Fund for such programs that are apportioned to all States for such fiscal year but for this section.

“(c) STATE PROGRAMMATIC DISTRIBUTION.—Of the funds to be apportioned to each State under subsection (b)(4) for a fiscal year, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway System program, the bridge program, the surface transportation program, and the congestion mitigation air quality improvement program in the same ratio that each State is apportioned funds for such programs for such fiscal year but for this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this section for fiscal years beginning after September 30, 1998.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 110 and inserting the following:

112 STAT. 131

“110. Revenue aligned budget authority.”.

* * * * *

SEC. 1111. FEDERAL SHARE.

112 STAT. 145

(a) STATE-DETERMINED LOWER FEDERAL SHARE.—Section 120 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Except” and inserting the following:

“(1) IN GENERAL.—Except”;

(B) by adding at the end the following:

“(2) STATE-DETERMINED LOWER FEDERAL SHARE.—In the case of any project subject to paragraph (1), a State may determine a lower Federal share than the Federal share determined under such paragraph.”; and

(C) by aligning the remainder of the text of paragraph

(1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) of such subsection (as added by subparagraph (B) of this paragraph); and

(2) in subsection (b) by adding at the end the following:

“In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.”.

(b) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The first sentence of section 120(c) of such title is amended by inserting “or transit vehicles” after “emergency vehicles”.

112 STAT. 145

PUBLIC LAW 105-178—JUNE 9, 1998

(c) CREDIT FOR NON-FEDERAL SHARE.—Section 120 of such title is amended by adding at the end the following:

“(j) CREDIT FOR NON-FEDERAL SHARE.—

“(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any funds made available to carry out this title (other than the emergency relief program authorized by section 125) or chapter 53 of title 49 toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public, or private agencies shall have built, improved, or maintained such facilities without Federal funds.

“(2) MAINTENANCE OF EFFORT.—

“(A) IN GENERAL.—The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for any program under this title.

“(B) CONDITION ON RECEIPT OF CREDIT.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreement as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures in such fiscal year at or above the average level of such expenditures for the preceding 3 fiscal years; except that if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 130 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years, the agreement shall ensure that the State will maintain its non-Federal transportation capital expenditures in the fiscal year of the credit at or above the average level of such expenditures for the other 2 fiscal years.

“(C) TRANSPORTATION CAPITAL EXPENDITURES DEFINED.—In subparagraph (B), the term ‘non-Federal transportation capital expenditures’ includes any payments made by the State for issuance of transportation-related bonds.

“(3) TREATMENT.—

“(A) LIMITATION ON LIABILITY.—Use of a credit for a non-Federal share under this subsection that is received from a public, quasi-public, or private agency—

“(i) shall not expose the agency to additional liability, additional regulation, or additional administrative oversight; and

“(ii) shall not subject the agency to any additional Federal design standards or laws (including regulations) as a result of providing the non-Federal share other than those to which the agency is already subject.

“(B) CHARTERED MULTISTATE AGENCIES.—When a credit that is received from a chartered multistate agency is applied to a non-Federal share under this subsection, such credit shall be applied equally to all charter States.”.

23 USC 130.

(d) CONFORMING AMENDMENTS.—Section 130(a) of such title is amended—

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 146

(1) in the first sentence by striking “Except as provided in subsection (d) of section 120 of this title” and inserting “Subject to section 120”; and

(2) in the second sentence by striking “except as provided in subsection (d) of section 120 of this title” and inserting “subject to section 120”.

SEC. 1112. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

“§ 206. Recreational trails program

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) **MOTORIZED RECREATION.**—The term ‘motorized recreation’ means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

“(2) **RECREATIONAL TRAIL.**—The term ‘recreational trail’ means a thoroughfare or track across land or snow, used for recreational purposes such as—

“(A) pedestrian activities, including wheelchair use;

“(B) skating or skateboarding;

“(C) equestrian activities, including carriage driving;

“(D) nonmotorized snow trail activities, including skiing;

“(E) bicycling or use of other human-powered vehicles;

“(F) aquatic or water activities; and

“(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

“(b) **PROGRAM.**—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails.

“(c) **STATE RESPONSIBILITIES.**—To be eligible for apportionments under this section—

“(1) the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and

“(2) the State shall establish a State recreational trail advisory committee that represents both motorized and non-motorized recreational trail users, which shall meet not less often than once per fiscal year.

“(d) **USE OF APPORTIONED FUNDS.**—

“(1) IN GENERAL.—Funds apportioned to a State to carry out this section shall be obligated for recreational trails and related projects that—

“(A) have been planned and developed under the laws, policies, and administrative procedures of the State; and

“(B) are identified in, or further a specific goal of, a recreational trail plan, or a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.), that is in effect.

“(2) **PERMISSIBLE USES.**—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

112 STAT. 147

112 STAT. 147

PUBLIC LAW 105-178—JUNE 9, 1998

“(A) maintenance and restoration of existing recreational trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

“(C) purchase and lease of recreational trail construction and maintenance equipment;

“(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

“(i) permissible under other law;

“(ii) necessary and required by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) and that is in effect;

“(iii) approved by the administering agency of the State designated under subsection (c)(1); and

“(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

“(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section; and

“(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.

“(3) USE OF APPORTIONMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments made to a State for a fiscal year to carry out this section—

“(i) 40 percent shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres shall be exempt

112 STAT. 148

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 148

from the requirements of clauses (ii) and (iii) of subparagraph (A).

“(C) WAIVER AUTHORITY.—A State recreational trail advisory committee established under subsection (c)(2) may waive, in whole or in part, the requirements of clauses (ii) and (iii) of subparagraph (A) if the State recreational trail advisory committee determines and notifies the Secretary that the State does not have sufficient projects to meet the requirements of clauses (ii) and (iii) of subparagraph (A).

“(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

“(4) GRANTS.—

“(A) IN GENERAL.—A State may use funds apportioned to the State to carry out this section to make grants to private organizations, municipal, county, State, and Federal Government entities, and other government entities as approved by the State after considering guidance from the State recreational trail advisory committee established under subsection (c)(2), for uses consistent with this section.

112 STAT. 149

“(B) COMPLIANCE.—A State that makes grants under subparagraph (A) shall establish measures to verify that recipients of the grants comply with the conditions of the program for the use of grant funds.

“(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

“(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent of the cost of a project under this section; and

“(B) the share attributable to the Secretary and the Federal agency may not exceed 95 percent of the cost of a project under this section.

“(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the cost of the project may include amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section.

“(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project for a fiscal year under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for the fiscal year does not exceed 80 percent.

“(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) USES NOT PERMITTED.—A State may not obligate funds apportioned to carry out this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been designated for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by nonmotorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

“(h) PROJECT ADMINISTRATION.—

“(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

“(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

“(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency’s share in accordance with subsection (f).

“(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to the State to carry out this section

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 150

may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3)).

“(4) COOPERATION BY PRIVATE PERSONS.—

“(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

“(B) PUBLIC ACCESS.—Any use of the apportionments to a State to carry out this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) CONTRACT AUTHORITY.—Funds authorized to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.”. 112 STAT. 151

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”.

(c) REPEAL OF OBSOLETE PROVISION.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is repealed.

(d) TERMINATION OF ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended by adding at the end the following:

“(j) TERMINATION.—The advisory committee established by this section shall terminate on September 30, 2000.”.

(e) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code. 23 USC 206 note.

* * * * *

SEC. 1115. FEDERAL LANDS HIGHWAYS PROGRAM.

112 STAT. 154

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

“(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.”.

(b) ALLOCATIONS.—Section 202(d) of such title is amended—

(1) by inserting “INDIAN RESERVATION ROADS.—” after “(d)”;

(2) by inserting “(1) FOR FISCAL YEARS ENDING BEFORE OCTOBER 1, 1999.—” before “On October”;

(3) by inserting after “each fiscal year” the following: “ending before October 1, 1999”;

(4) by adding at the end the following:

“(2) FISCAL YEAR 2000 AND THEREAFTER.—

“(A) IN GENERAL.—All funds authorized to be appropriated for Indian reservation roads shall be allocated among Indian tribes for fiscal year 2000 and each subsequent fiscal year in accordance with a formula established by the Secretary of the Interior under a negotiated rule-making procedure under subchapter III of chapter 5 of title 5.

“(B) REGULATIONS.—Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year under this paragraph, in accordance with a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5. The regulations shall be issued in final form not later than April 1, 1999, and shall take effect not later than October 1, 1999.

“(C) NEGOTIATED RULEMAKING COMMITTEE.—In establishing a negotiated rulemaking committee to carry out subparagraph (B), the Secretary of the Interior shall—

“(i) apply the procedures under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between the Indian tribes and the United States; and

“(ii) ensure that the membership of the committee includes only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes.

“(D) BASIS FOR FUNDING FORMULA.—The funding formula established for fiscal year 2000 and each subsequent fiscal year under this paragraph shall be based on factors that reflect—

“(i) the relative needs of the Indian tribes, and reservation or tribal communities, for transportation assistance; and

“(ii) the relative administrative capacities of, and challenges faced by, various Indian tribes, including the cost of road construction in each Bureau of Indian Affairs area, geographic isolation and difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources.

“(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads to pay for the costs of programs, services, functions, and activities, or portions thereof, that are specifically or functionally related to the cost of planning, research, engineering, and

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 155

construction of any highway, road, bridge, parkway, or transit facility that provides access to or is located within the reservation or community of an Indian tribe shall be made available, upon request of the Indian tribal government, to the Indian tribal government for contracts and agreements for such planning, research, engineering, and construction in accordance with the Indian Self-Determination and Education Assistance Act.

“(B) EXCLUSION OF AGENCY PARTICIPATION.—Funds for programs, functions, services, or activities, or portions thereof, including supportive administrative functions that are otherwise contractible to which subparagraph (A) applies, shall be paid in accordance with subparagraph (A) without regard to the organizational level at which the Department of the Interior that has previously carried out such programs, functions, services, or activities.

“(4) RESERVATION OF FUNDS.—

“(A) NATIONWIDE PRIORITY PROGRAM.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

112 STAT. 156

“(B) RESERVATION.—Of the amounts authorized to be appropriated for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than \$13,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate de-icer to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

“(C) ELIGIBLE BRIDGES.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

“(i) have an opening of 20 feet or more;

“(ii) be on an Indian reservation road;

“(iii) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

“(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

“(D) APPROVAL REQUIREMENT.—Funds to carry out Indian reservation road bridge projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary.”; and

(5) by indenting paragraph (1) (as designated by paragraph (2) of this paragraph) and aligning paragraph (1) with paragraphs (2), (3), and (4) (as added by paragraph (4) of this paragraph).

(c) AVAILABILITY OF FUNDS.—Section 203 of such title is amended by adding at the end the following: “Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to pay the Federal share of the cost of the project.”.

23 USC 203.

(d) PLANNING AND AGENCY COORDINATION.—Section 204 of such title is amended—

(1) by striking subsection (a) and inserting the following:
“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

“(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

“(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

“(A) shall be developed in cooperation with States and metropolitan planning organizations; and

“(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

“(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.”;

(2) in subsection (b) by striking the first 3 sentences and inserting the following: “Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.”;

(3) in the first sentence of subsection (e) by striking “Secretary of the Interior” and inserting “Secretary of the appropriate Federal land management agency”;

(4) in subsection (h) by adding at the end the following:

“(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.”;

(5) by striking subsection (i) and inserting the following:

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 157

“(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

“(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section.”; and

(6) in subsection (j) by striking the second sentence and inserting the following: “The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).”.

112 STAT. 158

(e) REFUGE ROADS.—

(1) AUTHORIZATIONS.—Section 201 of such title is amended in the first sentence by inserting “refuge roads,” before “public lands highways,”.

23 USC 201.

(2) ALLOCATIONS.—Section 202 of such title is amended by adding at the end the following:

“(e) REFUGE ROADS.—On October 1 of each fiscal year, the Secretary shall allocate the sums made available for that fiscal year for refuge roads according to the relative needs of the various refuges in the National Wildlife Refuge System, and taking into consideration—

Effective date.

“(1) the comprehensive conservation plan for each refuge;

“(2) the need for access as identified through land use planning; and

“(3) the impact of land use planning on existing transportation facilities.”.

(3) AVAILABILITY OF FUNDS.—Section 203 of such title is amended in the first and fourth sentences—

(A) by striking “for,” and inserting “for”; and

(B) by inserting “refuge roads,” after “parkways,” each place it appears.

(4) USE OF FUNDING.—Section 204 of such title is amended by adding at the end the following:

“(k) REFUGE ROADS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, funds made available for refuge roads shall be used by the Secretary and the Secretary of the Interior only to pay the cost of—

“(A) maintenance and improvements of refuge roads;

“(B) maintenance and improvements of eligible projects described in paragraphs (2), (5), and (6) of subsection (h) that are located in or adjacent to wildlife refuges; and

“(C) administrative costs associated with such maintenance and improvements.

“(2) CONTRACTS.—In carrying out paragraph (1), the Secretary and the Secretary of the Interior, as appropriate, may

enter into contracts with a State or civil subdivision of a State or Indian tribe as is determined advisable.

“(3) COMPLIANCE WITH OTHER LAW.—Funds made available for refuge roads shall be used only for projects that are in compliance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).”.

* * * * *

SEC. 1201. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended to read as follows:

“(a) DEFINITIONS.—In this title, the following definitions apply:

“(1) APPORTIONMENT.—The term ‘apportionment’ includes unexpended apportionments made under prior authorization laws.

“(2) CARPOOL PROJECT.—The term ‘carpool project’ means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and individuals with disabilities, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

“(3) CONSTRUCTION.—The term ‘construction’ means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program. Such term includes—

“(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration of the Department of Commerce);

“(B) resurfacing, restoration, and rehabilitation;

“(C) acquisition of rights-of-way;

“(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

“(E) elimination of hazards of railway grade crossings;

“(F) elimination of roadside obstacles;

“(G) improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

“(H) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

“(4) COUNTY.—The term ‘county’ includes corresponding units of government under any other name in States that

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 165

do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

“(5) FEDERAL-AID HIGHWAY.—The term ‘Federal-aid highway’ means a highway eligible for assistance under this chapter other than a highway classified as a local road or rural minor collector.

“(6) FEDERAL-AID SYSTEM.—The term ‘Federal-aid system’ means any of the Federal-aid highway systems described in section 103.

“(7) FEDERAL LANDS HIGHWAY.—The term ‘Federal lands highway’ means a forest highway, public lands highway, park road, parkway, refuge road, and Indian reservation road that is a public road.

“(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term ‘forest development roads and trails’ means forest roads and trails under the jurisdiction of the Forest Service.

“(9) FOREST HIGHWAY.—The term ‘forest highway’ means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

“(10) FOREST ROAD OR TRAIL.—The term ‘forest road or trail’ means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System that is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

“(11) HIGHWAY.—The term ‘highway’ includes—

“(A) a road, street, and parkway;

“(B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and

“(C) a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

“(12) INDIAN RESERVATION ROAD.—The term ‘Indian reservation road’ means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

“(13) INTERSTATE SYSTEM.—The term ‘Interstate System’ means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

“(14) MAINTENANCE.—The term ‘maintenance’ means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.

“(15) MAINTENANCE AREA.—The term ‘maintenance area’ means an area that was designated as a nonattainment area,

112 STAT. 166

but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

“(16) NATIONAL HIGHWAY SYSTEM.—The term ‘National Highway System’ means the Federal-aid highway system described in section 103(b).

“(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term ‘operating costs for traffic monitoring, management, and control’ includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

“(18) OPERATIONAL IMPROVEMENT.—The term ‘operational improvement’—

“(A) means (i) a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs, and (ii) such other capital improvements to public roads as the Secretary may designate, by regulation; and

“(B) does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

“(19) PARK ROAD.—The term ‘park road’ means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

“(20) PARKWAY.—The term ‘parkway’, as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

“(21) PROJECT.—The term ‘project’ means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

“(22) PROJECT AGREEMENT.—The term ‘project agreement’ means the formal instrument to be executed by the State transportation department and the Secretary as required by section 106.

“(23) PUBLIC AUTHORITY.—The term ‘public authority’ means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

“(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term ‘public lands development roads and trails’ means those roads and trails that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under the control of the Secretary of the Interior.

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 167

“(25) PUBLIC LANDS HIGHWAY.—The term ‘public lands highway’ means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

“(26) PUBLIC LANDS HIGHWAYS.—The term ‘public lands highways’ means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, which are on the Federal-aid systems.

“(27) PUBLIC ROAD.—The term ‘public road’ means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

“(28) REFUGE ROAD.—The term ‘refuge road’ means a public road that provides access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the United States Government.

“(29) RURAL AREAS.—The term ‘rural areas’ means all areas of a State not included in urban areas.

“(30) SAFETY IMPROVEMENT PROJECT.—The term ‘safety improvement project’ means a project that corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at locations with high accident potential.

“(31) SECRETARY.—The term ‘Secretary’ means Secretary of Transportation.

“(32) STATE.—The term ‘State’ means any of the 50 States, the District of Columbia, or Puerto Rico.

“(33) STATE FUNDS.—The term ‘State funds’ includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State transportation department.

“(34) STATE TRANSPORTATION DEPARTMENT.—The term ‘State transportation department’ means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

“(35) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term ‘transportation enhancement activities’ means, with respect to any project or the area to be served by the project, any of the following activities if such activity relates to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs (including the provision of tourist and welcome center facilities), landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water

112 STAT. 168

pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and establishment of transportation museums.

“(36) URBAN AREA.—The term ‘urban area’ means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

“(37) URBANIZED AREA.—The term ‘urbanized area’ means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.”.

* * * * *

SEC. 1203. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS.—Section 134(a) of title 23, United States Code, is amended to read as follows:

“(a) GENERAL REQUIREMENTS.—

“(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

“(2) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

“(3) CONTENTS.—The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

“(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.”.

(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 170

(1) IN GENERAL.—Section 134(b) of such title is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

“(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

“(B) in accordance with procedures established by applicable State or local law.

“(2) STRUCTURE.—Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

“(A) local elected officials;

“(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and

“(C) appropriate State officials.”.

(2) CONTINUING DESIGNATION.—Section 134(b)(4) of such title is amended to read as follows:

“(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).”.

(3) REDESIGNATION.—Section 134(b)(5)(A) of such title is amended—

(A) by striking “among” and inserting “between”; and

(B) by striking “which together” and inserting “that together”.

(4) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—Section 134(b)(6) of such title is amended to read as follows:

“(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.”.

(c) METROPOLITAN PLANNING AREA BOUNDARIES.—Section 134(c) of such title is amended—

(1) in the subsection heading by inserting “PLANNING” before “AREA”;

(2) in the first sentence—

(A) by striking “For the purposes” and inserting the following:

“(1) IN GENERAL.—For the purposes”; and

(B) by inserting “planning” before “area”;

112 STAT. 171

23 USC 134.

112 STAT. 171

PUBLIC LAW 105-178—JUNE 9, 1998

(3) by striking the second sentence and all that follows and inserting the following:

112 STAT. 172

“(2) INCLUDED AREA.—Each metropolitan planning area—

“(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

“(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

“(3) EXISTING METROPOLITAN PLANNING AREAS IN NON-ATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (b)(5).

“(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

“(A) shall be established in the manner described in subsection (b)(1);

“(B) shall encompass the areas described in paragraph (2)(A);

“(C) may encompass the areas described in paragraph (2)(B); and

“(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.”; and

(4) by aligning paragraph (1) (as designated by paragraph (2)(A) of this subsection) with paragraphs (2) through (4) (as inserted by paragraph (3) of this subsection).

23 USC 134.

(d) COORDINATION IN MULTISTATE AREAS.—Section 134(d) of such title is amended to read as follows:

“(d) COORDINATION IN MULTISTATE AREAS.—

“(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

“(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

“(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

“(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

“(3) LAKE TAHOE REGION.—

“(A) DEFINITION.—In this paragraph, the term ‘Lake Tahoe region’ has the meaning given the term ‘region’

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 172

in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96-551 (94 Stat. 3234).

“(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall— 112 STAT. 173

“(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

“(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

“(C) INTERSTATE COMPACT.—

“(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

California.
Nevada.

“(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

“(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

“(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

“(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

“(ii) may, in accordance with chapter 2, be funded using funds allocated under section 202.

“(4) RECIPIENTS OF OTHER ASSISTANCE.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

“(A) by recipients of assistance under chapter 53 of title 49; and

112 STAT. 173

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 174 “(B) by governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services.”.

23 USC 134. (e) COORDINATION OF MPOS.—Section 134(e) of such title is amended—

(1) in the subsection heading by striking “MPO’s” and inserting “MPOS”;

(2) by striking “If” and inserting the following:

“(1) NONATTAINMENT AREAS.—If”;

(3) by adding at the end the following:

“(2) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.”; and

(4) by aligning paragraph (1) (as designated by paragraph (2) of this subsection) with paragraph (2) (as added by paragraph (3) of this subsection).

(f) SCOPE OF PLANNING PROCESS.—Section 134(f) of such title is amended to read as follows:

“(f) SCOPE OF PLANNING PROCESS.—

“(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

“(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

“(C) increase the accessibility and mobility options available to people and for freight;

“(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

“(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

“(F) promote efficient system management and operation; and

“(G) emphasize the preservation of the existing transportation system.

“(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.”.

(g) LONG-RANGE TRANSPORTATION PLAN.—Section 134(g) of such title is amended—

(1) in paragraph (2) by striking “, at a minimum” and inserting “contain, at a minimum, the following”;

(2) in paragraph (2)(A) by striking “Identify” and inserting “An identification of”; and

(3) by striking paragraph (2)(B) and inserting the following:

“(B) A financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indicates resources from public and private sources

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 174

that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.”;

112 STAT. 175

(4) in paragraph (4)—

(A) by inserting after “employees,” the following: “freight shippers, providers of freight transportation services,”; and

(B) by inserting after “private providers of transportation,” the following: “representatives of users of public transit,”;

(5) by adding at the end the following:

“(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

Notwithstanding paragraph (2)(B), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B).”;

(6) in the subsection heading by striking “LONG RANGE PLAN” and inserting “LONG-RANGE TRANSPORTATION PLAN”;

(7) in the headings for paragraphs (2) and (5) by striking “LONG RANGE PLAN” and inserting “LONG-RANGE TRANSPORTATION PLAN”; and

(8) by striking “long range plan” each place it appears and inserting “long-range transportation plan”.

(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

Section 134(h) of such title is amended to read as follows:

23 USC 134.

“(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

“(1) DEVELOPMENT.—

“(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

“(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

“(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

112 STAT. 175

PUBLIC LAW 105-178—JUNE 9, 1998

“(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

112 STAT. 176

“(2) CONTENTS.—The transportation improvement program shall include—

“(A) a priority list of proposed federally supported projects and strategies to be carried out within each 3-year period after the initial adoption of the transportation improvement program; and

“(B) a financial plan that—

“(i) demonstrates how the transportation improvement program can be implemented;

“(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

“(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

“(iv) may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.

“(3) INCLUDED PROJECTS.—

“(A) PROJECTS UNDER THIS CHAPTER AND CHAPTER 53 OF TITLE 49.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under this chapter and chapter 53 of title 49.

“(B) PROJECTS UNDER CHAPTER 2.—

“(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

“(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

“(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

“(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

“(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 176

transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

“(5) SELECTION OF PROJECTS.—

“(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

112 STAT. 177

“(i) by—

“(I) in the case of projects under this chapter, the State; and

“(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

“(ii) in cooperation with the metropolitan planning organization.

“(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

“(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

“(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

“(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved transportation improvement program.

“(7) PUBLICATION.—

“(A) PUBLICATION OF TRANSPORTATION IMPROVEMENT PROGRAMS.—A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

“(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the transportation improvement program.”

(i) TRANSPORTATION MANAGEMENT AREAS.—

(1) REQUIRED DESIGNATIONS.—Section 134(i)(1) of such title is amended to read as follows: 23 USC 134.

“(1) DESIGNATION.—

“(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

112 STAT. 177

PUBLIC LAW 105-178—JUNE 9, 1998

“(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.”.

(2) SELECTION OF PROJECTS.—Section 134(i)(4) of such title is amended to read as follows:

“(4) SELECTION OF PROJECTS.—

112 STAT. 178

“(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

“(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate maintenance program shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.”.

23 USC 134.

(3) CERTIFICATION.—Section 134(i)(5) of such title is amended to read as follows:

“(5) CERTIFICATION.—

“(A) IN GENERAL.—The Secretary shall—

“(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

“(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

“(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

“(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

“(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor.

“(C) EFFECT OF FAILURE TO CERTIFY.—

“(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

“(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 178

“(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

“(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.”.

112 STAT. 179

(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—Section 134(j) of such title is amended to read as follows:

“(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

“(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated long-range transportation plan and transportation improvement program for the metropolitan area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

“(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).”.

(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Section 134(l) of such title is amended—

23 USC 134.

(1) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Notwithstanding”; and

(2) by adding at the end the following:

“(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).”.

(l) FUNDING.—Section 134(n) of such title is amended to read as follows:

“(n) FUNDING.—

“(1) IN GENERAL.—Funds set aside under section 104(f) of this title to carry out sections 5303 through 5305 of title 49 shall be available to carry out this section.

“(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.”.

(m) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 134 of such title is amended by adding at the end the following:

“(o) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the

112 STAT. 179

PUBLIC LAW 105-178—JUNE 9, 1998

National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”.

(n) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134 and inserting the following:

“134. Metropolitan planning.”.

112 STAT. 180

SEC. 1204. STATEWIDE PLANNING.

(a) GENERAL REQUIREMENTS.—Section 135(a) of title 23, United States Code, is amended to read as follows:

“(a) GENERAL REQUIREMENTS.—

“(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

“(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

“(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

“(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.”.

(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—Section 135(b) of such title is amended by inserting after “of this title” the following: “and sections 5303 through 5305 of title 49”.

(c) SCOPE OF PLANNING PROCESS.—Section 135(c) of such title is amended to read as follows:

“(c) SCOPE OF PLANNING PROCESS.—

“(1) IN GENERAL.—Each State shall carry out a transportation planning process that provides for consideration of projects and strategies that will—

“(A) support the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

“(C) increase the accessibility and mobility options available to people and for freight;

“(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

“(E) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 180

“(F) promote efficient system management and operation; and

“(G) emphasize the preservation of the existing transportation system.

“(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.”.

112 STAT. 181

(d) ADDITIONAL REQUIREMENTS.—Section 135(d) of such title is amended to read as follows: 23 USC 135.

“(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

“(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

“(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

“(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.”.

(e) LONG-RANGE TRANSPORTATION PLAN.—Section 135(e) of such title is amended to read as follows:

“(e) LONG-RANGE TRANSPORTATION PLAN.—

“(1) DEVELOPMENT.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

“(2) CONSULTATION WITH GOVERNMENTS.—

“(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the long-range transportation plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

“(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with affected local officials with responsibility for transportation.

“(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

“(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the long-range transportation plan, the State shall—

“(A) provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, representatives of users of public transit, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

“(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

112 STAT. 181

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 182

23 USC 135.

“(4) FINANCIAL PLAN.—The long-range transportation plan may include a financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

“(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (4), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (4).”.

(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f) of such title is amended to read as follows:

“(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

“(1) DEVELOPMENT.—

“(A) IN GENERAL.—Each State shall develop a transportation improvement program for all areas of the State.

“(B) CONSULTATION WITH GOVERNMENTS.—

“(i) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

“(ii) NONMETROPOLITAN AREAS.—

“(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected local officials with responsibility for transportation.

“(II) REVIEW.—Not later than 1 year after the date of enactment of this subclause, the State shall submit to the Secretary the details of the consultative planning process developed by the State for nonmetropolitan areas under subclause (I). The Secretary shall not review or approve such process.

“(iii) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

“(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

“(2) INCLUDED PROJECTS.—

“(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

“(B) CHAPTER 2 PROJECTS.—

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 182

“(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

“(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

112 STAT. 183

“(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be—

“(i) consistent with the long-range transportation plan developed under this section for the State;

“(ii) identical to the project as described in an approved metropolitan transportation improvement program; and

“(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under such Act.

“(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

“(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

“(F) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

“(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E).

“(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

“(G) PRIORITIES.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this title.

“(3) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

112 STAT. 183

PUBLIC LAW 105-178—JUNE 9, 1998

“(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected local officials.

112 STAT. 184

“(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out in areas described in subparagraph (A) on the National Highway System and projects carried out in such areas under the bridge program or the Interstate maintenance program shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

“(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section, section 134, and sections 5303 through 5305 of title 49, approved not less frequently than biennially by the Secretary.

“(5) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project in the program.”.

23 USC 135.

(g) FUNDING.—Section 134(g) of such title is amended by striking “section 307(c)(1)” and inserting “section 505(a)”.

(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 135 of such title is amended by adding at the end the following:

“(i) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”.

23 USC 135 note.

(i) PARTICIPATION OF LOCAL ELECTED OFFICIALS.—

(1) STUDY.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming. In conducting the study, the Secretary shall consider the degree of cooperation between each State, local officials in rural areas in the State, and regional planning and development organizations in the State.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

* * * * *

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 193

SEC. 1212. MISCELLANEOUS.

(a) STATE TRANSPORTATION DEPARTMENT.—

(1) IN GENERAL.—Section 302 of title 23, United States Code, is amended—

(A) in subsection (a) by striking the second sentence; and

(B) by striking subsection (b) and inserting the following:

“(b) EFFECT OF COMPLIANCE.—Compliance with subsection (a) shall have no effect on the eligibility of costs.”.

(2) CHANGE IN TERM DEFINED.—

(A) IN GENERAL.—Title 23, United States Code, is amended—

(i) by striking “State highway department” each place it appears and inserting “State transportation department”; and 23 USC 102 *et seq.*

(ii) by striking “State highway departments” each place it appears and inserting “State transportation departments”. 23 USC 104 *et seq.*

(B) CONFORMING AMENDMENTS.—

(i) The analysis for chapter 3 of title 23, United States Code, is amended in the item relating to section 302 by striking “highway” and inserting “transportation”.

(ii) Section 302 of title 23, United States Code, is amended in the section heading by striking “**highway**” and inserting “**transportation**”.

(iii) Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking “State highway department” and inserting “State transportation department”.

(iv) Section 138(c) of the Surface Transportation Assistance Act of 1978 (40 U.S.C. App. (note to section 201 of the Appalachian Regional Development Act of 1965); 92 Stat. 2710) is amended in the first sentence—

(I) by striking “Federal-aid primary system” and inserting “National Highway System”; and

(II) by striking “State highway department” and inserting “State transportation department”.

(b) INFRASTRUCTURE AWARENESS PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to fund the production, in cooperation with a not-for-profit national public television station and the National Academy of Engineering, of a documentary about infrastructure that shall demonstrate how public works and infrastructure projects stimulate job growth and the economy and contribute to the general welfare of the Nation.

112 STAT. 194

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the cost of production of the documentary shall be 60 percent. The non-Federal share shall be provided from private sources and shall include amounts expended by such sources for the production before the date of enactment of this Act.

(B) CALCULATION.—The calculation of the Federal and non-Federal shares under this paragraph shall be made

over the term for which sums are authorized to be appropriated under paragraph (3).

(3) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$888,000 for fiscal year 1998, and \$1,000,000 for each of fiscal years 1999 and 2000. Such funds shall remain available until expended.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this paragraph shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this subsection shall be determined in accordance with this subsection.

(c) MASS TRANSPORTATION BUSES.—Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended by striking “the date on which” and all that follows through “1995” and inserting “October 1, 2003”.

(d) VEHICLE WEIGHT LIMITATIONS.

(1) IN GENERAL.—Section 127(a) of title 23, United States Code, is amended—

Colorado.

(A) by inserting before the next to the last sentence the following: “With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.”; and

Louisiana.

(B) by adding at the end the following: “The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually. With respect to Interstate Route 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.”.

New Hampshire.

Maine.

(2) STUDIES.—

(A) COLORADO.—

112 STAT. 195

(i) IN GENERAL.—In consultation with the Secretary, the State of Colorado shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(A), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 195

Mass Transit Account) \$200,000 for fiscal year 1999 to carry out the study.

(B) LOUISIANA.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Louisiana shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$200,000 for fiscal year 1999 to carry out the study.

(C) MAINE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Maine shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$200,000 for fiscal year 1999 to carry out the study.

(D) NEW HAMPSHIRE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of New Hampshire shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$200,000 for fiscal year 1999 to carry out the study.

(E) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—

Funds authorized by this paragraph shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

(k) DRIVER TRAINING AND SAFETY CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to establish a driver training and safety center at Connellsville, Pennsylvania.

112 STAT. 196
Pennsylvania.

(2) PURPOSE.—The purpose of the facility shall be to train and enhance the driving skills of motor vehicle and emergency vehicle operators.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$2,500,000 for each of fiscal years 1999 through 2001.

112 STAT. 196

PUBLIC LAW 105-178—JUNE 9, 1998

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall remain available until expended.

(1) OHIO RIVER WELCOME CENTER.—

West Virginia.

(1) IN GENERAL.—The Secretary shall make grants to establish a welcome center in Point Pleasant, West Virginia.

(2) ACCESS.—The center shall be accessible by motor vehicle, bicycle, pedestrian walkway, and river transportation.

(3) FACILITIES.—The center shall include a comfort station, picnic and sitting plaza, a small amphitheater, a deep river port, a marina, and a walking trail.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$412,900 for fiscal year 1999, \$1,362,500 for fiscal year 2000, and \$699,500 for fiscal year 2001.

(5) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities carried out using the funds shall be 50 percent and the funds shall remain available until expended.

(m) PROJECT FLEXIBILITY FOR MINNESOTA.—Notwithstanding any other provision of law, funds allocated for a project in the State of Minnesota under section 117 of title 23, United States Code, may be obligated for any other project in the State for which funds are so allocated; except that the total amount of funds authorized for any project for which funds are so allocated shall not be reduced.

(n) BALTIMORE WASHINGTON PARKWAY.—Notwithstanding any other provision of law, the Federal share of the cost of a project for which funds are allocated under section 117 of title 23, United States Code, for renovation and construction of the Baltimore Washington Parkway in Prince Georges County, Maryland, shall be 100 percent.

23 USC 402 note.

(o) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) to operate a national bicycle and pedestrian clearinghouse;

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

112 STAT. 197

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$500,000 for each of fiscal years 1998 through 2003.

(E) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 197

(p) HEAVY EQUIPMENT OPERATOR TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a heavy equipment operator training facility in Hibbing, Minnesota. The purpose of the facility shall be to develop an appropriate curriculum for training, and to train operators and future operators of heavy equipment in the safe use of such equipment.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$500,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of establishment of the facility under this subsection shall be 80 percent and such funds shall remain available until expended.

(q) MOTOR CARRIER OPERATOR VEHICLE AND TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall make grants to the Commonwealth of Pennsylvania to establish and operate an advanced tractor trailer safety and operator training facility in Chambersburg, Pennsylvania. The purpose of the facility shall be to develop and coordinate an advance curriculum for the training of operators and future operators of tractor trailers. The facility shall conduct training on the test track at Letterkenny Army Depot and the unused segment of the Pennsylvania Turnpike located in Bedford County, Pennsylvania. The facility shall be operated by a not-for-profit entity and, when Federal assistance is no longer being provided with respect to the facility, shall be privately operated.

Pennsylvania.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$500,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended and the Federal share of the cost of establishment and operation of the facility under this subsection shall be 80 percent.

(r) HIGH PRIORITY LAS VEGAS INTERMODAL CENTER.—

(1) IN GENERAL.—The Secretary shall provide \$2,000,000 for fiscal year 1999 and \$2,500,000 for fiscal year 2000 for the High Priority Las Vegas Intermodal Center in Las Vegas, Nevada.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

112 STAT. 198

(s) SEISMIC DESIGN.—

(1) IN GENERAL.—The Secretary shall provide—

(A) \$8,000,000 for fiscal year 1999 for seismic design and engineering of the Mississippi/Arkansas Great River Bridge;

112 STAT. 198

PUBLIC LAW 105-178—JUNE 9, 1998

(B) \$8,000,000 for fiscal year 1999 to the State of Missouri for seismic design and deployment; and

(C) \$7,000,000 for fiscal year 1999 to the State of Arkansas for seismic design and deployment.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(t) BILOXI HARBOR, MISSISSIPPI.—The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South $\frac{1}{2}$ of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

(u) CLARIFICATION.—Notwithstanding any other provision of law, the Commonwealth of Pennsylvania is authorized to proceed with engineering, final design, and construction of Corridor O of the Appalachian development highway system between Bald Eagle and Interstate Route 80. All records of decision relating to Corridor O issued prior to the date of enactment of this Act shall remain in effect.

Effective date.

92 Stat. 1650.

(v) BOUNDARY WATERS CANOE AREA.—Effective January 1, 1999, section 4 of the Act of October 21, 1978 (Public Law 95-495) is amended—

(1) by striking subsection (g) and inserting the following:
“(g) Nothing in this Act shall be construed to prevent the operation of motorized vehicles to transport boats across the portages between the Moose Lake Chain and Basswood Lake, Minnesota, and between Vermilion Lake and Trout Lake, Minnesota.”; and

(2) in subsection (c)(2) by striking “; Alder, Cook County; Canoe, Cook County”.

(w) MISCELLANEOUS PROJECTS.—

(1) REPLACEMENT OF ROSLYN VIADUCT.—

(A) PROJECT.—The Secretary is authorized to carry out a project for replacement of a segment of the Roslyn elevated highway (NY25A) on Long Island, New York.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph \$51,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(2) DESIGN AND ENGINEERING FOR MILLER HIGHWAY.—

(A) PROJECT.—The Secretary is authorized to carry out a project for design and engineering of the Miller Highway on the west side of Manhattan, New York.

112 STAT. 199

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph \$15,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(3) WILLIAMSVILLE TOLL BARRIER.—

(A) PROJECT.—The Secretary is authorized to carry out a project to relocate a toll barrier complex to relieve traffic congestion in the Buffalo, New York, area.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph \$20,000,000 for fiscal

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 199

years beginning after September 30, 1998. Such sums shall remain available until expended.

(x) ST. GEORGES, DELAWARE.—The Secretary of the Army shall transfer all right, title, and interest of the United States in the highway bridge on United States Route 13 in the vicinity of St. Georges, Delaware, to the State of Delaware if the transfer is necessary to facilitate retransfer to a private entity for the purpose of demonstrating the effectiveness and efficiency of the use of large-scale composites technology for bridge rehabilitation. In evaluating the level of service for all Federal crossings over the Chesapeake and Delaware Canal in Delaware, the total vehicle trips per day on this transferred bridge shall be attributed to the remaining Federal crossing at St. Georges, Delaware (the SR1 Bridge). If the transfer is completed within 180 days after the date of enactment of this Act, the Secretary shall provide \$10,000,000 to the State for the State to use in rehabilitating the bridge.

(y) MOUNT PARAN INTERCHANGE PROJECT FOR INTERSTATE ROUTE 75.—Notwithstanding any other provision of law, none of the funds made available under this Act or title 23, United States Code, shall be used to carry out a project to construct or improve the Mount Paran interchange on Interstate Route 75 in Georgia unless the Atlanta Regional Commission approves the project after the date of enactment of this Act.

(z) NITTANY PARKWAY.—The Secretary shall designate 31 miles of Pennsylvania State Route 26 between Huntingdon, Pennsylvania, and State College, Pennsylvania, as the Nittany Parkway.

Pennsylvania.

* * * * *

SEC. 1214. FEDERAL ACTIVITIES.

112 STAT. 204

(a) ACCESS TO JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—

District of
Columbia.
20 USC 76j note.

(1) STUDY.—The Secretary, in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior and in consultation with other interested persons, shall conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

(2) REPORT.—Not later than September 30, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study with an assessment of the impacts (including environmental, aesthetic, economic, and historical impacts) associated with the implementation of each of the methods examined under the study.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$500,000 for fiscal year 1998.

(4) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted using such funds shall be 100 percent and such funds shall remain available until expended.

112 STAT. 204

PUBLIC LAW 105-178—JUNE 9, 1998

20 USC 50 note.

(b) SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate amounts made available by this subsection for obligation at the discretion of the Secretary of the Smithsonian Institution, in consultation with the Secretary, to carry out projects and activities described in paragraph (2).

(2) ELIGIBLE USES.—Amounts allocated under paragraph (1) may be obligated only—

(A) for transportation-related exhibitions, exhibits, and educational outreach programs;

(B) to enhance the care and protection of the Nation's collection of transportation-related artifacts;

(C) to acquire historically significant transportation-related artifacts; and

(D) to support research programs within the Smithsonian Institution that document the history and evolution of transportation, in cooperation with other museums in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$1,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity under this subsection shall be 100 percent and such funds shall remain available until expended.

112 STAT. 205
West Virginia.
16 USC
460m-29a note.

(c) NEW RIVER VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall allocate to the Secretary of the Interior amounts made available by this subsection for the planning, design, and construction of a visitor center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources of the New River Gorge National River in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the I-64 Sandstone intersection.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,300,000 for fiscal year 1998, \$1,200,000 for fiscal year 1999, and \$9,900,000 for fiscal year 2000.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

23 USC 202 note.

(d) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 205

of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

(B) ROADS.—A public road referred to in subparagraph

(A) is a public road that—

(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(iii) is maintained by the county in which the public road is located.

(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

112 STAT. 206

(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

(B) any funding provided by a State to a county for road maintenance programs in the county.

(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b) of title 23, United States Code.

(5) FUNDING.—

(A) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,500,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(e) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—

112 STAT. 206

PUBLIC LAW 105-178—JUNE 9, 1998

(1) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(2) FUNDING.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2002, the Secretary may set aside not to exceed \$18,800,000 from amounts to be apportioned under section 104(b)(4) of title 23, United States Code, to carry out this section.

(B) AVAILABILITY.—Funds made available under subparagraph (1) shall remain available until expended.

16 USC 668dd
note.

(f) SACHUEST POINT NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide \$200,000 for fiscal year 1999 to the United States Fish and Wildlife Service to resurface the entrance road to Sachuest Point National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$200,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

16 USC 668dd
note.

(g) RUNWAY REMOVAL AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide \$300,000 for fiscal year 1999 to the United States Fish and Wildlife Service to remove asphalt runways at Ninigret National Wildlife Refuge and \$5,000,000 shall be available to the State of Rhode Island for improvements to the T.F. Green Intermodal Facility in Rhode Island for each of fiscal years 1999 through 2003.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$5,300,000 for fiscal year 1999 and \$5,000,000 for each of fiscal years 2000 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

16 USC 668dd
note.

(h) MIDDLETOWN VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall provide \$500,000 for fiscal year 1999 to the United States Fish and Wildlife Service for the Middletown visitor center at Sachuest Point National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$500,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

16 USC 668dd
note.

(i) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide \$750,000 for fiscal year 1999 to the United States Fish and Wildlife Service

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 207

to pave the entrance road to the Ninigret National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$750,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(j) EDUCATION CENTER.—

16 USC 668dd
note.

(1) IN GENERAL.—The Secretary shall provide \$1,000,000 for each of fiscal years 1999 through 2003 to the United States Fish and Wildlife Service for the education visitor center at the Rhode Island National Wildlife Refuge complex.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,000,000 for each of fiscal years 1999 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(k) RICHMOND NATIONAL BATTLEFIELD PARK.—

(1) IN GENERAL.—The Secretary shall provide \$1,000,000 for fiscal year 1999 to the National Park Service to revitalize the Tredegar Iron Works to serve as a visitor center for Richmond National Battlefield Park.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,000,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

112 STAT. 208

(l) ACCESS TO CORPS OF ENGINEERS.—

(1) IN GENERAL.—The Secretary shall provide \$800,000 for each of fiscal years 1999 through 2003 to the Corps of Engineers to be made available to the State of Missouri for resurfacing and maintenance of city and county roads that provide access to Corps of Engineers reservoirs.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$800,000 for each of fiscal years 1999 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(m) CIVIL WAR BATTLEFIELD PLAN.—

(1) IN GENERAL.—The Secretary shall provide \$250,000 for each of fiscal years 1999 and 2000 to the Department of the Interior to be made available to the Shenandoah Valley Battlefield National Historic District Commission for developing a plan for the interpretation and protection of 10 Civil War battlefields in the Shenandoah Valley.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account)

112 STAT. 208

PUBLIC LAW 105-178—JUNE 9, 1998

to carry out this subsection \$250,000 for each of fiscal years 1999 and 2000.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(n) DOT HEADQUARTERS FACILITY.—Before taking any action that leads to Government ownership of the Department of Transportation headquarters facility, through construction or purchase, the Administrator of General Services shall first seek approval of the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(o) FORT PECK, MONTANA.—

(1) FORT PECK, MONTANA, VISITORS CENTER.—The Secretary shall provide funds for the environmental review, planning, design, and construction of a historical and cultural visitors center and museum at Fort Peck, Montana.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$3,000,000 for each of fiscal years 1999 and 2000.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

(p) BRIDGES ON NATCHEZ TRACE PARKWAY, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall allocate to the State of Mississippi amounts available by this subsection to be used for replacement and widening of the box bridges on the Natchez Trace Parkway at Old Canton Road and at Rice Road in Madison County, Mississippi.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$5,000,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(q) LOLO PASS VISITOR CENTER.—

(1) GRANTS.—The Secretary shall make grants for the Lolo Pass Visitor Center in the State of Idaho.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$2,943,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(r) PUERTO RICO HIGHWAY PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate funds authorized by section 1101(a)(15) for each of fiscal years 1998 through

112 STAT. 209

Idaho.

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 209

2003 to the Commonwealth of Puerto Rico to carry out a highway program in such Commonwealth.

(2) **APPLICABILITY OF TITLE 23.**—Amounts made available by section 1101(a)(15) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such amounts shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

SEC. 1215. DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.

(a) **GETTYSBURG, PENNSYLVANIA.**—

(1) **RESTORATION OF TRAIN STATION.**—The Secretary shall allocate amounts made available by this subsection for the restoration of the Gettysburg, Pennsylvania, train station.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$400,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) **APPLICABILITY OF TITLE 23.**—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of restoration of the train station under this subsection shall be 80 percent and such funds shall remain available until expended.

(b) **CENTER.**—

Minnesota.

(1) **ESTABLISHMENT.**—The Secretary shall allocate funds made available to carry out this subsection to establish a center for national scenic byways in Duluth, Minnesota, to provide technical communications and network support for nationally designated scenic byway routes in accordance with paragraph (2).

112 STAT. 210

(2) **COMMUNICATIONS SYSTEMS.**—The center for national scenic byways shall develop and implement communications systems for the support of the national scenic byways program. Such communications systems shall provide local officials and planning groups associated with designated National Scenic Byways or All-American Roads with proactive, technical, and customized assistance through the latest technology that allows scenic byway officials to develop and sustain their National Scenic Byways or All-American Roads.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,500,000 for each of fiscal years 1998 through 2003.

(4) **APPLICABILITY OF TITLE 23.**—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection shall be 100 percent and such funds shall remain available until expended.

(c) **COAL HERITAGE TRAIL.**—

West Virginia.

(1) **IN GENERAL.**—The Secretary shall make grants to the State of West Virginia for the Coal Heritage Scenic Byway for the purposes set forth in section 204(h) of title 23, United States Code.

112 STAT. 210

PUBLIC LAW 105-178—JUNE 9, 1998

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$2,000,000 for each of fiscal years 1999 through 2001.

(3) **APPLICABILITY OF TITLE 23.**—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(d) **TRAFFIC CALMING MEASURES.**—

(1) **IN GENERAL.**—The Secretary shall provide \$5,000,000 for fiscal year 1999 and \$2,000,000 for each of fiscal years 2000 through 2003 to implement traffic calming measures in Fauquier and Loudoun Counties, Virginia.

(2) **APPLICABILITY OF TITLE 23.**—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(e) **PEDESTRIAN BRIDGE.**—

(1) **IN GENERAL.**—The Secretary shall provide \$1,000,000 for fiscal year 1999 for a pedestrian bridge over United States Route 29 at Emmet Street in Charlottesville, Virginia.

(2) **APPLICABILITY OF TITLE 23.**—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(f) **INTERPRETIVE CENTER.**—

(1) **IN GENERAL.**—The Secretary shall provide \$600,000 for fiscal year 1999 for construction of the Virginia Blue Ridge Parkway interpretive center located on the Roanoke River Gorge in Virginia.

(2) **APPLICABILITY OF TITLE 23.**—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(g) **CHAIN OF ROCKS BRIDGE.**—

(1) **IN GENERAL.**—The Secretary shall provide \$2,000,000 for fiscal year 1999 for the renovation and preservation of the Missouri Route 66 Chain of Rocks Bridge.

(2) **APPLICABILITY OF TITLE 23.**—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(h) **NOISE BARRIERS, DEKALB COUNTY, GEORGIA.**—Notwithstanding any other provision of law, the Secretary shall approve the construction of Type II noise barriers beginning on the west side of Interstate Route 285 extending from Northlake Parkway to Henderson Mill Road in Dekalb County, Georgia, from funds apportioned under sections 104(b)(1) and 104(b)(3) of title 23, United States Code.

* * * * *

112 STAT. 219

SEC. 1219. NATIONAL SCENIC BYWAYS PROGRAM.

(a) **IN GENERAL.**—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 219

“§ 162. National scenic byways program

“(a) DESIGNATION OF ROADS.—

“(1) IN GENERAL.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as National Scenic Byways or All-American Roads.

“(2) CRITERIA.—The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

“(3) NOMINATION.—To be considered for the designation, a road must be nominated by a State or a Federal land management agency and must first be designated as a State scenic byway or, in the case of a road on Federal land, as a Federal land management agency byway.

“(b) GRANTS AND TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall make grants and provide technical assistance to States to—

“(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

“(B) plan, design, and develop a State scenic byway program.

“(2) PRIORITIES.—In making grants, the Secretary shall give priority to—

“(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

“(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

“(C) each eligible project that is associated with the development of a State scenic byway program.

“(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

“(1) An activity related to the planning, design, or development of a State scenic byway program.

“(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

“(3) Safety improvements to a State scenic byway, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, National Scenic Byway, or All-American Road.

“(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

112 STAT. 220

PUBLIC LAW 105–178—JUNE 9, 1998

“(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

“(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

“(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

“(8) Development and implementation of a scenic byway marketing program.

“(d) LIMITATION.—The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

“(e) SAVINGS CLAUSE.—The Secretary shall not withhold any grant or impose any requirement on a State as a condition of providing a grant or technical assistance for any scenic byway unless the requirement is consistent with the authority provided in this chapter.

“(f) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.”.

112 STAT. 221

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

“162. National scenic byways program.”.

* * * * *

112 STAT. 255

Subtitle F—High Priority Projects

* * * * *

112 STAT. 256

SEC. 1602. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(13) of the Transportation Equity Act for the 21st Century) for fiscal years 1998 through 2003 to carry out each such project:

* * * * *

112 STAT. 260

No.	State	Project description	(Dollars in millions)
94.	Pennsylvania	Improve walking and biking trails between Easton and Lehigh Gorge State Park within the Delaware and Lehigh Canal National Heritage Corridor	2.1

* * * * *

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 262

No.	State	Project description	(Dollars in millions)
140.	Pennsylvania	Construct access road and parking facilities, Valley Forge National Historic Park, Valley Forge	3

* * * * *

No.	State	Project description	(Dollars in millions)
165.	Wyoming	Construct Jackson-Teton Pathway in Teton County	1.5

* * * * *

No.	State	Project description	(Dollars in millions)
233.	Dist. of Columbia ..	Implement Geographical Information System	7.5

* * * * *

No.	State	Project description	(Dollars in millions)
294.	New York	Construct intermodal transportation hub in Patchogue	1.875

* * * * *

No.	State	Project description	(Dollars in millions)
352.	Tennessee	Construct Foothills Parkway from Walland to Weans Valley	8.625

* * * * *

No.	State	Project description	(Dollars in millions)
547.	Dist. of Columbia ..	Enhance recreational facilities along Rock Creek Parkway	0.04775

* * * * *

553.	Michigan	Upgrade H 58 within Pictured Rocks National Lakeshore	4.2
554.	Dist. of Columbia ..	Rehabilitate Theodore Roosevelt Memorial Bridge	7.5

* * * * *

No.	State	Project description	(Dollars in millions)
605.	Pennsylvania	Construct Lackawanna River Heritage Trail in Lackawanna	0.375

* * * * *

112 STAT. 263

112 STAT. 265

112 STAT. 268

112 STAT. 270

112 STAT. 277

112 STAT. 279

112 STAT. 280

PUBLIC LAW 105-178—JUNE 9, 1998

No.	State	Project description	(Dollars in millions)
627.	Arkansas	Conduct design study and acquire right of way on U.S. 71 in the vicinity of Fort Chaffee, Fort Smith	3.75
* * * * *			
112 STAT. 283	No.	State	Project description (Dollars in millions)
696.	Pennsylvania	Gettysburg comprehensive road improvement study	3
* * * * *			
112 STAT. 283	No.	State	Project description (Dollars in millions)
708.	Dist. of Columbia ..	Conduct studies and related activities pertaining to proposed intermodal transportation center	0.75
* * * * *			
112 STAT. 286	No.	State	Project description (Dollars in millions)
779.	California	Create recreational trails in Santa Monica Mountains National Recreation Area	6
* * * * *			
112 STAT. 288	No.	State	Project description (Dollars in millions)
836.	Virginia	Construct access road and related facilities for Fisher Peak Mountain Music Interpretive Center on Blue Ridge Parkway	2.7
* * * * *			
112 STAT. 295	No.	State	Project description (Dollars in millions)
1020.	Maryland	Reconstruct Baltimore Washington Parkway at Route 197, Prince Georges County	11.25
* * * * *			
112 STAT. 297	No.	State	Project description (Dollars in millions)
1092.	Dist. of Columbia ..	Conduct MIS of light rail corridors	0.75
* * * * *			
112 STAT. 303	No.	State	Project description (Dollars in millions)
1268.	Pennsylvania	Undertake transportation enhancement activities within the Lehigh Landing Area of the Delaware and Lehigh Canal National Heritage Corridor	5.25
* * * * *			

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 304

No.	State	Project description	(Dollars in millions)
1290.	Pennsylvania	Construct Independence Gateway Transportation Center project, Philadelphia ..	5.5

* * * * *

No.	State	Project description	(Dollars in millions)
1298.	Kentucky	Construct KY 70 from Cave City to Mammoth Cave	1.5

* * * * *

No.	State	Project description	(Dollars in millions)
1419.	Tennessee	Reconstruct road and causeway in Shiloh Military Park in Hardin County	11.25

* * * * *

No.	State	Project description	(Dollars in millions)
1430.	Wyoming	Widen and improve Cody—Yellowstone Highway from the entrance to Yellowstone National Park to Cody	5

* * * * *

No.	State	Project description	(Dollars in millions)
1488.	West Virginia	Upgrade U.S. 340 between West Virginia/Virginia State line and the Charles Town Bypass	2

* * * * *

1494.	Alaska	Construct North Denali access route	1.5
-------	--------------	---	-----

* * * * *

No.	State	Project description	(Dollars in millions)
1602.	Maryland	Improve highway signage for C&O Canal NHP in Frederick, Washington, and Allegany Counties	0.091

* * * * *

No.	State	Project description	(Dollars in millions)
1646.	Montana	Conduct environmental review, planning, design, and construction of the Beartooth Highway in Wyoming and Montana	19.905

* * * * *

112 STAT. 305

112 STAT. 309

112 STAT. 310

112 STAT. 312

112 STAT. 316

112 STAT. 317

112 STAT. 318

PUBLIC LAW 105–178—JUNE 9, 1998

No.	State	Project description	(Dollars in millions)
1675.	New York	Construct intermodal project at Castle Clinton and Battery Park, New York City	6
* * * * *			

112 STAT. 321

No.	State	Project description	(Dollars in millions)
1771.	Virginia	Reconstruct I-66/Route 29 interchange, Gainesville	15
* * * * *			

112 STAT. 338
Federal Transit
Act of 1998.
Grants.
Inter-
governmental
relations.
Loans.
49 USC 5101
note.
23 USC 138 note.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE.

This title may be cited as the “Federal Transit Act of 1998”.

* * * * *

SEC. 3039. STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) PURPOSES.—The purposes of this section are to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, shall undertake a comprehensive study of alternative transportation needs in national parks and related public lands managed by Federal land management agencies in order to carry out the purposes described in subsection (a). The study shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 2000.

(2) STUDY ELEMENTS.—The study required by paragraph (1) shall—

(A) identify transportation strategies that improve the management of the national parks and related public lands;

(B) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

(C) assess the feasibility of alternative transportation modes; and

(D) identify and estimate the costs of alternative transportation modes for each of the national parks and related public lands referred to in paragraph (1).

* * * * *

112 STAT. 394

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 463

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

SEC. 6101. FINDINGS AND PURPOSE.42 USC 7407
note.

(a) The Congress finds that—

(1) there is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) the President of the United States directed the Administrator of the Environmental Protection Agency (referred to in this title as the “Administrator”) in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine “whether to revise or maintain the standards”;

(4) the Administrator has stated that 3 years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable Federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) the Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries.

(b) The purposes of this title are—

(1) to ensure that 3 years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) to ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) to ensure that the schedule for implementation of the July 1997 revisions of the ambient air quality standards for particulate matter and the schedule for the Environmental Protection Agency’s visibility regulations related to regional haze are consistent with the timetable for implementation of such particulate matter standards as set forth in the President’s Implementation Memorandum dated July 16, 1997.

112 STAT. 464

SEC. 6102. PARTICULATE MATTER MONITORING PROGRAM.42 USC 7407
note.

(a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal year 2000 to fund 100 percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$

monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States, consistent with their respective authorities under the Clean Air Act, shall ensure that the national network (designated in subsection (a)) which consists of the PM_{2.5} monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c)(1) The Governors shall be required to submit designations referred to in section 107(d)(1) of the Clean Air Act for each area following promulgation of the July 1997 PM_{2.5} national ambient air quality standard within 1 year after receipt of 3 years of air quality monitoring data performed in accordance with any applicable Federal reference methods for the relevant areas. Only data from the monitoring network designated in subsection (a) and other Federal reference method PM_{2.5} monitors shall be considered for such designations. Nothing in the previous sentence shall be construed as affecting the Governor's authority to designate an area initially as nonattainment, and the Administrator's authority to promulgate the designation of an area as nonattainment, under section 107(d)(1) of the Clean Air Act, based on its contribution to ambient air quality in a nearby nonattainment area.

(2) For any area designated as nonattainment for the July 1997 PM_{2.5} national ambient air quality standard in accordance with the schedule set forth in this section, notwithstanding the time limit prescribed in paragraph (2) of section 169B(e) of the Clean Air Act, the Administrator shall require State implementation plan revisions referred to in such paragraph (2) to be submitted at the same time as State implementation plan revisions referred to in section 172 of the Clean Air Act implementing the revised national ambient air quality standard for fine particulate matter are required to be submitted. For any area designated as attainment or unclassifiable for such standard, the Administrator shall require the State implementation plan revisions referred to in such paragraph (2) to be submitted 1 year after the area has been so designated. The preceding provisions of this paragraph shall not preclude the implementation of the agreements and recommendations set forth in the Grand Canyon Visibility Transport Commission Report dated June 1996.

(d) The Administrator shall promulgate the designations referred to in section 107(d)(1) of the Clean Air Act for each area following promulgation of the July 1997 PM_{2.5} national ambient air quality standard by the earlier of 1 year after the initial designations required under subsection (c)(1) are required to be submitted or December 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the PM_{2.5} Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the United States Senate no later than 2 years from the date of enactment of this Act.

112 STAT. 465

42 USC 7407
note.**SEC. 6103. OZONE DESIGNATION REQUIREMENTS.**

(a) The Governors shall be required to submit the designations referred to in section 107(d)(1) of the Clean Air Act within 2 years following the promulgation of the July 1997 ozone national ambient air quality standards.

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 465

(b) The Administrator shall promulgate final designations no later than 1 year after the designations required under subsection (a) are required to be submitted.

SEC. 6104. ADDITIONAL PROVISIONS.42 USC 7407
note.

Nothing in sections 6101 through 6103 shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or PM_{2.5} standards.

* * * * *

TITLE IX—AMENDMENTS OF INTERNAL REVENUE CODE
OF 1986112 STAT. 499
Surface
Transportation
Revenue Act of
1998.**SEC. 9001. SHORT TITLE; AMENDMENT OF 1986 CODE.**

(a) **SHORT TITLE.**—This title may be cited as the “Surface Transportation Revenue Act of 1998”.

26 USC 1 note.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

* * * * *

SEC. 9011. REPEAL OF NATIONAL RECREATIONAL TRAILS TRUST FUND.

112 STAT. 508

(a) **IN GENERAL.**—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 9503(c) is amended by striking paragraph (6).

(2) Subparagraph (D) of section 9503(b)(4) is amended to read as follows:

“(D) in the case of gasoline and special motor fuels used as described in paragraph (4)(D) or (5)(B) of subsection (c), section 4041 or 4081 with respect to so much of the rate of tax as exceeds 11.5 cents per gallon,”.

(3) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

* * * * *

Approved June 9, 1998.

112 STAT. 509

LEGISLATIVE HISTORY—H.R. 2400 (S. 1173):

HOUSE REPORTS: Nos. 105-467, Pts. 1 and 2 (Comm. on Transportation and Infrastructure) and Pt. 3 (Comm. on Ways and Means), and 105-550 (Comm. of Conference).

SENATE REPORTS: No. 105-95 accompanying S. 1173 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Apr. 1, considered and passed House.

Apr. 2, considered and passed Senate, amended, in lieu of S. 1173.

May 22, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

June 9, Presidential remarks and statement.



112 STAT. 685

PUBLIC LAW 105–206—JULY 22, 1998

Public Law 105–206
105th Congress

An Act

July 22, 1998
[H.R. 2676]

To amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

Internal Revenue
Service
Restructuring
and Reform Act
of 1998.
26 USC 1 note.

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; WAIVER OF ESTIMATED TAX PENALTIES; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Internal Revenue Service Restructuring and Reform Act of 1998”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

26 USC 6654
note.

(c) **WAIVER OF ESTIMATED TAX PENALTIES.**—No addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 with respect to any underpayment of an installment required to be paid on or before the 30th day after the date of the enactment of this Act to the extent such underpayment was created or increased by any provision of this Act.

(d) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; waiver of estimated tax penalties; table of contents.

* * * * *

112 STAT. 834
TEA 21
Restoration Act.
Grants.
Inter-
governmental
relations.
Loans.
23 USC 101 note.

TITLE IX—TECHNICAL CORRECTIONS TO TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

SEC. 9001. SHORT TITLE.

This title may be cited as the “TEA 21 Restoration Act”.

SEC. 9002. AUTHORIZATION AND PROGRAM SUBTITLE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1101(a) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (13)—

(A) by striking “\$1,025,695,000” and inserting “\$1,029,583,500”;

(B) by striking “\$1,398,675,000” and inserting “\$1,403,977,500”;

(C) by striking “\$1,678,410,000” the first place it appears and inserting “\$1,684,773,000”;

(D) by striking “\$1,678,410,000” the second place it appears and inserting “\$1,684,773,000”;

(E) by striking “\$1,771,655,000” the first place it appears and inserting “\$1,778,371,500”; and

(F) by striking “\$1,771,655,000” the second place it appears and inserting “\$1,778,371,500”; and

(2) in paragraph (14)—

(A) by striking “1998” and inserting “1999”; and

(B) by inserting before “\$5,000,000” the following: “\$10,000,000 for fiscal year 1998 and”.

Ante, p. 111.

PUBLIC LAW 105-206—JULY 22, 1998

112 STAT. 834

(b) OBLIGATION LIMITATIONS.—

(1) GENERAL LIMITATION.—Section 1102(a) of such Act is amended— *Ante*, p. 115.

(A) in paragraph (2) by striking “\$25,431,000,000” and inserting “\$25,511,000,000”;

(B) in paragraph (3) by striking “\$26,155,000,000” and inserting “\$26,245,000,000”;

(C) in paragraph (4) by striking “\$26,651,000,000” and inserting “\$26,761,000,000”;

(D) in paragraph (5) by striking “\$27,235,000,000” and inserting “\$27,355,000,000”; and

(E) in paragraph (6) by striking “\$27,681,000,000” and inserting “\$27,811,000,000”.

(2) TRANSPORTATION RESEARCH PROGRAMS.—Section 1102(e) of such Act is amended—

(A) by striking “3” and inserting “5”;

(B) by striking “VI” and inserting “V”; and

(C) by inserting before the period at the end the following: “; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years”.

(3) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Section 1102(f) of such Act is amended by striking “(other than the program under section 160 of title 23, United States Code)”.

(c) APPORTIONMENTS.—Section 1103 of such Act is amended— *Ante*, p. 118.

(1) in subsection (l) by adding at the end the following:

“(5) Section 150 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.”; *112 STAT. 835*

(2) in subsection (n) by inserting “of title 23, United States Code” after “206”; and

(3) by adding at the end the following:

“(o) TECHNICAL ADJUSTMENTS.—Section 104 of title 23, United States Code, is amended—

“(1) in subsection (a)(1) (as amended by subsection (a) of this section) by striking ‘under section 103’;

“(2) in subsection (b) (as amended by subsection (b) of this section)—

“(A) in paragraph (1)(A) by striking ‘1999 through 2003’ and inserting ‘1998 through 2002’; and

“(B) in paragraph (4)(B)(i) by striking ‘on lanes on Interstate System’ and all that follows through ‘in each State’ and inserting ‘on Interstate System routes open to traffic in each State’; and

“(3) in subsection (e)(2) (as added by subsection (d)(6) of this section) by striking ‘104, 144, or 157’ and inserting ‘104, 105, or 144’.”.

(d) MINIMUM GUARANTEE.—Section 1104 of such Act is amended by adding at the end the following: *Ante*, p. 127.

“(c) TECHNICAL ADJUSTMENTS.—Section 105 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

“(1) in subsection (a) by adding at the end the following: ‘The minimum amount allocated to a State under this section for a fiscal year shall be \$1,000,000.’;

“(2) in subsection (c)(1) by striking ‘50 percent of’;

112 STAT. 835

PUBLIC LAW 105-206—JULY 22, 1998

“(3) in subsection (c)(1)(A) by inserting ‘(other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs)’ after ‘subsection (a)’;

“(4) in subsection (c)(1)(B) by striking ‘all States’ and inserting ‘each State’;

“(5) in subsection (c)(2)—

“(A) by striking ‘apportion’ and inserting ‘administer’; and

“(B) by striking ‘apportioned’ and inserting ‘administered’; and

“(6) in subsection (f)—

“(A) by inserting ‘percentage’ before ‘return’ each place it appears;

“(B) in paragraph (2) by striking ‘for the preceding fiscal year was equal to or less than’ and inserting ‘in the table in subsection (b) was equal to’; and

“(C) in paragraph (3)—

“(i) by inserting ‘proportionately’ before ‘adjust’;

“(ii) by striking ‘set forth’; and

“(iii) by striking ‘do not exceed’ and inserting ‘is equal to’.”.

Ante, p. 130.

(e) REVENUE ALIGNED BUDGET AUTHORITY.—Section 1105 of such Act is amended by adding at the end the following:

“(c) TECHNICAL CORRECTIONS.—Section 110 of such title (as amended by subsection (a)) is amended—

“(1) by striking subsection (a) and inserting the following:

112 STAT. 836

“(a) IN GENERAL.—

“(1) ALLOCATION.—On October 15 of fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate for such fiscal year an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) if the amount determined pursuant to such section for such fiscal year is greater than zero.

“(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) for fiscal year 2000 or any fiscal year thereafter is less than zero, the Secretary on October 1 of the succeeding fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) by an aggregate amount equal to the amount determined pursuant to such section.”;

“(2) in subsections (b)(2) and (b)(4) by striking ‘subsection (a)’ and inserting ‘subsection (a)(1)’; and

“(3) in subsection (c) by striking ‘Maintenance program, the’ and inserting ‘and’.”.

Ante, p. 137.

(f) INTERSTATE MAINTENANCE PROGRAM.—Section 1107 of such Act is amended by adding at the end the following:

“(d) TECHNICAL AMENDMENTS.—Section 119 of such title (as amended by subsection (a)) is amended—

“(1) in subsection (b)—

“(A) by striking ‘104(b)(5)(B)’ and inserting ‘104(b)(4)’; and

PUBLIC LAW 105-206—JULY 22, 1998

112 STAT. 836

“(B) by striking ‘104(b)(5)(A)’ each place it appears and inserting ‘104(b)(5)(A) (as in effect on the date before the date of enactment of the Transportation Equity Act for the 21st Century)’; and

“(2) in subsection (c) by striking ‘104(b)(5)(B)’ each place it appears and inserting ‘104(b)(4)’.”.

(g) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 1110(d)(2) of such Act is amended—

Ante, p. 142.

(1) by striking “149(c)” and inserting “149(e)”; and

(2) by striking “that reduce” and inserting “reduce”.

(h) HIGHWAY USE TAX EVASION PROJECTS.—Section 1114 of such Act is amended by adding at the end the following:

Ante, p. 152.

“(c) TECHNICAL ADJUSTMENTS.—Section 143 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

“(1) in subsection (c)(1) by striking ‘April 1’ and inserting ‘August 1’;

“(2) in subsection (c)(3) by inserting ‘PRIORITY’ after ‘FUNDING’; and

“(3) in subsection (c)(3) by inserting ‘and prior to funding any other activity under this section,’ after ‘2003,’.”.

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 1115 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

Ante, p. 154.

“(f) CONFORMING AMENDMENTS.—

“(1) FEDERAL SHARE.—Subsections (j) and (k) of section 120 of title 23, United States Code (as added by subsection (a) of this section), are redesignated as subsections (k) and (l), respectively.

112 STAT. 837

“(2) RESERVATION OF FUNDS.—Section 202(d)(4)(B) of such title (as added by subsection (b)(4) of this section) is amended by striking ‘to, apply sodium acetate/formate de-icer to,’ and inserting ‘, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions’.

“(3) ELIMINATION OF DUPLICATIVE PROVISION.—Section 144(g) of such title is amended by striking paragraph (4).”.

(j) WOODROW WILSON MEMORIAL BRIDGE CORRECTION.—Section 1116 of such Act is amended by adding at the end the following:

Ante, p. 158.

“(e) TECHNICAL CORRECTION.—Sections 404(5) and 407(c)(2)(C)(iii) of such Act (as amended by subsections (a)(2) and (b)(2), respectively) are amended by striking ‘the record of decision’ each place it appears and inserting ‘a record of decision’.”.

(k) TECHNICAL CORRECTION.—Section 1117 of such Act is amended in subsections (a) and (b) by striking “section 102” each place it appears and inserting “section 1101(a)(6)”.

Ante, p. 160.

SEC. 9003. RESTORATIONS TO GENERAL PROVISIONS SUBTITLE.

(a) IN GENERAL.—Subtitle B of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

Ante, p. 164.

“SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

“(a) HISTORIC COVERED BRIDGE DEFINED.—In this section, the term ‘historic covered bridge’ means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

112 STAT. 837

PUBLIC LAW 105-206—JULY 22, 1998

“(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations under subsection (d), the Secretary shall—

“(1) collect and disseminate information concerning historic covered bridges;

“(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

“(3) conduct research on the history of historic covered bridges; and

“(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

“(c) DIRECT FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

“(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

“(A) to rehabilitate or repair a historic covered bridge; and

“(B) to preserve a historic covered bridge, including through—

“(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

“(ii) installation of a system to prevent vandalism and arson; or

“(iii) relocation of a bridge to a preservation site.

“(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

“(A) to the maximum extent practicable, the project—

“(i) is carried out in the most historically appropriate manner; and

“(ii) preserves the existing structure of the historic covered bridge; and

“(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

“(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

“(d) FUNDING.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.

112 STAT. 838

District of
Columbia.

“SEC. 1225. SUBSTITUTE PROJECT.

“(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

PUBLIC LAW 105-206—JULY 22, 1998

112 STAT. 838

“(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

“(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

“(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of enactment of this Act.

“(c) FEDERAL SHARE.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

“(d) LIMITATION ON ELIGIBILITY.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or construction must have commenced, before the last day of the 4-year period beginning on the date of enactment of this Act. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary shall withdraw approval of the substitute project.

* * * * *

SEC. 9006. ELIMINATION OF DUPLICATE PROVISIONS.

112 STAT. 848

* * * * *

(c) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—Section 1214(e) of such Act is amended to read as follows:

Ante, p. 204.

“(e) MINNESOTA TRANSPORTATION HISTORY NETWORK.—

“(1) IN GENERAL.—The Secretary shall award a grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network to include major exhibits, interpretive programs at national historic landmark sites, and outreach programs with county and local historical organizations.

“(2) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with officials of the Minnesota Historical Society.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$1,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

“(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.”.

112 STAT. 849

* * * * *

SEC. 9007. HIGHWAY FINANCE.

(a) IN GENERAL.—Section 1503 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

Ante, p. 241.

112 STAT. 849

PUBLIC LAW 105-206—JULY 22, 1998

“(c) TECHNICAL AMENDMENTS.—Section 188 of title 23, United States Code (as added by subsection (a) of this section), is amended—

“(1) in subsection (a)(2) by striking ‘1998’ and inserting ‘1999’; and

“(2) in subsection (c)—

“(A) by striking ‘1998’ and inserting ‘1999’; and

“(B) by striking the table and inserting the following:

Fiscal year:	Maximum amount of credit:
1999	\$1,600,000,000
2000	\$1,800,000,000
2001	\$2,200,000,000
2002	\$2,400,000,000
2003	\$2,600,000,000.’’.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of the Transportation Equity Act for the 21st Century is amended—

Ante, p. 107.

(1) in the item relating to section 1119 by striking “and safety”; and

(2) by striking the items relating to subtitle E of title I and inserting the following:

“Subtitle E—Finance

“CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

“Sec. 1501. Short title.

“Sec. 1502. Findings.

“Sec. 1503. Establishment of program.

“Sec. 1504. Duties of the Secretary.

“CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

“Sec. 1511. State infrastructure bank pilot program.”.

SEC. 9008. HIGH PRIORITY PROJECTS TECHNICAL CORRECTIONS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended—

Ante, p. 256.

* * * * *

(5) in item 140 by inserting “-VFHS Center” after “Park”;

(6) in item 151 by striking “5.666” and inserting “8.666”;

(7) in item 164—

(A) by inserting “, and \$3,000,000 for the period of fiscal years 1998 and 1999 shall be made available to carry out section 1217(j)” after “Pennsylvania”; and

(B) by striking “25” and inserting “24.78”;

(8) by striking item 166 and inserting the following:

* * * * *

112 STAT. 850

(33) in item 836 by striking “Construct” and all that follows through “for” and inserting “To the National Park Service for construction of the”;

* * * * *

112 STAT. 852

SEC. 9009. FEDERAL TRANSIT ADMINISTRATION PROGRAMS.

* * * * *

112 STAT. 862

Ante, p. 393.

(y) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—Section 3039(b) of the Federal Transit Act of 1998 is amended—

PUBLIC LAW 105–206—JULY 22, 1998

112 STAT. 862

(1) in paragraph (1) by striking “in order to carry” and inserting “assist in carrying”; and

(2) by adding at the end the following:

“(3) DEFINITION.—For purposes of this subsection, the term ‘Federal land management agencies’ means the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.”.

112 STAT. 863

(z) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 is amended—

Ante, p. 394.

(1) by striking paragraph (2) and inserting the following:

“(2) \$5,797,000,000 in fiscal year 2000;”; and

(2) in paragraph (4) by striking “\$6,746,000,000” and inserting “\$6,747,000,000”.

* * * * *

SEC. 9016. EFFECTIVE DATE.112 STAT. 868
23 USC 101 note.

This title and the amendments made by this title shall take effect simultaneously with the enactment of the Transportation Equity Act for the 21st Century. For purposes of all Federal laws, the amendments made by this title shall be treated as being included in the Transportation Equity Act for the 21st Century at the time of the enactment of such Act, and the provisions of such Act (including the amendments made by such Act) (as in effect on the day before the date of enactment of this Act) that are amended by this title shall be treated as not being enacted.

Approved July 22, 1998.

LEGISLATIVE HISTORY—H.R. 2676:

HOUSE REPORTS: Nos. 105–364, Pt. 1 (Comm. on Ways and Means) and 105–599 (Comm. of Conference).

SENATE REPORTS: No. 105–174 (Comm. on Finance).

CONGRESSIONAL RECORD:

Vol. 143 (1997): Nov. 5, considered and passed House.

Vol. 144 (1998): May 4–7, considered and passed Senate, amended.

June 25, House agreed to conference report.

July 7–9, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

July 22, Presidential remarks.



35. Transportation of Children to Parks

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

* * * * *

SEC. 802. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j–2), is amended by adding at the end the following:

“(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



36. Travel and Transportation Reform Act

PUBLIC LAW 105–264—OCT. 19, 1998

112 STAT. 2350

Public Law 105–264
105th Congress**An Act**

To require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses.

Oct. 19, 1998
[H.R. 930]

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 “Travel and Transportation Reform Act of 1998”.

Travel and
Transportation
Reform Act of
1998.
5 USC 5701 note.**SEC. 2. REQUIRING USE OF THE TRAVEL CHARGE CARD.**

5 USC 5701 note.

(a) IN GENERAL.—Under regulations issued by the Administrator of General Services after consultation with the Secretary of the Treasury, the Administrator shall require that Federal employees use the travel charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge card, for all payments of expenses of official Government travel. The Administrator shall exempt any payment, person, type or class of payments, or type or class of personnel from any requirement established under the preceding sentence in any case in which—

Regulations.

(1) it is in the best interest of the United States to do so;

(2) payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

(3) the Secretary of Defense or the Secretary of Transportation (with respect to the Coast Guard) requests an exemption with respect to the members of the uniformed services.

(b) AGENCY EXEMPTION.—The head of a Federal agency or the designee of such head may exempt any payment, person, type or class of payments, or type or class of agency personnel from subsection (a) if the agency head or the designee determines the exemption to be necessary in the interest of the agency. Not later than 30 days after granting such an exemption, the head of such agency or the designee shall notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

Deadline.
Notification.

(c) LIMITATION ON RESTRICTION ON DISCLOSURE.—

112 STAT. 2351

PUBLIC LAW 105-264—OCT. 19, 1998

(1) IN GENERAL.—Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

“(q) Nothing in this title shall apply to the disclosure of any financial record or information to a Government authority in conjunction with a Federal contractor-issued travel charge card issued for official Government travel.”.

Applicability.
Records.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is effective as of October 1, 1983, and applies to any records created pursuant to the United States Travel and Transportation Payment and Expense Control System or any Federal contractor-issued travel charge card issued for official Government travel.

(d) COLLECTION OF AMOUNTS OWED.—

Regulations.

(1) IN GENERAL.—Under regulations issued by the Administrator of General Services and upon written request of a Federal contractor, the head of any Federal agency or a disbursing official of the United States may, on behalf of the contractor, collect by deduction from the amount of pay owed to an employee of the agency any amount of funds the employee owes to the contractor as a result of delinquencies not disputed by the employee on a travel charge card issued for payment of expenses incurred in connection with official Government travel. The amount deducted from the pay owed to an employee with respect to a pay period may not exceed 15 percent of the disposable pay of the employee for that pay period, except that a greater percentage may be deducted upon the written consent of the employee.

(2) DUE PROCESS PROTECTIONS.—Collection under this subsection shall be carried out in accordance with procedures substantially equivalent to the procedures required under section 3716(a) of title 31, United States Code.

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

(A) AGENCY.—The term “agency” has the meaning that term has under section 101 of title 31, United States Code.

(B) EMPLOYEE.—The term “employee” means an individual employed in or under an agency, including a member of any of the uniformed services. For purposes of this subsection, a member of one of the uniformed services is an employee of that uniformed service.

(C) MEMBER; UNIFORMED SERVICE.—Each of the terms “member” and “uniformed service” has the meaning that term has in section 101 of title 37, United States Code.

Deadline.

(e) REGULATIONS.—Within 270 days after the date of the enactment of this Act, the Administrator of General Services shall promulgate regulations implementing this section, that—

(1) make the use of the travel charge card established pursuant to the United States Travel and Transportation System and Expense Control System, or any Federal contractor-issued travel charge card, mandatory for all payments of expenses of official Government travel pursuant to this section;

(2) specify the procedures for effecting under subsection (d) a deduction from pay owed to an employee, and ensure that the due process protections provided to employees under such procedures are no less than the protections provided to employees pursuant to section 3716 of title 31, United States Code;

PUBLIC LAW 105-264—OCT. 19, 1998

112 STAT. 2352

(3) provide that any deduction under subsection (d) from pay owed to an employee may occur only after reimbursement of the employee for the expenses of Government travel with respect to which the deduction is made; and

(4) require agencies to promptly reimburse employees for expenses charged on a travel charge card pursuant to this section, and by no later than 30 days after the submission of a claim for reimbursement.

(f) REPORTS.—

(1) IN GENERAL.—The Administrator of General Services shall submit 2 reports to the Congress on agency compliance with this section and regulations that have been issued under this section.

(2) TIMING.—The first report under this subsection shall be submitted before the end of the 180-day period beginning on the date of the enactment of this Act, and the second report shall be submitted after that period and before the end of the 540-day period beginning on that date of enactment.

Deadlines.

(3) PREPARATION.—Each report shall be based on a sampling survey of agencies that expended more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. The head of an agency shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director of the Office of Management and Budget.

(g) REIMBURSEMENT OF TRAVEL EXPENSES.—In accordance with regulations prescribed by the Administrator of General Services, the head of an agency shall ensure that the agency reimburses an employee who submits a proper voucher for allowable travel expenses in accordance with applicable travel regulations within 30 days after submission of the voucher. If an agency fails to reimburse an employee who has submitted a proper voucher within 30 days after submission of the voucher, the agency shall pay the employee a late payment fee as prescribed by the Administrator.

Regulations.

SEC. 3. PREPAYMENT AUDITS OF TRANSPORTATION EXPENSES.

(a) IN GENERAL.—(1) Section 3322 of title 31, United States Code, is amended in subsection (c) by inserting after “classifications” the following: “if the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government”.

(2) Section 3528 of title 31, United States Code, is amended—

(A) in subsection (a) by striking “and” after the semicolon at the end of paragraph (3), by striking the period at the end of subsection (a)(4)(C) and inserting “; and”, and by adding at the end the following new paragraph:

“(5) verifying transportation rates, freight classifications, and other information provided on a Government bill of lading or transportation request, unless the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government.”;

112 STAT. 2353

PUBLIC LAW 105-264—OCT. 19, 1998

(B) in subsection (c)(1), by inserting after “deductions” the following: “and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government”; and

(C) in subsection (c)(2), by inserting after “agreement” the following: “and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government”.

(3) Section 3726 of title 31, United States Code, is amended—

(A) by amending subsection (a) to read as follows:

Regulations.

“(a)(1) Each agency that receives a bill from a carrier or freight forwarder for transporting an individual or property for the United States Government shall verify its correctness (to include transportation rates, freight classifications, or proper combinations thereof), using prepayment audit, prior to payment in accordance with the requirements of this section and regulations prescribed by the Administrator of General Services.

“(2) The Administrator of General Services may exempt bills, a particular mode or modes of transportation, or an agency or subagency from a prepayment audit and verification and in lieu thereof require a postpayment audit, based on cost effectiveness, public interest, or other factors the Administrator considers appropriate.

“(3) Expenses for prepayment audits shall be funded by the agency’s appropriations used for the transportation services.

“(4) The audit authority provided to agencies by this section is subject to oversight by the Administrator.”;

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i), respectively;

(C) by inserting after subsection (a) the following new subsections:

“(b) The Administrator may conduct pre- or post-payment audits of transportation bills of any Federal agency. The number and types of bills audited shall be based on the Administrator’s judgment.

“(c)(1) The Administrator shall adjudicate transportation claims which cannot be resolved by the agency procuring the transportation services, or the carrier or freight-forwarder presenting the bill.

“(2) A claim under this section shall be allowed only if it is received by the Administrator not later than 3 years (excluding time of war) after the later of the following dates:

“(A) The date of accrual of the claim.

“(B) The date payment for the transportation is made.

“(C) The date a refund for an overpayment for the transportation is made.

“(D) The date a deduction under subsection (d) of this section is made.”;

(D) in subsection (f), as so redesignated, by striking “subsection (c)” and inserting “subsection (e)”, and by adding at the end the following new sentence: “This reporting requirement expires December 31, 1998.”;

Expiration date.

(E) in subsection (i)(1), as so redesignated, by striking “subsection (a)” and inserting “subsection (c)”; and

PUBLIC LAW 105-264—OCT. 19, 1998

112 STAT. 2354

(F) by adding after subsection (i), as so redesignated, the following new subsection:

“(j) The Administrator of General Services may provide transportation audit and related technical assistance services, on a reimbursable basis, to any other agency. Such reimbursements may be credited to the appropriate revolving fund or appropriation from which the expenses were incurred.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective 18 months after the date of the enactment of this Act.

31 USC 3322
note.

SEC. 4. REIMBURSEMENT FOR TAXES ON MONEY RECEIVED FOR TRAVEL EXPENSES.

(a) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 5706b the following new section:

“§ 5706c. Reimbursement for taxes incurred on money received for travel expenses

“(a) Under regulations prescribed pursuant to section 5707 of this title, the head of an agency or department, or his or her designee, may use appropriations or other funds available to the agency for administrative expenses, for the reimbursement of Federal, State, and local income taxes incurred by an employee of the agency or by an employee and such employee’s spouse (if filing jointly), for any travel or transportation reimbursement made to an employee for which reimbursement or an allowance is provided.

“(b) Reimbursements under this section shall include an amount equal to all income taxes for which the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in subsection (a). In addition, reimbursements under this section shall include penalties and interest, for the tax years 1993 and 1994 only, as a result of agencies failing to withhold the appropriate amounts for tax liabilities of employees affected by the change in the deductibility of travel expenses made by Public Law 102-486.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5706b the following new item:

“5706c. Reimbursement for taxes incurred on money received for travel expenses.”.

(c) EFFECTIVE DATE.—This section shall be effective as of January 1, 1993.

5 USC 5706c
note.

SEC. 5. AUTHORITY FOR TEST PROGRAMS.

(a) TRAVEL EXPENSES TEST PROGRAMS.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

“§ 5710. Authority for travel expenses test programs

“(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis

112 STAT. 2355

PUBLIC LAW 105-264—OCT. 19, 1998

of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

Reports.
Deadline.

“(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

“(d) No more than 10 test programs under this section may be conducted simultaneously.

Expiration date.

“(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.”.

(b) RELOCATION EXPENSES TEST PROGRAMS.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

“§ 5739. Authority for relocation expenses test programs

“(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary relocation expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

Reports.
Deadline.

“(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

“(d) No more than 10 test programs under this section may be conducted simultaneously.

Expiration date.

“(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.”.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is further amended by—

PUBLIC LAW 105-264—OCT. 19, 1998

112 STAT. 2356

(1) inserting after the item relating to section 5709 the following new item:

“5710. Authority for travel expenses test programs.”;

and

(2) inserting after the item relating to section 5738 the following new item:

“5739. Authority for relocation expenses test programs.”.

SEC. 6. DEFINITION OF UNITED STATES.

Chapter 57 of title 5, United States Code, is amended—

(1) in section 5721—

(A) in paragraph (4), by striking “and” following the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(6) ‘United States’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the territories and possessions of the United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979); and

“(7) ‘Foreign Service of the United States’ means the Foreign Service as constituted under the Foreign Service Act of 1980.”;

(2) in section 5722—

(A) in subsection (a)(2), by striking “outside the United States” and inserting “outside the continental United States”; and

(B) in subsection (b), by striking “United States” each place it appears and inserting “Government”;

(3) in section 5723(b), by striking “United States” each place it appears and inserting “Government”;

(4) in section 5724—

(A) in subsection (a)(3), by striking “, its territories or possessions” and all that follows through “1979”; and

(B) in subsection (i), by striking “United States” each place it appears in the last sentence and inserting “Government”;

(5) in section 5724a, by striking subsection (j);

(6) in section 5725(a), by striking “United States” and inserting “Government”;

(7) in section 5727(d), by striking “United States” and inserting “continental United States”;

(8) in section 5728(b), by striking “an employee of the United States” and inserting “an employee of the Government”;

(9) in section 5729, by striking “or its territories or possessions” each place it appears;

(10) in section 5731(b), by striking “United States” and inserting “Government”; and

(11) in section 5732, by striking “United States” and inserting “Government”.

112 STAT. 2357

PUBLIC LAW 105-264—OCT. 19, 1998

SEC. 7. TECHNICAL CORRECTIONS TO THE FEDERAL EMPLOYEE TRAVEL REFORM ACT OF 1996.

Section 5724a of title 5, United States Code, is amended—

(1) in subsections (a) and (d)(1) and (2), by striking “An agency shall pay” each place it appears and inserting “Under regulations prescribed under section 5738, an agency shall pay”;

(2) in subsections (b)(1), (c)(1), (d)(8), and (e), by striking “An agency may pay” each place it appears and inserting “Under regulations prescribed under section 5738, an agency may pay”;

(3) by amending subsection (b)(1)(B)(ii) to read as follows:

“(ii) an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services.”;

(4) in subsection (c)(1)(B), by striking “an amount for subsistence expenses” and inserting “an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services,”;

(5) in subsection (d)(2)(A), by striking “for the sale” and inserting “of the sale”;

(6) in subsection (d)(2)(B), by striking “for the purchase” and inserting “of the purchase”;

(7) in subsection (d)(8), by striking “paragraph (2) or (3)” and inserting “paragraph (1) or (2)”;

(8) in subsection (f)(1), by striking “Subject to paragraph (2),” and inserting “Under regulations prescribed under section 5738 and subject to paragraph (2),”; and

(9) by striking subsection (i).

Approved October 19, 1998.

LEGISLATIVE HISTORY—H.R. 930:

SENATE REPORTS: No. 105-295 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 143 (1997): Apr. 16, considered and passed House.

Vol. 144 (1998): Sept. 1, considered and passed Senate, amended.

Oct. 5, House concurred in Senate amendments.



37. Underground Railroad Network to Freedom Program

PUBLIC LAW 105–203—JULY 21, 1998

112 STAT. 678

Public Law 105–203
105th Congress

An Act

To establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

July 21, 1998

[H.R. 1635]

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 Underground Railroad Network to Freedom Act of 1998”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The Underground Railroad, which flourished from the end of the 18th century to the end of the Civil War, was one of the most significant expressions of the American civil rights movement during its evolution over more than three centuries.

(2) The Underground Railroad bridged the divides of race, religion, sectional differences, and nationality; spanned State lines and international borders; and joined the American ideals of liberty and freedom expressed in the Declaration of Independence and the Constitution to the extraordinary actions of ordinary men and women working in common purpose to free a people.

(3) Pursuant to title VI of Public Law 101–628 (16 U.S.C. 1a–5 note; 104 Stat. 4495), the Underground Railroad Advisory Committee conducted a study of the appropriate means of establishing an enduring national commemorative Underground Railroad program of education, example, reflection, and reconciliation.

(4) The Underground Railroad Advisory Committee found that—

(A) although a few elements of the Underground Railroad story are represented in existing National Park Service units and other sites, many sites are in imminent danger of being lost or destroyed, and many important resource types are not adequately represented and protected;

(B) there are many important sites which have high potential for preservation and visitor use in 29 States, the District of Columbia, and the Virgin Islands;

(C) no single site or route completely reflects and characterizes the Underground Railroad, since its story and associated resources involve networks and regions of the country rather than individual sites and trails; and

National
Underground
Railroad
Network to
Freedom Act of
1998.
16 USC 461 note.
16 USC 469l.

(D) establishment of a variety of partnerships between the Federal Government and other levels of government and the private sector would be most appropriate for the protection and interpretation of the Underground Railroad.

(5) The National Park Service can play a vital role in facilitating the national commemoration of the Underground Railroad.

(6) The story and significance of the Underground Railroad can best engage the American people through a national program of the National Park Service that links historic buildings, structures, and sites; routes, geographic areas, and corridors; interpretive centers, museums, and institutions; and programs, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

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

(1) To recognize the importance of the Underground Railroad, the sacrifices made by those who used the Underground Railroad in search of freedom from tyranny and oppression, and the sacrifices made by the people who helped them.

(2) To authorize the National Park Service to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad, its significance as a crucial element in the evolution of the national civil rights movement, and its relevance in fostering the spirit of racial harmony and national reconciliation.

16 USC 469f-1.

SEC. 3. NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior (in this Act referred to as the “Secretary”) shall establish in the National Park Service a program to be known as the “National Underground Railroad Network to Freedom” (in this Act referred to as the “national network”). Under the program, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official, uniform symbol or device for the national network and issue regulations for its use.

(b) ELEMENTS.—The national network shall encompass the following elements:

(1) All units and programs of the National Park Service determined by the Secretary to pertain to the Underground Railroad.

(2) Other Federal, State, local, and privately owned properties pertaining to the Underground Railroad that have a verifiable connection to the Underground Railroad and that are included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this Act and to ensure

PUBLIC LAW 105-203—JULY 21, 1998

112 STAT. 680

effective coordination of the Federal and non-Federal elements of the national network referred to in subsection (b) with National Park Service units and programs, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to—

(1) the heads of other Federal agencies, States, localities, regional governmental bodies, and private entities; and

(2) in cooperation with the Secretary of State, the governments of Canada, Mexico, and any appropriate country in the Caribbean.

(d) APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act not more than \$500,000 for each fiscal year. No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in section 3(a).

Approved July 21, 1998.

LEGISLATIVE HISTORY—H.R. 1635 (S. 887):

HOUSE REPORTS: No. 105-559 (Comm. on Resources).

SENATE REPORTS: No. 105-217 accompanying S. 887 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 9, considered and passed House.

June 25, considered and passed Senate.



38. Volunteers in Parks

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress**An Act**Nov. 12, 1996
[H.R. 4236]To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

* * * * *

110 STAT. 4188

SEC. 805. VOLUNTEERS IN PARKS INCREASE.Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C.
18j) is amended by striking out “\$1,000,000” and inserting in lieu
thereof “\$3,500,000”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



II. APPROPRIATIONS

1. Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act for FY 1995

PUBLIC LAW 104–19—JULY 27, 1995

109 STAT. 194

Public Law 104–19
104th Congress

An Act

Making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

July 27, 1995
[H.R. 1944]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995.
109 STAT. 207

TITLE I—SUPPLEMENTALS AND RESCISSIONS

* * * * *

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

* * * * *

NATIONAL BIOLOGICAL SURVEY

109 STAT. 208

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, \$14,549,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and any unobligated balances from funds appropriated under this heading in prior years, \$20,890,000 are rescinded.

109 STAT. 208

PUBLIC LAW 104–19—JULY 27, 1995

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, \$7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and any unobligated balances from funds appropriated under this heading in prior years, \$13,634,000 are rescinded.

* * * * *

109 STAT. 247

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

2 USC 665 note.

SEC. 2003. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions of this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES
RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 2004. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

36 USC 169m.

SEC. 2005. July 27 of each year until the year 2003 is designated as “National Korean War Veterans Armistice Day”, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities, and to urge the departments and agencies of the United States and interested organizations, groups, and individuals to fly the American flag at half staff on July 27 of each year until the year 2003 in honor of the Americans who died as a result of their service in Korea.

DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN
THE UNITED STATES

SEC. 2006. (a) IN GENERAL.—None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction

PUBLIC LAW 104-19—JULY 27, 1995

109 STAT. 248

of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risk or hazards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; or reduction of immediate threats to life, property, and public health and safety.

(b) ACTIONS TO DETERMINE LAWFUL STATUS.—Each Federal entity or official receiving funds under this Act shall take reasonable actions to determine whether any individual who is seeking any benefit or assistance subject to the limitation established in subsection (a) is lawfully within the United States.

(c) NONDISCRIMINATION.—In the case of any filing, inquiry, or adjudication of an application for any benefit or assistance subject to the limitation established in subsection (a), no Federal entity or official (or their agent) may discriminate against any individual on the basis of race, color, religion, sex, age, or disability.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES
(RESCISSIONS)

SEC. 2007. (a) Of the funds available to the agencies of the Federal Government, other than the Department of Defense—Military, \$325,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts: *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the Executive Branch, including the Office of the President.

(b) Of the funds available to the Department of Defense—Military, \$50,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts: *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every agency, department, and office.

(c) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsections (a) and (b) of this section. Listing.

* * * * *

This Act may be cited as the “Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995”.

109 STAT. 254

Approved July 27, 1995.

LEGISLATIVE HISTORY—H.R. 1944:

CONGRESSIONAL RECORD, Vol. 141 (1995):

June 29, considered and passed House.

June 30, July 20, 21, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 31 (1995):

July 27, Presidential remarks.

July 28, Presidential statement.



2. Omnibus Consolidated Rescissions and Appropriations Act for FY 1996

110 STAT. 1321

PUBLIC LAW 104-134—APR. 26, 1996

* Public Law 104-134
104th Congress

An Act

Apr. 26, 1996
[H.R. 3019]

Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.
110 STAT.
1321-156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 101.

* * * * *

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1996.

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

110 STAT.
1321-162

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$1,593,000 for the Volunteers-in-Parks program, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$1,082,481,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed \$72,000,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203.

110 STAT.
1321-163

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-163

for, \$37,649,000: *Provided*, That \$236,000 of the funds provided herein are for the William O. Douglas Outdoor Education Center, subject to authorization.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), \$36,212,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1997.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, \$143,225,000, to remain available until expended: *Provided*, That not to exceed \$4,500,000 of the funds provided herein shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1996 by 16 U.S.C. 4601-10a is rescinded. 16 USC 4601-10a note.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$49,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and of which \$1,500,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 518 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 411 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the

110 STAT.
1321-164

110 STAT. 1321–164 PUBLIC LAW 104–134—APR. 26, 1996

southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

Alaska.
16 USC 347 note.

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

16 USC 347 note.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

* * * * *

110 STAT.
1321–175

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-175

to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

110 STAT.
1321-176

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

110 STAT. 1321–176 PUBLIC LAW 104–134—APR. 26, 1996

110 STAT.
1321–177

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

Termination
date.

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than $\frac{1}{12}$ of the fiscal year 1996 appropriation for operation of the Presidio: *Provided*, That this section shall expire on December 31, 1995.

* * * * *

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

110 STAT.
1321–178
16 USC 251 note.

* * * * *

SEC. 116. Within 30 days after the enactment of this Act, the Department of the Interior shall issue a specific schedule for the completion of the Lake Cushman Land Exchange Act (Public Law 102–436) and shall complete the exchange not later than September 30, 1996.

SEC. 117. Notwithstanding Public Law 90–544, as amended, the National Park Service is authorized to expend appropriated funds for maintenance and repair of the Company Creek Road in the Lake Chelan National Recreation Area: *Provided*, That appropriated funds shall not be expended for the purpose of improving the property of private individuals unless specifically authorized by law.

* * * * *

110 STAT.
1321–179

SEC. 119. (a) Until the National Park Service has prepared a final conceptual management plan for the Mojave National Preserve that incorporates traditional multiple uses of the region, the Secretary of the Interior shall not take any action to change the management of the area which differs from the historical management practices of the Bureau of Land Management. Prior to using any funds in excess of \$1,100,000 for operation of the Preserve in fiscal year 1996, the Secretary must obtain the approval of the House and Senate Committees on Appropriations. This provision expires on September 30, 1996.

110 STAT.
1321–180
Termination
date.

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-180

(b) The President is authorized to suspend the provisions of subsection (a) of this section if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which subsection (a) would otherwise be in effect), as the President may determine, and shall be reported to the Congress.

President.
Reports.

TITLE II—RELATED AGENCIES

* * * * *

COMMISSION OF FINE ARTS

110 STAT.
1321-195

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$834,000.

* * * * *

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses necessary for the Advisory Council on Historic Preservation, \$2,500,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$5,090,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

110 STAT.
1321-196

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$147,000, to remain available until September 30, 1997.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

* * * * *

110 STAT. 1321–196 PUBLIC LAW 104–134—APR. 26, 1996

TITLE III—GENERAL PROVISIONS

Contracts.

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

* * * * *

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

110 STAT.
1321–197

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-197

made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

* * * * *

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

* * * * *

SEC. 312. None of funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

110 STAT.
1321-198

SEC. 313. (a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—

Pennsylvania
Avenue
Development
Corporation.
Effective date.
40 USC 872 note.

(1) transfer and assign in accordance with this section all of its rights, title, and interest in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

40 USC 872 note.

(1) Collection of revenue owed the Federal Government as a result of real estate sales or lease agreements entered into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

(A) The Willard Hotel property on Square 225.

(B) The Gallery Row project on Square 457.

(C) The Lansburgh's project on Square 431.

(D) The Market Square North project on Square 407.

(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

110 STAT. 1321–198 PUBLIC LAW 104–134—APR. 26, 1996

(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

110 STAT.
1321–199
40 USC 872 note.

(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109).

(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-199

(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

Effective date.
40 USC 872 note.

(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled “Pennsylvania Avenue National Historic Park”, dated June 1, 1995, and numbered 840-82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

110 STAT.
1321-200

(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

40 USC 872 note.

(f) SAVINGS PROVISIONS.—

40 USC 872 note.

(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

110 STAT. 1321–200 PUBLIC LAW 104–134—APR. 26, 1996

Termination.
Effective date.

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

“(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.”.

SEC. 314. No part of any appropriation contained in this Act shall be obligated or expended to implement regulations or requirements that regulate the use of, or actions occurring on, non-federal lands as a result of the draft or final environmental impact statements or records of decision for the Interior Columbia Basin Ecosystem Management Project. Columbia Basin Ecosystem Management Project records of decision will not provide the legal authority for any new formal rulemaking by any Federal regulatory agency on the use of private property.

16 USC 460l–6a.

110 STAT.
1321–201

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.—(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than \$100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-201

administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, 20 percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately. 110 STAT. 1321-202

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: *Provided*, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869-4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

110 STAT. 1321–202 PUBLIC LAW 104–134—APR. 26, 1996

Effective date.
Termination
date.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

* * * * *

SEC. 317. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

110 STAT.
1321–203

SEC. 319. GREAT BASIN NATIONAL PARK.—Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm–1) is amended—

(1) in the first sentence of subsection (e) by striking “shall” and inserting “may”; and

(2) in subsection (f)—

(A) by striking “At the request” and inserting the following:

“(1) EXCHANGES.—At the request”;

(B) by striking “grazing permits” and inserting “grazing permits and grazing leases”; and

(C) by adding after “Federal lands.” the following:

“(2) ACQUISITION BY DONATION.—

(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.”.

* * * * *

SEC. 321. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

110 STAT.
1321–210
Washington.
Aviation.

* * * * *

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accom-

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-210

plished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

* * * * *

SEC. 336. None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to issue or implement final regulations, rules, or policies pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

SEC. 337. Directs the Department of the Interior to transfer to the Daughters of the American Colonists a plaque in the possession of the National Park Service. The Park Service currently has this plaque in storage and this provision provides for its return to the organization that originally placed the plaque on the Great Southern Hotel in Saint Louis, Missouri in 1933 to mark the site of Fort San Carlos.

Daughters of the
American
Colonists.

SEC. 338. Upon enactment of this Act, all funds obligated in fiscal year 1996 under “Salaries and expenses”, Pennsylvania Avenue Development Corporation are to be offset by unobligated balances made available under this Act under the account “Public development”, Pennsylvania Avenue Development Corporation and all funds obligated in fiscal year 1996 under “International forestry”, Forest Service are to be offset, as appropriate, by funds made available under this Act under the accounts “Forest research”, “State and private forestry”, “National forest system”, and “Construction” in the Forest Service.

* * * * *

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 1996”.

110 STAT.
1321-211

* * * * *

**TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 1996**

110 STAT.
1321-311
Supplemental
Appropriations
Act of 1996.

* * * * *

CHAPTER 5

110 STAT.
1321-323

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

* * * * *

NATIONAL PARK SERVICE

110 STAT.
1321-325

CONSTRUCTION

For an additional amount for “Construction”, \$47,000,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: *Provided* that Congress

110 STAT. 1321–325 PUBLIC LAW 104–134—APR. 26, 1996

President. hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$13,399,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

* * * * *

110 STAT.
1321–380

FEDERAL ADMINISTRATIVE AND PERSONAL SERVICES
EXPENSES

(RECISSIONS)

110 STAT.
1321–381
Records.

SEC. 31002. (a) Of the funds available to the agencies of the Federal Government, \$500,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and personal services and contractual services and supplies accounts: *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsections (a) and (b) of this section.

This Act may be cited as the “Omnibus Consolidated Rescissions and Appropriations Act of 1996”.

Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104–537 (Comm. of Conference).

SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



3. Omnibus Consolidated Appropriations Act for FY 1997

PUBLIC LAW 104–208—SEPT. 30, 1996

110 STAT. 3009

*Public Law 104–208
104th Congress

An Act

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Sept. 30, 1996
[H.R. 3610]

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

Omnibus
Consolidated
Appropriations
Act, 1997.

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101.

* * * * *

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

110 STAT.
3009–181

AN ACT

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1997.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

NATIONAL PARK SERVICE

110 STAT.
3009–187

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$1,593,000 for the Volunteers-in-Parks program, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, \$1,152,311,000, without regard to 16 U.S.C. 451, of which \$8,000,000 for research, planning and interagency coordination in support of land acquisition for Ever-

*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

110 STAT. 3009–187 PUBLIC LAW 104–208—SEPT. 30, 1996

glades restoration shall remain available until expended, and of which not to exceed \$72,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$37,976,000.

110 STAT.
3009–188

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), \$36,612,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 1998.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$163,444,000, to remain available until expended, of which \$270,000 shall be used for appropriate fish restoration projects not related to dam removal including reimbursement to the State of Washington for emergency actions taken to protect the 1996 run of fall chinook salmon on the Elwha River: *Provided*, That funds previously provided under this heading that had been made available to the City of Hot Springs, Arkansas, to be used for a flood protection feasibility study, are now made available to the City of Hot Springs for the rehabilitation of the Federally-constructed Hot Springs Creek Arch, including the portion within Hot Springs National Park.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

16 USC 460l–10a
note.

The contract authority provided for fiscal year 1997 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$53,915,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$1,500,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress: *Provided further*, That of the funds provided herein, \$9,000,000

PUBLIC LAW 104-208—SEPT. 30, 1996 110 STAT. 3009-188

is available for acquisition of the Sterling Forest, subject to authorization.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 404 passenger motor vehicles, of which 287 shall be for replacement only, including not to exceed 320 for police-type use, 13 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

110 STAT.
3009-189

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

16 USC 1g.

Notwithstanding any other provision of law, remaining balances, including interest, from funds granted to the National Park Foundation pursuant to the National Park System Visitor Facilities Fund Act of 1983 (Public Law 97-433, 96 Stat. 2277) shall be available to the National Park Foundation for expenditure in units of the National Park System for the purpose of improving visitor facilities.

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

110 STAT.
3009-198

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be

110 STAT. 3009–198 PUBLIC LAW 104–208—SEPT. 30, 1996

replenished by a supplemental appropriation which must be requested as promptly as possible.

110 STAT.
3009–199

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to “Wildland Fire Management” shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership

PUBLIC LAW 104-208—SEPT. 30, 1996 110 STAT. 3009-199

in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

110 STAT.
3009-200

SEC. 107. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than $\frac{1}{12}$ of the fiscal year 1997 appropriation for operation of the Presidio: *Provided*, That prior to the transfer of any Presidio property to the Presidio Trust, the Secretary shall transfer such funds as the Trust deems necessary to initiate leasing and other authorized activities of the Trust: *Provided further*, That this section shall expire on December 31, 1996.

SEC. 108. No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.

* * * * *

SEC. 113. There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103-356, to be available as provided in such section for costs of capitalizing and operating administrative services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made prior to the current year for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automatic data processing (ADP) software and systems (either acquired or donated) and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: *Provided further*, That no later than thirty days after the end of each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury: *Provided further*, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103-356.

31 USC 501 note.

110 STAT.
3009-201

110 STAT. 3009–201 PUBLIC LAW 104–208—SEPT. 30, 1996

SEC. 114. Public Law 102–495 is amended by adding the following new section:

“SEC. 10. WASHINGTON STATE REMOVAL OPTION.

“(a) Upon appropriation of \$29,500,000 for the Federal government to acquire the projects in the State of Washington pursuant to this Act, the State of Washington may, upon the submission to Congress of a binding agreement to remove the projects within a reasonable period of time, purchase the projects from the Federal government for \$2. Such a binding agreement shall provide for the full restoration of the Elwha River ecosystem and native anadromous fisheries, for protection of the existing quality and availability of water from the Elwha River for municipal and industrial uses from possible adverse impacts of dam removal, and for fulfillment by the State of each of the other obligations of the Secretary under this Act.

“(b) Upon receipt of the payment pursuant to subsection (a), the Federal government shall relinquish ownership and title of the projects to the State of Washington.

“(c) Upon the purchase of the projects by the State of Washington, section 3(a), (c), and (d), and Sections 4, 7, and 9 of this Act are hereby repealed, and the remaining sections renumbered accordingly.”.

SEC. 115. Section 7 of Public Law 99–647 (16 U.S.C. 461 note) is amended to read as follows:

“SEC. 7. TERMINATION OF COMMISSION.

“The Commission shall terminate on November 10, 1997.”.

110 STAT.
3009–204
16 USC 410ff
note.

* * * * *

SEC. 125. Visitor Center Designation at Channel Islands National Park.

(a) The visitor center at Channel Islands National Park, California, is hereby designated as the “Robert J. Lagomarsino Visitor Center”.

(b) Any reference in law, regulation, paper, record, map, or any other document in the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the “Robert J. Lagomarsino Visitor Center”.

* * * * *

110 STAT.
3009–205

TITLE II—RELATED AGENCIES

* * * * *

OTHER RELATED AGENCIES

* * * * *

110 STAT.
3009–219

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$867,000.

* * * * *

PUBLIC LAW 104-208—SEPT. 30, 1996 110 STAT. 3009-219

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$2,500,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher position.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C 71-71i), including services as authorized by 5 U.S.C. 3109, \$5,390,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$500,000 to remain available until expended.

* * * * *

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

110 STAT.
3009-220

* * * * *

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

110 STAT. 3009–220 PUBLIC LAW 104–208—SEPT. 30, 1996

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

* * * * *

110 STAT.
3009–221

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

* * * * *

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA–HUD and Independent Agencies fiscal year 1997 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

* * * * *

PUBLIC LAW 104-208—SEPT. 30, 1996 110 STAT. 3009-222

SEC. 317. None of the funds available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to prepare, promulgate, implement, or enforce any interim or final rule or regulation pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over any waters (other than non-navigable waters on Federal lands), non-Federal lands, or lands selected by, but not conveyed to, the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act, or an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act.

* * * * *

SEC. 319. Section 101(c) of Public Law 104-134 is amended as follows: Under the heading “Title III—General Provisions” amend section 315(b) by striking “50, areas,” and inserting in lieu thereof “100, areas,” and amend section 315(f) by striking “September 30, 1998” and inserting in lieu thereof “September 30, 1999” and by striking “September 30, 2001” and inserting in lieu thereof “September 30, 2002”.

110 STAT.
3009-223
16 USC 460l-6a
note.

SEC. 320. None of the amounts made available by this Act may be used for design, planning, implementation, engineering, construction, or any other activity in connection with a scenic shoreline drive in Pictured Rocks National Lakeshore.

* * * * *

SEC. 323. (a) The Secretary of the Interior is authorized to accept title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and bordered generally by the Potomac River, Interstate 295 and the Woodrow Wilson Bridge, or any interest therein, and in exchange therefor may convey to the Corrections Corporation of America approximately 50 acres of land located in Oxon Cove Park in the District of Columbia and bordered generally by Oxon Cove, Interstate 295 and the District of Columbia Impound Lot, or any interest therein.

(b) Before proceeding with an exchange, the Secretary shall determine if the federal property is suitable for exchange under the criteria normally used by the National Park Service. The exchange shall comply with applicable regulations and National Park Service policies for land exchanges.

110 STAT.
3009-224

(c)(1) The Secretary shall not acquire any lands under this section if the Secretary determines that the lands or any portion thereof have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 960l)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this section after their transfer to the ownership of any party, but nothing in this section shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party: *Provided*, That the Corrections Corporation of America shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 960l)

110 STAT. 3009–224 PUBLIC LAW 104–208—SEPT. 30, 1996

and the Resource Conservation Recovery Act (42 U.S.C. 690l, et seq.).

(d) The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: *Provided*, That the Secretary shall order appraisals made of the fair market value for improvements thereon: *Provided further*, That any such cash payment received by the Secretary shall be deposited to "Miscellaneous Trust Funds, National Park Service" and shall be available without further appropriation until expended for the acquisition of land within the National Park System.

(e) Costs of conducting necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(f) Following any exchange authorized by this provision, the boundaries of Oxon Cove Park shall be expanded to include the land acquired by the United States.

* * * * *

110 STAT.
3009–228

TITLE IV—EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

* * * * *

110 STAT.
3009–229

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for operation of the National park system, \$2,300,000, to remain available until expended, to address anti-terrorism requirements: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for construction, \$9,300,000, to remain available until expended, of which \$3,000,000 is to repair damage caused by hurricanes and \$6,300,000 is to address anti-terrorism requirements: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced

PUBLIC LAW 104–208—SEPT. 30, 1996 110 STAT. 3009–230

Budget and Emergency Deficit Control Act of 1985, as amended,
is transmitted by the President to the Congress.

* * * * *

This Act may be cited as the “Omnibus Consolidated Appropria- 110 STAT.
tions Act, 1997”. 3009–749

Approved September 30, 1996.

LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm.
on Conference).

SENATE REPORTS: No. 104–286 accompanying S. 1894 (Comm. on Appropria-
tions).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



4. Emergency Supplemental Appropriations for FY 1997

111 STAT. 158

PUBLIC LAW 105–18—JUNE 12, 1997

Public Law 105–18
105th Congress**An Act**June 12, 1997
[H.R. 1871]

Making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

1997 Emergency
Supplemental
Appropriations
Act for Recovery
from Natural
Disasters, and for
Overseas
Peacekeeping
Efforts, Including
Those in Bosnia.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

* * * * *

111 STAT. 169

**TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS
FOR RECOVERY FROM NATURAL DISASTERS**

* * * * *

111 STAT. 177

CHAPTER 5**DEPARTMENT OF THE INTERIOR**

* * * * *

111 STAT. 178

NATIONAL PARK SERVICE**CONSTRUCTION**

111 STAT. 179

For an additional amount for “Construction” for emergency expenses resulting from flooding and other natural disasters, \$187,321,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, \$30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: *Provided further*, That nothing herein should be construed as impairing in any way the rights of the United States against

PUBLIC LAW 105–18—JUNE 12, 1997

111 STAT. 179

the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: *Provided further*, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: *Provided further*, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: *Provided further*, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for "Construction" shall be rescinded.

Certification.

For an additional amount for "Construction", \$10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

* * * * *

GENERAL PROVISIONS, CHAPTER 5

111 STAT. 181

SEC. 5001. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104%" and inserting in lieu thereof "100%"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4%,".

16 USC 460l–6a
note.

* * * * *

GENERAL PROVISIONS, CHAPTER 9

111 STAT. 196

* * * * *

SEC. 9004. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

**"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND
EMERGENCIES**

111 STAT. 197

**"§ 6391. Authority for leave transfer program in disasters
and emergencies**

“(a) For the purpose of this section—

“(1) ‘employee’ means an employee as defined in section 6331(1); and

“(2) ‘agency’ means an Executive agency.

“(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer

111 STAT. 197

PUBLIC LAW 105-18—JUNE 12, 1997

program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

“(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient’s credit must be exhausted before any transferred annual leave may be used.

“(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

“(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

Regulations.

“(f) The Office shall prescribe regulations necessary for the administration of this section.”.

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

“6391. Authority for leave transfer program in disasters and emergencies.”.

* * * * *

111 STAT. 206

TITLE III

GENERAL PROVISIONS—THIS ACT

* * * * *

111 STAT. 207

SEC. 30003. The Office of Management and Budget is directed to work with Federal agencies, as appropriate, to support the extension and revision of Federal grants, contracts, and cooperative agreements at universities affected by flooding in designated Federal disaster areas where work on such grants, contracts, and cooperative agreements was suspended as a result of the flood disaster.

* * * * *

111 STAT. 217

This Act may be cited as the “1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia”.

Approved June 12, 1997.

LEGISLATIVE HISTORY—H.R. 1871:

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 12, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

June 12, Presidential statement.



5. Interior Appropriations Act for FY 1998

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 1

Public Law 105–83
105th Congress**An Act**Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.Nov. 14, 1997
[H.R. 2107]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:*Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.**TITLE I—DEPARTMENT OF THE INTERIOR**

* * * * *

NATIONAL PARK SERVICE

111 STAT. 7

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$1,593,000 for the Volunteers-in-Parks program, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, \$1,233,664,000, of which \$12,800,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed \$72,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$44,259,000, of which \$4,500,000 is for grants to Heritage areas in accordance with section 606 of title VI, division I and titles I–VI and VIII–IX, division II of Public Law 104–333 and is to remain available until September 30, 1999.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), \$40,812,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 1999, of which \$4,200,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$214,901,000, to remain available until expended: *Provided*, That \$500,000 for the Rutherford B. Hayes Home; \$600,000 for the Sotterly Plantation House; \$500,000 for the Darwin Martin House in Buffalo, New York; \$500,000 for the Penn Center, South Carolina; and \$1,000,000 for the Vietnam Veterans Museum in Chicago, Illinois shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided further*, That \$3,000,000 for the Hispanic Cultural Center, New Mexico, is subject to authorization: *Provided further*, That none of the funds provided in this Act may be used to relocate the Brooks River Lodge in Katmai National Park and Preserve from its current physical location.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

16 USC 460l–10a
note.

The contract authority provided for fiscal year 1998 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$143,290,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$1,000,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress: *Provided further*, That from the funds made available for land acquisition at Everglades National Park and Big Cypress National Preserve, the Secretary may provide for Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys) under terms and conditions deemed necessary by the Secretary, to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That the Secretary may provide such funds to the State of Florida for acquisitions within Stormwater Treatment Area 1–E, including reimbursement for lands or waters, or interests therein, within Stormwater Treatment Area 1–E acquired by the State of Florida prior to the enactment of this Act: *Provided further*, That funds provided under this heading to the State of Florida shall be subject to an agreement that such lands will be managed in perpetuity for the restoration of the Everglades.

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 9

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 396 passenger motor vehicles, of which 302 shall be for replacement only, including not to exceed 315 for police-type use, 13 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

111 STAT. 18

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent

111 STAT. 18

PUBLIC LAW 105-83—NOV. 14, 1997

to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

111 STAT. 19

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 19

SEC. 107. In fiscal year 1998 and thereafter, for those years in which the recreation fee demonstration program authorized in Public Law 104–134 is in effect, the fee collection support authority provided in 16 U.S.C. 4601–6(i)(1)(B) applies only to parks not included in the fee demonstration program, and that the amount retained under this authority to cover fee collection costs will not exceed those costs at the non-demonstration parks, or 15 percent of all fees collected at non-demonstration parks in a fiscal year whichever is less. Fee collection costs for parks included in the fee demonstration program will be covered by the fees retained at those parks.

16 USC 4601–6a
note.

* * * * *

SEC. 120. Notwithstanding any other provision of law, 90 days after enactment of this section there is hereby vested in the United States all right, title and interest in and to, and the right of immediate possession of, all patented mining claims and valid unpatented mining claims (including any unpatented claim whose validity is in dispute, so long as such validity is later established in accordance with applicable agency procedures) in the area known as the Kantishna Mining District within Denali National Park and Preserve, for which all current owners (or the bankruptcy trustee as provided hereafter) of each such claim (for unpatented claims, ownership as identified in recordations under the mining laws and regulations) consent to such vesting in writing to the Secretary of the Interior within said 90-day period: *Provided*, That in the case of a mining claim in the Kantishna Mining District that is involved in a bankruptcy proceeding, where the bankruptcy trustee is a holder of an interest in such mining claim, such consent may only be provided and will be deemed timely for purposes of this section if the trustee applies within said 90-day period to the bankruptcy court or any other appropriate court for authority to sell the entire mining claim and to consent to the vesting of title to such claim in the United States pursuant to this section, and that in such event title in the entire mining claim shall vest in the United States 10 days after entry of an unstayed, final order or judgment approving the trustee's application: *Provided further*, That the United States shall pay just compensation to the aforesaid owners of any valid claims to which title has vested in the United States pursuant to this section, determined as of the date of taking: *Provided further*, That payment shall be in the amount of a negotiated settlement of the value of such claim or the valuation of such claim awarded by judgment, and such payment, including any deposits in the registry of the court, shall be made solely from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, and shall include accrued interest on the amount of the agreed settlement value or the final judgment from the date of taking to the date of payment, calculated in accordance with section 258a of title 40, United States Code: *Provided further*, That the United States or a claim owner or bankruptcy trustee may initiate proceedings after said 90-day period, but no later than six years after the date of enactment of this section, seeking a determination of just compensation in the District Court for the District of Alaska pursuant to the Declaration of Taking Act, sections 258a–e of title 40, United States Code (except where inconsistent with this section),

111 STAT. 22
Claims.
Mines and
mining.

111 STAT. 23

111 STAT. 23

PUBLIC LAW 105-83—NOV. 14, 1997

and joining all owners of the claim: *Provided further*, That when any such suit is instituted by the United States or the owner or bankruptcy trustee, the United States shall deposit as soon as possible in the registry of the court the estimated just compensation, in accordance with the procedures generally described in section 258a of title 40, United States Code, not otherwise inconsistent with this section: *Provided further*, That in establishing any estimate for deposit in the court registry (other than an estimate based on an agency approved appraisal made prior to the date of enactment of this Act) the Secretary of the Interior shall permit the claim owner to present information to the Secretary on the value of the claim, including potential mineral value, and the Secretary shall consider such information and permit the claim owner to have a reasonable and sufficient opportunity to comment on such estimate: *Provided further*, That the estimated just compensation deposited in the court registry shall be paid forthwith to the aforesaid owners upon application to the court: *Provided further*, That any payment from the court registry to the aforesaid owners shall be deducted from any negotiated settlement or award by judgment: *Provided further*, That the United States may not request the court to withhold any payment from the court registry for environmental remediation with respect to such claim: *Provided further*, That the Secretary shall not allow any unauthorized use of claims acquired pursuant to this section after the date title vests in the United States pursuant to this section, and the Secretary shall permit the orderly termination of all operations on the lands and the removal of equipment, facilities, and personal property by claim owners or bankruptcy trustee (as appropriate).

111 STAT. 24

SEC. 121. Section 1034 of Public Law 104-333 (110 Stat. 4093, 4240) is amended by striking “at any time within 12 months of enactment of this Act” and inserting in lieu thereof “on or before October 1, 1998” and by inserting at the end of the section the following new sentence: “If such litigation is commenced, at the court trial, any party may introduce any relevant evidence bearing on the interpretation of the 1976 agreement.”.

* * * * *

111 STAT. 25
16 USC 431 note.

SEC. 126. ARKANSAS POST NATIONAL MEMORIAL.—(a) The boundaries of the Arkansas Post National Memorial are revised to include the approximately 360 acres of land generally depicted on the map entitled “Arkansas Post National Memorial, Osotouy Unit, Arkansas County, Arkansas” and dated June 1993. Such map shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

111 STAT. 26

(b) The Secretary of the Interior is authorized to acquire the lands and interests therein described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange: *Provided*, That such lands or interests therein may only be acquired with the consent of the owner thereof.

SEC. 127. For the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove, the National Park Service shall initiate a competitive process by which the National Park Service shall allow one entry per day for a passenger ferry into Bartlett Cove from Juneau: *Provided*, That any passenger ferry allowed entry pursuant to this Act shall be subject to speed, distance from

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 26

coast lines, and other limitations imposed necessary to protect park resources: *Provided further*, That nothing in this Act shall be construed as constituting approval for entry into the waters of Glacier Bay National Park and Preserve beyond the immediate Bartlett Cove area as defined by a line extending northeastward from Point Carolus to the west to the southernmost point of Lester Island, absent required permits.

* * * * *

SEC. 135. (a) Notwithstanding any other provision of law, the Secretary of the Interior is directed to accept full title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and bordered generally by the Potomac River, Interstate 295 and the Woodrow Wilson Bridge, and in exchange therefor shall convey to the Corrections Corporation of America all of the interest of the United States in approximately 42 acres of land located in Oxon Cove Park in the District of Columbia, and bordered generally by Oxon Cove, Interstate 295 and the District of Columbia Impound Lot.

111 STAT. 30

(b) The Secretary shall not acquire any lands under this section if the Secretary determines that the lands or any portion thereof have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(c) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this section after their transfer to any party, but nothing in this section shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party: *Provided*, That the Corrections Corporation of America shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and the Resource Conservation Recovery Act (42 U.S.C. 9601 et seq.).

(d) The properties so exchanged shall be equal in fair market value or if they are not approximately equal, the Corrections Corporation of America shall equalize the values by the payment of cash to the Secretary and any such payments shall be deposited to credit of "Miscellaneous Trust Funds, National Park Service" and shall be available without further appropriation until expended for the acquisition of land within the National Park System. No equalization shall be required if the value of the property received by the Secretary is more than that transferred by the Secretary.

(e) Costs of conducting necessary land surveys, preparing the legal descriptions of the lands to be conveyed, appraisals, deeds, other necessary documents, and administrative costs shall be borne by the Corporation. The required appraisals shall be conducted in accordance with 43 CFR 2201.3-1, 2201.3-3, and 2201.3-4.

(f) Following any exchange authorized by this provision, the boundaries of the Park System of the Nation's Capital are hereby amended to reflect the property added to and deleted from that System.

SEC. 136. The National Park Service shall, within 30 days of enactment of this Act, begin negotiations with the University of Alaska Fairbanks, School of Mineral Engineering, to determine

University of
Alaska
Fairbanks.

111 STAT. 30

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 31

the compensation that shall be paid by the National Park Service, within funds appropriated to the National Park Service in this Act, or within unobligated balances of funds appropriated in prior appropriations Acts, to the University of Alaska Fairbanks, School of Mineral Engineering, for facilities, equipment, and interests owned by the University that were destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park and Preserve: *Provided*, That if the National Park Service and the University of Alaska Fairbanks, School of Mineral Engineering, fail to reach a negotiated settlement within 90 days of commencing negotiations, then the National Park Service shall submit a formal request to the Director of the Office of Hearings and Appeals, Department of the Interior, for the purpose of entering into third-party mediation to be conducted in accordance with the Department of the Interior's final policy applicable to alternative dispute resolution: *Provided further*, That any payment made by the National Park Service to the University of Alaska Fairbanks, School of Mineral Engineering, shall fully satisfy the claims of the University of Alaska Fairbanks, School of Mineral Engineering; and that the University of Alaska Fairbanks, School of Mineral Engineering, shall convey to the Secretary of the Interior all property rights in such facilities, equipment and interests: *Provided further*, That the Secretary of the Army shall provide, at no cost, two six-by-six vehicles, in excellent operating condition, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering, and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering.

TITLE II—RELATED AGENCIES

* * * * *

111 STAT. 45

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$11,375,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$9,000,000, to remain available until expended.

* * * * *

111 STAT. 47

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$2,745,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 47

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, \$5,740,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule: *Provided further*, That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, to remain available until expended.

40 USC 71a note.

* * * * *

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Contracts.
Public
information.

* * * * *

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

111 STAT. 48

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should,

111 STAT. 48

PUBLIC LAW 105–83—NOV. 14, 1997

in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

* * * * *

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

* * * * *

111 STAT. 49

SEC. 313. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 314. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 1998, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 49

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

* * * * *

SEC. 316. SUBSISTENCE HUNTING AND FISHING IN ALASKA. (a) MORATORIUM ON FEDERAL MANAGEMENT.—None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act hereafter enacted may be used prior to December 1, 1998 to issue or implement final regulations, rules, or policies pursuant to title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over the navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

111 STAT. 50
16 USC 3102
note.

(b) AMENDMENTS TO ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—

(1) AMENDMENT OF ANILCA.—Except as otherwise expressly provided, whenever in this subsection an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(2) DEFINITIONS.—Section 102(2) (16 U.S.C. 3102(2)) is amended to read as follows:

“(2) The term ‘Federal land’ means lands the title to which is in the United States after December 2, 1980. ‘Federal land’ does not include lands the title to which is in the State, an Alaska Native corporation, or other private ownership.”.

(3) FINDINGS.—Section 801 (16 U.S.C. 3111) is amended—

(A) by inserting “(a)” immediately before “The Congress finds and declares”; and

(B) by inserting at the end the following new subsection:

“(b) The Congress finds and declares further that—

“(1) subsequent to the enactment of this Act in 1980, the subsistence law of the State of Alaska (AS 16.05) accomplished the goals of Congress and requirements of this Act in providing subsistence use opportunities for rural residents of Alaska, both Alaska Native and non-Alaska Native;

“(2) the Alaska subsistence law was challenged in Alaska courts, and the rural preference requirement in the law was found in 1989 by the Alaska Supreme Court in *McDowell v. State of Alaska* (785 P.2d 1, 1989) to violate the Alaska Constitution;

“(3) since that time, repeated attempts to restore the validity of the State law through an amendment to the Alaska Constitution have failed, and the people of Alaska have not been given the opportunity to vote on such an amendment;

111 STAT. 50

PUBLIC LAW 105–83—NOV. 14, 1997

“(4) in accordance with title VIII of this Act, the Secretary of the Interior is required to manage fish and wildlife for subsistence uses on all public lands in Alaska because of the failure of State law to provide a rural preference;

“(5) the Ninth Circuit Court of Appeals determined in 1995 in *State of Alaska v. Babbitt* (73 F.3d 698) that the subsistence priority required on public lands under section 804 of this Act applies to navigable waters in which the United States has reserved water rights as identified by the Secretary of the Interior;

“(6) management of fish and wildlife resources by State governments has proven successful in all 50 States, including Alaska, and the State of Alaska should have the opportunity to continue to manage such resources on all lands, including public lands, in Alaska in accordance with this Act, as amended; and

“(7) it is necessary to amend portions of this Act to restore the original intent of Congress to protect and provide for the continued opportunity for subsistence uses on public lands for Alaska Native and non-Alaska Native rural residents through the management of the State of Alaska.”.

(4) TITLE VIII DEFINITIONS.—Section 803 (16 U.S.C. 3113) is amended—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period and inserting a semicolon at the end of paragraph (2); and

(C) by inserting at the end the following new paragraphs:

“(3) ‘customary and traditional uses’ means the noncommercial, long-term, and consistent taking of, use of, or reliance upon fish and wildlife in a specific area and the patterns and practices of taking or use of that fish and wildlife that have been established over a reasonable period of time, taking into consideration the availability of the fish and wildlife;

“(4) ‘customary trade’ means, except for money sales of furs and furbearers, the limited noncommercial exchange for money of fish and wildlife or their parts in minimal quantities; and

“(5) ‘rural Alaska resident’ means a resident of a rural community or area. A ‘rural community or area’ means a community or area substantially dependent on fish and wildlife for nutritional and other subsistence uses.”.

(5) PREFERENCE FOR SUBSISTENCE USES.—Section 804 (16 U.S.C. 3114) is amended—

(A) by inserting “(a)” immediately before the first sentence; and

(B) by inserting at the end the following new subsection:

“(b) The priority granted by this section is for a reasonable opportunity to take fish and wildlife. For the purposes of this subsection, the term ‘reasonable opportunity’ means an opportunity, consistent with customary and traditional uses (as defined in section 803(3)), to participate in a subsistence hunt or fishery with a reasonable expectation of success, and does not mean a guarantee that fish and wildlife will be taken.”.

(6) LOCAL AND REGIONAL PARTICIPATION.—Section 805 (16 U.S.C. 3115) is amended—

111 STAT. 51

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 51

(A) in subsection (a) by striking “one year after the date of enactment of this Act,”; and

(B) by amending subsection (d) to read as follows:

“(d)(1) Upon certification by the Secretary that the State has enacted and implemented laws of general applicability which are consistent with, and which provide for the definition, preference, and participation specified in sections 803, 804, and 805, the Secretary shall not implement subsections (a), (b), and (c) of this section, and the State may immediately assume management for the taking of fish and wildlife on the public lands for subsistence uses pursuant to this title. Upon assumption of such management by the State, the Secretary shall not implement subsections (a), (b), and (c) of this section unless a court of competent jurisdiction determines that such laws have been repealed, modified, or implemented in a way that is inconsistent with, or does not provide for, the definition, preference, and participation specified in sections 803, 804, and 805, or that the State has failed to cure any such inconsistency after such determination. The State laws shall otherwise supercede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. The Secretary may bring a judicial action to enforce this subsection.

111 STAT. 52

“(2)(A) Laws establishing a system of local advisory committees and regional advisory councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.

“(B) The members of each regional advisory council established under this subsection shall be appointed by the Governor of Alaska. Each council shall have ten members, four of whom shall be selected from nominees who reside in the region submitted by tribal councils in the region, and six of whom shall be selected from nominees submitted by local governments and local advisory committees. Three of these six shall be subsistence users who reside in the subsistence resource region and three shall be sport or commercial users who may be residents of any subsistence resource region. Regional council members shall have staggered terms of three years in length, with no limit on the number of terms a member may serve. A quorum shall be a majority of the members of the council.”

(7) JUDICIAL ENFORCEMENT.—Section 807 (16 U.S.C. 3117)

is amended by inserting the following as subsection (b):

“(b) State agency actions may be declared invalid by the court only if they are arbitrary, capricious, or an abuse of discretion, or otherwise not in accordance with law. When reviewing any action within the specialized knowledge of a State agency, the

111 STAT. 52

PUBLIC LAW 105-83—NOV. 14, 1997

court shall give the decision of the State agency the same deference it would give the same decision of a comparable Federal agency.”.

(8) REGULATIONS.—Section 814 (16 U.S.C. 3124) is amended—

(A) by inserting “, and the State at any time the State has complied with section 805(d)” after “Secretary”; and

(B) by adding at the end the following new sentence: “During any time that the State has complied with section 805(d), the Secretary shall not make or enforce regulations implementing section 805(a), (b), or (c).”.

(9) LIMITATIONS, SAVINGS CLAUSES.—Section 815 (16 U.S.C. 3125) is amended—

(A) by striking “or” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and “or”; and

(C) by inserting at the end the following new paragraph:

“(5) prohibiting the Secretary or the State from entering into co-management agreements with Alaska Native organizations or other local or regional entities when such organization or entity is managing fish and wildlife on public lands in Alaska for subsistence uses.”.

16 USC 3102
note.

(c) SAVINGS CLAUSE.—No provision of this section, amendment made by this section, or exercise of authority pursuant to this section may be construed to validate, invalidate, or in any way affect—

(1) any assertion that an Alaska Native organization (including a federally recognized tribe, traditional Alaska Native council, or Alaska Native council organized pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.), as amended) has or does not have governmental authority over lands (including management of, or regulation of the taking of, fish and wildlife) or persons within the boundaries of the State of Alaska;

(2) any assertion that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist within the boundaries of the State of Alaska;

(3) any assertion that the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 3101 et seq.) is or is not Indian law; or

(4) the authority of the Secretary of the Interior under section 1314(c) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3202(c)).

16 USC 3102
note.

(d) EFFECTIVE DATE.—Unless and until laws are adopted in the State of Alaska which provide for the definition, preference, and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), the amendments made by subsection (b) of this section shall be effective only for the purposes of determining whether the State’s laws provide for such definition, preference, and participation. The Secretary shall certify before December 1, 1998 if such laws have been adopted in the State of Alaska. Subsection (b) shall be repealed on such date if such laws have not been adopted.

Certification.
Alaska.

SEC. 317. Section 909(b)(2) of division II, title IX of Public Law 104-333 is amended by striking the following: “For technical

16 USC 461 note.

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 53

assistance pursuant to section 908, not more than \$50,000 annually.”.

* * * * *

SEC. 320. (a) Section 101(c) of Public Law 104–134 is amended as follows: Under the heading “TITLE III—GENERAL PROVISIONS” amend section 315(c)(1) by striking subparagraphs (A) and (B) and inserting:

111 STAT. 54

16 USC 460l–6a note.

“(A) Eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(A).

“(B) Twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).”.

(b) Subparagraph (C) of section 315(c)(1) is amended by inserting “and the National Park Service” after “the Fish and Wildlife Service”.

SEC. 321. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

* * * * *

SEC. 324. Notwithstanding section 904(b) of Public Law 104–333, hereafter, the Heritage Area established under section 904 of title IX of division II of Public Law 104–333 shall include any portion of a city, town, or village within an area specified in section 904(b)(2) of that Act only to the extent that the government of the city, town, or village, in a resolution of the governing board or council, agrees to be included and submits the resolution to the Secretary of the Interior and the management entities for the Heritage Area and to the extent such resolution is not subsequently revoked in the same manner.

111 STAT. 55
16 USC 461 note.

* * * * *

SEC. 327. None of the funds made available by this Act may be used to require any person to vacate real property where a term is expiring under a use and occupancy reservation in Sleeping Bear Dunes National Lakeshore until such time as the National Park Service (NPS) indicates to the appropriate congressional committees and the holders of these reservations that it has sufficient funds to remove the residence on that property within 90 days of that residence being vacated. The NPS will provide at least 90 days notice to the holders of expired reservations to allow them time to leave the residence. The NPS will charge fair market value rental rates while any occupancy continues beyond an expired reservation. Reservation holders who stay beyond the expiration date will also be required to pay for appraisals to determine current fair market value rental rates, any rehabilitation needed to ensure suitability for occupancy, appropriate insurance, and all continuing utility costs.

111 STAT. 57

SEC. 327A. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of

111 STAT. 57

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 58

the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

(b) The provisions of this section shall be repealed upon enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

16 USC 459j-4
note.

SEC. 328. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

* * * * *

SEC. 331. In fiscal years 1998 through 2002, the Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of joint pilot programs to promote customer service and efficiency in the management of public lands and national forests: *Provided*, That nothing herein shall alter, expand or limit the existing applicability of any public law or regulation to lands administered by the Bureau of Land Management or the Forest Service.

* * * * *

111 STAT. 59
16 USC 431 note.

SEC. 335. The joint resolution entitled "Joint Resolution to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt", approved August 11, 1955 (69 Stat. 694), is amended—

(1) in the first section by inserting before the last sentence the following: "The Commission shall submit a final report to the President and Congress prior to termination.";

(2) by redesignating section 4 as section 5; and

(3) by inserting after section 3 the following:

"TERMINATION OF THE COMMISSION

"SEC. 4. (a) IN GENERAL.—The Commission shall terminate on the earlier of—

111 STAT. 60

"(1) December 31, 1997; or

"(2) the date that the Commission reports to the President and the Congress that the Commission's work is complete.

"(b) COMMISSION FUNDS.—

"(1) DESIGNATION.—Before the termination of the Commission, the Commission shall designate a nonprofit organization to collect, manage, and expend Commission funds after its termination.

"(2) TRANSFER OF FUNDS.—Before termination the Commission shall transfer all Commission funds to the entity designated under paragraph (1).

"(3) AMOUNTS COLLECTED AFTER TERMINATION.—The entity designated under paragraph (1) shall have the right to collect any amounts accruing to the Commission after the Commission's termination, including amounts—

"(A) given to the Commission as a gift or bequest;

or

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 60

“(B) raised from the sale of coins issued under the United States Commemorative Coin Act of 1996 (110 Stat. 4005; 31 U.S.C. 5112 note).

“(4) USES OF FUNDS.—The Commission may specify uses for any funds made available under this section to the entity designated under paragraph (1), including—

“(A) to provide for the support, maintenance, and repair of the Memorial; and

“(B) to interpret and educate the public about the Memorial.

“(5) NEGOTIATION AND CONTRACT.—The Commission may negotiate and contract with a nonprofit organization before designating the organization under paragraph (1).”.

* * * * *

SEC. 339. (a) No funds provided in this or any other Act may be expended to develop a rulemaking proposal to amend or replace the Bureau of Land Management regulations found at 43 CFR 3809 or to prepare a draft environmental impact statement on such proposal, until the Secretary of the Interior certifies to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Resources and Appropriations of the House of Representatives that the Department of the Interior has consulted with the Governor, or his/her representative, from each State that contains public lands open to location under the General Mining Laws.

* * * * *

SEC. 342. None of the funds in this or any other Act shall be expended by the Department of the Interior, the Forest Service or any other Federal agency, for the introduction of the grizzly bear population in the Selway-Bitterroot area of Idaho and adjacent Montana, or for consultations under section 7(b)(2) of the Endangered Species Act for Federal actions affecting grizzly bear within the Selway-Bitterroot area of Idaho, except that, funds may be used by the Department of the Interior or the Forest Service, or any other Federal agency for the purposes of receiving public comment on the draft Environmental Impact Statement dated July 1997 and issuing a Record of Decision, and for conducting a habitat-based population viability analysis.

111 STAT. 62

* * * * *

SEC. 344. It is the sense of the Senate that—

(1) preserving Civil War battlefields should be an integral part of preserving our Nation’s history; and

(2) Congress should give special priority to the preservation of Civil War battlefields by making funds available for the purchase of threatened and endangered Civil War battlefield sites.

* * * * *

SEC. 348. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

111 STAT. 65

* * * * *

111 STAT. 65

PUBLIC LAW 105-83—NOV. 14, 1997

16 USC 460bb
note.

SEC. 351. Strike section 103(c)(7) of Public Law 104-333 and insert the following:

“(7) STAFF.—Notwithstanding any other provisions of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, or other laws related to the appointment, compensation or termination of Federal employees.”.

TITLE IV—ENVIRONMENTAL IMPROVEMENT AND RESTORATION FUND

43 USC 1474d.

SEC. 401. (a) FUND.—One half of the amounts awarded by the Supreme Court to the United States in the case of United States of America v. State of Alaska (117 S.Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the “Environmental Improvement and Restoration Fund” (referred to in this section as the “Fund”).

111 STAT. 66

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligations acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into and form a part of the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in the subsequent appropriations Acts, as follows:

(1) 80 percent of such amounts shall be made available to be equally divided among the Directors of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Chief of the Forest Service for high priority deferred maintenance and modernization of facilities that directly enhance the experience of visitors, including natural, cultural, recreational, and historic resources protection projects in National Parks, National Wildlife Refuges, and the public lands respectively as provided in subsection (d) and for payment to the State of Louisiana and its lessees for oil and gas drainage in the West Delta field. The Secretary shall submit with the annual budget submission to Congress a list of high priority maintenance and modernization projects for congressional consideration.

(2) 20 percent of such amounts shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in the North Pacific in accordance with subsection (e).

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 66

(d) **PROJECTS.**—A project referred to in subsection (c)(1) shall be consistent with the laws governing the National Park System, the National Wildlife Refuge System, the public lands and Forest Service lands and management plan for such unit.

(e) **MARINE RESEARCH ACTIVITIES.**—(1) Funds available under subsection (c)(2) shall be used by the Secretary of Commerce according to this subsection to provide grants to Federal, State, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (referred to in this subsection as the “Board”). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs. Establishment.

(3) The Board shall be comprised of the following representatives or their designees— 111 STAT. 67

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests;

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three-year terms, and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

111 STAT. 67

PUBLIC LAW 105-83—NOV. 14, 1997

Regulations.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

111 STAT. 68

(f) SUNSET.—If amounts are not assumed by the concurrent budget resolution and appropriated from the Fund by December 15, 1998, the Fund shall terminate and the amounts in the Fund including the accrued interest shall be applied to reduce the Federal deficit.

TITLE V—PRIORITY LAND ACQUISITIONS, LAND
EXCHANGES, AND MAINTENANCE

Reports.

For priority land acquisitions, land exchange agreements, other activities consistent with the Land and Water Conservation Fund Act of 1965, as amended, and critical maintenance to be conducted by the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service and the Forest Service, \$699,000,000, to be derived from the Land and Water Conservation Fund notwithstanding any other provision of law, to remain available until September 30, 2001, of which \$167,000,000 is available to the Secretary of Agriculture and \$532,000,000 is available to the Secretary of the Interior: *Provided*, That of the funds made available to the Secretary of Agriculture, not to exceed \$65,000,000 may be used to acquire interests to protect and preserve Yellowstone National Park, pursuant to the terms and conditions set forth in sections 502 and 504 of this title, and \$12,000,000 may be used for the rehabilitation and maintenance of the Beartooth Highway pursuant to section 502 of this title: *Provided further*, That of the funds made available to the Secretary of the Interior, not to exceed \$250,000,000 may be used to acquire interests to protect and preserve the Headwaters Forest, pursuant to the terms and conditions set forth in sections 501 and 504 of this title, and \$10,000,000 may be used for a direct payment to Humboldt County, California pursuant to section 501 of this title: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service and the Forest Service, shall, in fiscal year 1998 and each of the succeeding three fiscal years, jointly submit to Congress a report listing the lands and interests in land that the Secretaries propose to acquire or exchange and the maintenance

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 68

requirements they propose to address using funds provided under this heading for purposes other than the purposes of sections 501 and 502 of this title: *Provided further*, That none of the funds appropriated under this title for purposes other than the purposes of sections 501 and 502 of this title shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations approve, in writing, a list of projects to be undertaken with such funds: *Provided further*, That moneys provided in this title, when combined with moneys provided by other titles in this Act, shall, for the purposes of section 205(a) of H. Con. Res. 84 (105th Congress), be considered to provide \$700,000,000 in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority land exchanges.

SEC. 501. HEADWATERS FOREST AND ELK RIVER PROPERTY ACQUISITION. (a) AUTHORIZATION.—Subject to the terms and conditions of this section, up to \$250,000,000 from the Land and Water Conservation Fund is authorized to be appropriated to acquire lands referenced in the Agreement of September 28, 1996, which consist of approximately 4,500 acres commonly referred to as the “Headwaters Forest”, approximately 1,125 acres referred to as the “Elk Head Forest”, and approximately 9,600 acres referred to as the “Elk River Property”, which are located in Humboldt County, California. This section is the sole authorization for the acquisition of such property, which is the subject of the Agreement dated September 28, 1996 between the United States of America (hereinafter “United States”), the State of California, MAXXAM, Inc., and the Pacific Lumber Company. Of the entire Elk River Property, the United States and the State of California are to retain approximately 1,845 acres and transfer the remaining approximately 7,755 acres of Elk River Property to the Pacific Lumber Company. The property to be acquired and retained by the United States and the State of California is that property that is the subject of the Agreement of September 28, 1996 as generally depicted on maps labeled as sheets 1 through 7 of Township 3 and 4 North, Ranges 1 East and 1 West, of the Humboldt Meridian, California, titled “Dependent Resurvey and Tract Survey”, as approved by Lance J. Bishop, Chief Cadastral Surveyor—California, on August 29, 1997. Such maps shall be on file in the Office of the Chief Cadastral Surveyor, Bureau of Land Management, Sacramento, California. The Secretary of the Interior is authorized to make such typographical and other corrections to this description as are mutually agreed upon by the parties to the Agreement of September 28, 1996. The land retained by the United States and the State of California (approximately 7,470 acres) shall hereafter be the “Headwaters Forest”. Any funds appropriated by the Federal Government to acquire lands or interests in lands that enlarge the Headwaters Forest by more than five acres per each acquisition shall be subject to specific authorization enacted subsequent to this Act, except that such funds may be used pursuant to existing authorities to acquire such lands up to five acres per each acquisition or interests in lands that may be necessary for roadways to provide access to the Headwaters Forest.

California.
16 USC 471j.

111 STAT. 69

(b) EFFECTIVE PERIOD OF AUTHORIZATION.—The authorization in subsection (a) expires March 1, 1999 and shall become effective only—

- (1) when the State of California provides a \$130,000,000 contribution for the transaction;

111 STAT. 69

PUBLIC LAW 105-83—NOV. 14, 1997

(2) when the State of California approves a Sustained Yield Plan covering Pacific Lumber Company timber property;

(3) when the Pacific Lumber Company dismisses the following legal actions as evidenced by instruments in form and substance satisfactory to each of the parties to such legal actions: *Pacific Lumber Co. v. United States*, No. 96-257L (Fed. Cls.) and *Salmon Creek Corp. v. California Board of Forestry*, No. 96-CS-1057 (Cal. Super. Ct.);

(4) when the incidental take permit under section 10(a) of the Endangered Species Act (based upon a multispecies Habitat Conservation Plan covering Pacific Lumber Company timber property, including applicable portions of the Elk River Property) is issued by the United States Fish and Wildlife Service and the National Marine Fisheries Service;

(5) after an appraisal of all lands and interests therein to be acquired by the United States has been undertaken, such appraisal has been reviewed for a period not to exceed 30 days by the Comptroller General of the United States, and such appraisal has been provided to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and Senate;

(6) after the Secretary of the Interior issues an opinion of value to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and Senate for the land and property to be acquired by the Federal Government. Such opinion of value shall also include the total value of all compensation (including tax benefits) proposed to be provided for the acquisition;

(7) after an Environmental Impact Statement for the proposed Habitat Conservation Plan has been prepared and completed in accordance with the applicable provisions of the National Environmental Policy Act of 1969; and

(8) when adequate provision has been made for public access to the property.

(c) ACQUISITION.—Notwithstanding any other provision of law, the amount paid by the United States to acquire identified lands and interests in lands referred to in section 501(a) may differ from the value contained in the appraisal required by section 501(b)(5) if the Secretary of the Interior certifies, in writing, to Congress that such action is in the best interest of the United States.

(d) HABITAT CONSERVATION PLAN.—

(1) APPLICABLE STANDARDS.—Within 60 days after the enactment of this section, the Secretary of the Interior and the Secretary of Commerce shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives on the scientific and legal standards and criteria for threatened, endangered, and candidate species under the Endangered Species Act and any other species used to develop the habitat conservation plan (hereinafter “HCP”) and the section 10(a) incidental take permit for the Pacific Lumber Company land.

(2) REPORT.—If the Pacific Lumber Company submits an application for an incidental take permit under section 10(a) of the Endangered Species Act for the transaction authorized

111 STAT. 70

Reports.

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 70

by subsection (a), and the permit is not issued, then the United States Fish and Wildlife Service and the National Marine Fisheries Service shall set forth the substantive rationale or rationales for why the measures proposed by the applicant for such permit did not meet the issuance criteria for the species at issue. Such report shall be submitted to the Congress within 60 days of the decision not to issue such permit or by May 1, 1999, whichever is earlier.

(3) HCP STANDARDS.—If a section 10(a) permit for the Pacific Lumber Company HCP is issued, it shall be deemed to be unique to the circumstances associated with the acquisition authorized by this section and shall not establish a higher or lesser standard for any other multispecies HCPs than would otherwise be established under existing law.

(e) PAYMENT TO HUMBOLDT COUNTY.—Within 30 days of the acquisition of the Headwaters Forest, the Secretary of the Interior shall provide a \$10,000,000 direct payment to Humboldt County, California.

(f) PAYMENT IN LIEU OF TAXES.—The Federal portion of the Headwaters Forest acquired pursuant to this section shall be entitlement land under section 6905 of title 31 of the United States Code.

111 STAT. 71

(g) OUT-YEAR BUDGET LIMITATIONS.—The following funding limitations and parameters shall apply to the Headwaters Forest acquired under subsection (a)—

(1) At least 50 percent of the total funds for management of such lands above the annual level of \$100,000 shall (with the exception of law enforcement activities and emergency activities) be from non-Federal sources.

(2) Subject to appropriations, the authorized annual Federal funding for management of such land is \$300,000 (with the exception of law enforcement activities and emergency activities).

(3) The Secretary of the Interior or the Headwaters Forest Management Trust referenced in subsection (h) is authorized to accept and use donations of funds and personal property from the State of California, private individuals, and other nongovernmental entities for the purpose of management of the Headwaters Forest.

(h) HEADWATERS FOREST MANAGEMENT TRUST.—The Secretary of the Interior is authorized, with the written concurrence of the Governor of the State of California, to establish a Headwaters Forest Management Trust (“Trust”) for the management of the Headwaters Forest as follows:

(1) MANAGEMENT AUTHORITY.—The Secretary of the Interior is authorized to vest management authority and responsibility in the Trust composed of a board of five trustees each appointed for terms of three years. Two trustees shall be appointed by the Governor of the State of California. Three trustees shall be appointed by the President of the United States. The first group of trustees shall be appointed within 60 days of exercising the authority under this subsection and the terms of the trustees shall begin on such day. The Secretary of the Interior, the Secretary of Resources of the State of California, and the Chairman of the Humboldt County Board of Supervisors shall be nonvoting, ex officio members of the board of trustees. The Secretary is authorized to make grants

President.

111 STAT. 71

PUBLIC LAW 105-83—NOV. 14, 1997

to the Trust for the management of the Headwaters Forest from amounts authorized and appropriated.

(2) OPERATIONS.—The Trust shall have the power to develop and implement the management plan for the Headwaters Forest.

(i) MANAGEMENT PLAN.—

(1) IN GENERAL.—A concise management plan for the Headwaters Forest shall be developed and periodically amended as necessary by the Secretary of the Interior in consultation with the State of California (and in the case that the authority provided in subsection (h) is exercised, the trustees shall develop and periodically amend the management plan), and shall meet the following requirements:

(A) Management goals for the plan shall be to conserve and study the land, fish, wildlife, and forests occurring on such land while providing public recreation opportunities and other management needs.

111 STAT. 72

(B) Before a management structure and management plan are adopted for such land, the Secretary of the Interior or the board of trustees, as the case may be, shall submit a proposal for the structure and plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The proposed management plan shall not become effective until the passage of 90 days after its submission to the Committees.

Reports.

(C) The Secretary of the Interior or the board of trustees, as the case may be, shall report annually to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the House and Senate Committees on Appropriations concerning the management of lands acquired under the authority of this section and activities undertaken on such lands.

(2) PLAN.—The management plan shall guide general management of the Headwaters Forest. Such plan shall address the following management issues—

(A) scientific research on forests, fish, wildlife, and other such activities that will be fostered and permitted on the Headwaters Forest;

(B) providing recreation opportunities on the Headwaters Forest;

(C) access to the Headwaters Forest;

(D) construction of minimal necessary facilities within the Headwaters Forest so as to maintain the ecological integrity of the Headwaters Forest;

(E) other management needs; and

(F) an annual budget for the management of the Headwaters Forest, which shall include a projected revenue schedule (such as fees for research and recreation) and projected expenses.

(3) COMPLIANCE.—The National Environmental Policy Act shall apply to the development and implementation of the management plan.

(j) COOPERATIVE MANAGEMENT.—

(1) The Secretary of the Interior may enter into agreements with the State of California for the cooperative management

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 72

of any of the following: Headwaters Forest, Redwood National Park, and proximate State lands. The purpose of such agreements is to acquire from and provide to the State of California goods and services to be used by the Secretary and the State of California in cooperative management of lands if the Secretary determines that appropriations for that purpose are available and an agreement is in the best interests of the United States; and

(2) an assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal or State employee for work in any Federal or State of California lands, or an extension of such assignment, may be for any period of time determined by the Secretary or the State of California, as appropriate, to be mutually beneficial.

SEC. 502. PROTECTION AND PRESERVATION OF YELLOWSTONE NATIONAL PARK—ACQUISITION OF CROWN BUTTE MINING INTERESTS.

(a) AUTHORIZATION.—Subject to the terms and conditions of this section, up to \$65,000,000 from the Land and Water Conservation Fund is authorized to be appropriated to acquire identified lands and interests in lands referred to in the Agreement of August 12, 1996 to protect and preserve Yellowstone National Park.

111 STAT. 73

(b) CONDITIONS OF ACQUISITION AUTHORITY.—The Secretary of Agriculture may not acquire the District Property until:

(1) the parties to the Agreement have entered into and lodged with the United States District Court for the District of Montana a consent decree as required under the Agreement that requires, among other things, Crown Butte to perform response or restoration actions (or both) or pay for such actions in accordance with the Agreement;

(2) an appraisal of the District Property has been undertaken, such appraisal has been reviewed for a period not to exceed 30 days by the Comptroller General of the United States, and such appraisal has been provided to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the House and Senate Committees on Appropriations;

(3) after the Secretary of Agriculture issues an opinion of value to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the House and Senate Committees on Appropriations for the land and property to be acquired by the Federal Government; and

(4) the applicable requirements of the National Environmental Policy Act have been met.

(c) ACQUISITION.—Notwithstanding any other provision of law, the amount paid by the United States to acquire identified lands and interests in lands referred to in the Agreement of August 12, 1996 to protect and preserve Yellowstone National Park may exceed the value contained in the appraisal required by section 502(b)(2) if the Secretary of Agriculture certifies, in writing, to Congress that such action is in the best interest of the United States.

(d) DEPOSIT IN ACCOUNT.—Immediately upon receipt of payments from the United States, Crown Butte shall deposit \$22,500,000 in an interest bearing account in a private, federally chartered financial institution that, in accordance with the Agreement, shall be—

111 STAT. 73

PUBLIC LAW 105-83—NOV. 14, 1997

(1) acceptable to the Secretary of Agriculture; and

(2) available to carry out response and restoration actions.

The balance of amounts remaining in such account after completion of response and restoration actions shall be available to the Secretary of Agriculture for use in the New World Mining District for any environmentally beneficial purpose otherwise authorized by law.

(e) MAINTENANCE AND REHABILITATION OF BEARTOOTH HIGHWAY.—

(1) MAINTENANCE.—The Secretary of Agriculture shall, consistent with the funds provided herein, be responsible for—

(A) snow removal on the Beartooth Highway from milepost 0 in Yellowstone National Park, into and through Wyoming, to milepost 43.1 on the border between Wyoming and Montana; and

111 STAT. 74

(B) pavement preservation, in conformance with a pavement preservation plan, on the Beartooth Highway from milepost 8.4 to milepost 24.5.

(2) REHABILITATION.—The Secretary of Agriculture shall be responsible for conducting rehabilitation and minor widening of the portion of the Beartooth Highway in Wyoming that runs from milepost 24.5 to milepost 43.1.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture—

(A) for snow removal and pavement preservation under paragraph (1), \$2,000,000; and

(B) for rehabilitation under paragraph (2), \$10,000,000.

(4) AVAILABILITY OF FUNDS.—Within 30 days of the acquisition of lands and interests in lands pursuant to this section, the funds authorized in subsection (e)(3) and appropriated herein for that purpose shall be made available to the Secretary of Agriculture.

(f) RESPONSE AND RESTORATION PLAN.—The Administrator of the Environmental Protection Agency and the Secretary of Agriculture shall approve or prepare a plan for response and restoration activities to be undertaken pursuant to the Agreement and a quarterly accounting of expenditures made pursuant to such plan. The plan and accountings shall be transmitted to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations.

(g) MAP.—The Secretary of Agriculture shall provide to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations, a map depicting the acreage to be acquired pursuant to this section.

(h) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means the agreement in principle, concerning the District Property, entered into on August 12, 1996 by Crown Butte Mines, Inc., Crown Butte Resources Ltd., Greater Yellowstone Coalition, Northwest Wyoming Resource Council, Sierra Club, Gallatin Wildlife Association, Wyoming Wildlife Federation, Montana Wildlife Federation, Wyoming Outdoor Council, Beartooth Alliance, and the United States of America, with such other changes mutually agreed to by the parties.

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 74

(2) BEARTOOTH HIGHWAY.—The term “Beartooth Highway” means the portion of United States Route 212 that runs from the northeast entrance of Yellowstone National Park near Silver Gate, Montana, into and through Wyoming to Red Lodge, Montana.

(3) CROWN BUTTE.—The term “Crown Butte” means Crown Butte Mines, Inc. and Crown Butte Resources Ltd., acting jointly.

(4) DISTRICT PROPERTY.—The term “District Property” means the portion of the real property interests specifically described as District Property in appendix B of the Agreement.

(5) NEW WORLD MINING DISTRICT.—The term “New World Mining District” means the New World Mining District as specifically described in appendix A of the Agreement.

SEC. 503. CONVEYANCE TO STATE OF MONTANA. (a) CONVEYANCE REQUIREMENT.—Not later than January 1, 2001, but not prior to 180 days after the enactment of this Act, the Secretary of the Interior shall convey to the State of Montana, without consideration, all right, title, and interest of the United States in and to—

111 STAT. 75

(1) \$10,000,000 in Federal mineral rights in the State of Montana agreed to by the Secretary of the Interior and the Governor of Montana through negotiations in accordance with subsection (b); or

(2) all Federal mineral rights in the tracts in Montana depicted as Otter Creek number 1, 2, and 3 on the map entitled “Ashland Map”.

(b) NEGOTIATIONS.—The Secretary of the Interior shall promptly enter into negotiations with the Governor of Montana for purposes of subsection (a)(1) to determine and agree to mineral rights owned by the United States having a fair market value of \$10,000,000.

(c) FEDERAL LAW NOT APPLICABLE TO CONVEYANCE.—Any conveyance under subsection (a) shall not be subject to the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(d) AVAILABILITY OF MAP.—The Secretary of the Interior shall keep the map referred to in subsection (a)(2) on file and available for public inspection in appropriate offices of the Department of the Interior located in the District of Columbia and Billings, Montana, until January 1, 2001.

(e) CONVEYANCE DEPENDENT UPON ACQUISITION.—No conveyance pursuant to subsection (a) shall take place unless the acquisition authorized in section 502(a) is executed.

SEC. 504. The acquisitions authorized by sections 501 and 502 of this title may not occur prior to the earlier of: (1) 180 days after enactment of this Act; or (2) enactment of separate authorizing legislation that modifies section 501, 502, or 503 of this title. Within 120 days of enactment, the Secretary of the Interior and the Secretary of Agriculture, respectively, shall submit to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations, reports detailing the status of efforts to meet the conditions set forth in this title imposed on the acquisition of the interests to protect and preserve the Headwaters Forest and the acquisition of interests to protect and preserve Yellowstone National Park. For every day beyond 120 days after the enactment of this Act that the appraisals required in subsections 501(b)(5) and 502(b)(2) are not provided to the Committee on Resources of the House, the Committee on Energy and Natural Resources

16 USC 471j
note.

Reports.

111 STAT. 75

PUBLIC LAW 105–83—NOV. 14, 1997

of the Senate and the House and Senate Committees on Appropriations in accordance with such subsections, the 180-day period referenced in this section shall be extended by one day.

16 USC 460l–
10e.

SEC. 505. The Land and Water Conservation Fund Act of 1965 (Public Law 88–578; 78 Stat. 897) (16 U.S.C. 460l–4 through 11) is amended by moving section 13 (as added by section 1021(b) of the Omnibus Parks and Public Lands Management Act of 1996; 110 Stat. 4210) so as to appear in title I of that Act following section 12.

* * * * *

111 STAT. 85

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 1998”.

Approved November 14, 1997.

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm. of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President’s special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



6. District of Columbia Appropriations Act for FY 1998

PUBLIC LAW 105–100—NOV. 19, 1997

111 STAT. 2160

Public Law 105–100
105th Congress**An Act**

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

Nov. 19, 1997
[H.R. 2607]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—FISCAL YEAR 1998 APPROPRIATIONS

* * * * *

District of
Columbia
Appropriations
Act, 1998.

GENERAL PROVISIONS

111 STAT. 2169

* * * * *

SEC. 141. In addition to amounts appropriated or otherwise made available, \$12,000,000 is hereby appropriated to the National Park Service and shall be available only for the United States Park Police operations in the District of Columbia.

111 STAT. 2179

* * * * *

Approved November 19, 1997.

111 STAT. 2201

LEGISLATIVE HISTORY—H.R. 2607 (S. 1156):

HOUSE REPORTS: No. 105–298 (Comm. on Appropriations).

SENATE REPORTS: No. 105–75, accompanying S. 1156 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Oct. 9, considered and passed House.

Nov. 9, considered and passed Senate, amended.

Nov. 12, House concurred in certain Senate amendments, with amendments; disagreed to another amendment.

Nov. 13, Senate concurred in House amendments; receded from its amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 19, Presidential statement.



7. Emergency Supplemental Appropriations for FY 1998

112 STAT. 58

PUBLIC LAW 105–174—MAY 1, 1998

Public Law 105–174
105th Congress**An Act**May 1, 1998
[H.R. 3579]

Making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes.

1998
Supplemental
Appropriations
and Rescissions
Act.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

* * * * *

112 STAT. 68

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

* * * * *

112 STAT. 72

CHAPTER 4**DEPARTMENT OF THE INTERIOR**

* * * * *

NATIONAL PARK SERVICE**CONSTRUCTION**

For an additional amount for “Construction” to repair damage caused by floods and other natural disasters, \$9,506,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

* * * * *

112 STAT. 78

TITLE III—SUPPLEMENTAL APPROPRIATIONS

* * * * *

112 STAT. 80

CHAPTER 3**DEPARTMENT OF THE INTERIOR****NATIONAL PARK SERVICE****OPERATION OF THE NATIONAL PARK SYSTEM**

For an additional amount for “Operation of the National Park System”, \$340,000, to remain available until expended, to provide for public access at Katmai National Park and Preserve and for litigation costs related to the disposition of an allotment within the Park.

112 STAT. 81

* * * * *

PUBLIC LAW 105-174—MAY 1, 1998

112 STAT. 82

GENERAL PROVISIONS—THIS CHAPTER

* * * * *

SEC. 3005. PETROGLYPH NATIONAL MONUMENT. (a) SHORT TITLE.—This section may be cited as the “Petroglyph National Monument Boundary Adjustment Act”.

(b) FINDINGS.—Congress finds that—

(1) the purposes for which Petroglyph National Monument (referred to in this section as “the monument”) was established continue to be valid;

(2) it is of mutual benefit to the trustee institutions of the New Mexico State Trust lands and the National Park Service for land exchange negotiations to be completed with all due diligence, resulting in the transfer of all State Trust lands within the boundaries of the monument to the United States in accordance with State and Federal law;

(3) because the city of Albuquerque, New Mexico, has acquired substantial acreage within the monument boundaries, purchased with State and municipal funds, the consolidation of land ownership and jurisdiction under the National Park Service will require the consent of the city of Albuquerque, and options for National Park Service acquisition that are not currently available;

(4) corridors for the development of Paseo del Norte and Unser Boulevard are depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note), and the alignment of the roadways was anticipated by Congress before the date of enactment of the Act;

(5) it was the expectation of the principal proponents of the monument, including the cities of Albuquerque and Rio Rancho, New Mexico, and the National Park Service, that passage of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) would allow the city of Albuquerque—

(A) to utilize the Paseo del Norte and Unser Boulevard corridors through the monument; and

(B) to design and construct infrastructure within the corridors with the cultural and natural resources of the monument in mind;

(6) the city of Albuquerque has not provided for the establishment of rights-of-way for the Paseo del Norte and Unser Boulevard corridors under the Joint Powers Agreement (JPANO 78-521.81-277A), which expanded the boundary of the monument to include the Piedras Marcadas and Boca Negra units, pursuant to section 104 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note);

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens’ advisory committee prior to construction of the Unser Boulevard South project, which

Petroglyph
National
Monument
Boundary
Adjustment Act.
New Mexico.
16 USC 431 note.

112 STAT. 83

runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction within the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

(10) adequate planning and cooperation between the city of Albuquerque and the National Park Service is essential to avoid resource degradation within the monument resulting from storm water runoff, and drainage conveyances through the monument should be designed and located to provide sufficient capacity for effective runoff management; and

(11) the monument will best be managed for the benefit and enjoyment of present and future generations with cooperation between the city of Albuquerque, the State of New Mexico, and the National Park Service.

(c) PLANNING AUTHORITY.—

(1) STORM WATER DRAINAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service (referred to in this section as the “Secretary”), and the city of Albuquerque, New Mexico, shall enter into negotiations to provide for the management of storm water runoff and drainage within the monument, including the design and construction of any storm water corridors, conveyances, and easements within the monument boundaries.

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A-2 of the Unser Middle Transportation Corridor Record of Decision prepared by the city of Albuquerque dated December 1993.

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument by the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter “the Director”), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall

PUBLIC LAW 105-174—MAY 1, 1998

112 STAT. 84

be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

(d) ACQUISITION AUTHORITY; BOUNDARY ADJUSTMENT; ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—

(1) ACQUISITION AUTHORITY.—Section 103(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended—

(A) by striking “(a) The Secretary” and inserting the following:

“(a) AUTHORITY.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary”;

(B) by striking “, except that lands or interests therein owned by the State or a political subdivision thereof may be acquired only by donation or exchange”; and

(C) by adding at the end the following:

“(2) LAND OWNED BY THE STATE OR A POLITICAL SUBDIVISION.—No land or interest in land owned by the State or a political subdivision of the State may be acquired by purchase before—

“(A) the State or political subdivision holding title to the land or interest in land identifies the land or interest in land for disposal; and

“(B)(i) all private land within the monument boundary for which there is a willing seller is acquired; or

“(ii) 2 years have elapsed after the date on which the Secretary has made a final offer (for which funds are available) to acquire all remaining private land at fair market value.”.

112 STAT. 85

(2) BOUNDARY ADJUSTMENT.—Section 104(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by inserting “(1)” after “(a)”; and

(C) by adding at the end the following:

“(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—

“(i) the boundary of the monument is adjusted to exclude the Paseo Del Norte corridor in the Piedras Marcadas Unit described in Exhibit B of the document described in subparagraph (B); and

“(ii) the inclusion of the Paseo Del Norte corridor within the boundary of the monument before the date of enactment of this paragraph shall have no effect on any future ownership, use, or management of the corridor.

“(B) The document described in this subparagraph is the document entitled ‘Petroglyph National Monument Roadway/Utility Corridors’, dated October 30, 1997, on file with the Secretary of the Interior and the mayor of the city of Albuquerque, New Mexico.”.

(e) ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—Section 105 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended by adding at the end the following:

“(f) BOCA NEGRA AND PIEDRAS MARCADAS UNITS.—If the binding agreement providing for the expansion of the monument pursuant

112 STAT. 85

PUBLIC LAW 105–174—MAY 1, 1998

to section 104 is amended, in accordance with the terms of the agreement, to transfer to the National Park Service responsibility for operation, maintenance, and repair of any or all property within the Boca Negra or Piedras Marcadas Unit of the monument, the Secretary may employ, at a comparable grade and salary within the National Park Service, any willing employees of the city assigned to the Unit.”.

(f) DOUBLE EAGLE II AIRPORT ACCESS ROAD.—The Administrator of the Federal Aviation Administration shall allow the use of the access road to the Double Eagle II Airport in existence on the date of enactment of this Act for visitor access to the monument.

* * * * *

112 STAT. 94

CHAPTER 9

RESCISSIONS AND OFFSET

* * * * *

112 STAT. 95

DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT. 96

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, \$1,638,000 are rescinded.

* * * * *

112 STAT. 101

This Act may be cited as the “1998 Supplemental Appropriations and Rescissions Act”.

Approved May 1, 1998.

LEGISLATIVE HISTORY—H.R. 3579 (S. 1768):

HOUSE REPORTS: Nos. 105–469 (Comm. on Appropriations) and 105–504 (Comm. of Conference).

SENATE REPORTS: No. 105–168 accompanying S. 1768 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Mar. 31, considered and passed House. Passed Senate, amended, in lieu of S. 1768.

Apr. 30, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

May 1, Presidential statement.



8. Omnibus Consolidated and Emergency Supplemental Appropriations for FY 1999

PUBLIC LAW 105-277—OCT. 21, 1998

112 STAT. 2681

*Public Law 105-277
105th Congress

An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Oct. 21, 1998
[H.R. 4328]

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

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

Omnibus
Consolidated and
Emergency
Supplemental
Appropriations
Act, 1999.

* * * * *

(c) For programs, projects or activities in the District of Columbia Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
2681-121

AN ACT Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes.

District of
Columbia
Appropriations
Act, 1999.

* * * * *

UNITED STATES PARK POLICE

112 STAT.
2681-124

For a Federal payment to the United States Park Police, \$8,500,000, to acquire, modify and operate a helicopter and to make necessary capital expenditures to the Park Police aviation unit base: *Provided*, That the Chief of the United States Park Police shall provide quarterly financial reports during fiscal year 1999 on the expenditure of said funds to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives.

* * * * *

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
2681-231

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

112 STAT. 2681–232 PUBLIC LAW 105–277—OCT. 21, 1998

Department of
the Interior and
Related Agencies
Appropriations
Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
2681–239

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, \$1,285,604,000, of which not less than \$600,000 is for salaries and expenses by, at, and exclusively for new hires of mineral examiners on site at the Mojave National Preserve, none of which may be used for staff or administrative expenses for the geological resources division in Denver, Colorado or any other location, and of which \$12,800,000 is for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed \$10,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$46,225,000.

112 STAT.
2681–240

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), \$72,412,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2000, of which \$7,000,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended: *Provided*, That of the total amount provided, \$30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts and of historic structures and sites, of the National Archives and Records Administration and of Federal agencies to which funds were appropriated in the Fiscal Year 1998 Interior and Related Agencies Appropriations Act: *Provided further*, That individual Save America's Treasures grants shall be subject to a fifty percent non-Federal match, and shall be available by transfer to appropriate accounts of individual agencies, after approval of projects by the Secretary: *Provided further*, That the agencies shall develop a common list of project selection criteria

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-240

for Save America's Treasures which shall include national significance, urgency of need, and educational value, and which shall be approved by the House and Senate Committees on Appropriations prior to any commitment of grant funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to any commitment of grant funds: *Provided further*, That within the amount provided for Save America's Treasures, \$3,000,000 shall be transferred immediately to the Smithsonian Institution for restoration of the Star Spangled Banner, \$500,000 shall be available for the Sewall-Belmont House and sufficient funds to complete the restoration of the Declaration of Independence and the U.S. Constitution located in the National Archives: *Provided further*, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$226,058,000, to remain available until expended: *Provided*, That \$550,000 for the Susan B. Anthony House, \$1,000,000 for the Virginia City Historic District, \$2,000,000 for the Field Museum, \$500,000 for the Hecksher Museum, \$600,000 for the Sotterly Plantation House, \$1,500,000 for the Kendall County Courthouse, \$1,000,000 for the U-505, and \$600,000 for the Wheeling National Heritage Area shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1999 by 16 U.S.C. 460l-10a is rescinded.

16 USC 460l-10a
note.

LAND ACQUISITION AND STATE ASSISTANCE

112 STAT.
2681-241

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$147,925,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$500,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress: *Provided further*, That the Secretary may acquire interests in the property known as George Washington's Boyhood Home, Ferry Farm, from the funds provided under this heading without regard to any restrictions of the Land and Water Conservation Fund Act of 1965: *Provided further*, That from the funds made available for land acquisition at Everglades National Park and Big Cypress National Preserve, the Secretary may provide for Federal assistance

112 STAT. 2681–241 PUBLIC LAW 105–277—OCT. 21, 1998

to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys) under terms and conditions deemed necessary by the Secretary, to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading to the State of Florida are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 375 passenger motor vehicles, of which 291 shall be for replacement only, including not to exceed 305 for police-type use, 12 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

112 STAT.
2681–242

* * * * *

112 STAT.
2681–250

DEPARTMENTAL MANAGEMENT

* * * * *

112 STAT.
2681–251

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337; \$4,492,000, to remain available until expended: *Provided*,

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-251

That unobligated and unexpended balances in the United States Fish and Wildlife Service, Natural Resource Damage Assessment Fund account at the end of fiscal year 1998 shall be transferred to and made a part of the Departmental Offices, Natural Resource Damage Assessment and Restoration, Natural Resource Damage Assessment Fund account and shall remain available until expended.

MANAGEMENT OF FEDERAL LANDS FOR SUBSISTENCE USES

SUBSISTENCE MANAGEMENT, DEPARTMENT OF THE INTERIOR

For necessary expenses of bureaus and offices of the Department of the Interior to manage federal lands in Alaska for subsistence uses under the provisions of Title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487 et seq.) except in areas described in section 339(a)(1)(A) and (B) of this Act, \$8,000,000 to become available on September 30, 1999, and remain available until expended: *Provided*, That if prior to October 1, 1999, the Secretary of the Interior determines that the Alaska State Legislature has approved a bill or resolution to amend the Constitution of the State of Alaska that, if approved by the electorate, would enable the implementation of state laws of general applicability which are consistent with, and which provide for the definition, preference and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act, the Secretary of the Interior shall make an \$8,000,000 grant to the State of Alaska for the purpose of assisting that State in fulfilling its responsibilities under sections 803, 804, and 805 of that Act: *Provided further*, That if, on June 1, 1999, the Secretary is unable to make a determination that the Alaska State Legislature has approved a bill or resolution to amend the Constitution of the State of Alaska that, if approved by the electorate, would enable the implementation of state laws of general applicability which are consistent with and which provide for the definition, preference and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act, \$1,000,000 of these funds shall become available on June 1, 1999, and shall remain available until expended (with expended amounts to be subtracted from the amount that could be granted to the State), for the Secretary to conduct data gathering and research on subsistence uses, and formulate plans for operational aspects and in-season management, but not to implement and enforce subsistence use management beyond those public lands which as of October 1, 1998, were subject to federal management for subsistence uses pursuant to Title VIII of the Alaska National Interest Lands Conservation Act.

112 STAT.
2681-252

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds

112 STAT. 2681–252 PUBLIC LAW 105–277—OCT. 21, 1998

in the “Departmental Management”, “Office of the Solicitor”, and “Office of Inspector General” may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to “Wildland Fire Management” shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment

112 STAT.
2681–253

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-253

funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

* * * * *

SEC. 115. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

112 STAT.
2681-255

SEC. 116. (a) Denver Service Center, Presidio, and Golden Gate National Recreation Area employees who voluntarily resign or retire from the National Park Service on or before December 31, 1998, shall receive, from the National Park Service, a lump sum voluntary separation incentive payment that shall be equal to the lesser of an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or \$25,000.

112 STAT.
2681-256

(1) The voluntary separation incentive payment—

(A) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit; and

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(2) Employees receiving a voluntary separation incentive payment and accepting employment with the Federal Government within five years of the date of separation shall be

112 STAT. 2681–256 PUBLIC LAW 105–277—OCT. 21, 1998

required to repay the entire amount of the incentive payment to the National Park Service.

(3) The Secretary may, at the request of the head of an Executive branch agency, waive the repayment under paragraph (2) if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) In addition to any other payment which it is required to make under Subchapter III of chapter 83 of title 5, United States Code, the National Park Service shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the National Park Service—

(A) who retires under section 8336(d)(2) of Title 5, United States Code; and,

(B) to whom a voluntary separation incentive payment has been or is to be paid under the provisions of this section.

(b) Employees of Denver Service Center, Presidio, and Golden Gate National Recreation Area entitled to severance pay under 5 U.S.C. 5595, may apply for, and the National Park Service may pay, the total amount of severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the National Park Service.

(c) Employees of the Denver Service Center, Presidio, and Golden Gate National Recreation Area who voluntarily resign on or before December 31, 1998, or who are separated in a reduction in force, shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A) if they elect to continue health benefits after separation. The National Park Service shall pay for 12 months the remaining portion of required contributions.

SEC. 117. Notwithstanding any other provision of law, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C. for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 118. The 37 mile River Valley Trail from the town of Delaware Gap to the edge of the town of Milford, Pennsylvania

112 STAT.
2681–257

16 USC 460o
note.

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-257

located within the Delaware Water Gap National Recreation Area shall hereafter be referred to in any law, regulation, document, or record of the United States as the Joseph M. McDade Recreational Trail.

* * * * *

SEC. 120. (a) STUDY.—The Secretary shall enter into an agreement with and provide funding, to the National Academy of Sciences (NAS), the Board on Earth Sciences and Resources (Board), to conduct a detailed, comprehensive study of the environmental and reclamation requirements relating to mining of locatable minerals on federal lands and the adequacy of those requirements to prevent unnecessary or undue degradation of federal lands in each state in which such mining occurs.

(1) CONTENTS.—The study shall identify and consider—

(A) the operating, reclamation and permitting requirements for locatable minerals mining and exploration operations on federal lands by federal and state air, water, solid waste, reclamation and other environmental statutes, including surface management regulations promulgated by federal land management agencies and state primacy programs under applicable federal statutes and state laws and the time requirements applicable to project environmental review and permitting;

112 STAT.
2681-258

(B) the adequacy of federal and state environmental, reclamation and permitting statutes and regulations applicable in any state or states where mining or exploration of locatable minerals on federal lands is occurring, to prevent unnecessary or undue degradation; and

(C) recommendations and conclusions regarding how federal and state environmental, reclamation and permitting requirements and programs can be coordinated to ensure environmental protection, increase efficiency, avoid duplication and delay, and identify the most cost-effective manner for implementation.

(b) REPORT.—

No later than July 31, 1999, the Board shall submit a report addressing areas described under (a)(1) to the appropriate federal agencies, the Congress and the Governors of affected states.

(c) FUNDS.—From the funds collected for mining law administration, the Secretary shall provide to the NAS such funds as it requests, not to exceed \$800,000, for the purpose of conducting this analysis.

(d) SURFACE MANAGEMENT REGULATIONS.—The Secretary of the Interior shall not promulgate any final regulations to change the Bureau of Land Management regulations found at 43 CFR Part 3809 prior to September 30, 1999.

* * * * *

SEC. 123. COMMERCIAL FISHING IN GLACIER BAY NATIONAL PARK. (a) GENERAL.—

(1) The Secretary of the Interior and the State of Alaska shall cooperate in the development of a management plan for the regulation of commercial fisheries in Glacier Bay National Park pursuant to existing State and Federal statutes and any

112 STAT.
2681-259
16 USC 410hh-4
note.

112 STAT. 2681–259 PUBLIC LAW 105–277—OCT. 21, 1998

applicable international conservation and management treaties. Such management plan shall provide for commercial fishing in the marine waters within Glacier Bay National Park outside of Glacier Bay Proper, and in the marine waters within Glacier Bay Proper as specified in paragraphs (a)(2) through (a)(5), and shall provide for the protection of park values and purposes, for the prohibition of any new or expanded fisheries, and for the opportunity for the study of marine resources.

(2) In the nonwilderness waters within Glacier Bay Proper, commercial fishing shall be limited, by means of non-transferable lifetime access permits, solely to individuals who—

(A) hold a valid commercial fishing permit for a fishery in a geographic area that includes the nonwilderness waters within Glacier Bay Proper;

(B) provide a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that such individual engaged in commercial fishing for halibut, tanner crab, or salmon in Glacier Bay Proper during qualifying years which shall be established by the Secretary of the Interior within one year of the date of the enactment of this Act; and

(C) fish only with—

(i) longline gear for halibut;

(ii) pots or ring nets for tanner crab; or

(iii) trolling gear for salmon.

(3) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the West Arm of Glacier Bay Proper (West Arm) north of 58 degrees, 50 minutes north latitude, except for trolling for king salmon during the period from October 1 through April 30. The waters of Johns Hopkins Inlet, Tarr Inlet and Reid Inlet shall remain closed to all commercial fishing.

(4) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the East Arm of Glacier Bay Proper (East Arm) north of a line drawn from Point Caroline, through the southern end of Garforth Island to the east side of Muir Inlet, except that trolling for king salmon during the period from October 1 through April 30 shall be allowed south of a line drawn across Muir Inlet at the southernmost point of Adams Inlet.

(5) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in Geikie Inlet.

(b) THE BEARDSLEE ISLANDS AND UPPER DUNDAS BAY.—Commercial fishing is prohibited in the designated wilderness waters within Glacier Bay National Park and Preserve, including the waters of the Beardslee Islands and Upper Dundas Bay. Any individual who—

(1) on or before February 1, 1999, provides a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that he or she has engaged in commercial fishing for Dungeness crab in the designated wilderness waters of the Beardslee

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-260

Islands or Dundas Bay within Glacier Bay National Park pursuant to a valid commercial fishing permit in at least six of the years during the period 1987 through 1996;

(2) at the time of receiving compensation based on the Secretary of the Interior's determination as described below—

(A) agrees in writing not to engage in commercial fishing for Dungeness crab within Glacier Bay Proper;

(B) relinquishes to the State of Alaska for the purposes of its retirement any commercial fishing permit for Dungeness crab for areas within Glacier Bay Proper;

(C) at the individual's option, relinquishes to the United States the Dungeness crab pots covered by the commercial fishing permit; and

(D) at the individual's option, relinquishes to the United States the fishing vessel used for Dungeness crab fishing in Glacier Bay Proper; and

(3) holds a current valid commercial fishing permit that allows such individual to engage in commercial fishing for Dungeness crab in Glacier Bay National Park,

shall be eligible to receive from the United States compensation that is the greater of (i) \$400,000, or (ii) an amount equal to the fair market value (as of the date of relinquishment) of the commercial fishing permit for Dungeness crab, of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel, together with an amount equal to the present value of the foregone net income from commercial fishing for Dungeness crab for the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996. Any individual seeking such compensation shall provide the consent necessary for the Secretary of the Interior to verify such net earnings in the fishery. The Secretary of the Interior's determination of the amount to be paid shall be completed and payment shall be made within six months from the date of application by the individuals described in this subsection and shall constitute final agency action subject to review pursuant to the Administrative Procedures Act in the United States District Court for the District of Alaska.

112 STAT.
2681-261

(c) DEFINITION AND SAVINGS CLAUSE.—

(1) As used in this section, the term "Glacier Bay Proper" shall mean the marine waters within Glacier Bay, including coves and inlets, north of a line drawn from Point Gustavus to Point Carolus.

(2) Nothing in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within the boundaries of Glacier Bay National Park, or the tidal or submerged lands under any provision of State or Federal law.

SEC. 124. Notwithstanding any other provision of law, grazing permits which expire during fiscal year 1999 shall be renewed for the balance of fiscal year 1999 on the same terms and conditions as contained in the expiring permits, or until the Bureau of Land Management completes processing these permits in compliance with all applicable laws, whichever comes first. Upon completion of processing by the Bureau, the terms and conditions of existing grazing permits may be modified, if necessary, and reissued for a term not to exceed ten years. Nothing in this language shall

112 STAT. 2681–261 PUBLIC LAW 105–277—OCT. 21, 1998

be deemed to affect the Bureau's authority to otherwise modify or terminate grazing permits.

* * * * *

SEC. 126. Special Federal Aviation Regulation No. 78, regarding commercial air tour operators in the vicinity of the Rocky Mountain National Park, as published in the Federal Register on January 8, 1997, shall remain in effect until otherwise provided by an Act of Congress.

16 USC 3192a.

SEC. 127. Notwithstanding any other provision of law, none of the funds provided in this Act or any other Act hereafter enacted may be used by the Secretary of the Interior, except with respect to land exchange costs and costs associated with the preparation of land acquisitions, in the acquisition of State, private, or other non-federal lands (or any interest therein) in the State of Alaska, unless, in the acquisition of any State, private, or other non-federal lands (or interest therein) in the State of Alaska, the Secretary seeks to exchange unreserved public lands before purchasing all or any portion of such lands (or interest therein) in the State of Alaska.

112 STAT.
2681–262

16 USC 461 note.

SEC. 128. CHARLESTON, ARKANSAS NATIONAL COMMEMORATIVE SITE. (a) The Congress finds that—

(1) the 1954 U.S. Supreme Court decision of *Brown v. Board of Education*, which mandated an end to the segregation of public schools, was one of the most significant Court decisions in the history of the United States;

(2) the Charleston Public School District in Charleston, Arkansas, in September, 1954, became the first previously-segregated public school district in the former Confederacy to integrate following the *Brown* decision;

(3) the orderly and peaceful integration of the public schools in Charleston served as a model and inspiration in the development of the Civil Rights movement in the United States, particularly with respect to public education; and

(4) notwithstanding the important role of the Charleston School District in the successful implementation of integrated public schools, the role of the district has not been adequately commemorated and interpreted for the benefit and understanding of the nation.

(b) The Charleston Public School complex in Charleston, Arkansas is hereby designated as the “Charleston National Commemorative Site” in commemoration of the Charleston schools’ role as the first public school district in the South to integrate following the 1954 United States Supreme Court decision, *Brown v. Board of Education*.

(c) The Secretary, after consultation with the Charleston Public School District, shall establish an appropriate commemorative monument and interpretive exhibit at the Charleston National Commemorative Site to commemorate the 1954 integration of Charleston’s public schools.

* * * * *

112 STAT.
2681–263

SEC. 131. Up to \$8,000,000 of funds available in fiscal years 1998 and 1999 shall be available for grants, not covering more than 33 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-263

of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission. Lands or interests in lands acquired pursuant to this section shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

* * * * *

SEC. 135. KATMAI NATIONAL PARK LAND EXCHANGE. (a) RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled “Agreement for the Sale, Purchase and Conveyance of Lands between the Heirs, Designees and/or Assigns of Palakia Melgenak and the United States of America” (hereinafter referred to in this section as the “Agreement”), executed by its signatories, including the heirs, designees and/or assigns of Palakia Melgenak (hereinafter referred to in this section as the “Heirs”) effective on September 1, 1998 are authorized, ratified and confirmed, and set forth the obligations and commitments of the United States and all other signatories, as a matter of Federal law.

(B) NATIVE ALLOTMENT.—Notwithstanding any provision of law to the contrary, all lands described in section 2(c) of the Agreement for conveyance to the Heirs shall be deemed a replacement transaction under “An Act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county or municipal improvements or sold to other persons or for other purposes” (25 U.S.C. 409a, 46 Stat. 1471), as amended, and the Secretary shall convey such lands by a patent consistent with the terms of the Agreement and subject to the same restraints on alienation and tax-exempt status as provided for Native allotments pursuant to “An Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska” (34 Stat. 197), as amended, repealed by section 18(a) the Alaska Native Claims Settlement Act (85 Stat. 710), with a savings clause for applications pending on December 18, 1971.

(C) LAND ACQUISITION.—Lands and interests in land acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the “Secretary”) as part of the Katmai National Park, subject to the laws and regulations applicable thereto.

(2) MAPS AND DEEDS.—The maps and deeds set forth in the Agreement generally depict the lands subject to the conveyances, the retention of consultation rights, the conservation easement, the access rights, Alaska Native Allotment Act status, and the use and transfer restrictions.

(b) KATMAI NATIONAL PARK AND PRESERVE WILDERNESS.—Upon the date of closing of the conveyance of the approximately 10 acres of Katmai National Park Wilderness lands to be conveyed

112 STAT.
2681-264
16 USC 410hh-1
note.

112 STAT.
2681-265

16 USC 1132
note.

112 STAT. 2681–265 PUBLIC LAW 105–277—OCT. 21, 1998

to the Heirs under the Agreement, the following lands shall hereby be designated part of the Katmai Wilderness as designated by section 701(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1132 note; 94 Stat. 2417):

A strip of land approximately one half mile long and 165 feet wide lying within Section 1, Township 24 South, Range 33 West, Seward Meridian, Alaska, the center line of which is the center of the unnamed stream from its mouth at Geographic Harbor to the north line of said Section 1. Said unnamed stream flows from the unnamed lake located in Sections 25 and 26, Township 23 South, Range 33 West, Seward Meridian. This strip of land contains approximately 10 acres.

(c) AVAILABILITY OF APPROPRIATION.—None of the funds appropriated in this Act or any other Act hereafter enacted for the implementation of the Agreement may be expended until the Secretary determines that the Heirs have signed a valid and full relinquishment and release of any and all claims described in section 2(d) of the Agreement.

(d) GENERAL PROVISIONS.—

(1) All of the lands designated as Wilderness pursuant to this section shall be subject to any valid existing rights.

(2) Subject to the provisions of the Alaska National Interest Lands Conservation Act, the Secretary shall ensure that the lands in the Geographic Harbor area not directly affected by the Agreement remain accessible for the public, including its mooring and mechanized transportation needs.

(3) The Agreement shall be placed on file and available for public inspection at the Alaska Regional Office of the National Park Service, at the office of the Katmai National Park and Preserve in King Salmon, Alaska, and at least one public facility managed by the Federal, State or local government located in each of Homer, Alaska, and Kodiak, Alaska and such other public facilities which the Secretary determines are suitable and accessible for such public inspections. In addition, as soon as practicable after enactment of this provision, the Secretary shall make available for public inspection in those same offices, copies of all maps and legal descriptions of lands prepared in implementing either the Agreement or this section. Such legal descriptions shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate.

112 STAT.
2681–266

SEC. 136. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS. Section 124(a) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (16 U.S.C. 1011(a)) is amended by striking “with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both” and inserting “with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened”.

* * * * *

SEC. 138. ACQUISITION OF REAL PROPERTY INTERESTS FOR ADDITION TO CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-266

PARK. The Act of August 19, 1890 (16 U.S.C. 424), is amended by adding at the end the following:

“SEC. 12. ACQUISITION OF LAND.

16 USC 424-1.

“(a) IN GENERAL.—The Secretary of the Interior may acquire private land, easements, and buildings within the areas authorized for acquisition for the Chickamauga and Chattanooga National Military Park, by donation, purchase with donated or appropriated funds, or exchange.

“(b) LIMITATION.—Land, easements, and buildings described in subsection (a) may be acquired only from willing sellers.

“(c) ADMINISTRATION.—Land, easements, and buildings acquired by the Secretary under subsection (a) shall be administered by the Secretary as part of the park.”.

* * * * *

SEC. 140. Remaining funds in the amount of \$250,000, appropriated as part of Public Law 105-83 in the National Park Service construction account for fiscal year 1998 for an environmental impact statement of a site for an interpretive center along the Blue Ridge Parkway near Roanoke, Virginia, may be used for the construction of an interpretive center outside of the boundaries of the Blue Ridge Parkway, near Roanoke, Virginia.

SEC. 141. Section 5(a)(3) of the Act entitled “An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes”, approved November 5, 1966 (16 U.S.C. 460u-5(a)(3)), is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by—

112 STAT.
2681-267

(A) striking “as of that date”; and

(B) inserting “, subject to subparagraph (B),” after “term ending”; and

(2) in subparagraph (B), by striking “Subparagraph (A)” and inserting “Subparagraph (A)(ii)”.

SEC. 142. Notwithstanding any other provision of law, any settlement or judgment against the United States for the legislative taking by section 817 of Public Law 104-333 (110 Stat. 4200-4201) of real property on the eastern end of Santa Cruz Island known as the Gherini Ranch shall be paid solely from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

SEC. 143. Public Law 102-350 (16 U.S.C. 410) is amended to strike “Marsh-Billings” each place it appears and insert “Marsh-Billings-Rockefeller”. 16 USC 410rr et seq.

SEC. 144. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior’s charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior’s bureaus and offices as determined by the Secretary or his designee.

SEC. 145. The principal visitor center for the Santa Monica Mountains National Recreation Area, regardless of location, shall be named for Anthony C. Beilenson and shall be referred to in any law, document or record of the United States as the “Anthony C. Beilenson Visitor Center”. 16 USC 460kkk note.

112 STAT. 2681–267 PUBLIC LAW 105–277—OCT. 21, 1998

16 USC 79a note.

SEC. 146. The Redwood Information Center located at 119231 Highway 101 in Orick, California is hereby named the “Thomas H. Kuchel Visitor Center” and shall be referred to in any law, document or record of the United States as the “Thomas H. Kuchel Visitor Center”.

* * * * *

SEC. 148. All funds received by the United States as a result of the sale or the exchange and subsequent sale of lands under section 412(a)(1) of the “Treasury and General Government Appropriations Act, 1999” shall be deposited in the “Everglades restoration” account in accordance with section 390(f)(2)(A) of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104–127, 110 Stat. 1022.

112 STAT.
2681–268

SEC. 149. Notwithstanding any other provision of law, the Secretary of the Interior shall transfer a road easement, no wider than 50 feet, across lot 1 (USS 3811, First Judicial District, Juneau Recording District, State of Alaska), administered by the National Park Service, identified as road alternative 1 on the map entitled “Traffic and Environmental Feasibility Study for Access to Proposed Auke Cape Facility” in the document for the NOAA/NMFS Juneau Consolidated Facility Preliminary Draft Environmental Impact Statement, dated July 1996, to the City and Borough of Juneau, Alaska. The Secretary of the Interior shall also transfer to the City and Borough of Juneau all right, title and interest of the United States in the right of way described by the plat recorded in Book 54, page 371, of the Juneau Recording District. Such transfers shall occur as soon as practical after the Secretary of Commerce has exchanged all, or a portion, of the right, title and interest in the 28.16 acres known as the Auke Cape property for the 22.35 acres known as the Lena Point property, near Juneau, Alaska to the City and Borough of Juneau, Alaska. The Secretary of the Interior shall deliver to the City and Borough of Juneau, Alaska a deed or patent establishing the conveyance to the City and Borough of Juneau, Alaska of said easements. The Secretary of the Interior shall retain the right of access and use of such right of way, easement and road.

SEC. 150. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito. Such areas of Fort Baker shall remain under exclusive federal jurisdiction.

SEC. 151. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-268

SEC. 152. In implementing section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197), the Secretary of the Interior shall deem the holder (on the date of enactment of this Act) of the concession contract KATM001-81 to be a person who, on or before January 1, 1979, was engaged in adequately providing visitor services of the type authorized in said contract with Katmai National Park and Preserve.

TITLE II—RELATED AGENCIES

* * * * *

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

112 STAT.
2681-283

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$12,187,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$20,000,000, to remain available until expended.

* * * * *

COMMISSION OF FINE ARTS

112 STAT.
2681-285

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$898,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$2,800,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$5,954,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

* * * * *

112 STAT. 2681–286 PUBLIC LAW 105–277—OCT. 21, 1998

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$14,913,000 shall be available to the Presidio Trust, to remain available until expended. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed \$20,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

* * * * *

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-287

of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

* * * * *

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

* * * * *

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 1999, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

112 STAT.
2681-288

112 STAT. 2681–288 PUBLIC LAW 105–277—OCT. 21, 1998

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

* * * * *

SEC. 316. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

SEC. 317. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

112 STAT.
2681–289

(b) The provisions of this section shall be repealed upon enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

16 USC 459j–4
note.

SEC. 318. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

112 STAT.
2681–290
16 USC 1011
note.

* * * * *

SEC. 323. (a) WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.—For fiscal year 1999, 2000 and 2001, to the extent funds are otherwise available, appropriations for the Forest Service may be used by the Secretary of Agriculture for the purpose of entering into cooperative agreements with willing Federal, tribal, State and local governments, private and nonprofit entities and landowners for the protection, restoration and enhancement of fish and wildlife habitat, and other resources on public or private land, the reduction of risk from natural disaster where public safety is threatened, or a combination thereof or both that benefit these resources within the watershed.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Agriculture may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner; or

(2) indirectly through an agreement with a State, local or tribal government or other public entity, educational institution, or private nonprofit organization.

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-290

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner, state or local government, or private or nonprofit entity;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources on national forests lands within the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner(s), and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on non-Federal lands, provided such terms and conditions are mutually agreed to by the Secretary and other landowners, State and local governments or both.

(d) REPORTING REQUIREMENTS.—Not later than December 31, 1999, the Secretary shall submit a report to the Committees on Appropriations of the House and Senate, which contains—

(1) A concise description of each project, including the project purpose, location on federal and non-federal land, key activities, and all parties to the agreement.

(2) the funding and/or other contributions provided by each party for each project agreement.

* * * * *

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations. 112 STAT. 2681-291

SEC. 326. Notwithstanding the provisions of section 1010(b) of the Commemorative Works Act (40 U.S.C. 1001 et seq.), the legislative authority for the international memorial to honor the victims of communism, authorized under section 905 of Public Law 103-199 (107 Stat. 2331), shall expire December 17, 2007. 40 USC 1003 note.

SEC. 327. Section 101(c) of Public Law 104-134, as amended, is further amended as follows: Under the heading “Title III—General Provisions” amend section 315(f) (16 U.S.C. 460l-6a note) by striking “September 30, 1999” after the words “and end on” and inserting “September 30, 2001” and striking “September 30, 2002” after the words “remain available through” and inserting “September 30, 2004”. 16 USC 460l-6a note.

* * * * *

112 STAT. 2681–295 PUBLIC LAW 105–277—OCT. 21, 1998

16 USC 3102
note. SEC. 339. (a) RESTRICTION ON FEDERAL MANAGEMENT UNDER
TITLE VIII OF THE ALASKA NATIONAL INTEREST LANDS CONSERVA-
TION ACT.—

(1) Notwithstanding any other provision of law, hereafter neither the Secretary of the Interior nor the Secretary of Agriculture may, prior to December 1, 2000, implement or enforce any final rule, regulation, or policy pursuant to title VIII of the Alaska National Interest Lands Conservation Act to manage and to assert jurisdiction, authority, or control over land, water, and wild, renewable resources, including fish and wildlife, in Alaska for subsistence uses, except within—

(A) areas listed in 50 C.F.R. 100.3(b) (October 1, 1998)

and

(B) areas constituting “public land or public lands” under the definition of such term found at 50 C.F.R. 100.4 (October 1, 1998).

112 STAT.
2681–296

(2) The areas in subparagraphs (A) and (B) of paragraph (1) shall only be construed to mean those public lands which as of October 1, 1998, were subject to federal management for subsistence uses pursuant to Title VIII of the Alaska National Interest Lands Conservation Act.

(b) SUBSECTION (a) REPEALED.—

(1) The Secretary of the Interior shall certify before October 1, 1999, if a bill or resolution has been passed by the Alaska State Legislature to amend the Constitution of the State of Alaska that, if approved by the electorate, would enable the implementation of state laws of general applicability consistent with, and which provide for the definition, preference, and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act.

(2) Subsection (a) shall be repealed on October 1, 1999, unless prior to that date the Secretary of the Interior makes such a certification described in paragraph (1).

(c) TECHNICAL AMENDMENTS TO THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—Section 805 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115) is amended—

(1) in subsection (a) by striking “one year after the date of enactment of this Act,”

(2) in subsection (d) by striking “within one year from the date of enactment of this Act,”.

(d) EFFECT ON TIDAL AND SUBMERGED LAND.—Nothing in this section invalidates, validates, or in any other way affects any claim of the State of Alaska to title to any tidal or submerged land in Alaska.

* * * * *

16 USC 90a–1
note.

SEC. 342. (a) BOUNDARY ADJUSTMENTS.—

(1) LAKE CHELAN NATIONAL RECREATION AREA.—The boundary of the Lake Chelan National Recreation Area, established by section 202 of Public Law 90–544 (16 U.S.C. 90a–1), is hereby adjusted to exclude a parcel of land and waters consisting of approximately 88 acres, as depicted on the map entitled “Proposed Management Units, North Cascades, Washington”, numbered NP–CAS–7002A, originally dated October 1967, and revised July 13, 1994.

112 STAT.
2681–297

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-297

(2) WENATCHEE NATIONAL FOREST.—The boundary of the Wenatchee National Forest is hereby adjusted to include the parcel of land and waters described in paragraph (1).

(3) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the superintendent of the Lake Chelan National Recreation Area and the Director of the National Park Service, Department of the Interior, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over Federal land and waters in the parcel covered by the boundary adjustments in subsection (a) is transferred from the Secretary of the Interior to the Secretary of Agriculture, and the transferred land and waters shall be managed by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Wenatchee National Forest, as adjusted by subsection (a), shall be considered to be the boundaries of the Wenatchee National Forest as of January 1, 1965.

* * * * *

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 1999”. 112 STAT. 2681-337

* * * * *

(g) For programs, projects or activities in the Department of Transportation and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act: 112 STAT. 2681-439

AN ACT Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes

Department of Transportation and Related Agencies Appropriations Act, 1999.

* * * * *

TITLE III

112 STAT. 2681-464

GENERAL PROVISIONS

* * * * *

SEC. 371. (a) The Commandant of the Coast Guard shall convey, without consideration, to the Town of New Castle, New Hampshire (in this section referred to as the “Town”), all right, title, and interest of the United States in and to a parcel of real property comprising approximately 2 acres and having approximately 100 feet of ocean front that is located in New Castle, New Hampshire. The property is bordered to the west by property owned by the Town and to the east by Coast Guard Station Portsmouth Harbor, New Hampshire. 112 STAT. 2681-478

(b)(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the Town such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

112 STAT. 2681–478 PUBLIC LAW 105–277—OCT. 21, 1998

(2) The Commandant may, in connection with the conveyance required by subsection (a), reserve in favor of the United States such easements and rights-of-way as the Commandant considers necessary to protect the interests of the United States.

(c)(1) The conveyance of property under subsection (a) shall be subject to the following conditions:

112 STAT.
2681–479

(A) That the property, or any portion thereof, shall revert to the United States if the Commandant determines that such property is required by the United States for purposes of the national security of the United States.

(B) That the property, or any portion thereof, shall revert to the United States if the Commandant determines that such property is required by the United States for purposes of a site for an aid to navigation.

(2)(A) At least 30 days before the date of the reversion of property under paragraph (1)(A), the Commandant shall provide the Town written notice that the property is required for purposes of the national security of the United States.

(B) At least 30 days before the date of the reversion of property under paragraph (1)(B), the Commandant shall provide the Town written notice that the property is required for purposes of a site for an aid to navigation.

(d)(1) Notwithstanding any other provision of the Land and Water Conservation Fund Act of 1965, Public Law 88–578, as amended, or other law, the Coast Guard property conveyed to New Castle, New Hampshire pursuant to subsection (a) may be used to replace a portion of Land and Water Conservation Fund-assisted land in New Castle, New Hampshire under project number 33–00077: *Provided*, That the replacement property satisfactorily meets the conversion criteria regarding reasonably equivalent recreation usefulness and location.

(2) The Town may not use the property referred to in paragraph (1) for the purpose specified in that paragraph unless the property conveyed under subsection (a) provides opportunities for recreational activities that are reasonably similar to the opportunities for recreational activities provided by the property referred to in paragraph (1).

(e) The Commandant may require such additional terms and conditions in connection with the conveyance under subsection (a), and the grants of any easements or rights-of-way under subsection (b), as the Commandant considers appropriate to protect the interests of the United States.

* * * * *

112 STAT.
2681–480

This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 1999”.

* * * * *

112 STAT.
2681–544

SEC. 110. LAKE POWELL. No funds appropriated by this Act or any other Act for fiscal year 1999 shall be used to study or implement any plan to drain Lake Powell or decommission the Glen Canyon Dam.

* * * * *

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-553

DIVISION B—EMERGENCY SUPPLEMENTAL
APPROPRIATIONS

* * * * *

TITLE IV—OTHER EMERGENCIES

112 STAT.
2681-574

* * * * *

CHAPTER 4

112 STAT.
2681-576

DEPARTMENT OF THE INTERIOR

* * * * *

NATIONAL PARK SERVICE

112 STAT.
2681-577

CONSTRUCTION

For an additional amount for “Construction”, \$10,000,000, to remain available until expended, to repair damage due to hurricanes, floods and other acts of nature: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

* * * * *

TITLE VI—GENERAL PROVISION

112 STAT.
2681-584

No part of any appropriation contained in this Division of this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DIVISION C—OTHER MATTERS

TITLE I—OTHER MATTERS

* * * * *

SEC. 112. INCLUSION OF SPIRIT MOUND, SOUTH DAKOTA, ON THE LEWIS AND CLARK TRAIL. (a) ACQUISITION.—The Secretary of the Interior is authorized to acquire on a willing seller basis, at a cost of not to exceed \$600,000, the tract of land known as “Spirit Mound”, located on South Dakota Highway 19 near Vermilion, South Dakota.

112 STAT.
2681-592

(b) INCLUSION ON THE LEWIS AND CLARK TRAIL.—The tract described in subsection (a) shall be administered as part of the Lewis and Clark National Historic Trail.

* * * * *

112 STAT. 2681–919 PUBLIC LAW 105–277—OCT. 21, 1998

DIVISION K—PAY-AS-YOU-GO PROVISION

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, legislation in section 103 of Division A and in divisions C through J of this Act that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

This Act may be cited as the “Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999”.

Approved October 21, 1998.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



III. NATIONAL PARKS

1. Biscayne

PUBLIC LAW 105–307—OCT. 29, 1998

112 STAT. 2931

Public Law 105–307
105th Congress

An Act

To designate the Biscayne National Park Visitor Center as the Dante Fascell
Visitor Center.

Oct. 29, 1998

[S. 2468]

*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 “Dante Fascell Biscayne National
Park Visitor Center Designation Act”.

SEC. 2. DESIGNATION OF THE DANTE FASCELL VISITOR CENTER AT BISCAYNE NATIONAL PARK.

(a) DESIGNATION.—The Biscayne National Park visitor center,
located on the shore of Biscayne Bay on Convoy Point, Florida,
is designated as the “Dante Fascell Visitor Center”.

(b) REFERENCES.—Any reference in a law, map, regulation,
document, paper, or other document of the United States to the
Biscayne National Park visitor center shall be deemed to be a
reference to the “Dante Fascell Visitor Center”.

Dante Fascell
Biscayne
National Park
Visitor Center
Designation Act.
Florida.
16 USC 410gg
note.
16 USC 410gg
note.

Approved October 29, 1998.

LEGISLATIVE HISTORY—S. 2468:

SENATE REPORTS: No. 105–407 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 7, considered and passed Senate.

Oct. 10, considered and passed House.



2. Carlsbad Caverns

112 STAT. 3038

PUBLIC LAW 105–325—OCT. 30, 1998

Public Law 105–325
105th Congress

An Act

Oct. 30, 1998
[S. 231]

To establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

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

National Cave
and Karst
Research
Institute Act of
1998.
16 USC 4310
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Cave and Karst Research Institute Act of 1998”.

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to further the science of speleology;
- (2) to centralize and standardize speleological information;
- (3) to foster interdisciplinary cooperation in cave and karst research programs;
- (4) to promote public education;
- (5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and
- (6) to promote and develop environmentally sound and sustainable resource management practices.

SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the “Secretary”), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the “Institute”).

(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

SEC. 4. ADMINISTRATION OF THE INSTITUTE.

(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled “An Act to conduct certain studies in the State of New Mexico”, approved November 15, 1990 (Public Law 101–578; 16 U.S.C. 4310 note).

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public

PUBLIC LAW 105-325—OCT. 30, 1998

112 STAT. 3039

or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

- (1) a grant or donation from a private person; or
- (2) a transfer of funds from another Federal agency.

SEC. 5. FUNDING.

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved October 30, 1998.

LEGISLATIVE HISTORY—S. 231:

HOUSE REPORTS: No. 105-496 (Comm. on Resources).

SENATE REPORTS: No. 105-37 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 143 (1997): July 11, considered and passed Senate.

Vol. 144 (1998): Oct. 10, considered and passed House.



3. Channel Islands

110 STAT. 3009

PUBLIC LAW 104–208—SEPT. 30, 1996

***Public Law 104–208**
104th Congress

An Act

Sept. 30, 1996
 [H.R. 3610]

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Omnibus
 Consolidated
 Appropriations
 Act, 1997.

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

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS**Sec. 101.**

* * * * *

110 STAT.
 3009–181

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Department of
 the Interior and
 Related Agencies
 Appropriations
 Act, 1997.

AN ACT

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

110 STAT.
 3009–198

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

110 STAT.
 3009–204
 16 USC 410ff
 note.

SEC. 125. Visitor Center Designation at Channel Islands National Park.

(a) The visitor center at Channel Islands National Park, California, is hereby designated as the “Robert J. Lagomarsino Visitor Center”.

(b) Any reference in law, regulation, paper, record, map, or any other document in the United States to the visitor center

*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

PUBLIC LAW 104–208—SEPT. 30, 1996 110 STAT. 3009–204

referred to in subsection (a) shall be deemed to be a reference to the “Robert J. Lagomarsino Visitor Center”.

* * * * *

Approved September 30, 1996.

110 STAT.
3009–749

LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm. on Conference).

SENATE REPORTS: No. 104–286 accompanying S. 1894 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

* * * * *

110 STAT. 4189
16 USC 410ff
note.

SEC. 809. ROBERT J. LAGOMARSINO VISITOR CENTER.

(a) **DESIGNATION.**—The visitor center at the Channel Islands National Park, California, is designated as the “Robert J. Lagomarsino Visitor Center”.

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

* * * * *

110 STAT. 4200
California.

SEC. 817. ACQUISITION OF CERTAIN PROPERTY ON SANTA CRUZ ISLAND.

Section 202 of Public Law 96-199 (16 U.S.C. 410ff-1) is amended by adding the following new subsection at the end thereof:

Effective date.

“(e)(1) Notwithstanding any other provision of law, effective 90 days after the date of enactment of this subsection, all right, title, and interest in and to, and the right to immediate possession of, the real property on the eastern end of Santa Cruz Island which is known as the Gherini Ranch is hereby vested in the United States, except for the reserved rights of use and occupancy set forth in Instrument No. 90-027494 recorded in the Official Records of the County of Santa Barbara, California.

110 STAT. 4201

“(2) The United States shall pay just compensation to the owners of any real property taken pursuant to this subsection, determined as of the date of taking. 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 real property plus interest or the valuation of such real property awarded by judgment plus interest. Interest shall accrue from the date of taking to the date of payment. Interest 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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4201

on outstanding marketable obligations of the United States of comparable maturities from the date of enactment of this subsection to the last day of the month preceding the date on which payment is made.

“(3) In the absence of a negotiated settlement, or an action by the owner, within 1 year after the date of enactment of this subsection, the Secretary shall initiate a proceeding, seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

“(4) The Secretary shall not allow any unauthorized use of the lands to be acquired under this subsection, except that the Secretary shall permit the orderly termination of all current activities and the removal of any equipment, facilities, or personal property.”.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



4. Everglades

110 STAT. 888

PUBLIC LAW 104–127—APR. 4, 1996

Public Law 104–127
104th Congress

An Act

Apr. 4, 1996

[H.R. 2854]

To modify the operation of certain agricultural programs.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*Federal
Agriculture
Improvement
and Reform Act
of 1996.
7 USC 7201 note.**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “Federal Agriculture Improvement and Reform Act of 1996”.(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

* * * * *

110 STAT. 980

TITLE III—CONSERVATION

* * * * *

110 STAT. 1016

Subtitle H—Miscellaneous Conservation Provisions

* * * * *

110 STAT. 1022
Florida.**SEC. 390. EVERGLADES ECOSYSTEM RESTORATION.**(a) **IN GENERAL.**—On July 1, 1996, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide \$200,000,000 to the Secretary of the Interior to carry out this section.(b) **ENTITLEMENT.**—The Secretary of the Interior (referred to in this section as the “Secretary”)—

(1) shall be entitled to receive the funds made available under subsection (a);

(2) shall accept the funds; and

(3) shall use the funds to—

(A) conduct restoration activities in the Everglades ecosystem in South Florida, which shall include the acquisition of real property and interests in real property located within the Everglades ecosystem; and

(B) fund resource protection and resource maintenance activities in the Everglades ecosystem.

(c) **SAVINGS PROVISION.**—Nothing in this subsection precludes the Secretary from transferring funds to the Army Corps of Engineers, the State of Florida, or the South Florida Water Management District to carry out subsection (b)(3).

110 STAT. 1023

(d) **DEADLINE.**—The Secretary shall use the funds made available under subsection (a) for restoration activities referred to in subsection (b)(3) not later than December 31, 1999.(e) **REPORT TO CONGRESS.**—For each of calendar years 1996 through 1999, the Secretary shall submit an annual report to Congress describing all activities carried out under subsection (b)(3).(f) **SEPARATE AND ADDITIONAL EVERGLADES RESTORATION ACCOUNT.**—(1) **ESTABLISHMENT.**—There is established in the Treasury a special account (to be known as the “Everglades Restoration

PUBLIC LAW 104-127—APR. 4, 1996

110 STAT. 1023

Account”), which shall consist of such funds as may be deposited in the account under paragraph (2). The account shall be separate, and in addition to, funds deposited in the Treasury under subsection (a).

(2) SOURCE OF FUNDS FOR ACCOUNT.—

(A) PROCEEDS FROM SURPLUS PROPERTY.—

(i) IN GENERAL.—Subject to subparagraph (B), the Administrator shall deposit in the special account all funds received by the Administrator, on or after the date of enactment of this Act, from the disposal pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) of surplus real property located in the State of Florida.

(ii) AVAILABILITY AND DISPOSITION OF FEDERAL LAND.—

(I) IDENTIFICATION.—Any Federal real property located in the State of Florida (excluding lands under the administrative jurisdiction of the Secretary that are set aside for conservation purposes) shall be identified for disposal or exchange under this subsection and shall be presumed available for purposes of this subsection unless the head of the agency controlling the property determines that there is a compelling program need for any property identified by the Secretary.

(II) AVAILABILITY.—Property identified by the Secretary for which there is no demonstrated compelling program need shall, not later than 90 days after a request by the Secretary, be reported to the Administrator and shall be made available to the Administrator who shall consider the property to be surplus property for purposes of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(III) PRIORITIZATION OF DISPOSITION.—The Administrator may prioritize the disposition of property made available under this subparagraph to permit the property to be sold as quickly as practicable in a manner that is consistent with the best interests of the Federal Government.

(B) LIMIT ON TOTAL AMOUNT OF DEPOSITS.—The total amount of funds deposited in the special account under subparagraph (A) shall not exceed \$100,000,000.

(C) EFFECT ON CLOSURE OF MILITARY INSTALLATIONS.—Nothing in this section alters the disposition of any proceeds arising from the disposal of real property pursuant to a base closure law.

(3) USE OF SPECIAL ACCOUNT.—Funds in the special account shall be available to the Secretary until expended under this paragraph. The Secretary shall use funds in the special account to assist in the restoration of the Everglades ecosystem in South Florida through—

110 STAT. 1024

(A) subject to paragraph (4), the acquisition of real property and interests in real property located within the Everglades ecosystem; and

(B) the funding of resource protection and resource maintenance activities in the Everglades ecosystem.

(4) STATE CONTRIBUTION.—The Secretary may not expend any funds from the special account to acquire a parcel of real property, or an interest in a parcel of real property, under paragraph (3)(A) unless the Secretary obtains, or has previously obtained, a contribution from the State of Florida in an amount equal to not less than 50 percent of the appraised value of the parcel or interest to be acquired, as determined by the Secretary.

(5) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(B) BASE CLOSURE LAW.—The term “base closure law” means each of the following:

(i) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(ii) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(iii) Section 2687 of title 10, United States Code.

(iv) Any other similar law enacted after the date of enactment of this Act.

(C) EVERGLADES ECOSYSTEM.—The term “Everglades ecosystem” means the Florida Everglades Restoration area that extends from the Kissimmee River basin to Florida Bay.

(D) EXCESS PROPERTY.—The term “excess property” has the meaning provided in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(E) EXECUTIVE AGENCY.—The term “executive agency” has the meaning provided in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(F) SPECIAL ACCOUNT.—The term “special account” means the Everglades Restoration Account established under paragraph (1).

(G) SURPLUS PROPERTY.—The term “surplus property” has the meaning provided in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(g) REPORT TO DETERMINE THE FEASIBILITY OF ADDITIONAL LAND ACQUISITION AND RESTORATION ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall conduct an investigation to determine what, if any, unreserved and unappropriated Federal lands (or mineral interests in any such lands) under the administrative jurisdiction of the Secretary are suitable for disposal or exchange for the purpose of conducting restoration activities in the Everglades region.

(2) CONSERVATION LANDS.—No lands under the administrative jurisdiction of the Secretary that are set aside for conservation purposes shall be identified for disposal or exchange under this subsection.

(3) FLORIDA.—In carrying out this subsection, the Secretary shall, to the maximum extent practicable, determine which lands and mineral interests located within the State of Florida are suitable for disposal or exchange before making the determination for eligible lands or interests in other States.

PUBLIC LAW 104–127—APR. 4, 1996

110 STAT. 1025

(4) PUBLIC ACCESS.—In carrying out this subsection, the Secretary shall consider that in disposing of lands, the Secretary shall retain such interest in the lands as may be necessary to ensure that the general public is not precluded from reasonable access to the lands for purposes of fishing, hunting, or other recreational uses.

(5) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate describing the results of the investigation conducted under this subsection. The report shall describe the specific parcels identified under this subsection, establish the priorities for disposal or exchange among the parcels, and estimate the values of the parcels.

* * * * *

Approved April 4, 1996.

110 STAT. 1197

LEGISLATIVE HISTORY—H.R. 2854 (S. 1541):

HOUSE REPORTS: Nos. 104–462, Pt. 1 (Comm. on Agriculture) and 104–494 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Jan. 31, Feb. 1, 6, 7, S. 1541 considered and passed Senate.

Feb. 28, 29, H.R. 2854 considered and passed House.

Mar. 12, considered and passed Senate, amended, in lieu of S. 1541.

Mar. 27, Senate considered conference report.

Mar. 28, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 4, Presidential statement.



110 STAT. 3658

PUBLIC LAW 104–303—OCT. 12, 1996

Public Law 104–303
104th Congress

An Act

Oct. 12, 1996
[S. 640]

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Water Resources
Development Act
of 1996.

33 USC 2201
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 1996”.

(b) **TABLE OF CONTENTS.**—

* * * * *

110 STAT. 3671

TITLE II—GENERAL PROVISIONS

* * * * *

110 STAT. 3697

SEC. 225. MELALEUCA.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting “melaleuca,” after “milfoil,”.

* * * * *

110 STAT. 3706

TITLE III—PROJECT-RELATED PROVISIONS

* * * * *

110 STAT. 3714

SEC. 315. CENTRAL AND SOUTHERN FLORIDA, CANAL 51.

The project for flood protection of West Palm Beach, Florida (C–51), authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled “Everglades Protection Project, Palm Beach County, Florida, Conceptual Design”, with such modifications as are approved by the Secretary. The additional work authorized by this section shall be accomplished at Federal expense. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, and all costs of such operation and maintenance shall be provided by non-Federal interests.

110 STAT. 3715

SEC. 316. CENTRAL AND SOUTHERN FLORIDA, CANAL 111.

(a) **IN GENERAL.**—The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176) and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740–741), is modified to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled “Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C–111), South Dade County, Florida”, dated May 1994, including acquisition by non-Federal interests of such

PUBLIC LAW 104-303—OCT. 12, 1996

110 STAT. 3715

portions of the Frog Pond and Rocky Glades areas as are needed for the project.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of implementing the plan of improvement shall be 50 percent.

(2) SECRETARY OF INTERIOR RESPONSIBILITY.—The Secretary of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project. The amount paid by the Secretary of the Interior shall be included as part of the Federal share of the cost of implementing the plan.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent; except that the Federal Government shall reimburse the non-Federal interest with respect to the project 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in the Everglades National Park.

* * * * *

TITLE IV—STUDIES

110 STAT. 3740

* * * * *

SEC. 413. WEST DADE, FLORIDA.

110 STAT. 3742

The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to improve water quality in, and increase the supply of surface water to, the Everglades in order to enhance fish and wildlife habitat.

* * * * *

TITLE V—MISCELLANEOUS PROVISIONS

110 STAT. 3748

* * * * *

SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

110 STAT. 3767

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—The term “Central and Southern Florida Project” means the project for Central and Southern Florida authorized under the heading “CENTRAL AND SOUTHERN FLORIDA” in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), and any modification to the project authorized by law.

(2) COMMISSION.—The term “Commission” means the Governor’s Commission for a Sustainable South Florida, established by Executive Order of the Governor dated March 3, 1994.

(3) GOVERNOR.—The term “Governor” means the Governor of the State of Florida.

(4) SOUTH FLORIDA ECOSYSTEM.—The term “South Florida ecosystem” means the area consisting of the lands and waters within the boundary of the South Florida Water Management District, including the Everglades, the Florida Keys, and the contiguous near-shore coastal waters of South Florida.

110 STAT. 3767

PUBLIC LAW 104-303—OCT. 12, 1996

(5) TASK FORCE.—The term “Task Force” means the South Florida Ecosystem Restoration Task Force established by subsection (f).

(b) RESTORATION ACTIVITIES.—

(1) COMPREHENSIVE PLAN.—

(A) DEVELOPMENT.—

(i) PURPOSE.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the South Florida ecosystem. The comprehensive plan shall provide for the protection of water quality in, and the reduction of the loss of fresh water from, the Everglades. The comprehensive plan shall include such features as are necessary to provide for the water-related needs of the region, including flood control, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(ii) CONSIDERATIONS.—The comprehensive plan shall—

(I) be developed by the Secretary in cooperation with the non-Federal project sponsor and in consultation with the Task Force; and

(II) consider the conceptual framework specified in the report entitled “Conceptual Plan for the Central and Southern Florida Project Restudy”, published by the Commission and approved by the Governor.

(B) SUBMISSION.—Not later than July 1, 1999, the Secretary shall—

(i) complete the feasibility phase of the Central and Southern Florida Project comprehensive review study as authorized by section 309(l) of the Water Resources Development Act of 1992 (106 Stat. 4844), and by 2 resolutions of the Committee on Public Works and Transportation of the House of Representatives, dated September 24, 1992; and

(ii) submit to Congress the plan developed under subparagraph (A)(i) consisting of a feasibility report and a programmatic environmental impact statement covering the proposed Federal action set forth in the plan.

(C) ADDITIONAL STUDIES AND ANALYSES.—Notwithstanding the completion of the feasibility report under subparagraph (B), the Secretary shall continue to conduct such studies and analyses as are necessary, consistent with subparagraph (A)(i).

(2) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED PROJECT FEATURES.—The Secretary shall design and construct any features of the Central and Southern Florida Project that are authorized on the date of the enactment of this Act or that may be implemented in accordance with the Secretary’s authority to modify an authorized project, including features authorized under sections 315 and 316, with funds that are otherwise available, if the Secretary determines that the design and construction—

110 STAT. 3768

Reports.

PUBLIC LAW 104-303—OCT. 12, 1996

110 STAT. 3768

(A) will accelerate the restoration, preservation, and protection of the South Florida ecosystem;

(B) will be generally consistent with the conceptual framework described in paragraph (1)(A)(ii)(II); and

(C) will be compatible with the overall authorized purposes of the Central and Southern Florida Project.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—In addition to the activities described in paragraphs (1) and (2), if the Secretary, in cooperation with the non-Federal project sponsor and the Task Force, determines that a restoration project for the South Florida ecosystem will produce independent, immediate, and substantial restoration, preservation, and protection benefits, and will be generally consistent with the conceptual framework described in paragraph (1)(A)(ii)(II), the Secretary shall proceed expeditiously with the implementation of the restoration project.

(B) INITIATION OF PROJECTS.—After September 30, 1999, no new projects may be initiated under subparagraph (A).

110 STAT. 3769

(C) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under subparagraph (A) \$75,000,000 for the period consisting of fiscal years 1997 through 1999.

(ii) FEDERAL SHARE.—The Federal share of the cost of carrying out any 1 project under subparagraph (A) shall be not more than \$25,000,000.

(4) GENERAL PROVISIONS.—

(A) WATER QUALITY.—In carrying out activities described in this subsection and sections 315 and 316, the Secretary—

(i) shall take into account the protection of water quality by considering applicable State water quality standards; and

(ii) may include in projects such features as are necessary to provide water to restore, preserve, and protect the South Florida ecosystem.

(B) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this subsection and subsection (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(C) PUBLIC PARTICIPATION.—In developing the comprehensive plan under paragraph (1) and carrying out the activities described in this subsection and subsection (c), the Secretary shall provide for public review and comment on the activities in accordance with applicable Federal law.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out activities described in subsection (b), the Secretary shall integrate such activities with ongoing Federal and State projects and activities, including—

(A) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of

110 STAT. 3769

PUBLIC LAW 104-303—OCT. 12, 1996

the Water Resources Development Act of 1992 (106 Stat. 4802);

(B) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8);

(C) activities under the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note; 104 Stat. 3089); and

(D) the Everglades Construction Project of the State of Florida.

(2) STATUTORY CONSTRUCTION.—

(A) EXISTING AUTHORITY.—Except as otherwise expressly provided in this section, nothing in this section affects any authority in effect on the date of the enactment of this Act, or any requirement of the authority, relating to participation in restoration activities in the South Florida ecosystem, including the projects and activities specified in paragraph (1), by—

- (i) the Department of the Interior;
- (ii) the Department of Commerce;
- (iii) the Department of the Army;
- (iv) the Environmental Protection Agency;
- (v) the Department of Agriculture;
- (vi) the State of Florida; and
- (vii) the South Florida Water Management District.

(B) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out the activities to restore, preserve, and protect the South Florida ecosystem described in subsection (b), the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the South Florida ecosystem in general and the Everglades and Florida Bay in particular; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the South Florida ecosystem.

(e) COST SHARING.—

(1) IN GENERAL.—Except as provided in sections 315 and 316 and paragraph (2), the non-Federal share of the cost of activities described in subsection (b) shall be 50 percent.

(2) WATER QUALITY FEATURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the non-Federal share of the cost of project features to improve water quality described in subsection (b) shall be 100 percent.

(B) EXCEPTION.—

110 STAT. 3770

PUBLIC LAW 104-303—OCT. 12, 1996

110 STAT. 3770

(i) IN GENERAL.—Subject to clause (ii), if the Secretary determines that a project feature to improve water quality is essential to Everglades restoration, the non-Federal share of the cost of the feature shall be 50 percent.

(ii) APPLICABILITY.—Clause (i) shall not apply to any feature of the Everglades Construction Project of the State of Florida.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of projects carried out under this section shall be a non-Federal responsibility.

(4) CREDIT.—Regardless of the date of acquisition, the value of lands or interests in land acquired by non-Federal interests for any activity described in subsection (b) shall be included in the total cost of the activity and credited against the non-Federal share of the cost of the activity. Such value shall be determined by the Secretary.

(f) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

110 STAT. 3771

(A) The Secretary of the Interior, who shall serve as chairperson.

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the tribal chairman.

(I) 1 representative of the Seminole Tribe of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the tribal chairman.

(J) 2 representatives of the State of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(K) 1 representative of the South Florida Water Management District, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(L) 2 representatives of local government in the State of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(2) DUTIES OF TASK FORCE.—The Task Force—

(A) shall consult with, and provide recommendations to, the Secretary during development of the comprehensive plan under subsection (b)(1);

(B) shall coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the restoration, preservation, and protection of the South Florida ecosystem;

110 STAT. 3771

PUBLIC LAW 104-303—OCT. 12, 1996

(C) shall exchange information regarding programs, projects, and activities of the agencies and entities represented on the Task Force to promote ecosystem restoration and maintenance;

(D) shall establish a Florida-based working group which shall include representatives of the agencies and entities represented on the Task Force as well as other governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing the policies, strategies, plans, programs, projects, activities, and priorities of the Task Force;

(E) may, and the working group described in subparagraph (D), may—

(i) establish such advisory bodies as are necessary to assist the Task Force in its duties, including public policy and scientific issues; and

(ii) select as an advisory body any entity, such as the Commission, that represents a broad variety of private and public interests;

110 STAT. 3772

(F) shall facilitate the resolution of interagency and intergovernmental conflicts associated with the restoration of the South Florida ecosystem among agencies and entities represented on the Task Force;

(G) shall coordinate scientific and other research associated with the restoration of the South Florida ecosystem;

(H) shall provide assistance and support to agencies and entities represented on the Task Force in their restoration activities;

(I) shall prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the restoration, preservation, and protection of the South Florida ecosystem; and

Reports.

(J) shall submit a biennial report to Congress that summarizes—

(i) the activities of the Task Force;

(ii) the policies, strategies, plans, programs, projects, activities, and priorities planned, developed, or implemented for the restoration of the South Florida ecosystem; and

(iii) progress made toward the restoration.

(3) PROCEDURES AND ADVICE.—

(A) PUBLIC PARTICIPATION.—

(i) IN GENERAL.—The Task Force shall implement procedures to facilitate public participation in the advisory process, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(ii) OVERSIGHT.—The Secretary of the Interior shall ensure that the procedures described in clause (i) are adopted and implemented and that the records described in clause (i) are accurately maintained and available for public inspection.

(B) ADVISORS TO THE TASK FORCE AND WORKING GROUP.—The Task Force or the working group described

PUBLIC LAW 104-303—OCT. 12, 1996

110 STAT. 3772

in paragraph (2)(D) may seek advice and input from any interested, knowledgeable, or affected party as the Task Force or working group, respectively, determines necessary to perform the duties described in paragraph (2).

(C) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(i) TASK FORCE AND WORKING GROUP.—The Task Force and the working group shall not be considered advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.).

(ii) ADVISORS.—Seeking advice and input under subparagraph (B) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) COMPENSATION.—A member of the Task Force shall receive no compensation for the service of the member on the Task Force.

(5) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency, tribe, or government that the member represents.

110 STAT. 3773

* * * * *

Approved October 12, 1996.

110 STAT. 3792

LEGISLATIVE HISTORY—S. 640 (H.R. 3592):

HOUSE REPORTS: Nos. 104-695 accompanying H.R. 3592 (Comm. on Transportation and Infrastructure) and 104-843 (Comm. on Conference).

SENATE REPORTS: No. 104-170 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 142 (1996):

July 11, considered and passed Senate.

July 30, H.R. 3592 considered and passed House; S. 640, amended, passed in lieu.

Sept. 26, House agreed to conference report.

Sept. 27, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Oct. 12, Presidential statement.



111 STAT. 1540

PUBLIC LAW 105–82—NOV. 13, 1997

Public Law 105–82
105th Congress

An Act

Nov. 13, 1997
[S. 931]

To designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center.

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

Marjory
Stoneman
Douglas
Wilderness and
Ernest F. Coe
Visitor Center
Designation Act.
16 USC 410r–5
note.
16 USC 410r–7
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center Designation Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) Marjory Stoneman Douglas, through her book, “The Everglades: River of Grass” (published in 1947), defined the Everglades for the people of the United States and the world;

(B) Mrs. Douglas’s book was the first to stimulate widespread understanding of the Everglades ecosystem and ultimately served to awaken the desire of the people of the United States to restore the ecosystem’s health;

(C) in her 107th year, Mrs. Douglas is the sole surviving member of the original group of people who devoted decades of selfless effort to establish the Everglades National Park;

(D) when the water supply and ecology of the Everglades, both within and outside the park, became threatened by drainage and development, Mrs. Douglas dedicated the balance of her life to the defense of the Everglades through extraordinary personal effort and by inspiring countless other people to take action;

(E) for these and many other accomplishments, the President awarded Mrs. Douglas the Medal of Freedom on Earth Day, 1994; and

(2)(A) Ernest F. Coe (1886–1951) was a leader in the creation of Everglades National Park;

(B) Mr. Coe organized the Tropic Everglades National Park Association in 1928 and was widely regarded as the father of Everglades National Park;

(C) as a landscape architect, Mr. Coe’s vision for the park recognized the need to protect south Florida’s diverse wildlife and habitats for future generations;

(D) Mr. Coe’s original park proposal included lands and waters subsequently protected within the Everglades National Park, the Big Cypress National Preserve, and the Florida Keys National Marine Sanctuary; and

111 STAT. 1541

(E)(i) Mr. Coe’s leadership, selfless devotion, and commitment to achieving his vision culminated in the authorization of the Everglades National Park by Congress in 1934;

(ii) after authorization of the park, Mr. Coe fought tirelessly and lobbied strenuously for establishment of the park, finally realizing his dream in 1947; and

(iii) Mr. Coe accomplished much of the work described in this paragraph at his own expense, which dramatically demonstrated his commitment to establishment of Everglades National Park.

PUBLIC LAW 105–82—NOV. 13, 1997

111 STAT. 1541

(b) **PURPOSE.**—It is the purpose of this Act to commemorate the vision, leadership, and enduring contributions of Marjory Stoneman Douglas and Ernest F. Coe to the protection of the Everglades and the establishment of Everglades National Park.

SEC. 3. MARJORY STONEMAN DOUGLAS WILDERNESS.16 USC 1132
note.

(a) **REDESIGNATION.**—Section 401(3) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3490; 16 U.S.C. 1132 note) is amended by striking “to be known as the Everglades Wilderness” and inserting “to be known as the Marjory Stoneman Douglas Wilderness, to commemorate the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and the establishment of the Everglades National Park”.

(b) **NOTICE OF REDESIGNATION.**—The Secretary of the Interior shall provide such notification of the redesignation made by the amendment made by subsection (a) by signs, materials, maps, markers, interpretive programs, and other means (including changes in signs, materials, maps, and markers in existence before the date of enactment of this Act) as will adequately inform the public of the redesignation of the wilderness area and the reasons for the redesignation.

(c) **REFERENCES.**—Any reference in any law, regulation, document, record, map, or other paper of the United States to the “Everglades Wilderness” shall be deemed to be a reference to the “Marjory Stoneman Douglas Wilderness”.

SEC. 4. ERNEST F. COE VISITOR CENTER.

(a) **DESIGNATION.**—Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended by adding at the end the following new subsection:

“(f) **ERNEST F. COE VISITOR CENTER.**—On completion of construction of the main visitor center facility at the headquarters of Everglades National Park, the Secretary shall designate the visitor center facility as the ‘Ernest F. Coe Visitor Center’, to commemorate the vision and leadership shown by Mr. Coe in the establishment and protection of Everglades National Park.”.

SEC. 5. CONFORMING AND TECHNICAL AMENDMENTS.

111 STAT. 1542

Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended—

(1) in subsection (c)(2), by striking “personnally-owned” and inserting “personally-owned”; and

(2) in subsection (e), by striking “VISITOR CENTER” and inserting “MARJORY STONEMAN DOUGLAS VISITOR CENTER”.

Approved November 13, 1997.

LEGISLATIVE HISTORY—S. 931 (H.R. 136):

HOUSE REPORTS: No. 105–328 accompanying H.R. 136 (Comm. on Resources).

SENATE REPORTS: No. 105–68 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Sept. 16, considered and passed Senate.

Nov. 4, considered and passed House.



112 STAT. 2964

PUBLIC LAW 105–313—OCT. 30, 1998

Public Law 105–313
105th Congress

An Act

Oct. 30, 1998
[H.R. 3055]

To deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

Miccosukee
Reserved Area
Act.
Native
Americans.
Florida.
16 USC 410 note.
16 USC 410 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 “Miccosukee Reserved Area Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since 1964, the Miccosukee Tribe of Indians of Florida have lived and governed their own affairs on a strip of land on the northern edge of the Everglades National Park pursuant to permits from the National Park Service and other legal authority. The current permit expires in 2014.

(2) Since the commencement of the Tribe’s permitted use and occupancy of the Special Use Permit Area, the Tribe’s membership has grown, as have the needs and desires of the Tribe and its members for modern housing, governmental and administrative facilities, schools and cultural amenities, and related structures.

(3) The United States, the State of Florida, the Miccosukee Tribe, and the Seminole Tribe of Florida are participating in a major intergovernmental effort to restore the South Florida ecosystem, including the restoration of the environment of the Park.

(4) The Special Use Permit Area is located within the northern boundary of the Park, which is critical to the protection and restoration of the Everglades, as well as to the cultural values of the Miccosukee Tribe.

(5) The interests of both the Miccosukee Tribe and the United States would be enhanced by a further delineation of the rights and obligations of each with respect to the Special Use Permit Area and to the Park as a whole.

(6) The amount and location of land allocated to the Tribe fulfills the purposes of the Park.

(7) The use of the Miccosukee Reserved Area by the Miccosukee Tribe does not constitute an abandonment of the Park.

16 USC 410 note. **SEC. 3. PURPOSES.**

The purposes of this Act are as follows:

PUBLIC LAW 105-313—OCT. 30, 1998

112 STAT. 2965

(1) To replace the special use permit with a legal framework under which the Tribe can live permanently and govern the Tribe's own affairs in a modern community within the Park.

(2) To protect the Park outside the boundaries of the Miccosukee Reserved Area from adverse effects of structures or activities within that area, and to support restoration of the South Florida ecosystem, including restoring the environment of the Park.

SEC. 4. DEFINITIONS.

16 USC 410 note.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **EVERGLADES.**—The term “Everglades” means the areas within the Florida Water Conservation Areas, Everglades National Park, and Big Cypress National Preserve.

(3) **FEDERAL AGENCY.**—The term “Federal agency” means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(4) **MICCOSUKEE RESERVED AREA; MRA.**—

(A) **IN GENERAL.**—The term “Miccosukee Reserved Area” or “MRA” means, notwithstanding any other provision of law and subject to the limitations specified in section 6(d) of this Act, the portion of the Everglades National Park described in subparagraph (B) that is depicted on the map entitled “Miccosukee Reserved Area” numbered NPS-160/41,038, and dated September 30, 1998, copies of which shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Miami-Dade County and the Miccosukee Tribe of Indians of Florida.

(B) **DESCRIPTION.**—The description of the lands referred to in subparagraph (A) is as follows: “Beginning at the western boundary of Everglades National Park at the west line of sec. 20, T. 54 S., R. 35 E., thence E. following the Northern boundary of said Park in T. 54 S., Rs. 35 and 36 E., to a point in sec. 19, T. 54 S., R. 36 E., 500 feet west of the existing road known as Seven Mile Road, thence 500 feet south from said point, thence west paralleling the Park boundary for 3,200 feet, thence south for 600 feet, thence west, paralleling the Park boundary to the west line of sec. 20, T. 54 S., R. 35 E., thence N. 1,100 feet to the point of beginning.”.

(5) **PARK.**—The term “Park” means the Everglades National Park, including any additions to that Park.

(6) **PERMIT.**—The term “permit”, unless otherwise specified, means any federally issued permit, license, certificate of public convenience and necessity, or other permission of any kind.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior or the designee of the Secretary.

(8) **SOUTH FLORIDA ECOSYSTEM.**—The term “South Florida ecosystem” has the meaning given that term in section 528(a)(4) of the Water Resources Development Act of 1996 (Public Law 104-303).

112 STAT. 2966

PUBLIC LAW 105-313—OCT. 30, 1998

(9) SPECIAL USE PERMIT AREA.—The term “special use permit area” means the area of 333.3 acres on the northern boundary of the Park reserved for the use, occupancy, and governance of the Tribe under a special use permit before the date of the enactment of this Act.

(10) TRIBE.—The term “Tribe”, unless otherwise specified, means the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

(11) TRIBAL.—The term “tribal” means of or pertaining to the Miccosukee Tribe of Indians of Florida.

(12) TRIBAL CHAIRMAN.—The term “tribal chairman” means the duly elected chairman of the Miccosukee Tribe of Indians of Florida, or the designee of that chairman.

16 USC 410 note. **SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE MICCOSUKEE RESERVED AREA.**

(a) SPECIAL USE PERMIT TERMINATED.—

(1) TERMINATION.—The special use permit dated February 1, 1973, issued by the Secretary to the Tribe, and any amendments to that permit, are terminated.

(2) EXPANSION OF SPECIAL USE PERMIT AREA.—The geographical area contained in the former special use permit area referred to in paragraph (1) shall be expanded pursuant to this Act and known as the Miccosukee Reserved Area.

(3) GOVERNANCE OF AFFAIRS IN MICCOSUKEE RESERVED AREA.—Subject to the provisions of this Act and other applicable Federal law, the Tribe shall govern its own affairs and otherwise make laws and apply those laws in the MRA as though the MRA were a Federal Indian reservation.

(b) PERPETUAL USE AND OCCUPANCY.—The Tribe shall have the exclusive right to use and develop the MRA in perpetuity in a manner consistent with this Act for purposes of the administration, education, housing, and cultural activities of the Tribe, including commercial services necessary to support those purposes.

(c) INDIAN COUNTRY STATUS.—The MRA shall be—

(1) considered to be Indian country (as that term is defined in section 1151 of title 18, United States Code); and

(2) treated as a federally recognized Indian reservation solely for purposes of—

(A) determining the authority of the Tribe to govern its own affairs and otherwise make laws and apply those laws within the MRA; and

(B) the eligibility of the Tribe and its members for any Federal health, education, employment, economic assistance, revenue sharing, or social welfare programs, or any other similar Federal program for which Indians are eligible because of their—

(i) status as Indians; and

(ii) residence on or near an Indian reservation.

(d) EXCLUSIVE FEDERAL JURISDICTION PRESERVED.—The exclusive Federal legislative jurisdiction as applied to the MRA as in effect on the date of the enactment of this Act shall be preserved. The Act of August 15, 1953, 67 Stat. 588, chapter 505 and the amendments made by that Act, including section 1162 of title

PUBLIC LAW 105-313—OCT. 30, 1998

112 STAT. 2967

18, United States Code, as added by that Act and section 1360 of title 28, United States Code, as added by that Act, shall not apply with respect to the MRA.

(e) OTHER RIGHTS PRESERVED.—Nothing in this Act shall affect any rights of the Tribe under Federal law, including the right to use other lands or waters within the Park for other purposes, including, fishing, boating, hiking, camping, cultural activities, or religious observances.

SEC. 6. PROTECTION OF EVERGLADES NATIONAL PARK.

16 USC 410 note.

(a) ENVIRONMENTAL PROTECTION AND ACCESS REQUIREMENTS.—

(1) IN GENERAL.—The MRA shall remain within the boundaries of the Park and be a part of the Park in a manner consistent with this Act.

(2) COMPLIANCE WITH APPLICABLE LAWS.—The Tribe shall be responsible for compliance with all applicable laws, except as otherwise provided by this Act.

(3) PREVENTION OF DEGRADATION; ABATEMENT.—

(A) PREVENTION OF DEGRADATION.—Pursuant to the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Tribe shall prevent and abate degradation of the quality of surface or groundwater that is released into other parts of the Park, as follows:

(i) With respect to water entering the MRA which fails to meet applicable water quality standards approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), actions of the Tribe shall not further degrade water quality.

(ii) With respect to water entering the MRA which meets applicable water quality standards approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Tribe shall not cause the water to fail to comply with applicable water quality standards.

(B) PREVENTION AND ABATEMENT.—The Tribe shall prevent and abate disruption of the restoration or preservation of the quantity, timing, or distribution of surface or groundwater that would enter the MRA and flow, directly or indirectly, into other parts of the Park, but only to the extent that such disruption is caused by conditions, activities, or structures within the MRA.

(C) PREVENTION OF SIGNIFICANT PROPAGATION OF EXOTIC PLANTS AND ANIMALS.—The Tribe shall prevent significant propagation of exotic plants or animals outside the MRA that may otherwise be caused by conditions, activities, or structures within the MRA.

(D) PUBLIC ACCESS TO CERTAIN AREAS OF THE PARK.—The Tribe shall not impede public access to those areas of the Park outside the boundaries of the MRA, and to and from the Big Cypress National Preserve, except that the Tribe shall not be required to allow individuals who are not members of the Tribe access to the MRA other than Federal employees, agents, officers, and officials (as provided in this Act).

(E) PREVENTION OF SIGNIFICANT CUMULATIVE ADVERSE ENVIRONMENTAL IMPACTS.—

112 STAT. 2968

PUBLIC LAW 105-313—OCT. 30, 1998

- (i) IN GENERAL.—The Tribe shall prevent and abate any significant cumulative adverse environmental impact on the Park outside the MRA resulting from development or other activities within the MRA.
- Deadline. (ii) PROCEDURES.—Not later than 12 months after the date of the enactment of this Act, the Tribe shall develop, publish, and implement procedures that shall ensure adequate public notice and opportunity to comment on major tribal actions within the MRA that may contribute to a significant cumulative adverse impact on the Everglades ecosystem.
- (iii) WRITTEN NOTICE.—The procedures in clause (ii) shall include timely written notice to the Secretary and consideration of the Secretary's comments.
- Deadline. (F) WATER QUALITY STANDARDS.—
- (i) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Tribe shall adopt and comply with water quality standards within the MRA that are at least as protective as the water quality standards for the area encompassed by Everglades National Park approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).
- (ii) TRIBAL WATER QUALITY STANDARDS.—The Tribe may not adopt water quality standards for the MRA under clause (i) that are more restrictive than the water quality standards adopted by the Tribe for contiguous reservation lands that are not within the Park.
- (iii) EFFECT OF FAILURE TO ADOPT OR PRESCRIBE STANDARDS.—In the event the Tribe fails to adopt water quality standards referred to in clause (i), the water quality standards applicable to the Everglades National Park, approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), shall be deemed to apply by operation of Federal law to the MRA until such time as the Tribe adopts water quality standards that meet the requirements of this subparagraph.
- (iv) MODIFICATION OF STANDARDS.—If, after the date of the enactment of this Act, the standards referred to in clause (iii) are revised, not later than 1 year after those standards are revised, the Tribe shall make such revisions to water quality standards of the Tribe as are necessary to ensure that those water quality standards are at least as protective as the revised water quality standards approved by the Administrator.
- (v) EFFECT OF FAILURE TO MODIFY WATER QUALITY STANDARDS.—If the Tribe fails to revise water quality standards in accordance with clause (iv), the revised water quality standards applicable to the Everglades Park, approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall be deemed to apply by operation of Federal law to the MRA until such time as the Tribe adopts water quality standards that are at least as protective as

PUBLIC LAW 105-313—OCT. 30, 1998

112 STAT. 2969

the revised water quality standards approved by the Administrator.

(G) NATURAL EASEMENTS.—The Tribe shall not engage in any construction, development, or improvement in any area that is designated as a natural easement.

(b) HEIGHT RESTRICTIONS.—

(1) RESTRICTIONS.—Except as provided in paragraphs (2) through (4), no structure constructed within the MRA shall exceed the height of 45 feet or exceed 2 stories, except that a structure within the Miccosukee Government Center, as shown on the map referred to in section 4(4), shall not exceed the height of 70 feet.

(2) EXCEPTIONS.—The following types of structures are exempt from the restrictions of this section to the extent necessary for the health, safety, or welfare of the tribal members, and for the utility of the structures:

(A) Water towers or standpipes.

(B) Radio towers.

(C) Utility lines.

(3) WAIVER.—The Secretary may waive the restrictions of this subsection if the Secretary finds that the needs of the Tribe for the structure that is taller than structures allowed under the restrictions would outweigh the adverse effects to the Park or its visitors.

(4) GRANDFATHER CLAUSE.—Any structure approved by the Secretary before the date of the enactment of this Act, and for which construction commences not later than 12 months after the date of the enactment of this Act, shall not be subject to the provisions of this subsection.

(5) MEASUREMENT.—The heights specified in this subsection shall be measured from mean sea level.

(c) OTHER CONDITIONS.—

(1) GAMING.—No class II or class III gaming (as those terms are defined in section 4 (7) and (8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703 (7) and (8)) shall be conducted within the MRA.

(2) AVIATION.—

(A) IN GENERAL.—No commercial aviation may be conducted from or to the MRA.

(B) EMERGENCY OPERATORS.—Takeoffs and landings of aircraft shall be allowed for emergency operations and administrative use by the Tribe or the United States, including resource management and law enforcement.

(C) STATE AGENCIES AND OFFICIALS.—The Tribe may permit the State of Florida, as agencies or municipalities of the State of Florida to provide for takeoffs or landings of aircraft on the MRA for emergency operations or administrative purposes.

(3) VISUAL QUALITY.—

(A) IN GENERAL.—In the planning, use, and development of the MRA by the Tribe, the Tribe shall consider the quality of the visual experience from the Shark River Valley visitor use area, including limitations on the height and locations of billboards or other commercial signs or other advertisements visible from the Shark Valley visitor center, tram road, or observation tower.

112 STAT. 2970

PUBLIC LAW 105-313—OCT. 30, 1998

(B) EXEMPTION OF MARKINGS.—The Tribe may exempt markings on a water tower or standpipe that merely identify the Tribe.

(d) EASEMENTS AND RANGER STATION.—Notwithstanding any other provision of this Act, the following provisions shall apply:

(1) NATURAL EASEMENTS.—

(A) IN GENERAL.—The use and occupancy of the MRA by the Tribe shall be perpetually subject to natural easements on parcels of land that are—

(i) bounded on the north and south by the boundaries of the MRA, specified in the legal description under section 4(4); and

(ii) bounded on the east and west by boundaries that run perpendicular to the northern and southern boundaries of the MRA, as provided in the description under subparagraph (B).

(B) DESCRIPTION.—The description referred to in subparagraph (A)(ii) is as follows:

(i) Easement number 1, being 445 feet wide with western boundary 525 feet, and eastern boundary 970 feet, east of the western boundary of the MRA.

(ii) Easement number 2, being 443 feet wide with western boundary 3,637 feet, and eastern boundary 4,080 feet, east of the western boundary of the MRA.

(iii) Easement number 3, being 320 feet wide with western boundary 5,380 feet, and eastern boundary 5,700 feet, east of the western boundary of the MRA.

(iv) Easement number 4, being 290 feet wide with western boundary 6,020 feet, and eastern boundary 6,310 feet, east of the western boundary of the MRA.

(v) Easement number 5, being 290 feet wide with western boundary 8,170 feet, and eastern boundary 8,460 feet, east of the western boundary of the MRA.

(vi) Easement number 6, being 312 feet wide with western boundary 8,920 feet, and eastern boundary 9,232 feet, east of the western boundary of the MRA.

(2) EXTENT OF EASEMENTS.—The aggregate extent of the east-west parcels of lands subject to easements under paragraph (1) shall not exceed 2,100 linear feet, as depicted on the map referred to in section 4(4).

(3) USE OF EASEMENTS.—At the discretion of the Secretary, the Secretary may use the natural easements specified in paragraph (1) to fulfill a hydrological or other environmental objective of the Everglades National Park.

(4) ADDITIONAL REQUIREMENTS.—In addition to providing for the easements specified in paragraph (1), the Tribe shall not impair or impede the continued function of the water control structures designated as “S-12A” and “S-12B”, located north of the MRA on the Tamiami Trail and any existing water flow ways under the Old Tamiami Trail.

(5) USE BY DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall have a right, in perpetuity, to use and occupy, and to have vehicular and airboat access to, the Tamiami Ranger Station identified on the map referred to in section 4(4), except that the pad on which such station is constructed shall not be increased in size without the consent of the Tribe.

PUBLIC LAW 105-313—OCT. 30, 1998

112 STAT. 2971

SEC. 7. IMPLEMENTATION PROCESS.

16 USC 410 note.

(a) **GOVERNMENT-TO-GOVERNMENT AGREEMENTS.**—The Secretary and the tribal chairman shall make reasonable, good faith efforts to implement the requirements of this Act. Those efforts may include government-to-government consultations, and the development of standards of performance and monitoring protocols.

(b) **FEDERAL MEDIATION AND CONCILIATION SERVICE.**—If the Secretary and the tribal chairman concur that they cannot reach agreement on any significant issue relating to the implementation of the requirements of this Act, the Secretary and the tribal chairman may jointly request that the Federal Mediation and Conciliation Service assist them in reaching a satisfactory agreement.

(c) **60-DAY TIME LIMIT.**—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 60 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance, unless the Secretary and the tribal chairman agree to an extension of period of time.

(d) **OTHER RIGHTS PRESERVED.**—The facilitated dispute resolution specified in this section shall not prejudice any right of the parties to—

(1) commence an action in a court of the United States at any time; or

(2) any other resolution process that is not prohibited by law.

SEC. 8. MISCELLANEOUS.

16 USC 410 note.

(a) **NO GENERAL APPLICABILITY.**—Nothing in this Act creates any right, interest, privilege, or immunity affecting any other Tribe or any other park or Federal lands.

(b) **NONINTERFERENCE WITH FEDERAL AGENTS.**—

(1) **IN GENERAL.**—Federal employees, agents, officers, and officials shall have a right of access to the MRA—

(A) to monitor compliance with the provisions of this Act; and

(B) for other purposes, as though it were a Federal Indian reservation.

(2) **STATUTORY CONSTRUCTION.**—Nothing in this Act shall authorize the Tribe or members or agents of the Tribe to interfere with any Federal employee, agent, officer, or official in the performance of official duties (whether within or outside the boundaries of the MRA) except that nothing in this paragraph may prejudice any right under the Constitution of the United States.

(c) **FEDERAL PERMITS.**—

(1) **IN GENERAL.**—No Federal permit shall be issued to the Tribe for any activity or structure that would be inconsistent with this Act.

(2) **CONSULTATIONS.**—Any Federal agency considering an application for a permit for construction or activities on the MRA shall consult with, and consider the advice, evidence, and recommendations of the Secretary before issuing a final decision.

(3) **RULE OF CONSTRUCTION.**—Except as otherwise specifically provided in this Act, nothing in this Act supersedes any requirement of any other applicable Federal law.

112 STAT. 2972

PUBLIC LAW 105-313—OCT. 30, 1998

(d) VOLUNTEER PROGRAMS AND TRIBAL INVOLVEMENT.—The Secretary may establish programs that foster greater involvement by the Tribe with respect to the Park. Those efforts may include internships and volunteer programs with tribal schoolchildren and with adult tribal members.

(e) SAVING ECOSYSTEM RESTORATION.—

(1) IN GENERAL.—Nothing in this Act shall be construed to amend or prejudice the authority of the United States to design, construct, fund, operate, permit, remove, or degrade canals, levees, pumps, impoundments, wetlands, flow ways, or other facilities, structures, or systems, for the restoration or protection of the South Florida ecosystem pursuant to Federal laws.

(2) USE OF NONEASEMENT LANDS.—

(A) IN GENERAL.—The Secretary may use all or any part of the MRA lands to the extent necessary to restore or preserve the quality, quantity, timing, or distribution of surface or groundwater, if other reasonable alternative measures to achieve the same purpose are impractical.

(B) SECRETARIAL AUTHORITY.—The Secretary may use lands referred to in subparagraph (A) either under an agreement with the tribal chairman or upon an order of the United States district court for the district in which the MRA is located, upon petition by the Secretary and finding by the court that—

(i) the proposed actions of the Secretary are necessary; and

(ii) other reasonable alternative measures are impractical.

(3) COSTS.—

(A) IN GENERAL.—In the event the Secretary exercises the authority granted the Secretary under paragraph (2), the United States shall be liable to the Tribe or the members of the Tribe for—

(i) cost of modification, removal, relocation, or reconstruction of structures lawfully erected in good faith on the MRA; and

(ii) loss of use of the affected land within the MRA.

(B) PAYMENT OF COMPENSATION.—Any compensation paid under subparagraph (A) shall be paid as cash payments with respect to taking structures and other fixtures and in the form of rights to occupy similar land adjacent to the MRA with respect to taking land.

(4) RULE OF CONSTRUCTION.—Paragraphs (2) and (3) shall not apply to a natural easement described in section 6(d)(1).

(f) PARTIES HELD HARMLESS.—

(1) UNITED STATES HELD HARMLESS.—

(A) IN GENERAL.—Subject to subparagraph (B) with respect to any tribal member, tribal employee, tribal contractor, tribal enterprise, or any person residing within the MRA, notwithstanding any other provision of law, the United States (including an officer, agent, or employee of the United States), shall not be liable for any action or failure to act by the Tribe (including an officer, employee, or member of the Tribe), including any failure to perform any of the obligations of the Tribe under this Act.

PUBLIC LAW 105–313—OCT. 30, 1998

112 STAT. 2973

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to alter any liability or other obligation that the United States may have under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(2) TRIBE HELD HARMLESS.—Notwithstanding any other provision of law, the Tribe and the members of the Tribe shall not be liable for any injury, loss, damage, or harm that—

(A) occurs with respect to the MRA; and

(B) is caused by an action or failure to act by the United States, or the officer, agent, or employee of the United States (including the failure to perform any obligation of the United States under this Act).

(g) COOPERATIVE AGREEMENTS.—Nothing in this Act shall alter the authority of the Secretary and the Tribe to enter into any cooperative agreement, including any agreement concerning law enforcement, emergency response, or resource management.

(h) WATER RIGHTS.—Nothing in this Act shall enhance or diminish any water rights of the Tribe, or members of the Tribe, or the United States (with respect to the Park).

(i) ENFORCEMENT.—

(1) ACTIONS BROUGHT BY ATTORNEY GENERAL.—The Attorney General may bring a civil action in the United States district court for the district in which the MRA is located, to enjoin the Tribe from violating any provision of this Act.

(2) ACTION BROUGHT BY TRIBE.—The Tribe may bring a civil action in the United States district court for the district in which the MRA is located to enjoin the United States from violating any provision of this Act.

Approved October 30, 1998.

LEGISLATIVE HISTORY—H.R. 3055 (S. 1419):

HOUSE REPORTS: No. 105–708, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 105–361 accompanying S. 1419 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 12, considered and passed House.

Oct. 15, considered and passed Senate.



5. Grand Canyon

110 STAT. 3213

PUBLIC LAW 104–264—OCT. 9, 1996

Public Law 104–264
104th Congress

An Act

Oct. 9, 1996
[H.R. 3539]

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

Federal Aviation
Reauthorization
Act of 1996.
49 USC 40101
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Aviation Reauthorization Act of 1996”.

(b) **TABLE OF CONTENTS.**—

* * * * *

110 STAT. 3279

TITLE XII—MISCELLANEOUS PROVISIONS

* * * * *

110 STAT. 3284

SEC. 1215. SPECIAL FLIGHT RULES IN THE VICINITY OF GRAND CANYON NATIONAL PARK.

The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall take such action as may be necessary to provide 45 additional days for comment by interested persons on the special flight rules in the vicinity of Grand Canyon National Park and the Draft Environmental Assessment described in the notice of proposed rulemaking issued on July 31, 1996, at 61 Fed. Reg. 40120 et seq.

* * * * *

110 STAT. 3287

Approved October 9, 1996.

LEGISLATIVE HISTORY—H.R. 3539 (S. 1994):

HOUSE REPORTS: Nos. 104–714, Pt. 1 (Comm. on Transportation and Infrastructure) and 104–848 (Comm. of Conference).

SENATE REPORTS: No. 104–333 accompanying S. 1994 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 10, 11, considered and passed House.

Sept. 18, considered and passed Senate, amended, in lieu of S. 1994.

Sept. 27, House agreed to conference report.

Sept. 30–Oct. 3, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Oct. 9, Presidential remarks and statement.



6. Grand Teton

PUBLIC LAW 105–81—NOV. 13, 1997

111 STAT. 1537

Public Law 105–81
105th Congress

An Act

To require the Secretary of the Interior to conduct a study concerning grazing use and open space within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.

Nov. 13, 1997
[H.R. 708]

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

SECTION 1. FINDINGS.

16 USC 406d–2
note.

Congress finds that—

(1) open space near Grand Teton National Park continues to decline;

(2) as the population continues to grow in Teton County, Wyoming, undeveloped land near the Park becomes more scarce;

(3) the loss of open space around Teton Park has negative impacts on wildlife migration routes in the area and on visitors to the Park, and its repercussions can be felt throughout the entire region;

(4) a few ranches make up Teton Valley’s remaining open space, and the ranches depend on grazing in Grand Teton National Park for summer range to maintain operations;

(5) the Act that created Grand Teton National Park allowed several permittees to continue livestock grazing in the Park for the life of a designated heir in the family;

(6) some of the last remaining heirs have died, and as a result the open space around the Park will most likely be subdivided and developed;

(7) in order to develop the best solution to protect open space immediately adjacent to Grand Teton National Park, the Park Service should conduct a study of open space in the region; and

(8) the study should develop workable solutions that are fiscally responsible and acceptable to the National Park Service, the public, local government, and landowners in the area.

SEC. 2. STUDY OF GRAZING USE AND OPEN SPACE.

16 USC 406d–2
note.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study concerning grazing use and open space in Grand Teton National Park, Wyoming, and associated use of certain agricultural and ranch lands within and adjacent to the Park, including—

(1) base land having appurtenant grazing privileges within Grand Teton National Park, Wyoming, remaining after January 1, 1990, under the Act entitled “An Act to establish a new Grand Teton National Park in the State of Wyoming, and for other purposes”, approved September 14, 1950 (16 U.S.C. 406d–1 et seq.); and

111 STAT. 1538

(2) any ranch and agricultural land adjacent to the Park, the use and disposition of which may affect accomplishment of the purposes of the Act.

(b) PURPOSE.—The study shall—

111 STAT. 1538

PUBLIC LAW 105–81—NOV. 13, 1997

(1) assess the significance of the ranching use and pastoral character of the land (including open vistas, wildlife habitat, and other public benefits);

(2) assess the significance of that use and character to the purposes for which the Park was established and identify any need for preservation of, and practicable means of, preserving the land that is necessary to protect that use and character;

(3) recommend a variety of economically feasible and viable tools and techniques to retain the pastoral qualities of the land; and

(4) estimate the costs of implementing any recommendations made for the preservation of the land.

(c) PARTICIPATION.—In conducting the study, the Secretary of the Interior shall seek participation from the Governor of the State of Wyoming, the Teton County Commissioners, the Secretary of Agriculture, affected land owners, and other interested members of the public.

(d) REPORT.—Not later than 3 years from the date funding is available for the purposes of this Act, the Secretary of the Interior shall submit a report to Congress that contains the findings of the study under subsection (a) and makes recommendations to Congress regarding action that may be taken with respect to the land described in subsection (a).

16 USC 406d–2
note.

SEC. 3. EXTENSION OF GRAZING PRIVILEGES.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall reinstate and extend for the duration of the study described in section 2(a) and until such time as the recommendations of the study are implemented, the grazing privileges described in section 2(a)(1), under the same terms and conditions as were in effect prior to the expiration of the privileges.

111 STAT. 1539

(b) EFFECT OF CHANGE IN LAND USE.—If, during the period of the study or until such time as the recommendations of the study are implemented, any portion of the land described in section 2(a)(1) is disposed of in a manner that would result in the land no longer being used for ranching or other agricultural purposes, the Secretary of the Interior shall cancel the extension described in subsection (a).

Approved November 13, 1997.

LEGISLATIVE HISTORY—H.R. 708 (S. 308):

HOUSE REPORTS: No. 105–300 (Comm. on Resources).

SENATE REPORTS: No. 105–64 accompanying S. 308 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Oct. 21, considered and passed House.

Nov. 4, considered and passed Senate.



7. Great Basin

PUBLIC LAW 104–134—APR. 26, 1996

110 STAT. 1321

* Public Law 104–134
104th Congress

An Act

Making appropriations for fiscal year 1996 to make a further downpayment toward
a balanced budget, and for other purposes.

Apr. 26, 1996
[H.R. 3019]

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

SECTION 101.

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.

* * * * *

(c) For programs, projects or activities in the Department of
the Interior and Related Agencies Appropriations Act, 1996, pro-
vided as follows, to be effective as if it had been enacted into
law as the regular appropriations Act:

110 STAT.
1321–156

AN ACT

Making appropriations for the Department of the Interior and
related agencies for the fiscal year ending September 30, 1996,
and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1996.

* * * * *

TITLE III—GENERAL PROVISIONS

110 STAT.
1321–196

* * * * *

SEC. 319. GREAT BASIN NATIONAL PARK.—Section 3 of the Great
Basin National Park Act of 1986 (16 U.S.C. 410mm–1) is amended—

110 STAT.
1321–203

(1) in the first sentence of subsection (e) by striking “shall”
and inserting “may”; and

(2) in subsection (f)—

(A) by striking “At the request” and inserting the
following:

“(1) EXCHANGES.—At the request”;

(B) by striking “grazing permits” and inserting “grazing
permits and grazing leases”; and

(C) by adding after “Federal lands.” the following:

“(2) ACQUISITION BY DONATION.—

(A) IN GENERAL.—The Secretary may acquire by dona-
tion valid existing permits and grazing leases authorizing
grazing on land in the park.

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

110 STAT. 1321–203 PUBLIC LAW 104–134—APR. 26, 1996

(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.”.

* * * * *

110 STAT.
1321–381

Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104–537 (Comm. of Conference).

SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



8. Hawaii Volcanoes

PUBLIC LAW 105–380—NOV. 12, 1998

112 STAT. 3401

Public Law 105–380
105th Congress

An Act

To eliminate restrictions on the acquisition of certain land contiguous to Hawaii
Volcanoes National Park.

Nov. 12, 1998
[S. 2129]

*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 “Hawaii Volcanoes National Park
Adjustment Act of 1998”.

Hawaii Volcanoes
National Park
Adjustment Act
of 1998.
16 USC 391 note.

SEC. 2. HAWAII VOLCANOES NATIONAL PARK.

The first section of the Act of June 20, 1938 (52 Stat. 781,
chapter 530; 16 U.S.C. 391b), is amended by inserting before the
period at the end the following: “, except for the land depicted
on the map entitled ‘NPS–PAC 1997HW’, which may be purchased
with donated or appropriated funds”.

Approved November 12, 1998.

LEGISLATIVE HISTORY—S. 2129:

SENATE REPORTS: No. 105–313 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.

Oct. 14, considered and passed House.



9. Olympic

110 STAT. 1321

PUBLIC LAW 104–134—APR. 26, 1996

*** Public Law 104–134
104th Congress****An Act**Apr. 26, 1996
[H.R. 3019]

Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*
SECTION 101.

* * * * *

110 STAT.
1321–156

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACTDepartment of
the Interior and
Related Agencies
Appropriations
Act, 1996.

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

110 STAT.
1321–175**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

* * * * *

110 STAT.
1321–178
16 USC 251 note.**SEC. 116.** Within 30 days after the enactment of this Act, the Department of the Interior shall issue a specific schedule for the completion of the Lake Cushman Land Exchange Act (Public Law 102–436) and shall complete the exchange not later than September 30, 1996.

* * * * *

110 STAT.
1321–381**Approved April 26, 1996.**

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):**HOUSE REPORTS:** No. 104–537 (Comm. of Conference).**SENATE REPORTS:** No. 104–236 accompanying S. 1594 (Comm. on Appropriations).**CONGRESSIONAL RECORD,** Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.

PUBLIC LAW 104–208—SEPT. 30, 1996

110 STAT. 3009

*Public Law 104–208
104th Congress

An Act

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Sept. 30, 1996
[H.R. 3610]

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

Omnibus
Consolidated
Appropriations
Act, 1997.

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101.

* * * * *

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

110 STAT.
3009–181

AN ACT

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1997.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

110 STAT.
3009–198

SEC. 114. Public Law 102–495 is amended by adding the following new section:

110 STAT.
3009–201

“SEC. 10. WASHINGTON STATE REMOVAL OPTION.

“(a) Upon appropriation of \$29,500,000 for the Federal government to acquire the projects in the State of Washington pursuant to this Act, the State of Washington may, upon the submission to Congress of a binding agreement to remove the projects within a reasonable period of time, purchase the projects from the Federal government for \$2. Such a binding agreement shall provide for the full restoration of the Elwha River ecosystem and native anadromous fisheries, for protection of the existing quality and availability of water from the Elwha River for municipal and industrial uses from possible adverse impacts of dam removal, and for fulfill-

*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

110 STAT. 3009–201 PUBLIC LAW 104–208—SEPT. 30, 1996

ment by the State of each of the other obligations of the Secretary under this Act.

“(b) Upon receipt of the payment pursuant to subsection (a), the Federal government shall relinquish ownership and title of the projects to the State of Washington.

“(c) Upon the purchase of the projects by the State of Washington, section 3(a), (c), and (d), and Sections 4, 7, and 9 of this Act are hereby repealed, and the remaining sections renumbered accordingly.”.

* * * * *

110 STAT.
3009–749

Approved September 30, 1996.

LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm. on Conference).

SENATE REPORTS: No. 104–286 accompanying S. 1894 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



10. Redwood

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 1

Public Law 105–83
105th Congress**An Act**Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.Nov. 14, 1997
[H.R. 2107]*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled, That the*
following sums are appropriated, out of any money in the Treasury
not otherwise appropriated, for the fiscal year ending September
30, 1998, and for other purposes, namely:Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

* * * * *

**TITLE V—PRIORITY LAND ACQUISITIONS, LAND
EXCHANGES, AND MAINTENANCE**

111 STAT. 68

* * * * *

(j) COOPERATIVE MANAGEMENT.—

111 STAT. 72

(1) The Secretary of the Interior may enter into agreements
with the State of California for the cooperative management
of any of the following: Headwaters Forest, Redwood National
Park, and proximate State lands. The purpose of such agree-
ments is to acquire from and provide to the State of California
goods and services to be used by the Secretary and the State
of California in cooperative management of lands if the Sec-
retary determines that appropriations for that purpose are
available and an agreement is in the best interests of the
United States; and(2) an assignment arranged by the Secretary under section
3372 of title 5, United States Code, of a Federal or State
employee for work in any Federal or State of California lands,
or an extension of such assignment, may be for any period
of time determined by the Secretary or the State of California,
as appropriate, to be mutually beneficial.

* * * * *

Approved November 14, 1997.

111 STAT. 85

LEGISLATIVE HISTORY—H.R. 2107:HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm.
of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.

112 STAT. 2681

PUBLIC LAW 105–277—OCT. 21, 1998

***Public Law 105–277**
105th Congress

An Act

Oct. 21, 1998
 [H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

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

Omnibus
 Consolidated and
 Emergency
 Supplemental
 Appropriations
 Act, 1999.

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
 SEC. 101.

* * * * *

112 STAT.
 2681–231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
 2681–232
 Department of
 the Interior and
 Related Agencies
 Appropriations
 Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–252

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–267
 16 USC 79a note.

SEC. 146. The Redwood Information Center located at 119231 Highway 101 in Orick, California is hereby named the “Thomas H. Kuchel Visitor Center” and shall be referred to in any law, document or record of the United States as the “Thomas H. Kuchel Visitor Center”.

* * * * *

112 STAT.
 2681–919

Approved October 21, 1998.

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



11. Rocky Mountain

PUBLIC LAW 104–158—JULY 9, 1996

110 STAT. 1406

Public Law 104–158
104th Congress

An Act

To provide for the exchange of certain lands in Gilpin County, Colorado.

July 9, 1996

[H.R. 2437]

*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.—Congress finds and declares that—

(1) certain scattered parcels of Federal land located within Gilpin County, Colorado, are currently administered by the Secretary of the Interior as part of the Royal Gorge Resource Area, Canon City District, United States Bureau of Land Management;

(2) these land parcels, which comprises approximately 133 separate tracts of land, and range in size from approximately 38 acres to much less than an acre have been identified as suitable for disposal by the Bureau of Land Management through its resource management planning process and are appropriate for disposal; and

(3) even though the Federal land parcels in Gilpin County, Colorado, are scattered and small in size, they nevertheless by virtue of their proximity to existing communities appear to have a fair market value which may be used by the Federal Government to exchange for lands which will better lend themselves to Federal management and have higher values for future public access, use and enjoyment, recreation, the protection and enhancement of fish and wildlife and fish and wildlife habitat, and the protection of riparian lands, wetlands, scenic beauty and other public values.

(b) PURPOSE.—It is the purpose of this Act to authorize, direct, facilitate and expedite the land exchange set forth herein in order to further the public interest by disposing of Federal lands with limited public utility and acquire in exchange therefor lands with important values for permanent public management and protection.

SEC. 2. LAND EXCHANGE.

(a) IN GENERAL.—The exchange directed by this Act shall be consummated if within 90 days after enactment of this Act, Lake Gulch, Inc., a Colorado Corporation (as defined in section 4 of this Act) offers to transfer to the United States pursuant to the provisions of this Act the offered lands or interests in land described herein.

Lake Gulch, Inc.

(b) CONVEYANCE BY LAKE GULCH.—Subject to the provisions of section 3 of this Act, Lake Gulch shall convey to the Secretary of the Interior all right, title, and interest in and to the following offered lands—

110 STAT. 1407

PUBLIC LAW 104-158—JULY 9, 1996

16 USC 191 note.

(1) certain lands comprising approximately 40 acres with improvements thereon located in Larimer County, Colorado, and lying within the boundaries of Rocky Mountain National Park as generally depicted on a map entitled “Circle C Church Camp”, dated August 1994, which shall upon their acquisition by the United States and without further action by the Secretary of the Interior be incorporated into Rocky Mountain National Park and thereafter be administered in accordance with the laws, rules and regulations generally applicable to the National Park System and Rocky Mountain National Park;

(2) certain lands located within and adjacent to the United States Bureau of Land Management San Luis Resource Area in Conejos County, Colorado, which comprise approximately 3,993 acres and are generally depicted on a map entitled “Quinlan Ranches Tract”, dated August 1994; and

(3) certain lands located within the United States Bureau of Land Management Royal Gorge Resource Area in Huerfano County, Colorado, which comprise approximately 4,700 acres and are generally depicted on a map entitled “Bonham Ranch-Cucharas Canyon”, dated June 1995: *Provided, however*, That it is the intention of Congress that such lands may remain available for the grazing of livestock as determined appropriate by the Secretary in accordance with applicable laws, rules, and regulations: *Provided further*, That if the Secretary determines that certain of the lands acquired adjacent to Cucharas Canyon hereunder are not needed for public purposes they may be sold in accordance with the provisions of section 203 of the Federal Land Policy and Management Act of 1976 and other applicable law.

(c) SUBSTITUTION OF LANDS.—If one or more of the precise offered land parcels identified above is unable to be conveyed to the United States due to appraisal or other problems, Lake Gulch and the Secretary may mutually agree to substitute therefor alternative offered lands acceptable to the Secretary.

(d) CONVEYANCE BY THE UNITED STATES.—(1) Upon receipt of title to the lands identified in subsection (a) the Secretary shall simultaneously convey to Lake Gulch all right, title, and interest of the United States, subject to valid existing rights, in and to the following selected lands—

(A) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 18, Lots 118–220, which comprise approximately 195 acres and are intended to include all federally owned lands in section 18, as generally depicted on a map entitled “Lake Gulch Selected Lands”, dated July 1994;

(B) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 17, Lots 37, 38, 39, 40, 52, 53, and 54, which comprise approximately 96 acres, as generally depicted on a map entitled “Lake Gulch Selected Lands”, dated July 1994; and

(C) certain unsurveyed lands located in Gilpin County, Colorado, Township 3 South, Range 73 West, Sixth Principal Meridian, Section 13, which comprise approximately 11 acres, and are generally depicted as parcels 302–304, 306 and 308–326 on a map entitled “Lake Gulch Selected Lands”, dated July 1994: *Provided, however*, That a parcel or parcels of land

PUBLIC LAW 104-158—JULY 9, 1996

110 STAT. 1408

in section 13 shall not be transferred to Lake Gulch if at the time of the proposed transfer the parcel or parcels are under formal application for transfer to a qualified unit of local government. Due to the small and unsurveyed nature of such parcels proposed for transfer to Lake Gulch in section 13, and the high cost of surveying such small parcels, the Secretary is authorized to transfer such section 13 lands to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate to carry out the basic intent of the map cited in this subparagraph.

(2) If the Secretary and Lake Gulch mutually agree, and the Secretary determines it is in the public interest, the Secretary may utilize the authority and direction of this Act to transfer to Lake Gulch lands in sections 17 and 13 that are in addition to those precise selected lands shown on the map cited herein, and which are not under formal application for transfer to a qualified unit of local government, upon transfer to the Secretary of additional offered lands acceptable to the Secretary or upon payment to the Secretary by Lake Gulch of cash equalization money amounting to the full appraised fair market value of any such additional lands. If any such additional lands are located in section 13 they may be transferred to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate as long as the Secretary determines that the boundaries of any adjacent lands not owned by Lake Gulch can be properly identified so as to avoid possible future boundary conflicts or disputes. If the Secretary determines surveys are necessary to convey any such additional lands to Lake Gulch, the costs of such surveys shall be paid by Lake Gulch but shall not be eligible for any adjustment in the value of such additional lands pursuant to section 206(f)(2) of the Federal Land Policy and Management Act of 1976 (as amended by the Federal Land Exchange Facilitation Act of 1988) (43 U.S.C. 1716(f)(2)).

(3) Prior to transferring out of public ownership pursuant to this Act or other authority of law any lands which are contiguous to North Clear Creek southeast of the City of Black Hawk, Colorado in the County of Gilpin, Colorado, the Secretary shall notify and consult with the County and City and afford such units of local government an opportunity to acquire or reserve pursuant to the Federal Land Policy and Management Act of 1976 or other applicable law, such easements or rights-of-way parallel to North Clear Creek as may be necessary to serve public utility line or recreation path needs: *Provided, however,* That any survey or other costs associated with the acquisition or reservation of such easements or rights-of-way shall be paid for by the unit or units of local government concerned.

Notification.

SEC. 3. TERMS AND CONDITIONS OF EXCHANGE.

(a) **EQUALIZATION OF VALUES.**—(1) The values of the lands to be exchanged pursuant to this Act shall be equal as determined by the Secretary of the Interior utilizing comparable sales of surface and subsurface property and nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

110 STAT. 1409

PUBLIC LAW 104-158—JULY 9, 1996

(2) In the event any cash equalization or land sale moneys are received by the United States pursuant to this Act, any such moneys shall be retained by the Secretary of the Interior and may be utilized by the Secretary until fully expended to purchase from willing sellers land or water rights, or a combination thereof, to augment wildlife habitat and protect and restore wetlands in the Bureau of Land Management's Blanca Wetlands, Alamosa County, Colorado.

(3) Any water rights acquired by the United States pursuant to this section shall be obtained by the Secretary of the Interior in accordance with all applicable provisions of Colorado law, including the requirement to change the time, place, and type of use of said water rights through the appropriate State legal proceedings and to comply with any terms, conditions, or other provisions contained in an applicable decree of the Colorado Water Court. The use of any water rights acquired pursuant to this section shall be limited to water that can be used or exchanged for water that can be used on the Blanca Wetlands. Any requirement or proposal to utilize facilities of the San Luis Valley Project, Closed Basin Diversion, in order to effectuate the use of any such water rights shall be subject to prior approval of the Rio Grande Water Conservation District.

(b) RESTRICTIONS ON SELECTED LANDS.—(1) Conveyance of the selected lands to Lake Gulch pursuant to this Act shall be contingent upon Lake Gulch executing an agreement with the United States prior to such conveyance, the terms of which are acceptable to the Secretary of the Interior, and which—

(A) grant the United States a covenant that none of the selected lands (which currently lie outside the legally approved gaming area) shall ever be used for purposes of gaming should the current legal gaming area ever be expanded by the State of Colorado; and

(B) permanently hold the United States harmless for liability and indemnify the United States against all costs arising from any activities, operations (including the storing, handling, and dumping of hazardous materials or substances) or other acts conducted by Lake Gulch or its employees, agents, successors or assigns on the selected lands after their transfer to Lake Gulch: *Provided, however,* That nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of the selected lands prior to or on the date of their transfer to Lake Gulch.

(2) Conveyance of the selected lands to Lake Gulch pursuant to this Act shall be subject to the existing easement for Gilpin County Road 6.

(3) The above terms and restrictions of this subsection shall not be considered in determining, or result in any diminution in, the fair market value of the selected land for purposes of the appraisals of the selected land required pursuant to section 3 of this Act.

(c) REVOCATION OF WITHDRAWAL.—The Public Water Reserve established by Executive order dated April 17, 1926 (Public Water Reserve 107), Serial Number Colorado 17321, is hereby revoked insofar as it affects the NW¼ SW¼ of Section 17, Township 3 South, Range 72 West, Sixth Principal Meridian, which covers a portion of the selected lands identified in this Act.

PUBLIC LAW 104-158—JULY 9, 1996

110 STAT. 1410

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) **DEFINITIONS.**—As used in this Act:

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

(2) The term “Lake Gulch” means Lake Gulch, Inc., a Colorado corporation, or its successors, heirs or assigns.

(3) The term “offered land” means lands to be conveyed to the United States pursuant to this Act.

(4) The term “selected land” means lands to be transferred to Lake Gulch, Inc., or its successors, heirs or assigns pursuant to this Act.

(5) The term “Blanca Wetlands” means an area of land comprising approximately 9,290 acres, as generally depicted on a map entitled “Blanca Wetlands”, dated August 1994, or such land as the Secretary may add thereto by purchase from willing sellers after the date of enactment of this Act utilizing funds provided by this Act or such other moneys as Congress may appropriate.

(b) **TIME REQUIREMENT FOR COMPLETING TRANSFER.**—It is the intent of Congress that unless the Secretary and Lake Gulch mutually agree otherwise the exchange of lands authorized and directed by this Act shall be completed not later than 6 months after the date of enactment of this Act. In the event the exchange cannot be consummated within such 6-month-time period, the Secretary, upon application by Lake Gulch, is directed to sell to Lake Gulch at appraised fair market value any or all of the parcels (comprising a total of approximately 11 acres) identified in section 2(d)(1)(C) of this Act as long as the parcel or parcels applied for are not under formal application for transfer to a qualified unit of local government.

(c) **ADMINISTRATION OF LANDS ACQUIRED BY UNITED STATES.**—In accordance with the provisions of section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), all lands acquired by the United States pursuant to this Act shall upon acceptance of title by the United States and without further action by the Secretary concerned become part of and be managed as part of the administrative unit or area within which they are located.

Approved July 9, 1996.

LEGISLATIVE HISTORY—H.R. 2437:

HOUSE REPORTS: No. 104-305 (Comm. on Resources).

SENATE REPORTS: No. 104-196 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 141 (1995): Nov. 7, considered and passed House.

Vol. 142 (1996): June 26, considered and passed Senate.



110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4145

TITLE IV—RIVERS AND TRAILS

* * * * *

110 STAT. 4153

SEC. 408. PROTECTION OF NORTH ST. VRAIN CREEK, COLORADO.

(a) NORTH ST. VRAIN CREEK AND ADJACENT LANDS.—The Act of January 26, 1915, establishing Rocky Mountain National Park (38 Stat. 798; 16 U.S.C. 191 et seq.), is amended by adding the following new section at the end thereof:

16 USC 195a.

“SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.

“Neither the Secretary of the Interior nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of Rocky Mountain National Park or on the main stem of North St. Vrain Creek downstream to the point at which the creek crosses the elevation 6,550 feet above mean sea level. Nothing in this section shall be construed to prevent the issuance of any permit for the construction of a new water gauging station on North St. Vrain Creek at the point of its confluence with Coulson Gulch.”.

16 USC 192b-9
note.

(b) ENCOURAGEMENT OF EXCHANGES.—

(1) LANDS INSIDE ROCKY MOUNTAIN NATIONAL PARK.—Promptly following enactment of this Act, the Secretary of the Interior shall seek to acquire by donation or exchange those lands within the boundaries of Rocky Mountain National Park owned by the city of Longmont, Colorado, that are referred to in section 111(d) of the Act commonly referred to as the “Colorado Wilderness Act of 1980” (Public Law 96-560; 94 Stat. 3272; 16 U.S.C. 192b-9(d)).

(2) OTHER LANDS.—The Secretary of Agriculture shall immediately and actively pursue negotiations with the city of Longmont, Colorado, concerning the city’s proposed exchange of lands owned by the city and located in and near Coulson Gulch for other lands owned by the United States. The Secretary shall report to Congress 2 calendar years after the date of enactment of this Act, and every 2 years thereafter on the progress of such negotiations until negotiations are complete.

Reports.

* * * * *

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4186

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS

* * * * *

**SEC. 810. EXPENDITURE OF FUNDS OUTSIDE AUTHORIZED BOUNDARY
OF ROCKY MOUNTAIN NATIONAL PARK.**110 STAT. 4189
16 USC 195 note.

The Secretary of the Interior is authorized to collect and expend donated funds and expend appropriated funds for the operation and maintenance of a visitor center to be constructed for visitors to and administration of Rocky Mountain National Park with private funds on privately owned lands located outside the boundary of the park.

* * * * *

SEC. 813. GRAND LAKE CEMETERY.

(a) AGREEMENT.—Notwithstanding any other law, not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall enter into an appropriate form of agreement with the town of Grand Lake, Colorado, authorizing the town to maintain permanently, under appropriate terms and conditions, a cemetery within the boundaries of the Rocky Mountain National Park.

(b) CEMETERY BOUNDARIES.—The cemetery shall be comprised of approximately 5 acres of land, as generally depicted on the map entitled “Grand Lake Cemetery” and dated February 1995.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—The Secretary of the Interior shall place the map described in subsection (b) on file, and make the map available for public inspection, in the headquarters office of the Rocky Mountain National Park.

110 STAT. 4190

(d) LIMITATION.—The cemetery shall not be extended beyond the boundaries of the cemetery shown on the map described in subsection (b).

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



112 STAT. 2681

PUBLIC LAW 105–277—OCT. 21, 1998

***Public Law 105–277**
105th Congress

An Act

Oct. 21, 1998
 [H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

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

Omnibus
 Consolidated and
 Emergency
 Supplemental
 Appropriations
 Act, 1999.

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

* * * * *

112 STAT.
 2681–231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
 2681–232
 Department of
 the Interior and
 Related Agencies
 Appropriations
 Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–252

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–261

SEC. 126. Special Federal Aviation Regulation No. 78, regarding commercial air tour operators in the vicinity of the Rocky Mountain National Park, as published in the Federal Register on January 8, 1997, shall remain in effect until otherwise provided by an Act of Congress.

* * * * *

112 STAT.
 2681–919

Approved October 21, 1998.

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



12. Shenandoah

PUBLIC LAW 104–59—NOV. 28, 1995

109 STAT. 568

Public Law 104–59
104th Congress**An Act**

To amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

Nov. 28, 1995
[S. 440]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “National Highway System Designation Act of 1995”.

* * * * *

SEC. 2. SECRETARY DEFINED.

In this Act, the term “Secretary” means the Secretary of Transportation.

* * * * *

TITLE III—MISCELLANEOUS HIGHWAY PROVISIONS

* * * * *

SEC. 349. ROADS ON FEDERAL LANDS.

* * * * *

(b) **REQUIREMENT OF TRANSFER OF COUNTY ROAD CORRIDORS.**—(1) **DEFINITIONS.**—In this subsection, the following definitions apply:(A) **COUNTY ROAD CORRIDOR.**—The term “county road corridor” means a corridor that is comprised of—

(i) a Shenandoah county road; and

(ii) land contiguous to the road that is selected by the Secretary of the Interior, in consultation with the Governor of the State of Virginia, such that the width of the corridor is 50 feet.

(B) **SHENANDOAH COUNTY ROAD.**—The term “Shenandoah county road” means the portion of any of the following roads that is located in the Shenandoah National Park and that has been in general use as a public roadway prior to the date of the enactment of this Act:

(i) Madison County Route 600.

(ii) Rockingham County Route 624.

(iii) Rockingham County Route 625.

(iv) Rockingham County Route 626.

(v) Warren County Route 604.

(vi) Page County Route 759.

(vii) Page County Route 611.

(viii) Page County Route 682.

(ix) Page County Route 662.

(x) Augusta County Route 611.

(xi) Augusta County Route 619.

National
Highway System
Designation Act
of 1995.
Intergovern-
mental relations.
23 USC 101 note.109 STAT. 569
23 USC 101 note.

109 STAT. 578

109 STAT. 617

109 STAT. 618
Virginia.
16 USC 403 note.

109 STAT. 618

PUBLIC LAW 104–59—NOV. 28, 1995

- (xii) Albemarle County Route 614.
- (xiii) Augusta County Route 661.
- (xiv) Rockingham County Route 663.
- (xv) Rockingham County Route 659.
- (xvi) Page County Route 669.
- (xvii) Rockingham County Route 661.
- (xviii) Criser Road (to the town of Front Royal).
- (xix) The Government-owned parcel connecting Criser Road to the Warren County School Board parcel.

(2) PURPOSE.—The purpose of this subsection is to permit the State of Virginia to maintain and provide for safe public use of certain roads that the State donated to the United States at the time of the establishment of Shenandoah National Park.

(3) TRANSFER.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the State of Virginia, without consideration or reimbursement, all right, title, and interest of the United States in and to each county road corridor.

(4) REVERSION.—A transfer under paragraph (3) shall be subject to the condition that if at any time a county road corridor is withdrawn from general use as a public roadway, all right, title, and interest in the county road corridor shall revert to the United States.

* * * * *

109 STAT. 634

Approved November 28, 1995.

LEGISLATIVE HISTORY—S. 440 (H.R. 2274):

HOUSE REPORTS: Nos. 104–246 accompanying H.R. 2274 (Comm. on Transportation and Infrastructure) and 104–345 (Comm. of Conference).

SENATE REPORTS: No. 104–86 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 141 (1995):

June 16, 19–22, considered and passed Senate.

Sept. 20, H.R. 2274 considered and passed House; S. 440, amended, passed in lieu.

Nov. 17, Senate agreed to conference report.

Nov. 18, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 31 (1995):

Nov. 28, Presidential statement.



13. Yellowstone

PUBLIC LAW 104–329—OCT. 20, 1996

110 STAT. 4005

Public Law 104–329
104th Congress

An Act

To establish United States commemorative coin programs, and for other purposes.

Oct. 20, 1996

[H.R. 1776]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “United States Commemorative Coin Act of 1996”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

* * * * *

United States
Commemorative
Coin Act of 1996.
31 USC 5101
note.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term “Fund” means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term “recipient organization” means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term “Secretary” means the Secretary of the Treasury.

31 USC 5112
note.

TITLE I—COMMEMORATIVE COIN PROGRAMS**SEC. 101. COMMEMORATIVE COIN PROGRAMS.**

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

* * * * *

(5) YELLOWSTONE NATIONAL PARK.—

(A) **IN GENERAL.**—To commemorate the 125th anniversary of the establishment of Yellowstone National Park as the first national park in the United States, and the birth of the national park idea, during a 1-year period beginning in 1999, the Secretary shall issue not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) **SURCHARGES.**—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

(D) **DISTRIBUTION OF SURCHARGES.**—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary

110 STAT. 4006
31 USC 5112
note.

110 STAT. 4008

110 STAT. 4008

PUBLIC LAW 104-329—OCT. 20, 1996

from the sale of coins issued under this paragraph shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the National Park Foundation to be used for the support of national parks.

(ii) Fifty percent of the surcharges received shall be paid to Yellowstone National Park.

* * * * *

101 STAT. 4010 **SEC. 102. DESIGN.**

(a) **SELECTION.**—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) **DESIGNATION AND INSCRIPTIONS.**—On each coin issued under this paragraph there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

SEC. 103. LEGAL TENDER.

(a) **LEGAL TENDER.**—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) **NUMISMATIC ITEMS.**—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 104. SOURCES OF BULLION.

(a) **GOLD.**—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) **SILVER.**—The Secretary shall obtain silver for minting coins under this title from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

SEC. 106. SALE OF COINS.

(a) **SALE PRICE.**—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 101 with respect to the coin; and

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

PUBLIC LAW 104-329—OCT. 20, 1996

110 STAT. 4011

(b) PREPAID ORDERS.—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

SEC. 108. FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) **PAYMENT FOR COINS.**—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

* * * * *

Approved October 20, 1996.

110 STAT. 4015

LEGISLATIVE HISTORY—H.R. 1776:**CONGRESSIONAL RECORD**, Vol. 142 (1996):

Sept. 17, considered and passed House.

Oct. 3, considered and passed Senate, amended.

Oct. 4, House concurred in Senate amendments.



111 STAT. 1

PUBLIC LAW 105-83—NOV. 14, 1997

Public Law 105-83
105th Congress

An Act

Nov. 14, 1997
[H.R. 2107]

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,* That the
following sums are appropriated, out of any money in the Treasury
not otherwise appropriated, for the fiscal year ending September
30, 1998, and for other purposes, namely:

* * * * *

111 STAT. 68

TITLE V—PRIORITY LAND ACQUISITIONS, LAND
EXCHANGES, AND MAINTENANCE

* * * * *

111 STAT. 72

SEC. 502. PROTECTION AND PRESERVATION OF YELLOWSTONE
NATIONAL PARK—ACQUISITION OF CROWN BUTTE MINING INTERESTS.

111 STAT. 73

(a) AUTHORIZATION.—Subject to the terms and conditions of this
section, up to \$65,000,000 from the Land and Water Conservation
Fund is authorized to be appropriated to acquire identified lands
and interests in lands referred to in the Agreement of August
12, 1996 to protect and preserve Yellowstone National Park.

(b) CONDITIONS OF ACQUISITION AUTHORITY.—The Secretary
of Agriculture may not acquire the District Property until:

(1) the parties to the Agreement have entered into and
lodged with the United States District Court for the District
of Montana a consent decree as required under the Agreement
that requires, among other things, Crown Butte to perform
response or restoration actions (or both) or pay for such actions
in accordance with the Agreement;

(2) an appraisal of the District Property has been under-
taken, such appraisal has been reviewed for a period not to
exceed 30 days by the Comptroller General of the United States,
and such appraisal has been provided to the Committee on
Resources of the House of Representatives, the Committee on
Energy and Natural Resources of the Senate, and the House
and Senate Committees on Appropriations;

(3) after the Secretary of Agriculture issues an opinion
of value to the Committee on Resources of the House of Rep-
resentatives, the Committee on Energy and Natural Resources
of the Senate, and the House and Senate Committees on Appro-
priations for the land and property to be acquired by the
Federal Government; and

(4) the applicable requirements of the National Environ-
mental Policy Act have been met.

(c) ACQUISITION.—Notwithstanding any other provision of law,
the amount paid by the United States to acquire identified lands
and interests in lands referred to in the Agreement of August
12, 1996 to protect and preserve Yellowstone National Park may
exceed the value contained in the appraisal required by section
502(b)(2) if the Secretary of Agriculture certifies, in writing, to
Congress that such action is in the best interest of the United
States.

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 73

(d) DEPOSIT IN ACCOUNT.—Immediately upon receipt of payments from the United States, Crown Butte shall deposit \$22,500,000 in an interest bearing account in a private, federally chartered financial institution that, in accordance with the Agreement, shall be—

(1) acceptable to the Secretary of Agriculture; and

(2) available to carry out response and restoration actions.

The balance of amounts remaining in such account after completion of response and restoration actions shall be available to the Secretary of Agriculture for use in the New World Mining District for any environmentally beneficial purpose otherwise authorized by law.

(e) MAINTENANCE AND REHABILITATION OF BEARTOOTH HIGHWAY.—

(1) MAINTENANCE.—The Secretary of Agriculture shall, consistent with the funds provided herein, be responsible for—

(A) snow removal on the Beartooth Highway from milepost 0 in Yellowstone National Park, into and through Wyoming, to milepost 43.1 on the border between Wyoming and Montana; and

(B) pavement preservation, in conformance with a pavement preservation plan, on the Beartooth Highway from milepost 8.4 to milepost 24.5.

111 STAT. 74

(2) REHABILITATION.—The Secretary of Agriculture shall be responsible for conducting rehabilitation and minor widening of the portion of the Beartooth Highway in Wyoming that runs from milepost 24.5 to milepost 43.1.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture—

(A) for snow removal and pavement preservation under paragraph (1), \$2,000,000; and

(B) for rehabilitation under paragraph (2), \$10,000,000.

(4) AVAILABILITY OF FUNDS.—Within 30 days of the acquisition of lands and interests in lands pursuant to this section, the funds authorized in subsection (e)(3) and appropriated herein for that purpose shall be made available to the Secretary of Agriculture.

(f) RESPONSE AND RESTORATION PLAN.—The Administrator of the Environmental Protection Agency and the Secretary of Agriculture shall approve or prepare a plan for response and restoration activities to be undertaken pursuant to the Agreement and a quarterly accounting of expenditures made pursuant to such plan. The plan and accountings shall be transmitted to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations.

(g) MAP.—The Secretary of Agriculture shall provide to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations, a map depicting the acreage to be acquired pursuant to this section.

(h) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means the agreement in principle, concerning the District Property, entered into on August 12, 1996 by Crown Butte Mines, Inc., Crown Butte Resources Ltd., Greater Yellowstone Coalition, Northwest Wyoming Resource Council, Sierra Club, Gallatin Wildlife

111 STAT. 74

PUBLIC LAW 105-83—NOV. 14, 1997

Association, Wyoming Wildlife Federation, Montana Wildlife Federation, Wyoming Outdoor Council, Beartooth Alliance, and the United States of America, with such other changes mutually agreed to by the parties.

(2) BEARTOOTH HIGHWAY.—The term “Beartooth Highway” means the portion of United States Route 212 that runs from the northeast entrance of Yellowstone National Park near Silver Gate, Montana, into and through Wyoming to Red Lodge, Montana.

(3) CROWN BUTTE.—The term “Crown Butte” means Crown Butte Mines, Inc. and Crown Butte Resources Ltd., acting jointly.

(4) DISTRICT PROPERTY.—The term “District Property” means the portion of the real property interests specifically described as District Property in appendix B of the Agreement.

(5) NEW WORLD MINING DISTRICT.—The term “New World Mining District” means the New World Mining District as specifically described in appendix A of the Agreement.

* * * * *

111 STAT. 75
16 USC 471j
note.

Reports.

SEC. 504. The acquisitions authorized by sections 501 and 502 of this title may not occur prior to the earlier of: (1) 180 days after enactment of this Act; or (2) enactment of separate authorizing legislation that modifies section 501, 502, or 503 of this title. Within 120 days of enactment, the Secretary of the Interior and the Secretary of Agriculture, respectively, shall submit to the Committee on Resources of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations, reports detailing the status of efforts to meet the conditions set forth in this title imposed on the acquisition of the interests to protect and preserve the Headwaters Forest and the acquisition of interests to protect and preserve Yellowstone National Park. For every day beyond 120 days after the enactment of this Act that the appraisals required in subsections 501(b)(5) and 502(b)(2) are not provided to the Committee on Resources of the House, the Committee on Energy and Natural Resources of the Senate and the House and Senate Committees on Appropriations in accordance with such subsections, the 180-day period referenced in this section shall be extended by one day.

* * * * *

111 STAT. 85

Approved November 14, 1997.

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105-163 (Comm. on Appropriations) and 105-337 (Comm. of Conference).

SENATE REPORTS: No. 105-56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15-18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



14. Yosemite

PUBLIC LAW 105–363—NOV. 10, 1998

112 STAT. 3296

Public Law 105–363
105th Congress

An Act

To amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.

Nov. 10, 1998

[S. 1718]

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

* * * * *

**SEC. 4. LAND EXCHANGE, EL PORTAL ADMINISTRATIVE SITE,
CALIFORNIA.**

112 STAT. 3298

16 USC 47–1
note.

(a) **AUTHORIZATION OF EXCHANGE.**—If the non-Federal lands described in subsection (b) are conveyed to the United States in accordance with this section, the Secretary of the Interior shall convey to the party conveying the non-Federal lands all right, title, and interest of the United States in and to a parcel of land consisting of approximately 8 acres administered by the Department of Interior as part of the El Portal Administrative Site in the State of California, as generally depicted on the map entitled “El Portal Administrative Site Land Exchange”, dated June 1998.

(b) **RECEIPT OF NON-FEDERAL LANDS.**—The parcel of non-Federal lands referred to in subsection (a) consists of approximately 8 acres, known as the Yosemite View parcel, which is located adjacent to the El Portal Administrative Site, as generally depicted on the map referred to in subsection (a). Title to the non-Federal lands must be acceptable to the Secretary of the Interior, and the conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary. The parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(c) **EQUALIZATION OF VALUES.**—If the value of the Federal land and non-Federal lands to be exchanged under this section are not equal in value, the difference in value shall be equalized through a cash payment or the provision of goods or services as agreed upon by the Secretary and the party conveying the non-Federal lands.

(d) **APPLICABILITY OF OTHER LAWS.**—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in part 2200 of title 43, Code of Federal Regulations, as in effect on the date of the enactment of this subtitle.

(e) **BOUNDARY ADJUSTMENT.**—Upon completion of the land exchange, the Secretary shall adjust the boundaries of the El Portal Administrative Site as necessary to reflect the exchange. Lands acquired by the Secretary under this section shall be administered as part of the El Portal Administrative Site.

(f) **MAP.**—The map referred to in subsection (a) shall be on file and available for inspection in appropriate offices of the Department of the Interior.

112 STAT. 3299

PUBLIC LAW 105-363—NOV. 10, 1998

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Interior may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

Approved November 10, 1998.

LEGISLATIVE HISTORY—S. 1718:

SENATE REPORTS: No. 105-328 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.
Oct. 10, considered and passed House, amended.
Oct. 14, Senate concurred in House amendment.



15. Zion

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.

Nov. 12, 1996

[H.R. 4236]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**This Act may be cited as the “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

110 STAT. 4105

* * * * *

SEC. 202. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

16 USC 346a–5.

(a) **ACQUISITION AND BOUNDARY CHANGE.**—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both parcels of land being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary of Zion National Park to add the 5.48 acres in section 28 to the park and to exclude the 5.51 acres in section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

110 STAT. 4106

(b) **EXPIRATION.**—The authority granted by this section shall expire 2 years after the date of the enactment of this Act.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

* * * * *

110 STAT. 4190

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

* * * * *

110 STAT. 4195
16 USC 346e.

(c) **AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF ZION NATIONAL PARK.**—In order to facilitate the administration of Zion National Park, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to expend donated or appropriated funds for the establishment of essential facilities for park administration and visitor use outside the boundaries, but within the vicinity, of the park. Such facilities and the use thereof shall be in conformity with approved plans for the park. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon a finding that the location of such facilities would—

(1) avoid undue degradation of natural or cultural resources within the park;

(2) enhance service to the public; or

(3) provide a cost saving to the Federal Government.

Contracts.

The Secretary is authorized to enter into cooperative agreements with State or local governments or private entities to undertake the authority granted under this subsection. The Secretary is encouraged to identify and utilize funding sources to supplement any Federal funding used for these facilities.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



IV. NATIONAL PARKS AND PRESERVES

1. Denali

PUBLIC LAW 104–134—APR. 26, 1996

110 STAT. 1321

* Public Law 104–134
104th Congress

An Act

Making appropriations for fiscal year 1996 to make a further downpayment toward
a balanced budget, and for other purposes.

Apr. 26, 1996
[H.R. 3019]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*
SECTION 101.

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.

* * * * *

(c) For programs, projects or activities in the Department of
the Interior and Related Agencies Appropriations Act, 1996, pro-
vided as follows, to be effective as if it had been enacted into
law as the regular appropriations Act:

110 STAT.
1321–156

AN ACT

Making appropriations for the Department of the Interior and
related agencies for the fiscal year ending September 30, 1996,
and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1996.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

ADMINISTRATIVE PROVISIONS

* * * * *

110 STAT.
1321–163

110 STAT.
1321–164
Alaska.
16 USC 347 note.

The National Park Service shall, within existing funds, conduct
a Feasibility Study for a northern access route into Denali National
Park and Preserve in Alaska, to be completed within one year
of the enactment of this Act and submitted to the House and
Senate Committees on Appropriations and to the Senate Committee
on Energy and Natural Resources and the House Committee on
Resources. The Feasibility Study shall ensure that resource impacts
from any plan to create such access route are evaluated with
accurate information and according to a process that takes into
consideration park values, visitor needs, a full range of alternatives,
the viewpoints of all interested parties, including the tourism indus-
try and the State of Alaska, and potential needs for compliance
with the National Environmental Policy Act. The Study shall also
address the time required for development of alternatives and iden-
tify all associated costs.

*Note: This is a typeset print of the original hand enrollment as signed by the President on
April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible
text in the original.

110 STAT. 1321–164 PUBLIC LAW 104–134—APR. 26, 1996

16 USC 347 note.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

* * * * * * *

110 STAT.
1321–381

Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104–537 (Comm. of Conference).

SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 1

Public Law 105–83
105th Congress

An Act

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.Nov. 14, 1997
[H.R. 2107]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

SEC. 120. Notwithstanding any other provision of law, 90 days after enactment of this section there is hereby vested in the United States all right, title and interest in and to, and the right of immediate possession of, all patented mining claims and valid unpatented mining claims (including any unpatented claim whose validity is in dispute, so long as such validity is later established in accordance with applicable agency procedures) in the area known as the Kantishna Mining District within Denali National Park and Preserve, for which all current owners (or the bankruptcy trustee as provided hereafter) of each such claim (for unpatented claims, ownership as identified in recordations under the mining laws and regulations) consent to such vesting in writing to the Secretary of the Interior within said 90-day period: *Provided*, That in the case of a mining claim in the Kantishna Mining District that is involved in a bankruptcy proceeding, where the bankruptcy trustee is a holder of an interest in such mining claim, such consent may only be provided and will be deemed timely for purposes of this section if the trustee applies within said 90-day period to the bankruptcy court or any other appropriate court for authority to sell the entire mining claim and to consent to the vesting of title to such claim in the United States pursuant to this section, and that in such event title in the entire mining claim shall vest in the United States 10 days after entry of an unstayed, final order or judgment approving the trustee's application: *Provided further*, That the United States shall pay just compensation to the aforesaid owners of any valid claims to which title has vested in the United States pursuant to this section, determined as of the date of taking: *Provided further*, That payment shall be in the amount of a negotiated settlement of the value of such claim or the valuation of such claim awarded by judgment, and such payment, including any deposits in the registry of the court, shall be made solely from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, and shall include accrued interest on the amount of the agreed settlement value or the final judgment from the date of taking to the date of payment, calculated in accordance with section 258a of title 40, United States Code: *Provided further*, That the United States or a claim owner or bankruptcy trustee may initiate proceedings after said 90-day period, but no later than six years after the date of enactment of this section, seeking a determination

111 STAT. 22
Claims.
Mines and
mining.

111 STAT. 23

111 STAT. 23

PUBLIC LAW 105-83—NOV. 14, 1997

of just compensation in the District Court for the District of Alaska pursuant to the Declaration of Taking Act, sections 258a–e of title 40, United States Code (except where inconsistent with this section), and joining all owners of the claim: *Provided further*, That when any such suit is instituted by the United States or the owner or bankruptcy trustee, the United States shall deposit as soon as possible in the registry of the court the estimated just compensation, in accordance with the procedures generally described in section 258a of title 40, United States Code, not otherwise inconsistent with this section: *Provided further*, That in establishing any estimate for deposit in the court registry (other than an estimate based on an agency approved appraisal made prior to the date of enactment of this Act) the Secretary of the Interior shall permit the claim owner to present information to the Secretary on the value of the claim, including potential mineral value, and the Secretary shall consider such information and permit the claim owner to have a reasonable and sufficient opportunity to comment on such estimate: *Provided further*, That the estimated just compensation deposited in the court registry shall be paid forthwith to the aforesaid owners upon application to the court: *Provided further*, That any payment from the court registry to the aforesaid owners shall be deducted from any negotiated settlement or award by judgment: *Provided further*, That the United States may not request the court to withhold any payment from the court registry for environmental remediation with respect to such claim: *Provided further*, That the Secretary shall not allow any unauthorized use of claims acquired pursuant to this section after the date title vests in the United States pursuant to this section, and the Secretary shall permit the orderly termination of all operations on the lands and the removal of equipment, facilities, and personal property by claim owners or bankruptcy trustee (as appropriate).

111 STAT. 24

* * * * *

111 STAT. 30
University of
Alaska
Fairbanks.

SEC. 136. The National Park Service shall, within 30 days of enactment of this Act, begin negotiations with the University of Alaska Fairbanks, School of Mineral Engineering, to determine the compensation that shall be paid by the National Park Service, within funds appropriated to the National Park Service in this Act, or within unobligated balances of funds appropriated in prior appropriations Acts, to the University of Alaska Fairbanks, School of Mineral Engineering, for facilities, equipment, and interests owned by the University that were destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park and Preserve: *Provided*, That if the National Park Service and the University of Alaska Fairbanks, School of Mineral Engineering, fail to reach a negotiated settlement within 90 days of commencing negotiations, then the National Park Service shall submit a formal request to the Director of the Office of Hearings and Appeals, Department of the Interior, for the purpose of entering into third-party mediation to be conducted in accordance with the Department of the Interior's final policy applicable to alternative dispute resolution: *Provided further*, That any payment made by the National Park Service to the University of Alaska Fairbanks, School of Mineral Engineering, shall fully satisfy the claims of the University of Alaska Fairbanks, School of Mineral Engineering; and that the University of Alaska Fairbanks, School of Mineral

111 STAT. 31

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 31

Engineering, shall convey to the Secretary of the Interior all property rights in such facilities, equipment and interests: *Provided further*, That the Secretary of the Army shall provide, at no cost, two six-by-six vehicles, in excellent operating condition, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering, and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering.

* * * * *

Approved November 14, 1997.

111 STAT. 85

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm. of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



2. Gates of the Arctic

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333 104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4116

TITLE III—EXCHANGES

* * * * *

110 STAT. 4117
16 USC 410hh
note.

SEC. 302. ANAKTUVUK PASS LAND EXCHANGE.

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

(1) The Alaska National Interest Lands Conservation Act (94 Stat. 2371), enacted on December 2, 1980, established Gates of the Arctic National Park and Preserve and Gates of the Arctic Wilderness. The Village of Anaktuvuk Pass, located in the highlands of the central Brooks Range is virtually surrounded by these national park and wilderness lands and is the only Native village located within the boundary of a National Park System unit in Alaska.

110 STAT. 4118

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

(3) In a 1983 land exchange agreement, linear easements were reserved by the Inupiat Eskimo people for use of all-terrain vehicles across certain national park lands, mostly along stream and river banks. These linear easements proved unsatisfactory, because they provided inadequate access to subsistence resources while causing excessive environmental impact from concentrated use.

(4) The National Park Service and the Nunamiut Corporation initiated discussions in 1985 to address concerns over the use of all-terrain vehicles on park and wilderness land. These discussions resulted in an agreement, originally executed in 1992 and thereafter amended in 1993 and 1994, among the National Park Service, Nunamiut Corporation, the City of Anaktuvuk Pass, and Arctic Slope Regional Corporation. Full effectuation of this agreement, as amended, by its terms requires ratification by the Congress.

(b) RATIFICATION OF AGREEMENT.—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4118

(1) RATIFICATION.—

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled “Donation, Exchange of Lands and Interests in Lands and Wilderness Redesignation Agreement Among Arctic Slope Regional Corporation, Nunamiut Corporation, City of Anaktuvuk Pass and the United States of America” (hereinafter referred to in this section as “the Agreement”), executed by the parties on December 17, 1992, as amended, are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, Arctic Slope Regional Corporation, Nunamiut Corporation and the City of Anaktuvuk Pass, as a matter of Federal law.

(B) LAND ACQUISITION.—Lands acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the “Secretary”) as part of Gates of the Arctic National Park and Preserve, subject to the laws and regulations applicable thereto.

(2) MAPS.—The maps set forth as Exhibits C1, C2, and D through I to the Agreement depict the lands subject to the conveyances, retention of surface access rights, access easements and all-terrain vehicle easements. These lands are depicted in greater detail on a map entitled “Land Exchange Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve”, Map No. 185/80,039, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the offices of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska. Written legal descriptions of these lands shall be prepared and made available in the above offices. In case of any discrepancies, Map No. 185/80,039 shall be controlling.

(c) NATIONAL PARK SYSTEM WILDERNESS.—

(1) GATES OF THE ARCTIC WILDERNESS.—

(A) REDESIGNATION.—Section 701(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, 2417) establishing the Gates of the Arctic Wilderness is hereby amended with the addition of approximately 56,825 acres of wilderness and the rescission of approximately 73,993 acres as wilderness, thus revising the Gates of the Arctic Wilderness to approximately 7,034,832 acres.

(B) MAP.—The lands redesignated by subparagraph (A) are depicted on a map entitled “Wilderness Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve”, Map No. 185/80,040, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the office of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska.

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

(A) striking “approximately six million four hundred and sixty thousand acres” and inserting in lieu thereof “approximately 6,477,168 acres”; and

110 STAT. 4119
16 USC 1132
note.

16 USC 410hh.

110 STAT. 4119

PUBLIC LAW 104-333—NOV. 12, 1996

(B) inserting “and the map entitled ‘Noatak National Preserve and Noatak Wilderness Addition’ dated September 1994” after “July 1980”.

16 USC 1132
note.

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

(d) CONFORMANCE WITH OTHER LAW.—

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

(2) ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—Except to the extent specifically set forth in this section or the Agreement, nothing in this section or in the Agreement shall be construed to enlarge or diminish the rights, privileges, or obligations of any person, including specifically the preference for subsistence uses and access to subsistence resources provided under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



3. Glacier Bay

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE VII—FEES

110 STAT. 4182

* * * * *

SEC. 703. GLACIER BAY NATIONAL PARK.

110 STAT. 4185

Section 3(g) of Public Law 91–383 (16 U.S.C. 1a–2(g)) is amended by: striking “and park programs” and inserting the following at the end: “Sixty percent of the fees paid by permittees for the privilege of entering into Glacier Bay for the period beginning on the first full fiscal year following the date of enactment of this sentence shall be deposited into a special account and that such funds shall be available—

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

“(2) to conduct investigations to quantify any effect of permittees’ activity on wildlife and other natural resource values of Glacier Bay National Park. The investigations provided for in this subsection shall be designed to provide information of value to the Secretary, in determining any appropriate limitations on permittees’ activity in Glacier Bay. The Secretary may not impose any additional permittee operating conditions in the areas of air, water, and oil pollution beyond those determined and enforced by other appropriate agencies. When competitively awarding permits to enter Glacier Bay, the Secretary may take into account the relative impact particular permittees will have on park values and resources, provided that no operating conditions or limitations relating to noise abatement shall be imposed unless the Secretary determines, based on the weight of the evidence from all available studies including verifiable scientific information from the investigations provided for in this subsection, that such limitations or conditions are necessary to protect park values and resources. Fees paid by certain permittees for the privilege of entering into Glacier Bay shall not exceed \$5 per passenger. For the purposes of this subsection, ‘certain permittee’ shall mean a permittee which provides overnight accommodations

110 STAT. 4186

110 STAT. 4186

PUBLIC LAW 104-333—NOV. 12, 1996

for at least 500 passengers for an itinerary of at least 3 nights, and ‘permittee’ shall mean a concessionaire providing visitor services within Glacier Bay. Nothing in this subsection authorizes the Secretary to require additional categories of permits in, or otherwise increase the number of permits to enter Glacier Bay National Park.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 1

Public Law 105–83
105th Congress

An Act

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.

Nov. 14, 1997

[H.R. 2107]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

SEC. 127. For the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove, the National Park Service shall initiate a competitive process by which the National Park Service shall allow one entry per day for a passenger ferry into Bartlett Cove from Juneau: *Provided*, That any passenger ferry allowed entry pursuant to this Act shall be subject to speed, distance from coast lines, and other limitations imposed necessary to protect park resources: *Provided further*, That nothing in this Act shall be construed as constituting approval for entry into the waters of Glacier Bay National Park and Preserve beyond the immediate Bartlett Cove area as defined by a line extending northeastward from Point Carolus to the west to the southernmost point of Lester Island, absent required permits.

111 STAT. 26

* * * * *

Approved November 14, 1997.

111 STAT. 85

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm. of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



112 STAT. 2681

PUBLIC LAW 105-277—OCT. 21, 1998

***Public Law 105-277**
105th Congress

An Act

Oct. 21, 1998
 [H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

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

Omnibus
 Consolidated and
 Emergency
 Supplemental
 Appropriations
 Act, 1999.

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
 SEC. 101.

* * * * *

112 STAT.
 2681-231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
 2681-232
 Department of
 the Interior and
 Related Agencies
 Appropriations
 Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681-252
 112 STAT.
 2681-259
 16 USC 410hh-4
 note.

SEC. 123. COMMERCIAL FISHING IN GLACIER BAY NATIONAL PARK. (a) GENERAL.—

(1) The Secretary of the Interior and the State of Alaska shall cooperate in the development of a management plan for the regulation of commercial fisheries in Glacier Bay National Park pursuant to existing State and Federal statutes and any applicable international conservation and management treaties. Such management plan shall provide for commercial fishing in the marine waters within Glacier Bay National Park outside of Glacier Bay Proper, and in the marine waters within Glacier Bay Proper as specified in paragraphs (a)(2) through (a)(5), and shall provide for the protection of park values and purposes, for the prohibition of any new or expanded fisheries, and for the opportunity for the study of marine resources.

(2) In the nonwilderness waters within Glacier Bay Proper, commercial fishing shall be limited, by means of non-transferable lifetime access permits, solely to individuals who—

(A) hold a valid commercial fishing permit for a fishery in a geographic area that includes the nonwilderness waters within Glacier Bay Proper;

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-259

(B) provide a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that such individual engaged in commercial fishing for halibut, tanner crab, or salmon in Glacier Bay Proper during qualifying years which shall be established by the Secretary of the Interior within one year of the date of the enactment of this Act; and

(C) fish only with—

- (i) longline gear for halibut;
- (ii) pots or ring nets for tanner crab; or
- (iii) trolling gear for salmon.

(3) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the West Arm of Glacier Bay Proper (West Arm) north of 58 degrees, 50 minutes north latitude, except for trolling for king salmon during the period from October 1 through April 30. The waters of Johns Hopkins Inlet, Tarr Inlet and Reid Inlet shall remain closed to all commercial fishing.

112 STAT.
2681-260

(4) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the East Arm of Glacier Bay Proper (East Arm) north of a line drawn from Point Caroline, through the southern end of Garforth Island to the east side of Muir Inlet, except that trolling for king salmon during the period from October 1 through April 30 shall be allowed south of a line drawn across Muir Inlet at the southernmost point of Adams Inlet.

(5) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in Geikie Inlet.

(b) THE BEARDSLEE ISLANDS AND UPPER DUNDAS BAY.—Commercial fishing is prohibited in the designated wilderness waters within Glacier Bay National Park and Preserve, including the waters of the Beardslee Islands and Upper Dundas Bay. Any individual who—

(1) on or before February 1, 1999, provides a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that he or she has engaged in commercial fishing for Dungeness crab in the designated wilderness waters of the Beardslee Islands or Dundas Bay within Glacier Bay National Park pursuant to a valid commercial fishing permit in at least six of the years during the period 1987 through 1996;

(2) at the time of receiving compensation based on the Secretary of the Interior's determination as described below—

(A) agrees in writing not to engage in commercial fishing for Dungeness crab within Glacier Bay Proper;

(B) relinquishes to the State of Alaska for the purposes of its retirement any commercial fishing permit for Dungeness crab for areas within Glacier Bay Proper;

(C) at the individual's option, relinquishes to the United States the Dungeness crab pots covered by the commercial fishing permit; and

112 STAT. 2681–260 PUBLIC LAW 105–277—OCT. 21, 1998

(D) at the individual's option, relinquishes to the United States the fishing vessel used for Dungeness crab fishing in Glacier Bay Proper; and

(3) holds a current valid commercial fishing permit that allows such individual to engage in commercial fishing for Dungeness crab in Glacier Bay National Park, shall be eligible to receive from the United States compensation that is the greater of (i) \$400,000, or (ii) an amount equal to the fair market value (as of the date of relinquishment) of the commercial fishing permit for Dungeness crab, of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel, together with an amount equal to the present value of the foregone net income from commercial fishing for Dungeness crab for the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996. Any individual seeking such compensation shall provide the consent necessary for the Secretary of the Interior to verify such net earnings in the fishery. The Secretary of the Interior's determination of the amount to be paid shall be completed and payment shall be made within six months from the date of application by the individuals described in this subsection and shall constitute final agency action subject to review pursuant to the Administrative Procedures Act in the United States District Court for the District of Alaska.

112 STAT.
2681–261

(c) DEFINITION AND SAVINGS CLAUSE.—

(1) As used in this section, the term “Glacier Bay Proper” shall mean the marine waters within Glacier Bay, including coves and inlets, north of a line drawn from Point Gustavus to Point Carolus.

(2) Nothing in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within the boundaries of Glacier Bay National Park, or the tidal or submerged lands under any provision of State or Federal law.

* * * * *

112 STAT.
2681–919

Approved October 21, 1998.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



PUBLIC LAW 105–317—OCT. 30, 1998

112 STAT. 3002

Public Law 105–317
105th Congress

An Act

To provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

Oct. 30, 1998
[H.R. 3903]

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 “Glacier Bay National Park Boundary Adjustment Act of 1998”.

SEC. 2. LAND EXCHANGE AND WILDERNESS DESIGNATION.

(a) IN GENERAL.—(1) Subject to conditions set forth in subsection (c), if the State of Alaska, in a manner consistent with this Act, offers to transfer to the United States the lands identified in paragraph (2) in exchange for the lands identified in paragraph (4), selected from the area described in section 3(b)(1), the Secretary of the Interior (in this Act referred to as the “Secretary”) shall complete such exchange no later than 6 months after the issuance of a license to Gustavus Electric Company by the Federal Energy Regulatory Commission (in this Act referred to as “FERC”), in accordance with this Act. This land exchange shall be subject to the laws applicable to exchanges involving lands managed by the Secretary as part of the National Park System in Alaska and the appropriate process for the exchange of State lands required by State law.

(2) The lands to be conveyed to the United States by the State of Alaska shall be determined by mutual agreement of the Secretary and the State of Alaska. Lands that will be considered for conveyance to the United States pursuant to the process required by State law are lands owned by the State of Alaska in the Long Lake area within Wrangell-St. Elias National Park and Preserve, or other lands owned by the State of Alaska.

(3) If the Secretary and the State of Alaska have not agreed on which lands the State of Alaska will convey by a date not later than 6 months after a license is issued pursuant to this Act, the United States shall accept, within 1 year after a license is issued, title to land having a sufficiently equal value to satisfy State and Federal law, subject to clear title and valid existing rights, and absence of environmental contamination, and as provided by the laws applicable to exchanges involving lands managed by the Secretary as part of the National Park System in Alaska and the appropriate process for the exchange of State lands required by State law. Such land shall be accepted by the United States, subject to the other provisions of this Act, from among the following State lands in the priority listed:

Glacier Bay
National Park
Boundary
Adjustment Act
of 1998.
16 USC 410hh–1
note.

112 STAT. 3003

PUBLIC LAW 105-317—OCT. 30, 1998

COPPER RIVER MERIDIAN

(A) T.6 S., R. 12 E., partially surveyed, Sec. 5, lots 1, 2, and 3, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$. Containing 617.68 acres, as shown on the plat of survey accepted June 9, 1922.

(B) T.6 S., R. 11 E., partially surveyed, Sec. 11, lots 1 and 2, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 12; Sec. 14, lots 1 and 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$. Containing 1,191.75 acres, as shown on the plat of survey accepted June 9, 1922.

(C) T.6 S., R. 11 E., partially surveyed, Sec. 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$. Containing 200.00 acres, as shown on the plat of survey accepted June 9, 1922.

(D) T.6 S., R. 12 E., partially surveyed, Sec. 6, lots 1 through 10, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$. Containing approximately 529.94 acres, as shown on the plat of survey accepted June 9, 1922.

(4) The lands to be conveyed to the State of Alaska by the United States under paragraph (1) are lands to be designated by the Secretary and the State of Alaska, consistent with sound land management principles, based on those lands determined by FERC with the concurrence of the Secretary and the State of Alaska, in accordance with section 3(b), to be the minimum amount of land necessary for the construction and operation of a hydroelectric project.

(5) The time periods set forth for the completion of the land exchanges described in this Act may be extended as necessary by the Secretary should the processes of State law or Federal law delay completion of an exchange.

(6) For purposes of this Act, the term "land" means lands, waters, and interests therein.

(b) WILDERNESS.—(1) To ensure that this transaction maintains, within the National Wilderness Preservation System, approximately the same amount of area of designated wilderness as currently exists, the following lands in Alaska shall be designated as wilderness in the priority listed, upon consummation of the land exchange authorized by this Act and shall be administered according to the laws governing national wilderness areas in Alaska:

(A) An unnamed island in Glacier Bay National Park lying southeasterly of Blue Mouse Cove in sections 5, 6, 7, and 8, T. 36 S., R. 54 E., CRM, and shown on United States Geological Survey quadrangle Mt. Fairweather (D-2), Alaska, containing approximately 789 acres.

(B) Cenotaph Island of Glacier Bay National Park lying within Lituya Bay in sections 23, 24, 25, and 26, T. 37 S., R. 47 E., CRM, and shown on United States Geological Survey quadrangle Mt. Fairweather (C-5), Alaska, containing approximately 280 acres.

(C) An area of Glacier Bay National Park lying in T. 31. S., R. 43 E and T. 32 S., R. 43 E., CRM, that is not currently designated wilderness, containing approximately 2,270 acres.

(2) The specific boundaries and acreage of these wilderness designations may be reasonably adjusted by the Secretary, consistent with sound land management principles, to approximately equal, in sum, the total wilderness acreage deleted from Glacier Bay National Park and Preserve pursuant to the land exchange authorized by this Act.

PUBLIC LAW 105-317—OCT. 30, 1998

112 STAT. 3004

(c) CONDITIONS.—Any exchange of lands under this Act may occur only if—

(1) following the submission of a complete license application, FERC has conducted economic and environmental analyses under the Federal Power Act (16 U.S.C. 791–828) (notwithstanding provisions of that Act and the Federal regulations that otherwise exempt this project from economic analyses), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370), and the Fish and Wildlife Coordination Act (16 U.S.C. 661–666), that conclude, with the concurrence of the Secretary of the Interior with respect to subparagraphs (A) and (B), that the construction and operation of a hydroelectric power project on the lands described in section 3(b)—

(A) will not adversely impact the purposes and values of Glacier Bay National Park and Preserve (as constituted after the consummation of the land exchange authorized by this section);

(B) will comply with the requirements of the National Historic Preservation Act (16 U.S.C. 470–470w); and

(C) can be accomplished in an economically feasible manner;

(2) FERC held at least one public meeting in Gustavus, Alaska, allowing the citizens of Gustavus to express their views on the proposed project;

(3) FERC has determined, with the concurrence of the Secretary and the State of Alaska, the minimum amount of land necessary to construct and operate this hydroelectric power project; and

(4) Gustavus Electric Company has been granted a license by FERC that requires Gustavus Electric Company to submit an acceptable financing plan to FERC before project construction may commence, and the FERC has approved such plan.

Gustavus
Electric Co.

SEC. 3. ROLE OF FERC.

(a) LICENSE APPLICATION.—(1) The FERC licensing process shall apply to any application submitted by Gustavus Electric Company to the FERC for the right to construct and operate a hydropower project on the lands described in subsection (b).

(2) FERC is authorized to accept and consider an application filed by Gustavus Electric Company for the construction and operation of a hydropower plant to be located on lands within the area described in subsection (b), notwithstanding section 3(2) of the Federal Power Act (16 U.S.C. 796(2)). Such application must be submitted within 3 years after the date of the enactment of this Act.

(3) FERC will retain jurisdiction over any hydropower project constructed on this site.

(b) ANALYSES.—(1) The lands referred to in subsection (a) of this section are lands in the State of Alaska described as follows:

COPPER RIVER MERIDIAN

Township 39 South, Range 59 East, partially surveyed, Section 36 (unsurveyed), SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$. Containing approximately 130 acres.

Township 40 South, Range 59 East, partially surveyed, Section 1 (unsurveyed), NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,

112 STAT. 3005

PUBLIC LAW 105-317—OCT. 30, 1998

excluding U.S. Survey 944 and Native allotment A-442; Section 2 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944 and U.S. Survey 945; Section 11 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944; Section 12 (unsurveyed), fractional, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and those portions of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944 and Native allotment A-442. Containing approximately 1,015 acres.

(2) Additional lands and acreage will be included as needed in the study area described in paragraph (1) to account for accretion to these lands from natural forces.

(3) With the concurrence of the Secretary and the State of Alaska, the FERC shall determine the minimum amount of lands necessary for construction and operation of such project.

(4) The National Park Service shall participate as a joint lead agency in the development of any environmental document under the National Environmental Policy Act of 1969 in the licensing of such project. Such environmental document shall consider both the impacts resulting from licensing and any land exchange necessary to authorize such project.

(c) ISSUANCE OF LICENSE.—(1) A condition of the license to construct and operate any portion of the hydroelectric power project shall be FERC's approval, prior to any commencement of construction, of a finance plan submitted by Gustavus Electric Company.

(2) The National Park Service, as the existing supervisor of potential project lands ultimately to be deleted from the Federal reservation in accordance with this Act, waives its right to impose mandatory conditions on such project lands pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 797(e)).

(3) FERC shall not license or relicense the project, or amend the project license unless it determines, with the Secretary's concurrence, that the project will not adversely impact the purposes and values of Glacier Bay National Park and Preserve (as constituted after the consummation of the land exchange authorized by this Act). Additionally, a condition of the license, or any succeeding license, to construct and operate any portion of the hydroelectric power project shall require the licensee to mitigate any adverse effects of the project on the purposes and values of Glacier Bay National Park and Preserve identified by the Secretary after the initial licensing.

(4) A condition of the license to construct and operate any portion of the hydroelectric power project shall be the completion, prior to any commencement of construction, of the land exchange described in this Act.

SEC. 4. ROLE OF SECRETARY OF THE INTERIOR.

Gustavus
Electric Co.

(a) SPECIAL USE PERMIT.—Notwithstanding the provisions of the Wilderness Act (16 U.S.C. 1133-1136), the Secretary shall issue a special use permit to Gustavus Electric Company to allow the completion of the analyses referred to in section 3. The Secretary shall impose conditions in the permit as needed to protect the purposes and values of Glacier Bay National Park and Preserve.

(b) PARK SYSTEM.—The lands acquired from the State of Alaska under this Act shall be added to and administered as part of the National Park System, subject to valid existing rights. Upon

PUBLIC LAW 105–317—OCT. 30, 1998

112 STAT. 3006

completion of the exchange of lands under this Act, the Secretary shall adjust, as necessary, the boundaries of the affected National Park System units to include the lands acquired from the State of Alaska; and adjust the boundary of Glacier Bay National Park and Preserve to exclude the lands transferred to the State of Alaska under this Act. Any such adjustment to the boundaries of National Park System units resulting from this Act shall not be charged against any acreage limitations under section 103(b) of Public Law 96–487.

(c) WILDERNESS AREA BOUNDARIES.—The Secretary shall make any necessary modifications or adjustments of boundaries of wilderness areas as a result of the additions and deletions caused by the land exchange referenced in section 2. Any such adjustment to the boundaries of National Park System units shall not be considered in applying any acreage limitations under section 103(b) of Public Law 96–487.

(d) CONCURRENCE OF THE SECRETARY.—Whenever in this Act the concurrence of the Secretary is required, it shall not be unlawfully withheld or unreasonably delayed.

SEC. 5. APPLICABLE LAW.

The authorities and jurisdiction provided in this Act shall continue in effect until such time as this Act is expressly modified or repealed by Congress.

Approved October 30, 1998.

LEGISLATIVE HISTORY—H.R. 3903 (S. 2109):

HOUSE REPORTS: No. 105–706, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 105–306 accompanying S. 2109 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Sept. 15, considered and passed House.

Oct. 2, considered and passed Senate.

Oct. 8, Senate vitiated passage; reconsidered and passed, amended.

Oct. 10, House concurred in Senate amendments.



4. Katmai

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4204

TITLE X—MISCELLANEOUS

* * * * *

110 STAT. 4240

SEC. 1035. REGULATIONS OF FISHING IN CERTAIN WATERS OF ALASKA.

110 STAT. 4241

(a) **IN GENERAL.**—Local residents who are descendants of
Katmai residents who lived in the Naknek Lake and River Drainage
shall be permitted, subject to reasonable regulations established
by the Secretary of the Interior, to continue their traditional fishery
for red fish within Katmai National Park (the national park and
national preserve redesignated, established, and expanded under
section 202(2) of the Alaska National Interest Lands Conservation
Act (16 U.S.C. 410hh–1)).(b) **RED FISH DEFINED.**—For the purposes of subsection (a),
the term “red fish” means spawned-out sockeye salmon that has
no significant commercial value.(c) **TITLE.**—No provision of this section shall be construed to
invalidate or validate or in any other way affect any claim by
the State of Alaska to title to any or all submerged lands, nor
shall any actions taken pursuant to or in accordance with this
Act operate under any provision or principle of the law to bar
the State of Alaska from asserting at any time its claim of title
to any or all of the submerged lands.(d) **JURISDICTION.**—Nothing in this section nor in any actions
taken pursuant to this section shall be construed as expanding
or diminishing Federal or State jurisdiction, responsibility,
interests, or rights in management, regulation, or control over
waters of the State of Alaska or submerged lands under any provi-
sion of Federal or State law.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



PUBLIC LAW 105–277—OCT. 21, 1998

112 STAT. 2681

*Public Law 105–277
105th Congress

An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Oct. 21, 1998
[H.R. 4328]

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

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

Omnibus
Consolidated and
Emergency
Supplemental
Appropriations
Act, 1999.

* * * * *

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
2681–231

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

112 STAT.
2681–232
Department of
the Interior and
Related Agencies
Appropriations
Act, 1999.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

SEC. 135. KATMAI NATIONAL PARK LAND EXCHANGE. (a) RATIFICATION OF AGREEMENT.—

112 STAT.
2681–252
112 STAT.
2681–264
16 USC 410hh–1
note.

(1) RATIFICATION.—

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled “Agreement for the Sale, Purchase and Conveyance of Lands between the Heirs, Designees and/or Assigns of Palakia Melgenak and the United States of America” (hereinafter referred to in this section as the “Agreement”), executed by its signatories, including the heirs, designees and/or assigns of Palakia Melgenak (hereinafter referred to in this section as the “Heirs”) effective on September 1, 1998 are authorized, ratified and confirmed, and set forth the obligations and commitments of the United States and all other signatories, as a matter of Federal law.

(B) NATIVE ALLOTMENT.—Notwithstanding any provision of law to the contrary, all lands described in section 2(c) of the Agreement for conveyance to the Heirs shall be deemed a replacement transaction under “An Act to

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

112 STAT. 2681–264 PUBLIC LAW 105–277—OCT. 21, 1998

112 STAT.
2681–265

relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county or municipal improvements or sold to other persons or for other purposes” (25 U.S.C. 409a, 46 Stat. 1471), as amended, and the Secretary shall convey such lands by a patent consistent with the terms of the Agreement and subject to the same restraints on alienation and tax-exempt status as provided for Native allotments pursuant to “An Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska” (34 Stat. 197), as amended, repealed by section 18(a) the Alaska Native Claims Settlement Act (85 Stat. 710), with a savings clause for applications pending on December 18, 1971.

(C) LAND ACQUISITION.—Lands and interests in land acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the “Secretary”) as part of the Katmai National Park, subject to the laws and regulations applicable thereto.

(2) MAPS AND DEEDS.—The maps and deeds set forth in the Agreement generally depict the lands subject to the conveyances, the retention of consultation rights, the conservation easement, the access rights, Alaska Native Allotment Act status, and the use and transfer restrictions.

16 USC 1132
note.

(b) KATMAI NATIONAL PARK AND PRESERVE WILDERNESS.—Upon the date of closing of the conveyance of the approximately 10 acres of Katmai National Park Wilderness lands to be conveyed to the Heirs under the Agreement, the following lands shall hereby be designated part of the Katmai Wilderness as designated by section 701(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1132 note; 94 Stat. 2417):

A strip of land approximately one half mile long and 165 feet wide lying within Section 1, Township 24 South, Range 33 West, Seward Meridian, Alaska, the center line of which is the center of the unnamed stream from its mouth at Geographic Harbor to the north line of said Section 1. Said unnamed stream flows from the unnamed lake located in Sections 25 and 26, Township 23 South, Range 33 West, Seward Meridian. This strip of land contains approximately 10 acres.

(c) AVAILABILITY OF APPROPRIATION.—None of the funds appropriated in this Act or any other Act hereafter enacted for the implementation of the Agreement may be expended until the Secretary determines that the Heirs have signed a valid and full relinquishment and release of any and all claims described in section 2(d) of the Agreement.

(d) GENERAL PROVISIONS.—

(1) All of the lands designated as Wilderness pursuant to this section shall be subject to any valid existing rights.

(2) Subject to the provisions of the Alaska National Interest Lands Conservation Act, the Secretary shall ensure that the lands in the Geographic Harbor area not directly affected by the Agreement remain accessible for the public, including its mooring and mechanized transportation needs.

(3) The Agreement shall be placed on file and available for public inspection at the Alaska Regional Office of the National Park Service, at the office of the Katmai National Park and Preserve in King Salmon, Alaska, and at least one

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-265

public facility managed by the Federal, State or local government located in each of Homer, Alaska, and Kodiak, Alaska and such other public facilities which the Secretary determines are suitable and accessible for such public inspections. In addition, as soon as practicable after enactment of this provision, the Secretary shall make available for public inspection in those same offices, copies of all maps and legal descriptions of lands prepared in implementing either the Agreement or this section. Such legal descriptions shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate.

* * * * *

SEC. 152. In implementing section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197), the Secretary of the Interior shall deem the holder (on the date of enactment of this Act) of the concession contract KATM001-81 to be a person who, on or before January 1, 1979, was engaged in adequately providing visitor services of the type authorized in said contract with Katmai National Park and Preserve.

112 STAT.
2681-268

* * * * *

Approved October 21, 1998.

112 STAT.
2681-919

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105-648 (Comm. on Appropriations) and 105-825 (Comm. of Conference).

SENATE REPORTS: No. 105-249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



5. Lake Clark

111 STAT. 24

PUBLIC LAW 105–83—NOV. 14, 1997

**Public Law 105–83
105th Congress****An Act**Nov. 14, 1997
[H.R. 2107]Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled*, That the
following sums are appropriated, out of any money in the Treasury
not otherwise appropriated, for the fiscal year ending September
30, 1998, and for other purposes, namely:**TITLE I—DEPARTMENT OF THE INTERIOR**

* * * * *

111 STAT. 24

SEC. 121. Section 1034 of Public Law 104–333 (110 Stat. 4093,
4240) is amended by striking “at any time within 12 months of
enactment of this Act” and inserting in lieu thereof “on or before
October 1, 1998” and by inserting at the end of the section the
following new sentence: “If such litigation is commenced, at the
court trial, any party may introduce any relevant evidence bearing
on the interpretation of the 1976 agreement.”.

* * * * *

111 STAT. 85

Approved November 14, 1997.

LEGISLATIVE HISTORY—H.R. 2107:HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm.
of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



V. NATIONAL PRESERVES

1. Big Thicket

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE III—EXCHANGES

110 STAT. 4116

* * * * *

SEC. 306. BIG THICKET NATIONAL PRESERVE.

110 STAT. 4132

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

(b) INDEPENDENT APPRAISAL.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)) is further amended by adding at the end the following: “The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands.”

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

(d) REPORTING REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter until the earlier of the consummation of the exchange of July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments made by the Big Thicket National Preserve Addition Act of 1993 (Public Law 103–46).

16 USC 698 note.

(e) LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.—If, within one year after the date of the enactment of this Act—

16 USC 698 note.

(1) the owners of the private lands described in subsection (f)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

110 STAT. 4132

PUBLIC LAW 104-333—NOV. 12, 1996

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

16 USC 698 note.

(f) LANDS DESCRIBED.—

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

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

16 USC 698 note.

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

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



2. Mojave

PUBLIC LAW 104–134—APR. 26, 1996

110 STAT. 1321

* Public Law 104–134
104th Congress

An Act

Making appropriations for fiscal year 1996 to make a further downpayment toward
a balanced budget, and for other purposes.

Apr. 26, 1996
[H.R. 3019]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*
SECTION 101.

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.

* * * * *

(c) For programs, projects or activities in the Department of
the Interior and Related Agencies Appropriations Act, 1996, pro-
vided as follows, to be effective as if it had been enacted into
law as the regular appropriations Act:

110 STAT.
1321–156

AN ACT

Making appropriations for the Department of the Interior and
related agencies for the fiscal year ending September 30, 1996,
and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1996.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

110 STAT.
1321–175

* * * * *

SEC. 119. (a) Until the National Park Service has prepared
a final conceptual management plan for the Mojave National Pre-
serve that incorporates traditional multiple uses of the region,
the Secretary of the Interior shall not take any action to change
the management of the area which differs from the historical
management practices of the Bureau of Land Management. Prior
to using any funds in excess of \$1,100,000 for operation of the
Preserve in fiscal year 1996, the Secretary must obtain the approval
of the House and Senate Committees on Appropriations. This provi-
sion expires on September 30, 1996.

110 STAT.
1321–179

(b) The President is authorized to suspend the provisions of
subsection (a) of this section if he determines that such suspension
is appropriate based upon the public interest in sound environ-
mental management, sustainable resource use, protection of
national or locally-affected interests, or protection of any cultural,
biological or historic resources. Any suspension by the President
shall take effect on such date, and continue in effect for such
period (not to extend beyond the period in which subsection (a)

110 STAT.
1321–180
Termination
date.
President.
Reports.

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

110 STAT. 1321–180 PUBLIC LAW 104–134—APR. 26, 1996

would otherwise be in effect), as the President may determine,
and shall be reported to the Congress.

* * * * * *

110 STAT.
1321–381

Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104–537 (Comm. of Conference).

SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



3. Tallgrass Prairie

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE X—MISCELLANEOUS

110 STAT. 4204

**SUBTITLE A—TALLGRASS PRAIRIE NATIONAL
PRESERVE**Tallgrass Prairie
National
Preserve Act of
1996.
Kansas.
16 USC 698u
note.**SEC. 1001. SHORT TITLE.**This subtitle may be cited as the “Tallgrass Prairie National
Preserve Act of 1996”.**SEC. 1002. FINDINGS AND PURPOSES.**

16 USC 698u.

(a) FINDINGS.—Congress finds that—

(1) of the 400,000 square miles of tallgrass prairie that
once covered the North American Continent, less than 1 percent
remains, primarily in the Flint Hills of Kansas;(2) in 1991, the National Park Service conducted a special
resource study of the Spring Hill Ranch, located in the Flint
Hills of Kansas;

(3) the study concludes that the Spring Hill Ranch—

(A) is a nationally significant example of the once
vast tallgrass ecosystem, and includes buildings listed on
the National Register of Historic Places pursuant to section
101 of the National Historic Preservation Act (16 U.S.C.
470a) that represent outstanding examples of Second
Empire and other 19th Century architectural styles; and(B) is suitable and feasible as a potential addition
to the National Park System; and(4) the National Park Trust, which owns the Spring Hill
Ranch, has agreed to permit the National Park Service—(A) to purchase a portion of the ranch, as specified
in the subtitle; and

(B) to manage the ranch in order to—

(i) conserve the scenery, natural and historic
objects, and wildlife of the ranch; and(ii) provide for the enjoyment of the ranch in such
a manner and by such means as will leave the scenery,
natural and historic objects, and wildlife unimpaired
for the enjoyment of future generations.

110 STAT. 4205

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

110 STAT. 4205

PUBLIC LAW 104-333—NOV. 12, 1996

(1) to preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas; and

(2) to preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

16 USC 698u-1.

SEC. 1003. DEFINITIONS.

In this subtitle:

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Advisory Committee established under section 1007.

(2) **PRESERVE.**—The term “Preserve” means the Tallgrass Prairie National Preserve established by section 1004.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **TRUST.**—The term “Trust” means the National Park Trust, Inc., a District of Columbia nonprofit corporation, or any successor-in-interest.

16 USC 698u-2.

SEC. 1004. ESTABLISHMENT OF TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) **IN GENERAL.**—In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is established the Tallgrass Prairie National Preserve.

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

16 USC 698u-3.

SEC. 1005. ADMINISTRATION OF NATIONAL PRESERVE.

(a) **IN GENERAL.**—The Secretary shall administer the Preserve in accordance with this subtitle, the cooperative agreements described in subsection (f)(1), and 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, 2 through 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) **APPLICATION OF REGULATIONS.**—With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.

110 STAT. 4206

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4206

(c) **FACILITIES.**—For purposes of carrying out the duties of the Secretary under this subtitle relating to the Preserve, the Secretary may, with the consent of a landowner, directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve.

(d) **LIABILITY.**—

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

(2) **LIABILITY OF LANDOWNERS.**—

(A) The Secretary of the Interior is authorized, under such terms and conditions as he deems appropriate, to include in any cooperative agreement entered into in accordance with subsection (f)(1) an indemnification provision by which the United States agrees to hold harmless, defend and indemnify the landowner in full from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim of personal injury or property damage that occurs in connection with the operation of the Preserve under the agreement: *Provided however*, That indemnification shall not exceed \$3 million per claimant per occurrence.

(B) The indemnification provision authorized by subparagraph (A) shall not include claims for personal injury or property damage proximately caused by the wanton or willful misconduct of the landowner.

(e) **UNIT OF THE NATIONAL PARK SYSTEM.**—The Preserve shall be a unit of the National Park System for all purposes, including the purpose of exercising authority to charge entrance and admission fees under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a).

(f) **AGREEMENT AND DONATIONS.**—

(1) **AGREEMENTS.**—The Secretary may expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use.

(2) **DONATIONS.**—The Secretary may accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this subtitle.

(g) **GENERAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than the end of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the Preserve.

110 STAT. 4207

110 STAT. 4207

PUBLIC LAW 104-333—NOV. 12, 1996

(2) CONSULTATION.—In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

- (A)(i) appropriate officials of the Trust; and
- (ii) the Advisory Committee; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, the Kansas Historical Society, and other interested parties.

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

(A) Maintaining and enhancing the tall grass prairie within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable State water laws and Federal and State waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 1004(b)) that is in effect on the date of enactment of this Act.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of the date of enactment of this Act, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 1004(b)).

(4) HUNTING AND FISHING.—The Secretary may allow hunting and fishing on Federal lands within the Preserve.

(5) FINANCIAL ANALYSIS.—As part of the development of the general management plan, the Secretary shall prepare a financial analysis indicating how the management of the Preserve may be fully supported through fees, private donations, and other forms of non-Federal funding.

110 STAT. 4208
16 USC 698u-4.

SEC. 1006. LIMITED AUTHORITY TO ACQUIRE.

(a) IN GENERAL.—The Secretary shall acquire, by donation, not more than 180 acres of real property within the boundaries

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4208

of the Preserve (as described in section 1004(b)) and the improvements on the real property.

(b) PAYMENTS IN LIEU OF TAXES.—For the purposes of payments made under chapter 69 of title 31, United States Code, the real property described in subsection (a)(1) shall be deemed to have been acquired for the purposes specified in section 6904(a) of that title.

(c) PROHIBITIONS.—No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

SEC. 1007. ADVISORY COMMITTEE.

16 USC 698u-5.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the “Tallgrass Prairie National Preserve Advisory Committee”.

(b) DUTIES.—The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out those duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan under section 1005(g).

(c) MEMBERSHIP.—The Advisory Committee shall consist of 13 members, who shall be appointed by the Secretary as follows:

(1) Three members shall be representatives of the Trust.

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

(3) Three members shall be representatives of conservation or historic preservation interests.

(4)(A) One member shall be selected from a list of persons recommended by the Chase County Commission in the State of Kansas.

(B) One member shall be selected from a list of persons recommended by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.

(C) One member shall be selected from a list of persons recommended by the Governor of the State of Kansas.

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the State of Kansas.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

(A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 3 years.

(B) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 4 years.

(C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years.

(2) REAPPOINTMENT.—Each member may be reappointed to serve a subsequent term. 110 STAT. 4209

110 STAT. 4209

PUBLIC LAW 104-333—NOV. 12, 1996

(3) EXPIRATION.—Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.

(4) VACANCIES.—A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.

(e) CHAIRPERSON.—The members of the Advisory Committee shall select 1 of the members to serve as Chairperson.

(f) MEETINGS.—Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such a manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate means of providing interested members of the public advance notice of scheduled meetings.

(g) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum.

(h) COMPENSATION.—Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(i) CHARTER.—The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (15 U.S.C. App.) shall not apply to the Advisory Committee.

16 USC 698u-6.

SEC. 1008. RESTRICTION ON AUTHORITY.

Nothing in this subtitle shall give the Secretary authority to regulate lands outside the land area acquired by the Secretary under section 1006(a).

16 USC 698u-7.

SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this subtitle.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



VI. NATIONAL HISTORICAL PARKS

1. Adams

PUBLIC LAW 105–342—NOV. 2, 1998

112 STAT. 3200

Public Law 105–342
105th Congress

An Act

To establish the Adams National Historical Park in the Commonwealth of
Massachusetts, and for other purposes.

Nov. 2, 1998

[S. 2240]

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

Adams National
Historical Park
Act of 1998.
16 USC 410eee
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Adams National Historical Park
Act of 1998”.

SEC. 2. FINDINGS AND PURPOSES.

16 USC 410eee.

(a) FINDINGS.—Congress finds that—

(1) in 1946, Secretary of the Interior J.A. Krug, by means
of the authority granted the Secretary of the Interior under
section 2 of the Historic Sites Act of August 21, 1935, estab-
lished the Adams Mansion National Historic Site, located in
Quincy, Massachusetts;

(2) in 1952, Acting Secretary of the Interior Vernon D.
Northrup enlarged the site and renamed it the Adams National
Historic Site, using the Secretary’s authority as provided in
the Historic Sites Act;

(3) in 1972, Congress, through Public Law 92–272, author-
ized the Secretary of the Interior to add approximately 3.68
acres at Adams National Historic Site;

(4) in 1978, Congress, through Public Law 95–625, author-
ized the Secretary of the Interior to accept by conveyance
the birthplaces of John Adams and John Quincy Adams, both
in Quincy, Massachusetts, to be managed as part of the Adams
National Historic Site;

(5) in 1980, Congress, through Public Law 96–435, author-
ized the Secretary of the Interior to accept the conveyance
of the United First Parish Church in Quincy, Massachusetts,
the burial place of John Adams, Abigail Adams, and John
Quincy Adams and his wife, to be administered as part of
the Adams National Historic Site;

(6) the actions taken by past Secretaries of the Interior
and past Congresses to preserve for the benefit, education
and inspiration of present and future generations of Americans
the home, property, birthplaces and burial site of John Adams,
John Quincy Adams, and Abigail Adams, have resulted in
a multi-site unit of the National Park System with no over-
arching enabling or authorizing legislation; and

(7) that the sites and resources associated with John
Adams, second President of the United States, his wife Abigail
Adams, and John Quincy Adams, sixth President of the United

112 STAT. 3201

PUBLIC LAW 105-342—NOV. 2, 1998

States, require recognition as a national historical park in the National Park System.

(b) PURPOSE.—The purpose of this Act is to establish the Adams National Historical Park in the City of Quincy, in the Commonwealth of Massachusetts, to preserve, maintain and interpret the home, property, birthplaces, and burial site of John Adams and his wife Abigail, John Quincy Adams, and subsequent generations of the Adams family associated with the Adams property in Quincy, Massachusetts, for the benefit, education and inspiration of present and future generations of Americans.

16 USC
410eee-1.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HISTORICAL PARK.—The term “historical park” means the Adams National Historical Park established in section 4.

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

16 USC
410eee-2.

SEC. 4. ADAMS NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain properties in Quincy, Massachusetts, associated with John Adams, second President of the United States, his wife, Abigail Adams, John Quincy Adams, sixth President of the United States, and his wife, Louisa Adams, there is established the Adams National Historical Park as a unit of the National Park System.

(b) BOUNDARIES.—The historical park shall be comprised of the following:

(1) All property administered by the National Park Service in the Adams National Historic Site as of the date of enactment of this Act, as well as all property previously authorized to be acquired by the Secretary for inclusion in the Adams National Historic Site, as generally depicted on the map entitled “Adams National Historical Park”, numbered NERO 386/80,000, and dated April 1998.

(2) All property authorized to be acquired for inclusion in the historical park by this Act or other law enacted after the date of the enactment of this Act.

(c) VISITOR AND ADMINISTRATIVE SITES.—To preserve the historical character and landscape of the main features of the historical park, the Secretary may acquire up to 10 acres for the development of visitor, administrative, museum, curatorial, and maintenance facilities adjacent to or in the general proximity of the property depicted on the map identified in subsection (b)(1)(A).

(d) MAP.—The map of the historical park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

16 USC
410eee-3.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this section and 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, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), as amended.

(b) COOPERATIVE AGREEMENTS.—(1) The Secretary may consult and enter into cooperative agreements with interested entities and

PUBLIC LAW 105–342—NOV. 2, 1998

112 STAT. 3202

individuals to provide for the preservation, development, interpretation, and use of the park.

(2) Any payment made by the Secretary pursuant to a cooperative agreement under this paragraph shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such a project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary is authorized to acquire real property with appropriated or donated funds, by donation, or by exchange, within the boundaries of the park.

(d) REPEAL OF SUPERCEDED ADMINISTRATIVE AUTHORITIES.—

(1) Section 312 of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3479) is amended by striking “(a)” after “SEC. 312”; and strike subsection (b) in its entirety.

(2) The first section of Public Law 96–435 (94 Stat. 1861) is amended by striking “(a)” after “That”; and strike subsection (b) in its entirety.

(e) REFERENCES TO THE HISTORIC SITE.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to the Adams National Historic Site shall be considered to be a reference to the historical park.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

16 USC
410eee–4.

Approved November 2, 1998.

LEGISLATIVE HISTORY—S. 2240:

SENATE REPORTS: No. 105–404 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 7, considered and passed Senate.
Oct. 10, considered and passed House.



2. Boston

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress**An Act**Nov. 12, 1996
[H.R. 4236]To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4153

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

* * * * *

110 STAT. 4155

SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORIC PARK ACT.Section 3(b) of the Boston National Historical Park Act of
1974 (16 U.S.C. 410z–1(b)) is amended by inserting “(1)” before
the first sentence thereof and by adding the following at the end
thereof:“(2) The Secretary of the Interior is authorized to enter into
a cooperative agreement with the Boston Public Library to provide
for the distribution of informational and interpretive materials
relating to the park and to the Freedom Trail.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



3. Colonial

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

110 STAT. 4105

* * * * *

SEC. 211. COLONIAL NATIONAL HISTORICAL PARK.

110 STAT. 4109
16 USC 81p.

(a) **TRANSFER AND RIGHTS-OF-WAY.**—The Secretary of the Interior (hereinafter in this section referred to as the “Secretary”) is authorized to transfer, without reimbursement, to York County, Virginia, that portion of the existing sewage disposal system, including related improvements and structures, owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as are determined by the Secretary to be necessary to maintain and operate such system.

(b) **REPAIR AND REHABILITATION OF SYSTEM.**—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed \$110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) **FEES AND CHARGES.**—In consideration for the rights-of-way granted under subsection (a), and in recognition of the National Park Service’s contribution authorized under subsection (b), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal. The cooperative agreement shall also provide for minimizing the impact of the sewage disposal system on the park and its resources. Such system may not be enlarged or substantially altered without National Park Service concurrence.

110 STAT. 4110

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

110 STAT. 4110

PUBLIC LAW 104-333—NOV. 12, 1996

be on file and available for inspection in the offices of the National Park Service at Colonial National Historical Park and in Washington, District of Columbia.

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

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



4. Cumberland Gap

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.

Nov. 12, 1996

[H.R. 4236]

*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

110 STAT. 4105

* * * * *

SEC. 216. CUMBERLAND GAP NATIONAL HISTORICAL PARK.110 STAT. 4112
16 USC 268.(a) **AUTHORITY.**—Notwithstanding the Act of June 11, 1940
(16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized
to acquire by donation, purchase with donated or appropriated
funds, or exchange not to exceed 10 acres of land or interests
in land, which shall consist of those necessary lands for the
establishment of trailheads to be located at White Rocks and
Chadwell Gap.

110 STAT. 4113

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

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



5. Dayton Aviation

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

* * * * *

110 STAT. 4189
16 USC
410ww–21.**SEC. 811. DAYTON AVIATION.**Section 201(b) of the Dayton Aviation Heritage Preservation
Act of 1992 (Public Law 102–419, approved October 16, 1992),
is amended as follows:(1) In paragraph (2), by striking “from recommendations”
and inserting “after consideration of recommendations”.(2) In paragraph (4), by striking “from recommendations”
and inserting “after consideration of recommendations”.(3) In paragraph (5), by striking “from recommendations”
and inserting “after consideration of recommendations”.(4) In paragraph (6), by striking “from recommendations”
and inserting “after consideration of recommendations”.(5) In paragraph (7), by striking “from recommendations”
and inserting “after consideration of recommendations”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



6. Independence

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

110 STAT. 4105

* * * * *

**SEC. 204. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY
ADJUSTMENT.**110 STAT. 4106
16 USC 407m–8.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled “Exhibit 1, Independence National Historical Park, Boundary Adjustment”, and dated May 1987, which 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 Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



7. Jean Lafitte

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

* * * * *

110 STAT. 4188
16 USC 230 note.**SEC. 808. LAURA C. HUDSON VISITOR CENTER.**(a) DESIGNATION.—The visitor center at Jean Lafitte National
Historical Park, located at 419 Rue Decatur in New Orleans,
Louisiana, is hereby designated as the “Laura C. Hudson Visitor
Center”.(b) LEGAL REFERENCES.—Any reference in any law, regulation,
paper, record, map, or any other document of the United States
to the visitor center referred to in subsection (a) shall be deemed
to be a reference to the “Laura C. Hudson Visitor Center”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



8. Kaloko-Honokohau

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

110 STAT. 4153

* * * * *

**SEC. 503. EXTENSION OF KALOKO-HONOKOHAU ADVISORY
COMMISSION.**

110 STAT. 4154

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

110 STAT. 4155

(b) CONFORMING AMENDMENT.—Section 505(f)(7) of Public Law
95–625 (16 U.S.C. 396d(7)), is amended by striking “this Act” and
inserting in lieu thereof, “the Na Hoa Pili Kaloko-Honokohau
Re-establishment Act of 1996”.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



9. Marsh-Billings-Rockefeller

112 STAT. 2681

PUBLIC LAW 105–277—OCT. 21, 1998

*Public Law 105–277
105th Congress

An Act

Oct. 21, 1998
[H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Omnibus
Consolidated and
Emergency
Supplemental
Appropriations
Act, 1999.

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

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

* * * * *

112 STAT.
2681–231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
2681–232
Department of
the Interior and
Related Agencies
Appropriations
Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
2681–252

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
2681–267
16 USC 410rr *et*
seq.

SEC. 143. Public Law 102–350 (16 U.S.C. 410) is amended to strike “Marsh-Billings” each place it appears and insert “Marsh-Billings-Rockefeller”.

* * * * *

112 STAT.
2681–919

Approved October 21, 1998.

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



10. Morristown

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress**An Act**To authorize the Automobile National Heritage Area in the State of Michigan,
and for other purposes.

Nov. 6, 1998

[H.R. 3910]

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

* * * * *

TITLE V—OTHER MATTERS

112 STAT. 3261

* * * * *

**SEC. 508. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN
NATIONAL HISTORICAL PARK.**112 STAT. 3264
New Jersey.

The Act entitled “An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes”, approved March 2, 1933 (chapter 182; 16 U.S.C. 409 et seq.), is amended by adding at the end the following new section:

“SEC. 8. (a) In addition to any other lands or interest authorized to be acquired for inclusion in Morristown National Historical Park, and notwithstanding the first proviso of the first section of this Act, the Secretary of the Interior may acquire by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 15 acres of land and interests therein comprising the property known as the Warren Property or Mount Kimble. The Secretary may expend such sums as may be necessary for such acquisition.

16 USC 409i.

“(b) Any lands or interests acquired under this section shall be included in and administered as part of the Morristown National Historical Park.”.

* * * * *

Approved November 6, 1998.

112 STAT. 3267

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



11. Natchez

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4204

TITLE X—MISCELLANEOUS

* * * * *

110 STAT. 4210

Subtitle C—Additional Provisions

* * * * *

110 STAT. 4238
Mississippi.**SEC. 1030. NATCHEZ NATIONAL HISTORICAL PARK.**

16 USC 410oo–2.

Section 3 of the Act of October 8, 1988, entitled “An Act to
create a national park at Natchez, Mississippi” (16 U.S.C. 410oo
et seq.), is amended—(1) by inserting “(a) IN GENERAL.—” after “SEC. 3.”; and
(2) by adding at the end the following:“(b) BUILDING FOR JOINT USE BY THE SECRETARY AND THE
CITY OF NATCHEZ.—

110 STAT. 4239

“(1) CONTRIBUTION TOWARD CONSTRUCTION.—The Secretary
may enter into an agreement with the City of Natchez under
which the Secretary agrees to pay not to exceed \$3,000,000
toward the planning and construction by the City of Natchez
of a structure to be partially used by the Secretary as an
administrative headquarters, administrative site, and visitors’
center for Natchez National Historical Park.“(2) USE FOR SATISFACTION OF MATCHING REQUIREMENTS.—
The amount of payment under paragraph (1) may be available
for matching Federal grants authorized under other law
notwithstanding any limitations in any such law.“(3) AGREEMENT.—Prior to the execution of an agreement
under paragraph (1), and subject to the appropriation of
necessary funds in advance, the Secretary may enter into a
contract, lease, cooperative agreement, or other appropriate
form of agreement with the City of Natchez providing for the
use and occupancy of a portion of the structure constructed
under paragraph (1) (including appropriate use of the land
on which it is situated), at no cost to the Secretary (except
maintenance, utility, and other operational costs), for a period
of 50 years, with an option for renewal by the Secretary for
an additional 50 years.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4239

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 to carry out this subsection.”.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



12. New Bedford Whaling

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4153

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

* * * * *

110 STAT. 4159
16 USC 410ddd.**SEC. 511. NEW BEDFORD NATIONAL HISTORIC LANDMARK DISTRICT.****(a) FINDINGS AND PURPOSES.—**

110 STAT. 4160

(1) FINDINGS.—The Congress finds that—

(A) the New Bedford National Historic Landmark District and associated historic sites as described in subsection (c)(2), including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(B) the city of New Bedford was the 19th century capital of the world’s whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(C) New Bedford’s historic resources provide unique opportunities for illustrating and interpreting the whaling industry’s contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(D) during the nineteenth century, over two thousand whaling voyages sailed out of New Bedford to the Arctic region of Alaska, and joined Alaska Natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities; and

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

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

(A) to help preserve, protect, and interpret the resources within the areas described in subsection (c)(2), including architecture, setting, and associated archival and museum collections;

(B) to collaborate with the city of New Bedford and with associated historical, cultural, and preservation

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4160

organizations to further the purposes of the park established under this section; and

(C) to provide opportunities for the inspirational benefit and education of the American people.

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

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

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

(c) NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.—

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

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

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

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

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

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

(B) In addition to the sites, areas, and relics referred to in subparagraph (A), the Secretary may assist in the interpretation and preservation of each of the following:

(i) The southwest corner of the State Pier.

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

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

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

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

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

(1) financial and other assistance to establish links between the New Bedford Whaling National Historical Park and the

110 STAT. 4161

110 STAT. 4161

PUBLIC LAW 104-333—NOV. 12, 1996

North Slope Borough Cultural Center, located in Barrow, Alaska; and

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

(e) ADMINISTRATION OF PARK.—

(1) IN GENERAL.—The park shall be administered by the Secretary in accordance with this section and 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, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(2) COOPERATIVE AGREEMENTS.—(A) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(B) Any payment made by the Secretary pursuant to a cooperative agreement under this paragraph shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(3) NON-FEDERAL MATCHING REQUIREMENTS.—(A) Funds authorized to be appropriated to the Secretary for the purposes of—

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

(ii) construction, restoration, and rehabilitation of visitors and interpretive facilities (other than annual operation and maintenance costs) shall be expended in the ratio of one dollar of Federal funds for each one dollar of funds contributed by non-Federal sources.

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

(4) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary may acquire only by donation such lands, interests in lands, and improvements thereon within the park as are needed for essential visitor contact and interpretive facilities.

(5) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept donated funds, property, and services to carry out this section.

(e) GENERAL MANAGEMENT PLAN.—Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy

110 STAT. 4162

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4162

and Natural Resources of the Senate a general management plan for the park and shall implement such plan as soon as practically possible. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)) and other applicable law.

(f) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(A) not more than \$2,000,000 may be appropriated for construction, restoration, and rehabilitation of visitor and interpretive facilities, and directional and visitor orientation signage;

(B) none of the funds authorized to be appropriated by this section may be used for the operation or maintenance of the Schooner Ernestina; and

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

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



13. Women's Rights

110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333 104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4153

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

* * * * *

110 STAT. 4155

SEC. 505. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) INCLUSION OF OTHER PROPERTIES.—Section 1601(c) of Public Law 96-607 (16 U.S.C. 4101l) is amended to read as follows:

“(c) ESTABLISHMENT.—To carry out the purposes of this section there is hereby established the Women's Rights National Historical Park (hereinafter in this section referred to as the “park”). The park shall consist of the following designated sites in Seneca Falls and Waterloo, New York:

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

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

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

“(4) lot, 26-28 Washington Street, Seneca Falls;

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

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

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

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

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

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

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

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

“(13) dwelling, 12 East Williams Street, Waterloo.”.

(b) MISCELLANEOUS AMENDMENTS.—Section 1601 of Public Law 96-607 (16 U.S.C. 4101l) is amended by redesignating subsection (i) as “(i)(1)” and inserting at the end thereof the following new paragraph:

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4155

“(2) In addition to those sums appropriated prior to the date of enactment of this paragraph for land acquisition and development, there is hereby authorized to be appropriated an additional \$2,000,000.”.

Appropriation
authorization.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



VII. NATIONAL MILITARY PARKS

1. Chickamauga and Chattanooga

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

110 STAT. 4171

* * * * *

**SEC. 605. CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY
PARKS.**

110 STAT. 4174

Section 1(c) of the Act entitled “An Act 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”, approved December 24, 1987 (101 Stat.
1442), is amended by striking “\$30,000,000” and inserting
“\$51,900,000”.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



112 STAT. 2681

PUBLIC LAW 105–277—OCT. 21, 1998

***Public Law 105–277**
105th Congress

An Act

Oct. 21, 1998
 [H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

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

Omnibus
 Consolidated and
 Emergency
 Supplemental
 Appropriations
 Act, 1999.

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

* * * * *

112 STAT.
 2681–231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
 2681–232
 Department of
 the Interior and
 Related Agencies
 Appropriations
 Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–252

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–266

SEC. 138. ACQUISITION OF REAL PROPERTY INTERESTS FOR ADDITION TO CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK. The Act of August 19, 1890 (16 U.S.C. 424), is amended by adding at the end the following:

16 USC 424–1.

“SEC. 12. ACQUISITION OF LAND.

“(a) **IN GENERAL.**—The Secretary of the Interior may acquire private land, easements, and buildings within the areas authorized for acquisition for the Chickamauga and Chattanooga National Military Park, by donation, purchase with donated or appropriated funds, or exchange.

“(b) **LIMITATION.**—Land, easements, and buildings described in subsection (a) may be acquired only from willing sellers.

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

PUBLIC LAW 105–277—OCT. 21, 1998 112 STAT. 2681–266

“(c) ADMINISTRATION.—Land, easements, and buildings acquired by the Secretary under subsection (a) shall be administered by the Secretary as part of the park.”.

* * * * *

Approved October 21, 1998.

112 STAT.
2681–919

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



2. Shiloh

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4171

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

* * * * *

16 USC 430f–5.

SEC. 602. CORINTH, MISSISSIPPI, BATTLEFIELD ACT.(a) **PURPOSE.**—The purpose of this section is to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the Region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.(b) **ACQUISITION OF PROPERTY AT CORINTH, MISSISSIPPI.**—The Secretary of the Interior (referred to in this title as the “Secretary”) shall acquire by donation, purchase with donated or appropriated funds, or exchange, such land and interests in land in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.(c) **PUBLICLY OWNED LAND.**—Land and interests in land owned by the State of Mississippi or a political subdivision of the State of Mississippi may be acquired only by donation.(d) **INTERPRETIVE CENTER AND MARKING.**—(1) **INTERPRETIVE CENTER.**—The Secretary shall construct, operate, and maintain on the property acquired under subsection (b) a center for the interpretation of the Siege and Battle of Corinth and associated historical events for the benefit of the public.(2) **MARKING.**—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if the sites are determined by the Secretary to be protected by State or local governmental agencies.

110 STAT. 4172

(3) **ADMINISTRATION.**—The land and interests in land acquired, and the facilities constructed and maintained pursuant to this section, shall be administered by the Secretary

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4172

as a part of Shiloh National Military Park, subject to the appropriate laws (including regulations) applicable to the Park, the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.), 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.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$6,000,000 for development to carry out this section.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



VIII. NATIONAL HISTORIC SITES

1. Abraham Lincoln Birthplace

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress

An Act

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

Nov. 6, 1998

[H.R. 3910]

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

* * * * *

TITLE V—OTHER MATTERS

112 STAT. 3261

* * * * *

SEC. 510. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE, KENTUCKY.

112 STAT. 3265
16 USC 218a.

(a) IN GENERAL.—Upon acquisition of the land known as Knob Creek Farm pursuant to subsection (b), the boundary of the Abraham Lincoln Birthplace National Historic Site, established by the Act of July 17, 1916 (39 Stat. 385, chapter 247; 16 U.S.C. 211 et seq.), is revised to include such land. Lands acquired pursuant to this section shall be administered by the Secretary of the Interior as part of the historic site.

(b) ACQUISITION OF KNOB CREEK FARM.—The Secretary of the Interior may acquire, by donation only, the approximately 228 acres of land known as Knob Creek Farm in Larue County, Kentucky, as generally depicted on a map entitled “Knob Creek Farm Unit, Abraham Lincoln National Historic Site”, numbered 338/80,077, and dated October 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) STUDY AND REPORT.—The Secretary of the Interior shall study the Knob Creek Farm in Larue County, Kentucky, and not later than 1 year after the date of the enactment of this Act, submit a report to the Congress containing the results of the study. The purpose of the study shall be to:

Deadline.

(1) Identify significant resources associated with the Knob Creek Farm and the early boyhood of Abraham Lincoln.

(2) Evaluate the threats to the long-term protection of the Knob Creek Farm’s cultural, recreational, and natural resources.

(3) Examine the incorporation of the Knob Creek Farm into the operations of the Abraham Lincoln Birthplace National Historic Site and establish a strategic management plan for implementing such incorporation. In developing the plan, the Secretary shall—

(A) determine infrastructure requirements and property improvements needed at Knob Creek Farm to meet National Park Service standards;

112 STAT. 3265

PUBLIC LAW 105-355—NOV. 6, 1998

(B) identify current and potential uses of Knob Creek Farm for recreational, interpretive, and educational opportunities; and

(C) project costs and potential revenues associated with acquisition, development, and operation of Knob Creek Farm.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (c).

* * * * *

112 STAT. 3267

Approved November 6, 1998.

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



2. Edison

PUBLIC LAW 105–331—OCT. 31, 1998

112 STAT. 3073

Public Law 105–331
105th Congress

An Act

To require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

Oct. 31, 1998
[H.R. 678]

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

Thomas Alva
Edison
Commemorative
Coin Act.
31 USC 5112
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Thomas Alva Edison Commemorative Coin Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Thomas Alva Edison, one of America's greatest inventors, was born on February 11, 1847, in Milan, Ohio.

(2) The inexhaustible energy and genius of Thomas A. Edison produced more than 1,300 inventions in his lifetime, including the incandescent light bulb and the phonograph.

(3) In 1928, Thomas A. Edison received the Congressional gold medal “for development and application of inventions that have revolutionized civilization in the last century”.

(4) 2004 will mark the 125th anniversary of the invention of the light bulb by Thomas A. Edison in 1879, the first practical incandescent electric lamp.

SEC. 3. COIN SPECIFICATIONS.

(a) **DENOMINATION.**—In commemoration of the 125th anniversary of the invention of the light bulb by Thomas A. Edison, the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue not more than 500,000 \$1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.**(a) DESIGN REQUIREMENTS.—**

(1) **IN GENERAL.**—The design of the coins minted under this Act shall be emblematic of the light bulb and the many inventions made by Thomas A. Edison throughout his prolific life.

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin; and

(B) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(3) **OBVERSE OF COIN.**—The obverse of each coin minted under this Act shall bear the likeness of Thomas A. Edison.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning on January 1, 2004.

(c) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 2004.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge of \$10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, the first \$5,000,000 of the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid by the Secretary as follows:

(1) **MUSEUM OF ARTS AND HISTORY.**—Up to $\frac{1}{8}$ to the Museum of Arts and History, in the city of Port Huron, Michigan, for the endowment and construction of a special museum on the life of Thomas A. Edison in Port Huron.

(2) **EDISON BIRTHPLACE ASSOCIATION.**—Up to $\frac{1}{8}$ to the Edison Birthplace Association, Incorporated, in Milan, Ohio, to assist in the efforts of the association to raise an endowment as a permanent source of support for the repair and maintenance of the Thomas A. Edison birthplace, a national historic landmark.

(3) **NATIONAL PARK SERVICE.**—Up to $\frac{1}{8}$ to the National Park Service, for use in protecting, restoring, and cataloguing historic documents and objects at the “invention factory” of Thomas A. Edison in West Orange, New Jersey.

(4) **EDISON PLAZA MUSEUM.**—Up to $\frac{1}{8}$ to the Edison Plaza Museum in Beaumont, Texas, for expanding educational programs on Thomas A. Edison and for the repair and maintenance of the museum.

(5) **EDISON WINTER HOME AND MUSEUM.**—Up to $\frac{1}{8}$ to the Edison Winter Home and Museum in Fort Myers, Florida,

PUBLIC LAW 105-331—OCT. 31, 1998

112 STAT. 3075

for historic preservation, restoration, and maintenance of the historic home and chemical laboratory of Thomas A. Edison.

(6) EDISON INSTITUTE.—Up to $\frac{1}{8}$ to the Edison Institute, otherwise known as “Greenfield Village”, in Dearborn, Michigan, for use in maintaining and expanding displays and educational programs associated with Thomas A. Edison.

(7) EDISON MEMORIAL TOWER.—Up to $\frac{1}{8}$ to the Edison Memorial Tower in Edison, New Jersey, for the preservation, restoration, and expansion of the tower and museum.

(8) HALL OF ELECTRICAL HISTORY.—Up to $\frac{1}{8}$ to the Schenectady Museum Association in Schenectady, New York, for the historic preservation of materials of Thomas A. Edison and for the development of educational programs associated with Thomas A. Edison.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

Approved October 31, 1998.

LEGISLATIVE HISTORY—H.R. 678:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Sept. 9, considered and passed House.

Oct. 7, considered and passed Senate.



3. Eleanor Roosevelt

112 STAT. 3300

PUBLIC LAW 105–364—NOV. 10, 1998

**Public Law 105–364
105th Congress****An Act**

Nov. 10, 1998
[S. 2241]

To provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

16 USC 461 note
[table].

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

SECTION 1. GENERAL AUTHORITY.

The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to acquire, by purchase with donated or appropriated funds, by donation, or otherwise, lands and interests in lands located in Hyde Park, New York, that were owned by Franklin D. Roosevelt or his family at the time of his death as depicted on the map entitled “F.D. Roosevelt Property Entire Park” dated July 26, 1962, and numbered FDR–NHS 3008. Such map shall be on file for inspection in the appropriate offices of the National Park Service.

SEC. 2. ADMINISTRATION.

Lands and interests therein acquired by the Secretary shall be added to, and administered by the Secretary as part of the Home of Franklin D. Roosevelt National Historic Site or the Eleanor Roosevelt National Historic Site, as appropriate.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 10, 1998.

LEGISLATIVE HISTORY—S. 2241:

SENATE REPORTS: No. 105–400 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 7, considered and passed Senate.

Oct. 15, considered and passed House.



4. Fort Davis

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress**An Act**To authorize the Automobile National Heritage Area in the State of Michigan,
and for other purposes.

Nov. 6, 1998

[H.R. 3910]

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

* * * * *

TITLE V—OTHER MATTERS

112 STAT. 3261

* * * * *

SEC. 506. FORT DAVIS HISTORIC SITE, FORT DAVIS, TEXAS.

112 STAT. 3263

The Act entitled “An Act Authorizing the establishment of
a national historic site at Fort Davis, Jeff Davis County, Texas”,
approved September 8, 1961 (75 Stat. 488; 16 U.S.C. 461 note),
is amended in the first section by striking “not to exceed four
hundred and sixty acres” and inserting “not to exceed 476 acres”.

* * * * *

Approved November 6, 1998.

112 STAT. 3267

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



5. Fort Vancouver

110 STAT. 1321

PUBLIC LAW 104–134—APR. 26, 1996

* Public Law 104–134
104th Congress

An Act

Apr. 26, 1996
[H.R. 3019]

Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.
110 STAT.
1321–156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 101.

* * * * *

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1996.

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

* * * * *

110 STAT.
1321–196
110 STAT.
1321–210
Washington.
Aviation.

TITLE III—GENERAL PROVISIONS

* * * * *

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

* * * * *

110 STAT.
1321–381

Approved April 26, 1996.

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104–537 (Comm. of Conference).

SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



6. Frederick Law Olmsted

PUBLIC LAW 105–343—NOV. 2, 1998

112 STAT. 3203

Public Law 105–343
105th Congress

An Act

To amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes.

Nov. 2, 1998
[S. 2246]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Act of October 12, 1979 (93 Stat. 664), is amended by adding at the end thereof a new subsection to read as follows:

16 USC 461 note.

“(d) In order to preserve and maintain the historic setting of the Site, the Secretary is authorized to acquire, through donation only, lands with associated easements situated adjacent to the Site owned by the Brookline Conservation Land Trust. These lands are to be used for educational and interpretive purposes and shall be maintained and managed as part of the Frederick Law Olmsted National Historic Site.”.

Approved November 2, 1998.

LEGISLATIVE HISTORY—S. 2246:

SENATE REPORTS: No. 105–405 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 7, considered and passed Senate.
Oct. 10, considered and passed House.



7. Grant-Kohrs Ranch

112 STAT. 3301

PUBLIC LAW 105–365—NOV. 10, 1998

**Public Law 105–365
105th Congress****An Act**Nov. 10, 1998
[S. 2272]

To amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Grant-Kohrs
Ranch National
Historic Site
Boundary
Adjustment Act
of 1998.
16 USC 461 note
[table].**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Grant-Kohrs Ranch National Historic Site Boundary Adjustment Act of 1998”.

SEC. 2. ADDITIONS TO GRANT-KOHR'S RANCH NATIONAL HISTORIC SITE.

The Act entitled “An Act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes”, approved August 25, 1972 (86 Stat. 632), is amended by striking the last sentence in the first section and inserting: “The boundary of the National Historic Site shall be as generally described on a map entitled, “Boundary Map, Grant-Kohrs Ranch National Historic Site”, numbered 80030–B, and dated January, 1998, which shall be on file and available for public inspection in the local and Washington, District of Columbia, offices of the National Park Service, Department of the Interior.”.

Approved November 10, 1998.

LEGISLATIVE HISTORY—S. 2272:

SENATE REPORTS: No. 105–324 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):
Oct. 2, considered and passed Senate.
Oct. 15, considered and passed House.



8. Home of Franklin D. Roosevelt

PUBLIC LAW 105–364—NOV. 10, 1998

112 STAT. 3300

Public Law 105–364
105th Congress

An Act

To provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

Nov. 10, 1998
[S. 2241]

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

16 USC 461 note
[table].

SECTION 1. GENERAL AUTHORITY.

The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to acquire, by purchase with donated or appropriated funds, by donation, or otherwise, lands and interests in lands located in Hyde Park, New York, that were owned by Franklin D. Roosevelt or his family at the time of his death as depicted on the map entitled “F.D. Roosevelt Property Entire Park” dated July 26, 1962, and numbered FDR–NHS 3008. Such map shall be on file for inspection in the appropriate offices of the National Park Service.

SEC. 2. ADMINISTRATION.

Lands and interests therein acquired by the Secretary shall be added to, and administered by the Secretary as part of the Home of Franklin D. Roosevelt National Historic Site or the Eleanor Roosevelt National Historic Site, as appropriate.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 10, 1998.

LEGISLATIVE HISTORY—S. 2241:

SENATE REPORTS: No. 105–400 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 7, considered and passed Senate.

Oct. 15, considered and passed House.



9. Jimmy Carter

111 STAT. 2247

PUBLIC LAW 105–106—NOV. 20, 1997

**Public Law 105–106
105th Congress****An Act**Nov. 20, 1997
[S. 669]To provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter
National Historic Site.*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. ACQUISITION OF PLAINS RAILROAD DEPOT.

Section 1(c)(2) of the Act entitled “An Act to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes”, approved December 23, 1987 (16 U.S.C. 161 note; 101 Stat. 1435), is amended by striking “, the Plains Railroad Depot (described in subsection (b)(2)(B)),”.

Approved November 20, 1997.

LEGISLATIVE HISTORY—S. 669:**SENATE REPORTS:** No. 105–39 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 143 (1997):July 11, considered and passed Senate.
Nov. 9, considered and passed House.

10. Little Rock Central High School

PUBLIC LAW 105–356—NOV. 6, 1998

112 STAT. 3268

Public Law 105–356
105th Congress

An Act

To establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.

Nov. 6, 1998
[S. 2232]

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

16 USC 461 note
[table].

SECTION 1. FINDINGS AND PURPOSE.

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

(1) the 1954 United States Supreme Court decision of *Brown v. Board of Education*, which mandated an end to the segregation of public schools, was one of the most significant Court decisions in the history of the United States.

(2) the admission of nine African-American students, known as the “Little Rock Nine”, to Little Rock’s Central High School as a result of the *Brown* decision, was the most prominent national example of the implementation of the *Brown* decision, and served as a catalyst for the integration of other, previously segregated public schools in the United States;

(3) 1997 marked the 70th anniversary of the construction of Central High School, which has been named by the American Institute of Architects as “the most beautiful high school building in America”;

(4) Central High School was included on the National Register of Historic Places in 1977 and designated by the Secretary of the Interior as a National Historic Landmark in 1982 in recognition of its national significance in the development of the Civil Rights movement in the United States; and

(5) the designation of Little Rock Central High School as a unit of the National Park System will recognize the significant role the school played in the desegregation of public schools in the South and will interpret for future generations the events associated with early desegregation of southern schools.

(b) **PURPOSE.**—The purpose of this Act is to preserve, protect, and interpret for the benefit, education, and inspiration of present and future generations, Central High School in Little Rock, Arkansas, and its role in the integration of public schools and the development of the Civil Rights movement in the United States.

SEC. 2. ESTABLISHMENT OF CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—The Little Rock Central High School National Historic Site in the State of Arkansas (hereinafter referred to as the “historic site”) is hereby established as a unit of the National Park System. The historic site shall consist of lands and interests therein comprising the Central High School campus and

112 STAT. 3269

PUBLIC LAW 105-356—NOV. 6, 1998

adjacent properties in Little Rock, Arkansas, as generally depicted on a map entitled “Proposed Little Rock Central High School National Historic Site”, numbered LIRO-20,000 and dated July, 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION OF HISTORIC SITE.—The Secretary of the Interior (hereinafter referred to as the “Secretary”) shall administer the historic site in accordance with this Act. Only those lands 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 including the Act of August 25, 1916 (16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (16 U.S.C. 461-467). Nothing in this Act shall affect the authority of the Little Rock School District to administer Little Rock Central High School nor shall this Act affect the authorities of the City of Little Rock in the neighborhood surrounding the school.

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with appropriate public and private agencies, organizations, and institutions (including, but not limited to, the State of Arkansas, the City of Little Rock, the Little Rock School District, Central High Museum, Inc., Central High Neighborhood, Inc., or the University of Arkansas) in furtherance of the purposes of this Act.

(2) The Secretary shall coordinate visitor interpretation of the historic site with the Little Rock School District and the Central High School Museum, Inc.

Deadline.

(d) GENERAL MANAGEMENT PLAN.—Within three years after the date funds are made available, the Secretary shall prepare a general management plan for the historic site. The plan shall be prepared in consultation and coordination with the Little Rock School District, the City of Little Rock, Central High Museum, Inc., and with other appropriate organizations and agencies. The plan shall identify specific roles and responsibilities for the National Park Service in administering the historic site, and shall identify lands or property, if any, that might be necessary for the National Park Service to acquire in order to carry out its responsibilities. The plan shall also identify the roles and responsibilities of other entities in administering the historic site and its programs. The plan shall include a management framework that ensures the administration of the historic site does not interfere with the continuing use of Central High School as an educational institution.

(e) ACQUISITION OF PROPERTY.—The Secretary is authorized to acquire by purchase with donated or appropriated funds by exchange, or donation the lands and interests therein located within the boundaries of the historic site: *Provided*, That the Secretary may only acquire lands or interests therein within the consent of the owner thereof: *Provided further*, That lands or interests therein owned by the State of Arkansas or a political subdivision thereof, may only be acquired by donation or exchange.

SEC. 3. DESEGREGATION IN PUBLIC EDUCATION THEME STUDY.

Deadline.

(a) THEME STUDY.—Within two years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a National Historic Landmark Theme Study (hereinafter referred to as the “theme study”) on the history of desegregation in public

PUBLIC LAW 105–356—NOV. 6, 1998

112 STAT. 3270

education. The purpose of the theme study shall be to identify sites, districts, buildings, structures, and landscapes that best illustrate or commemorate key events or decisions in the historical movement to provide for racial desegregation in public education. On the basis of the theme study, the Secretary shall identify possible new national historic landmarks appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites for national historic landmark designation.

(b) OPPORTUNITIES FOR EDUCATION AND RESEARCH.—The theme study shall identify appropriate means to establish linkages between sites identified in subsection (a) and between those sites and the Central High School National Historic Site established in section 2, and with other existing units of the National Park System to maximize opportunities for public education and scholarly research on desegregation in public education. The theme study also shall recommend opportunities for cooperative arrangements with State and local governments, educational institutions, local historical organizations, and other appropriate entities to preserve and interpret key sites in the history of desegregation in public education.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with one or more educational institutions, public history organizations, or civil rights organizations knowledgeable about desegregation in public education to prepare the theme study and to ensure that the theme study meets scholarly standards.

(d) THEME STUDY COORDINATION WITH GENERAL MANAGEMENT PLAN.—The theme study shall be prepared as part of the preparation and development of the general management plan for the Little Rock Central High School National Historic Site established in section 2.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved November 6, 1998.

LEGISLATIVE HISTORY—S. 2232:

SENATE REPORTS: No. 105–307 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.

Oct. 8, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):
Nov. 6, Presidential remarks.



11. Lower East Side Tenement

112 STAT. 3395

PUBLIC LAW 105–378—NOV. 12, 1998

**Public Law 105–378
105th Congress****An Act**

Nov. 12, 1998
[S. 1408]

To establish the Lower East Side Tenement National Historic Site, 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
[table].**TITLE I—LOWER EAST SIDE TENEMENT
NATIONAL HISTORIC SITE, NEW YORK.****SEC. 101. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

PUBLIC LAW 105-378—NOV. 12, 1998

112 STAT. 3396

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

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 102. DEFINITIONS.

As used in this title:

(1) **HISTORIC SITE.**—The term “historic site” means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in the City of New York, State of New York, and designated as a national historic site by section 103.

(2) **MUSEUM.**—The term “Museum” means the Lower East Side Tenement Museum, a nonprofit organization established in the City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF HISTORIC SITE.

(a) **IN GENERAL.**—To further the purposes of this title 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.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) **COORDINATION WITH NATIONAL PARK SYSTEM.**—

(1) **AFFILIATED SITE.**—The historic site shall be an affiliated site of the National Park System.

(2) **COORDINATION.**—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) **OWNERSHIP.**—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 104. MANAGEMENT OF THE HISTORIC SITE.

(a) **COOPERATIVE AGREEMENT.**—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 103(a).

112 STAT. 3397

PUBLIC LAW 105-378—NOV. 12, 1998

(b) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) **GENERAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) **INTEGRATION WITH NATIONAL MONUMENTS.**—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) **COMPLETION.**—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) **LIMITED ROLE OF SECRETARY.**—Nothing in this title authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

* * * * *

112 STAT. 3398

Approved November 12, 1998.

LEGISLATIVE HISTORY—S. 1408:

SENATE REPORTS: No. 105-303 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.
Oct. 10, considered and passed House, amended.
Oct. 14, Senate concurred in House amendment.



12. Manzanar

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

110 STAT. 4153

* * * * *

SEC. 515. MANZANAR NATIONAL HISTORIC SITE.110 STAT. 4167
16 USC 461 note.**(a) TERMINATION OF WITHDRAWALS.—**

(1) **UNAVAILABILITY OF CERTAIN LANDS.**—The Congress, by enacting the Act entitled “An Act to establish the Manzanar National Historic Site in the State of California, and for other purposes”, approved March 3, 1992 (106 Stat. 40; Public Law 102–248), (1) provided for the protection and interpretation of the historical, cultural, and natural resources associated with the relocation of Japanese-Americans during World War II and established the Manzanar National Historic Site in the State of California, and (2) authorized the Secretary of the Interior to acquire lands or interests therein within the boundary of the Historic Site by donation, purchase with donated or appropriated funds, or by exchange. The public lands identified for disposal in the Bureau of Land Management’s Bishop Resource Area Resource Management Plan that could be made available for exchange in support of acquiring lands within the boundary of the Historic Site are currently unavailable for this purpose because they are withdrawn by an Act of Congress.

110 STAT. 4168

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

MOUNT DIABLO MERIDIAN

Township 2 North, Range 26 East

Section 7:North half south half of lot 1 of southwest quarter, north
half south half of lot 2 of southwest quarter, north half south
half southeast quarter.

110 STAT. 4168

PUBLIC LAW 104-333—NOV. 12, 1996

Township 4 South, Range 33 East

Section 31:

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

Section 32:

Southeast quarter northwest quarter, northeast quarter southwest quarter, southwest quarter southeast quarter.

Township 5 South, Range 33 East

Section 4:

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

Section 5:

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

Section 9:

Northwest quarter southwest quarter northeast quarter.

Section 17:

Southeast quarter northwest quarter, northwest quarter southeast quarter.

Section 22:

Lot 1 and 2.

Section 27:

Lot 2, west half northeast quarter, southeast quarter northwest quarter, northeast quarter southwest quarter, northwest quarter southeast quarter.

Section 34:

Northeast quarter, northwest quarter, southeast quarter.

110 STAT. 4169

Township 6 South, Range 31 East

Section 19:

East half northeast quarter southeast quarter.

Township 6 South, Range 33 East

Section 10:

East half southeast quarter.

Section 11:

Lot 1 and 2, west half northeast quarter, northwest quarter, west half southwest quarter, northeast quarter southwest quarter.

Section 14:

Lots 1 through 4, west half northeast quarter, southeast quarter northwest quarter, northeast quarter southwest quarter, northwest quarter southeast quarter.

Township 7 South, Range 32 East

Section 23:

South half southwest quarter.

Section 25:

Lot 2, northeast quarter northwest quarter.

Township 7 South, Range 33 East

Section 30:

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4169

Section 31:

North half of lot 2 of northwest quarter, southeast quarter northeast quarter, northeast quarter southeast quarter.

Township 8 South, Range 33 East

Section 5:

Northwest quarter southwest quarter.

Township 13 South, Range 34 East

Section 1:

Lots 43, 46, and 49 through 51.

Section 2:

North half northwest quarter southeast quarter southeast quarter.

Township 11 South, Range 35 East

Section 30:

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

Section 31:

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

Township 13 South, Range 35 East

110 STAT. 4170

Section 18:

South half of lot 2 of northwest quarter, lot 1 and 2 of southwest quarter, southwest quarter northeast quarter, northwest quarter southeast quarter.

Section 29:

Southeast quarter northeast quarter, northeast quarter southeast quarter.

Township 13 South, Range 36 East

Section 17:

Southwest quarter northwest quarter, southwest quarter.

Section 18:

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

Section 19:

North half of lot 1 of northwest quarter, east half northeast quarter, northwest quarter northeast quarter.

Section 20:

Southwest quarter northeast quarter, northwest quarter, northeast quarter southwest quarter, southeast quarter.

Section 28:

Southwest quarter southwest quarter.

Section 29:

East half northeast quarter.

Section 33:

Northwest quarter northwest quarter, southeast quarter northwest quarter.

110 STAT. 4170

PUBLIC LAW 104-333—NOV. 12, 1996

Township 14 South, Range 36 East

Section 31:

Lots 1 and 2 of southwest quarter, southwest quarter southeast quarter.

aggregating 5,630 acres, more or less.

Federal Register,
publication.

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

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

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



13. Nicodemus

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

110 STAT. 4153

* * * * *

SEC. 512. NICODEMUS NATIONAL HISTORIC SITE.110 STAT. 4163
16 USC 461 note.**(a) FINDINGS AND PURPOSES.—****(1) FINDINGS.—**Congress finds that—(A) the town of Nicodemus, in Kansas, has national
significance as the only remaining western town estab-
lished by African-Americans during the Reconstruction
period following the Civil War;(B) the town of Nicodemus is symbolic of the pioneer
spirit of African-Americans who dared to leave the only
region they had been familiar with to seek personal freedom
and the opportunity to develop their talents and capabili-
ties; and(C) the town of Nicodemus continues to be a valuable
African-American community.**(2) PURPOSES.—**The purposes of this section are—(A) to preserve, protect, and interpret for the benefit
and enjoyment of present and future generations, the
remaining structures and locations that represent the his-
tory (including the settlement and growth) of the town
of Nicodemus, Kansas; and(B) to interpret the historical role of the town of
Nicodemus in the Reconstruction period in the context
of the experience of westward expansion in the United
States.**(b) DEFINITIONS.—**In this section:(1) **HISTORIC SITE.**—The term “historic site” means the
Nicodemus National Historic Site established by subsection
(c).(2) **SECRETARY.**—The term “Secretary” means the Secretary
of the Interior.**(c) ESTABLISHMENT OF NICODEMUS NATIONAL HISTORIC SITE.—**(1) **ESTABLISHMENT.**—There is established the Nicodemus
National Historic Site in Nicodemus, Kansas.**(2) DESCRIPTION.—**

110 STAT. 4163

PUBLIC LAW 104-333—NOV. 12, 1996

(A) IN GENERAL.—The historic site shall consist of the first Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, and the Township Hall located within the approximately 161.35 acres designated as the Nicodemus National Landmark in the Township of Nicodemus, Graham County, Kansas, as registered on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a), and depicted on a map entitled “Nicodemus National Historic Site”, numbered 80,000 and dated August 1994.

(B) MAP AND BOUNDARY DESCRIPTION.—The map referred to in subparagraph (A) and accompanying boundary description shall be on file and available for public inspection in the office of the Director of the National Park Service and any other office of the National Park Service that the Secretary determines to be an appropriate location for filing the map and boundary description.

(d) ADMINISTRATION OF THE HISTORIC SITE.—

(1) IN GENERAL.—The Secretary shall administer the historic site in accordance with this section and 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 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(2) COOPERATIVE AGREEMENTS.—To further the purposes of this section, the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution.

(3) TECHNICAL AND PRESERVATION ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide to any eligible person described in subparagraph (B) technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, the historic site.

(B) ELIGIBLE PERSONS.—The eligible persons described in this subparagraph are—

(i) an owner of real property within the boundary of the historic site, as described in subsection (c)(2); and

(ii) any interested individual, agency, organization, or institution that has entered into an agreement with the Secretary pursuant to paragraph (2).

(e) ACQUISITION OF REAL PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary is authorized to acquire by donation, exchange, or purchase with funds made available by donation or appropriation, such lands or interests in lands as may be necessary to allow for the interpretation, preservation, or restoration of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, or the Township Hall, as described in subsection (c)(2)(A), or any combination thereof.

(2) LIMITATIONS.—

(A) ACQUISITION OF PROPERTY OWNED BY THE STATE OF KANSAS.—Real property that is owned by the State

110 STAT. 4164

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4164

of Kansas or a political subdivision of the State of Kansas that is acquired pursuant to paragraph (1) may only be acquired by donation.

(B) CONSENT OF OWNER REQUIRED.—No real property may be acquired under this subsection without the consent of the owner of the real property.

(f) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, in consultation with the officials described in paragraph (2), prepare a general management plan for the historic site.

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

(A) The Nicodemus Historical Society.

(B) The Kansas Historical Society.

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

(3) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

110 STAT. 4165

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

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



14. Pennsylvania Avenue

110 STAT. 1321

PUBLIC LAW 104–134—APR. 26, 1996

*** Public Law 104–134
104th Congress****An Act**Apr. 26, 1996
[H.R. 3019]

Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*
SECTION 101.

* * * * *

110 STAT.
1321–156

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACTDepartment of
the Interior and
Related Agencies
Appropriations
Act, 1996.

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

* * * * *

110 STAT.
1321–196**TITLE III—GENERAL PROVISIONS**

* * * * *

110 STAT.
1321–198
Pennsylvania
Avenue
Development
Corporation.
Effective date.
40 USC 872 note.**SEC. 313. (a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—**

(1) transfer and assign in accordance with this section all of its rights, title, and interest in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

40 USC 872 note.

(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

(1) Collection of revenue owed the Federal Government as a result of real estate sales or lease agreements entered

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-198

into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

- (A) The Willard Hotel property on Square 225.
- (B) The Gallery Row project on Square 457.
- (C) The Lansburgh's project on Square 431.
- (D) The Market Square North project on Square 407.

(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101-1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

110 STAT.
1321-199
40 USC 872 note.

(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

110 STAT. 1321–199 PUBLIC LAW 104–134—APR. 26, 1996

(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109).

(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

Effective date.
40 USC 872 note.

(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled “Pennsylvania Avenue National Historic Park”, dated June 1, 1995, and numbered 840–82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

110 STAT.
1321–200

(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

40 USC 872 note.

(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

40 USC 872 note.

(f) SAVINGS PROVISIONS.—

(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-200

the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

“(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.”.

Termination.
Effective date.

* * * * *

Approved April 26, 1996.

110 STAT.
1321-381

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104-537 (Comm. of Conference).

SENATE REPORTS: No. 104-236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11-15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



15. Tuskegee Airmen

112 STAT. 3247

PUBLIC LAW 105–355—NOV. 6, 1998

Public Law 105–355
105th Congress

An Act

Nov. 6, 1998
[H.R. 3910]

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

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

* * * * *

112 STAT. 3254
16 USC 461 note
[table].

**TITLE III—TUSKEGEE AIRMEN
NATIONAL HISTORIC SITE, ALABAMA**

SEC. 301. DEFINITIONS.

As used in this title:

(1) **HISTORIC SITE.**—The term “historic site” means the Tuskegee Airmen National Historic Site as established by section 303.

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

(3) **TUSKEGEE AIRMEN.**—The term “Tuskegee Airmen” means the thousands of men and women who were trained at Tuskegee University’s Moton Field to serve in America’s African-American Air Force units during World War II and those men and women who participate in the Tuskegee Experience today, who are represented by Tuskegee Airmen, Inc.

(4) **TUSKEGEE UNIVERSITY.**—The term “Tuskegee University” means the institution of higher education by that name located in the State of Alabama and founded by Booker T. Washington in 1881, formerly named Tuskegee Institute.

SEC. 302. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds the following:

(1) The struggle of African-Americans for greater roles in North American military conflicts spans the 17th, 18th, 19th, and 20th centuries. Opportunities for African-American participation in the United States military were always very limited and controversial. Quotas, exclusion, and racial discrimination were based on the prevailing attitude in the United States, particularly on the part of the United States military, that African-Americans did not possess the intellectual capacity, aptitude, and skills to be successful fighters.

(2) As late as the 1940’s these perceptions continued within the United States military. Key leaders within the United States Army Air Corps did not believe that African-Americans possessed the capacity to become successful military pilots. After succumbing to pressure exerted by civil rights groups and the black press, the Army decided to train a small number of African-American pilot cadets under special conditions. Although prejudice and discrimination against African-Americans was a national phenomenon, not just a southern trait, it was more intense in the South where it had hardened into

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3254

rigidly enforced patterns of segregation. Such was the environment where the military chose to locate the training of the Tuskegee Airmen.

(3) The military selected Tuskegee Institute (now known as Tuskegee University) as a civilian contractor for a variety of reasons. These included the school's existing facilities, engineering and technical instructors, and a climate with ideal flying conditions year round. Tuskegee Institute's strong interest in providing aeronautical training for African-American youths was also an important factor. Students from the school's civilian pilot training program had some of the best test scores when compared to other students from programs across the Southeast.

(4) In 1941 the United States Army Air Corps awarded a contract to Tuskegee Institute to operate a primary flight school at Moton Field. Tuskegee Institute (now known as Tuskegee University) chose an African-American contractor who designed and constructed Moton Field, with the assistance of its faculty and students, as the site for its military pilot training program. The field was named for the school's second president, Robert Russa Moton. Consequently, Tuskegee Institute was one of a very few American institutions (and the only African-American institution) to own, develop, and control facilities for military flight instruction.

112 STAT. 3255

Robert Russa
Moton.

(5) Moton Field, also known as the Primary Flying Field or Airport Number 2, was the only primary flight training facility for African-American pilot candidates in the United States Army Air Corps during World War II. The facility symbolizes the entrance of African-American pilots into the United States Army Air Corps, although on the basis of a policy of segregation that was mandated by the military and institutionalized in the South. The facility also symbolizes the singular role of Tuskegee Institute (Tuskegee University) in providing leadership as well as economic and educational resources to make that entry possible.

(6) The Tuskegee Airmen were the first African-American soldiers to complete their training successfully and to enter the United States Army Air Corps. Almost 1,000 aviators were trained as America's first African-American military pilots. In addition, more than 10,000 military and civilian African-American men and women served as flight instructors, officers, bombardiers, navigators, radio technicians, mechanics, air traffic controllers, parachute riggers, electrical and communications specialists, medical professionals, laboratory assistants, cooks, musicians, supply, firefighting, and transportation personnel.

(7) Although military leaders were hesitant to use the Tuskegee Airmen in combat, the Airmen eventually saw considerable action in North Africa and Europe. Acceptance from United States Army Air Corps units came slowly, but their courageous and, in many cases, heroic performance earned them increased combat opportunities and respect.

(8) The successes of the Tuskegee Airmen proved to the American public that African-Americans, when given the opportunity, could become effective military leaders and pilots. This helped pave the way for desegregation of the military, beginning with President Harry S. Truman's Executive Order 9981 in 1948. The Tuskegee Airmen's success also helped set the stage

Harry S.
Truman.

112 STAT. 3255

PUBLIC LAW 105-355—NOV. 6, 1998

for civil rights advocates to continue the struggle to end racial discrimination during the civil rights movement of the 1950's and 1960's.

(9) The story of the Tuskegee Airmen also reflects the struggle of African-Americans to achieve equal rights, not only through legal attacks on the system of segregation, but also through the techniques of nonviolent direct action. The members of the 477th Bombardment Group, who staged a nonviolent demonstration to desegregate the officer's club at Freeman Field, Indiana, helped set the pattern for direct action protests popularized by civil rights activists in later decades.

112 STAT. 3256

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

(1) To inspire present and future generations to strive for excellence by understanding and appreciating the heroic legacy of the Tuskegee Airmen, through interpretation and education, and the preservation of cultural resources at Moton Field, which was the site of primary flight training.

(2) To commemorate and interpret—

(A) the impact of the Tuskegee Airmen during World War II;

(B) the training process for the Tuskegee Airmen, including the roles played by Moton Field, other training facilities, and related sites;

(C) the African-American struggle for greater participation in the United States Armed Forces and more significant roles in defending their country;

(D) the significance of successes of the Tuskegee Airmen in leading to desegregation of the United States Armed Forces shortly after World War II; and

(E) the impacts of Tuskegee Airmen accomplishments on subsequent civil rights advances of the 1950's and 1960's.

(3) To recognize the strategic role of Tuskegee Institute (now Tuskegee University) in training the airmen and commemorating them at this historic site.

SEC. 303. ESTABLISHMENT OF TUSKEGEE AIRMEN NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—In order to commemorate and interpret, in association with Tuskegee University, the heroic actions of the Tuskegee Airmen during World War II, there is hereby established as a unit of the National Park System the Tuskegee Airmen National Historic Site in the State of Alabama.

(b) DESCRIPTION OF HISTORIC SITE.—

(1) INITIAL PARCEL.—The historic site shall consist of approximately 44 acres, including approximately 35 acres owned by Tuskegee University and approximately 9 acres owned by the City of Tuskegee, known as Moton Field, in Macon County, Alabama, as generally depicted on a map entitled "Tuskegee Airmen National Historic Site Boundary Map", numbered NHS-TA-80,000, and dated September 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) SUBSEQUENT EXPANSION.—Upon completion of agreements regarding the development and operation of the Tuskegee Airmen National Center as described in subsection 304, the Secretary is authorized to acquire approximately 46 additional

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3256

acres owned by Tuskegee University as generally depicted on the map referenced in paragraph (1). Lands acquired by the Secretary pursuant to this paragraph shall be administered by the Secretary as part of the historic site.

(c) **PROPERTY ACQUISITION.**—The Secretary may acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in subsection (b), except that any property owned by the State of Alabama, any political subdivision thereof, or Tuskegee University may be acquired only by donation. Property donated by Tuskegee University shall be used only for purposes consistent with the purposes of this title. The Secretary may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site.

112 STAT. 3257

(d) **ADMINISTRATION OF HISTORIC SITE.**—

(1) **IN GENERAL.**—The Secretary shall administer the historic site in accordance with this title and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

(2) **ROLE OF TUSKEGEE UNIVERSITY.**—The Secretary shall consult with Tuskegee University as its principal partner in determining the organizational structure, developing the ongoing interpretive themes, and establishing policies for the wise management, use and development of the historic site. With the agreement of Tuskegee University, the Secretary shall engage appropriate departments, and individual members of the University's staff, faculty, and students in the continuing work of helping to identify, research, explicate, interpret, and format materials for the historic site. Through the President of the University, or with the approval of the President of the University, the Secretary shall seek to engage Tuskegee alumni in the task of providing artifacts and historical information for the historic site.

(3) **ROLE OF TUSKEGEE AIRMEN.**—The Secretary, in cooperation with Tuskegee University, shall work with the Tuskegee Airmen to facilitate the acquisition of artifacts, memorabilia, and historical research for interpretive exhibits, and to support their efforts to raise funds for the development of visitor facilities and programs at the historic site.

(4) **DEVELOPMENT.**—Operation and development of the historic site shall reflect Alternative C, Living History: The Tuskegee Airmen Experience, as expressed in the final special resource study entitled "Moton Field/Tuskegee Airmen Special Resource Study", dated September 1998. Subsequent development of the historic site shall reflect Alternative D after an agreement is reached with Tuskegee University on the development of the Tuskegee Airmen National Center as described in section 304.

(e) **COOPERATIVE AGREEMENTS GENERALLY.**—The Secretary may enter into cooperative agreements with Tuskegee University, other educational institutions, the Tuskegee Airmen, individuals, private and public organizations, and other Federal agencies in furtherance of the purposes of this title. The Secretary shall consult with Tuskegee University in the formulation of any major cooperative agreements with other universities or Federal agencies that may

112 STAT. 3257

PUBLIC LAW 105-355—NOV. 6, 1998

affect Tuskegee University's interests in the historic site. To every extent possible, the Secretary shall seek to complete cooperative agreements requiring the use of higher educational institutions with and through Tuskegee University.

SEC. 304. TUSKEGEE AIRMEN NATIONAL CENTER.

(a) COOPERATIVE AGREEMENT FOR DEVELOPMENT.—The Secretary shall enter into a cooperative agreement with Tuskegee University to define the partnership needed to develop the Tuskegee Airmen National Center on the grounds of the historic site.

112 STAT. 3258

(b) PURPOSE OF CENTER.—The purpose of the Tuskegee Airmen National Center shall be to extend the ability to relate more fully the story of the Tuskegee Airmen at Moton Field. The center shall provide for a Tuskegee Airmen Memorial, shall provide large exhibit space for the display of period aircraft and equipment used by the Tuskegee Airmen, and shall house a Tuskegee University Department of Aviation Science. The Secretary shall insure that interpretive programs for visitors benefit from the University's active pilot training instruction program, and the historical continuum of flight training in the tradition of the Tuskegee Airmen. The Secretary is authorized to permit the Tuskegee University Department of Aviation Science to occupy historic buildings within the Moton Field complex until the Tuskegee Airmen National Center has been completed.

Deadline.

(c) REPORT.—Within 1 year after the date of the enactment of this Act, the Secretary, in consultation with Tuskegee University and the Tuskegee Airmen, shall prepare a report on the partnership needed to develop the Tuskegee Airmen National Center, and submit the report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) TIME FOR AGREEMENT.—Sixty days after the report required by subsection (c) is submitted to Congress, the Secretary may enter into the cooperative agreement under this section with Tuskegee University, and other interested partners, to implement the development and operation of the Tuskegee Airmen National Center.

Deadline.

SEC. 305. GENERAL MANAGEMENT PLAN.

Within 2 complete fiscal years after funds are first made available to carry out this title, the Secretary shall prepare, in consultation with Tuskegee University, a general management plan for the historic site and shall submit the plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title, \$29,114,000.

* * * * *

112 STAT. 3267

Approved November 6, 1998.

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



16. Washita Battlefield

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

110 STAT. 4171

* * * * *

SEC. 607. WASHITA BATTLEFIELD.110 STAT. 4180
16 USC 461 note.**(a) FINDINGS AND PURPOSES.—****(1) FINDINGS.—**The Congress finds that—(A) the Battle of the Washita, November 27, 1868,
was one of the largest engagements between Plains tribes
and the United States Army on the Southern Great Plains.
The site is a registered National Historic Landmark;(B) Lt. Colonel George A. Custer, leading the 7th
United States Cavalry, attacked the sleeping Cheyenne
village of peace chief Black Kettle. Custer's attack resulted
in more than 150 Indian casualties, many of them women
and children;(C) the Battle of the Washita symbolizes the struggle
of the Southern Great Plains tribes to maintain their
traditional lifeways and not to submit to reservation
confinement; and(D) the Washita battle site possesses a high degree
of integrity and the cultural landscape is essentially intact.
The Cheyenne village site has not been altered substan-
tially except by periodic flooding of the Washita River.**(2) PURPOSES.—**The purposes of this section are to—(A) recognize the importance of the Battle of the
Washita as a nationally significant element of frontier
military history and as a symbol of the struggles of the
Southern Great Plains tribes to maintain control of their
traditional use areas; and(B) establish the site of the Battle of the Washita
as a national historic site and provide opportunities for
American Indian groups including the Cheyenne-Arapaho
Tribe to be involved in the formulation of plans and
educational programs for the national historic site.**(b) ESTABLISHMENT.—**(1) **IN GENERAL.—**In order to provide for the preservation
and interpretation of the Battle of the Washita, there is hereby

110 STAT. 4180

PUBLIC LAW 104-333—NOV. 12, 1996

established the Washita Battlefield National Historic Site in the State of Oklahoma (hereafter in this section referred to as the “national historic site”).

(2) BOUNDARY.—

(A) IN GENERAL.—The national historic site shall consist of—

(i) approximately 326 acres, as generally depicted on the map entitled “Washita Battlefield National Historic Site”, numbered 22,000A and dated 12/95; and

(ii) the private lands subject to conservation easements referred to in subsection (d)(2).

110 STAT. 4181

(B) MAP.—The map referred to in subparagraph (A)(i) shall be on file in the offices of the Director of the National Park Service, Department of the Interior, and other appropriate offices of the National Park Service. The Secretary of the Interior (hereafter in this section referred to as the “Secretary”) may, from time to time, make minor revisions in the boundary of the national historic site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–4 et seq.).

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall manage the national historic site in accordance with this section and the provisions of law generally applicable to units of the National Park System, including “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; U.S.C. 461–467).

(2) MANAGEMENT PURPOSES.—The Secretary shall manage the national historic site for the following purposes, among others:

(A) To protect and preserve the national historic site, including the topographic features important to the battle site, artifacts and other physical remains of the battle, and the visual scene as closely as possible as it was at the time of the battle.

(B) To interpret the cultural and natural resources of the historic site, providing for public understanding and appreciation of the area in such manner as to perpetuate these qualities and values for future generations.

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

Contracts.

(d) ACQUISITION OF PROPERTY.—

(1) PARK BOUNDARIES.—Within the boundaries of the national historic site, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4181

(A) no lands or interests in lands within the historic site may be acquired without the consent of the owner thereof, and

(B) lands and interests in lands owned by the State of Oklahoma or any political subdivision thereof may be acquired only by donation.

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

110 STAT. 4182

(e) MANAGEMENT PLAN.—Within 5 years after the date funds are made available for purposes of this section, the Secretary, acting through the Director of the National Park Service, shall prepare a general management plan for the national historic site. The plan shall address, but not be limited to, each of the following:

(1) A resource protection program.

(2) A visitor use plan including programs and facilities that will be provided for public use, including the location and cost of public facilities.

(3) A research and curation plan.

(4) A highway signing program.

(5) Involvement by the Cheyenne-Arapaho Tribe in the formulation of educational programs for the national historic site.

(6) Involvement by the State of Oklahoma and other local and national entities willing to share in the responsibilities of developing and supporting the national historic site.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for land acquisition and development not more than \$5,000,000.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



17. Weir Farm

112 STAT. 3296

PUBLIC LAW 105–363—NOV. 10, 1998

**Public Law 105–363
105th Congress****An Act**Nov. 10, 1998
[S. 1718]

To amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, 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. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1171) is amended by adding at the end the following:

“(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—

“(1) ACQUISITION.—

“(A) IN GENERAL.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

“(B) PROXIMITY.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

“(C) MANAGEMENT.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

“(2) DEVELOPMENT.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into one or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, for the purposes of—

“(A) developing the parking, visitor, and administrative facilities for the historic site; and

“(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.”.

(b) INCREASE IN MAXIMUM ACQUISITION AUTHORITY.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C.

PUBLIC LAW 105-363—NOV. 10, 1998

112 STAT. 3297

461 note; Public Law 101-485; 104 Stat. 1173) is amended by striking “\$1,500,000” and inserting “\$4,000,000”.

* * * * *

Approved November 10, 1998.

112 STAT. 3299

LEGISLATIVE HISTORY—S. 1718:

SENATE REPORTS: No. 105-328 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.
Oct. 10, considered and passed House, amended.
Oct. 14, Senate concurred in House amendment.



IX. NATIONAL MEMORIALS AND MEMORIAL PARKS

1. Arkansas Post

PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 1

Public Law 105–83
105th Congress

An Act

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.

Nov. 14, 1997
[H.R. 2107]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled, That the*
following sums are appropriated, out of any money in the Treasury
not otherwise appropriated, for the fiscal year ending September
30, 1998, and for other purposes, namely:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

SEC. 126. ARKANSAS POST NATIONAL MEMORIAL.—(a) The
boundaries of the Arkansas Post National Memorial are revised
to include the approximately 360 acres of land generally depicted
on the map entitled “Arkansas Post National Memorial, Osotouy
Unit, Arkansas County, Arkansas” and dated June 1993. Such
map shall be on file and available for public inspection in appro-
priate offices of the National Park Service of the Department of
the Interior.

111 STAT. 25
16 USC 431 note.

(b) The Secretary of the Interior is authorized to acquire the
lands and interests therein described in subsection (a) by donation,
purchase with donated or appropriated funds, or exchange: *Pro-
vided*, That such lands or interests therein may only be acquired
with the consent of the owner thereof.

111 STAT. 26

* * * * *

Approved November 14, 1997.

111 STAT. 85

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm.
of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President’s special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



2. Benjamin Banneker

112 STAT. 3247

PUBLIC LAW 105–355—NOV. 6, 1998

**Public Law 105–355
105th Congress****An Act**Nov. 6, 1998
[H.R. 3910]To authorize the Automobile National Heritage Area in the State of Michigan,
and for other purposes.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

* * * * *

112 STAT. 3261

TITLE V—OTHER MATTERS

* * * * *

112 STAT. 3266
40 USC 1003
note [table].**SEC. 512. MEMORIAL TO MR. BENJAMIN BANNEKER IN THE DISTRICT
OF COLUMBIA.**(a) **MEMORIAL AUTHORIZED.**—The Washington Interdependence Council of the District of Columbia is authorized to establish a memorial in the District of Columbia to honor and commemorate the accomplishments of Mr. Benjamin Banneker.(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).(c) **PAYMENT OF EXPENSES.**—The Washington Interdependence Council shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.(d) **DEPOSIT OF EXCESS FUNDS.**—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial, the Washington Interdependence Council shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

* * * * *

112 STAT. 3267

Approved November 6, 1998.

LEGISLATIVE HISTORY—H.R. 3910:**CONGRESSIONAL RECORD**, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



3. Black Patriots

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

110 STAT. 4153

* * * * *

SEC. 506. BLACK PATRIOTS MEMORIAL EXTENSION.110 STAT. 4155
40 USC 1003
note.The legislative authority for the Black Revolutionary War
Patriots Foundation to establish a commemorative work (as defined
by the Commemorative Works Act (40 U.S.C. 1001 et seq.)) shall
expire October 27, 1998, notwithstanding the time period limitation
specified in section 10(b) of that Act (40 U.S.C. 1010(b)).

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



112 STAT. 3205

PUBLIC LAW 105–345—NOV. 2, 1998

Public Law 105–345
105th Congress

An Act

Nov. 2, 1998
[S. 2427]

To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

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

SECTION 1. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

Section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking “1998” and inserting “2000”.

Approved November 2, 1998.

LEGISLATIVE HISTORY—S. 2427:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 8, considered and passed Senate.

Oct. 10, considered and passed House.



4. Franklin Delano Roosevelt

PUBLIC LAW 104–221—OCT. 1, 1996

110 STAT. 3024

Public Law 104–221
104th Congress**An Act**

To designate the United States Courthouse under construction at 1030 Southwest 3rd Avenue, Portland, Oregon, as the “Mark O. Hatfield United States Courthouse”, and for other purposes.

Oct. 1, 1996

[S. 1636]

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

* * * * *

SEC. 3. EXTENSION OF FDR MEMORIAL MEMBER TERMS.

16 USC 431 note.

The first section of the Act entitled “An Act to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt”, approved August 11, 1955 (69 Stat. 694) is amended by adding at the end thereof the following: “A Commissioner who ceases to be a Member of the Senate or the House of Representatives may, with the approval of the appointing authority, continue to serve as a Commissioner for a period of up to one year after he or she ceases to be a Member of the Senate or the House of Representatives.”.

SEC. 4. EFFECTIVE DATE.

16 USC 431 note.

This Act shall take effect on January 3, 1997.

Approved October 1, 1996.

LEGISLATIVE HISTORY—S. 1636 (H.R. 3134):

HOUSE REPORTS: No. 104–587 accompanying H.R. 3134 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 27, considered and passed Senate.

Sept. 18, considered and passed House.



110 STAT. 4005

PUBLIC LAW 104–329—OCT. 20, 1996

Public Law 104–329
104th Congress

An Act

Oct. 20, 1996
[H.R. 1776]

United States
Commemorative
Coin Act of 1996.

31 USC 5101
note.

To establish United States commemorative coin programs, 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. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “United States Commemorative Coin Act of 1996”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

* * * * *

31 USC 5112
note.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term “Fund” means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term “recipient organization” means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term “Secretary” means the Secretary of the Treasury.

110 STAT. 4006
31 USC 5112
note.

TITLE I—COMMEMORATIVE COIN PROGRAMS

SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

* * * * *

110 STAT. 4008

(4) **FRANKLIN DELANO ROOSEVELT.**—

(A) **IN GENERAL.**—To commemorate the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C., which will honor President Roosevelt’s leadership and legacy, during a 1-year period beginning on or after May 15, 1997, the Secretary shall issue not more than 100,000 \$5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) **SURCHARGES.**—All sales of the coins issued under this paragraph shall include a surcharge of \$35 per coin.

(D) **DISTRIBUTION OF SURCHARGES.**—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary

PUBLIC LAW 104–329—OCT. 20, 1996

110 STAT. 4008

from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Franklin Delano Roosevelt Memorial Commission.

* * * * *

SEC. 102. DESIGN.

101 STAT. 4010

(a) **SELECTION.**—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) **DESIGNATION AND INSCRIPTIONS.**—On each coin issued under this paragraph there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

SEC. 103. LEGAL TENDER.

(a) **LEGAL TENDER.**—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) **NUMISMATIC ITEMS.**—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 104. SOURCES OF BULLION.

(a) **GOLD.**—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) **SILVER.**—The Secretary shall obtain silver for minting coins under this title from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

SEC. 106. SALE OF COINS.

(a) **SALE PRICE.**—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 101 with respect to the coin; and

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **PREPAID ORDERS.**—

110 STAT. 4011

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

110 STAT. 4011

PUBLIC LAW 104-329—OCT. 20, 1996

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

SEC. 108. FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) **PAYMENT FOR COINS.**—A coin shall not be issued under this title unless the Secretary has received—

- (1) full payment for the coin;
- (2) security satisfactory to the Secretary to indemnify the United States for full payment; or
- (3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

* * * * *

110 STAT. 4015

Approved October 20, 1996.

LEGISLATIVE HISTORY—H.R. 1776:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 17, considered and passed House.

Oct. 3, considered and passed Senate, amended.

Oct. 4, House concurred in Senate amendments.



Public Law 105–29
105th Congress

Joint Resolution

To direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

July 24, 1997

[S.J. Res. 29]

Whereas President Franklin Delano Roosevelt, after contracting poliomyelitis, required the use of a wheelchair for mobility and lived with this condition while leading the United States through some of its most difficult times; and

Whereas President Roosevelt’s courage, leadership, and success should serve as an example and inspiration for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO FRANKLIN DELANO ROOSEVELT MEMORIAL. 16 USC 431 note.

(a) **PLAN.**—The Secretary of the Interior (referred to in this Act as the “Secretary”) shall plan for the design and construction of an addition of a permanent statue, bas-relief, or other similar structure to the Franklin Delano Roosevelt Memorial in Washington, D.C. (referred to in this Act as the “Memorial”), to provide recognition of the fact that President Roosevelt’s leadership in the struggle by the United States for peace, well-being, and human dignity was provided while the President used a wheelchair.

(b) **COMMISSION OF FINE ARTS.**—The Secretary shall obtain the approval of the Commission of Fine Arts for the design plan created under subsection (a).

(c) **REPORT.**—As soon as practicable, the Secretary shall report to Congress and the President on findings and recommendations for the addition to the Memorial.

(d) **CONSTRUCTION.**—Beginning on the date that is 120 days after submission of the report to Congress under subsection (c), using only private contributions, the Secretary shall construct the addition according to the plan created under subsection (a).

SEC. 2. POWERS OF THE SECRETARY. 16 USC 431 note.

To carry out this Act, the Secretary may—

(1) hold hearings and organize contests; and

(2) request the assistance and advice of members of the disability community, the Commission of Fine Arts, and the National Capital Planning Commission, and the Commissions shall render the assistance and advice requested.

111 STAT. 247

PUBLIC LAW 105–29—JULY 24, 1997

16 USC 431 note. **SEC. 3. COMMEMORATIVE WORKS ACT.**

Compliance by the Secretary with this joint resolution shall satisfy all requirements for establishing a commemorative work under the Commemorative Works Act (40 U.S.C. 1001 et seq.).

16 USC 431 note. **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this joint resolution such sums as may be necessary.

Approved July 24, 1997.

LEGISLATIVE HISTORY—S.J. Res. 29:**CONGRESSIONAL RECORD**, Vol. 143 (1997):**HOUSE REPORTS**: No. 105–167 (Comm. on Resources).

May 1, considered and passed Senate.

July 8, considered and passed House.



PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 1

Public Law 105–83
105th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

Nov. 14, 1997
[H.R. 2107]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

* * * * *

TITLE III—GENERAL PROVISIONS

111 STAT. 47

* * * * *

SEC. 335. The joint resolution entitled “Joint Resolution to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt”, approved August 11, 1955 (69 Stat. 694), is amended—

111 STAT. 59
16 USC 431 note.

(1) in the first section by inserting before the last sentence the following: “The Commission shall submit a final report to the President and Congress prior to termination.”;

(2) by redesignating section 4 as section 5; and

(3) by inserting after section 3 the following:

“TERMINATION OF THE COMMISSION

“SEC. 4. (a) IN GENERAL.—The Commission shall terminate on the earlier of—

“(1) December 31, 1997; or

111 STAT. 60

“(2) the date that the Commission reports to the President and the Congress that the Commission’s work is complete.

“(b) COMMISSION FUNDS.—

“(1) DESIGNATION.—Before the termination of the Commission, the Commission shall designate a nonprofit organization to collect, manage, and expend Commission funds after its termination.

“(2) TRANSFER OF FUNDS.—Before termination the Commission shall transfer all Commission funds to the entity designated under paragraph (1).

“(3) AMOUNTS COLLECTED AFTER TERMINATION.—The entity designated under paragraph (1) shall have the right to collect any amounts accruing to the Commission after the Commission’s termination, including amounts—

“(A) given to the Commission as a gift or bequest;

or

“(B) raised from the sale of coins issued under the United States Commemorative Coin Act of 1996 (110 Stat. 4005; 31 U.S.C. 5112 note).

“(4) USES OF FUNDS.—The Commission may specify uses for any funds made available under this section to the entity designated under paragraph (1), including—

“(A) to provide for the support, maintenance, and repair of the Memorial; and

111 STAT. 60

PUBLIC LAW 105–83—NOV. 14, 1997

“(B) to interpret and educate the public about the Memorial.

“(5) NEGOTIATION AND CONTRACT.—The Commission may negotiate and contract with a nonprofit organization before designating the organization under paragraph (1).”.

* * * * *

111 STAT. 85

Approved November 14, 1997.

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm. of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President’s special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



5. George Mason Memorial

PUBLIC LAW 105–182—JUNE 19, 1998

112 STAT. 516

Public Law 105–182
105th Congress

An Act

To extend the legislative authority for the Board of Regents of Gunston Hall to
establish a memorial to honor George Mason.

June 19, 1998
[S. 423]

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

**SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR MEMORIAL
ESTABLISHMENT.**

40 USC 1003
note.

The legislative authority for the Board of Regents of Gunston Hall to establish a commemorative work (as defined by section 2 of the Commemorative Works Act (40 U.S.C. 1002)) shall expire August 10, 2000, notwithstanding the time period limitation specified in section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)).

Approved June 19, 1998.

LEGISLATIVE HISTORY—S. 423:

HOUSE REPORTS: No. 105–363 (Comm. on Resources).

SENATE REPORTS: No. 105–38 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 143 (1997): July 11, considered and passed Senate.

Vol. 144 (1998): June 9, considered and passed House.



6. Japanese American Patriotism

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333 104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4153

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

* * * * *

110 STAT. 4165
40 USC 193a
note, 1003 note.

SEC. 514. JAPANESE AMERICAN PATRIOTISM MEMORIAL.

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

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

(2) to improve management of certain parcels of Federal real property located within the District of Columbia, by the transferring jurisdiction over such parcels to the Architect of the Capitol, the Secretary of the Interior, and the Government of the District of Columbia.

(b) TRANSFERS OF JURISDICTION.—

Effective date.

(1) IN GENERAL.—Effective on the date of the enactment of this Act and notwithstanding any other provision of law, jurisdiction over the parcels of Federal real property described in paragraph (2) is transferred without additional consideration as provided by paragraph (2).

(2) SPECIFIC TRANSFERS.—

(A) TRANSFERS TO SECRETARY OF THE INTERIOR.—

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

110 STAT. 4166

(I) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by D Street, N.W., New Jersey Avenue, N.W., and Louisiana Avenue, N.W., in square W632 in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

(II) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by C Street, N.W., First Street, N.W., and

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4166

Louisiana Avenue, N.W., in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

(ii) LIMITATION.—The parcels transferred by clause (i) shall not include those contiguous sidewalks abutting Louisiana Avenue, N.W., which shall remain part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol.

(iii) CONSIDERATION AS MEMORIAL SITE.—The parcels transferred by subclause (I) of clause (i) may be considered as a site for a national memorial to Japanese American patriotism in World War II.

(B) TRANSFERS TO ARCHITECT OF THE CAPITOL.—Jurisdiction over the following parcels is transferred to the Architect of the Capitol:

(i) That portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

(ii) That irregular area of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, northeast of the real property described in clause (i) bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running to the northeast on the south, and the private property on the west known as lot 7, in square 726.

(iii) The two irregularly shaped medians lying north and east of the property described in clause (i), located between the north and south curbs of Constitution Avenue, N.E., west of its intersection with Second Street, N.E., all as shown in Land Record No. 268, dated November 22, 1957, in the Office of the Surveyor, District of Columbia, in Book 138, Page 58.

(iv) All sidewalks under the jurisdiction of the District of Columbia abutting on and contiguous to the land described in clauses (i), (ii), and (iii).

110 STAT. 4167

(C) TRANSFERS TO DISTRICT OF COLUMBIA.—Jurisdiction over the following parcels is transferred to the Government of the District of Columbia:

(i) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property.

(ii) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between

110 STAT. 4167

PUBLIC LAW 104-333—NOV. 12, 1996

squares 630 and W632, which remains Federal property.

(c) MISCELLANEOUS.—

(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

(2) LAW ENFORCEMENT RESPONSIBILITY.—Law enforcement responsibility for the parcels of Federal real property for which jurisdiction is transferred by subsection (b) shall be assumed by the person acquiring such jurisdiction.

(3) UNITED STATES CAPITOL GROUNDS.—

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

(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (b)(2)(B) in accordance with section 9 of such Act of July 31, 1946 (40 U.S.C. 212a).

(4) EFFECT OF TRANSFERS.—A person relinquishing jurisdiction over a parcel of Federal real property transferred by subsection (b) shall not retain any interest in the parcel except as specifically provided by this section.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



7. Mahatma Gandhi

PUBLIC LAW 105–284—OCT. 26, 1998

112 STAT. 2701

Public Law 105–284
105th Congress

An Act

To authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

Oct. 26, 1998
[H.R. 4284]

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

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

40 USC 1003
note.

(a) IN GENERAL.—The Government of India may establish a memorial to honor Mahatma Gandhi on the Federal land in the District of Columbia.

(b) COOPERATIVE AGREEMENTS.—The Secretary of the Interior or any other head of a Federal agency may enter into cooperative agreements with the Government of India to maintain features associated with the memorial.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.), except that sections 2(c) and 6(b) of that Act shall not apply with respect to the memorial.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The Government of the United States shall not pay any expense of the establishment of the memorial or its maintenance.

Approved October 26, 1998.

LEGISLATIVE HISTORY—H.R. 4284:

HOUSE REPORTS: No. 105–666 (Comm. on Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Sept. 15, considered and passed House.
Oct. 8, considered and passed Senate.



8. Martin Luther King, Jr.

110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

**Public Law 104-333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

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

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4153

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

* * * * *

110 STAT. 4157
40 USC 1003
note.
Alpha Phi Alpha
Fraternity.**SEC. 508. MEMORIAL TO MARTIN LUTHER KING, JR.**

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

(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.).

(c) PAYMENT OF EXPENSES.—The Alpha Phi Alpha Fraternity shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 4401(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance of funds received for the establishment of the memorial, the Alpha Phi Alpha Fraternity shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



PUBLIC LAW 105–201—JULY 16, 1998

112 STAT. 675

Public Law 105–201
105th Congress

Joint Resolution

Approving the location of a Martin Luther King, Jr., Memorial in the Nation's
Capital.

July 16, 1998
[H.J. Res. 113]

Whereas section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4157) authorized the Alpha Phi Alpha Fraternity to establish a memorial on Federal land in the District of Columbia to honor Martin Luther King, Jr.;

Whereas section 6(a) of the Commemorative Works Act (40 U.S.C. 1006(a)) provides that the location of a commemorative work in the area described as Area I (within the meaning of the Act) shall be deemed not authorized unless approved by law not later than 150 days after notification to Congress that the Secretary of the Interior recommends location of the commemorative work in Area I; and

Whereas the Secretary of the Interior has notified Congress of the recommendation of the Secretary that the memorial 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,

SECTION 1. MARTIN LUTHER KING, JR., MEMORIAL.

40 USC 1003
note.

The location of the commemorative work to honor Martin Luther King, Jr., authorized by section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4157), within Area I is approved under section 6(a) of the Commemorative Works Act (40 U.S.C. 1006(a)).

Approved July 16, 1998.

LEGISLATIVE HISTORY—H.J. Res. 113 (S.J. Res. 41):

HOUSE REPORTS: No. 105–589 (Comm. on Resources).

SENATE REPORTS: No. 105–210 accompanying S.J. Res. 41 (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 22, considered and passed House.

June 25, considered and passed Senate.



9. National Peace Garden

112 STAT. 676

PUBLIC LAW 105–202—JULY 16, 1998

Public Law 105–202
105th Congress**An Act**July 16, 1998
[S. 731]

To extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.

40 USC 1003
note.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding section 10(b) of Public Law 99–652 and section 1(a) of Public Law 103–321, the legislative authority for the National Peace Garden shall extend through June 30, 2002.

* * * * *

112 STAT. 677

Approved July 16, 1998.

LEGISLATIVE HISTORY—S. 731:

HOUSE REPORTS: No. 105–362 (Comm. on Resources).

SENATE REPORTS: No. 105–40 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 143 (1997): July 11, considered and passed Senate.

Nov. 13, considered and passed House, amended.

Vol. 144 (1998): June 25, Senate concurred in House amendment.



10. Oklahoma City

PUBLIC LAW 105–58—OCT. 9, 1997

111 STAT. 1261

Public Law 105–58
105th Congress

An Act

To establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

Oct. 9, 1997
[S. 871]

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 “Oklahoma City National Memorial Act of 1997”.

Oklahoma City
National
Memorial Act of
1997.
16 USC 450ss
note.

SEC. 2. FINDINGS AND PURPOSES.

16 USC 450ss.

Congress finds that—

(1) few events in the past quarter-century have rocked Americans’ perception of themselves and their institutions, and brought together the people of our Nation with greater intensity than the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City;

(2) the resulting deaths of 168 people, some of whom were children, immediately touched thousands of family members whose lives will forever bear scars of having those precious to them taken away so brutally;

(3) suffering with such families are countless survivors, including children, who struggle not only with the suffering around them, but their own physical and emotional injuries and with shaping a life beyond April 19;

(4) such losses and struggles are personal and, since they resulted from so public an attack, they are also shared with a community, a Nation, and the world;

(5) the story of the bombing does not stop with the attack itself or with the many losses it caused. The responses of Oklahoma’s public servants and private citizens, and those from throughout the Nation, remain as a testament to the sense of unity, compassion, even heroism, that characterized the rescue and recovery following the bombing;

(6) during the days immediately following the Oklahoma City bombing, Americans and people from around the world of all races, political philosophies, religions and walks of life responded with unprecedented solidarity and selflessness; and

(7) given the national and international impact and reaction, the Federal character of the site of the bombing, and the significant percentage of the victims and survivors who were Federal employees, the Oklahoma City Memorial will be established, designed, managed and maintained to educate

111 STAT. 1262

PUBLIC LAW 105-58—OCT. 9, 1997

present and future generations, through a public/private partnership, to work together efficiently and respectfully in developing a National Memorial relating to all aspects of the April 19, 1995, bombing in Oklahoma City.

16 USC 450ss-1. **SEC. 3. DEFINITIONS.**

In this Act:

(1) **MEMORIAL.**—The term “Memorial” means the Oklahoma City National Memorial designated under section 4(a).

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

(3) **TRUST.**—The term “Trust” means the Oklahoma City National Memorial Trust designated under section 5(a).

16 USC 450ss-2. **SEC. 4. OKLAHOMA CITY NATIONAL MEMORIAL.**

(a) In order to preserve for the benefit and inspiration of the people of the United States and the world, as a National Memorial certain lands located in Oklahoma City, Oklahoma, there is established as a unit of the National Park System the Oklahoma City National Memorial. The Memorial shall be administered by the Trust in cooperation with the Secretary and in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) The Memorial area shall be comprised of the lands, facilities and structures generally depicted on the map entitled “Oklahoma City National Memorial”, numbered OCNM 001, and dated May 1997 (hereafter referred to in this Act as the “map”):

(1) Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Trust.

(2) After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, in writing, the Trust, as established by section 5 of this Act, in consultation with the Secretary, may make minor revisions of the boundaries of the Memorial when necessary by publication of a revised drawing or other boundary description in the Federal Register.

16 USC 450ss-3. **SEC. 5. OKLAHOMA CITY NATIONAL MEMORIAL TRUST.**

(a) **ESTABLISHMENT.**—There is established a wholly owned Government corporation to be known as the Oklahoma City National Memorial Trust.

(b) **BOARD OF DIRECTORS.**—

(1) **IN GENERAL.**—The powers and management of the Trust shall be vested in a board of Directors (hereinafter referred to as the “Board”) consisting of the following 9 members:

(A) The Secretary or the Secretary’s designee.

President.

(B) Eight individuals, appointed by the President, from a list of recommendations submitted by the Governor of the State of Oklahoma; and a list of recommendations submitted by the Mayor of Oklahoma City, Oklahoma; and a list of recommendations submitted by the United States Senators from Oklahoma; and a list of recommendations submitted by United States Representatives from Oklahoma. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act.

PUBLIC LAW 105-58—OCT. 9, 1997

111 STAT. 1263

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 2 shall serve for a term of 3 years; and 2 shall serve a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) QUORUM.—Five members of the Board shall constitute a quorum for the conduct of business by the Board.

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

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

(6) MEETINGS.—The Board shall meet at least three times per year in Oklahoma City, Oklahoma and at least two of those meetings shall be opened to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding operations maintenance and management of the Memorial; as well as, policy, planning and design issues.

Public
information.

(7) STAFF.—

(A) NON-NATIONAL PARK SERVICE STAFF.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(B) INTERIM PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide for a period not to exceed 2 years, such personnel and technical expertise, as necessary, to provide assistance in the implementation of the provisions of this Act.

(C) PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide such uniformed personnel, on a reimbursable basis, to carry out day-to-day visitor service programs.

(D) OTHER FEDERAL EMPLOYEES.—At the request of the Trust, the Director of any other Federal agency may provide such personnel, on a reimbursable basis, to carry out day-to-day visitor service programs.

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

111 STAT. 1264

PUBLIC LAW 105-58—OCT. 9, 1997

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of Oklahoma, and its political subdivisions including the county of Oklahoma and the city of Oklahoma City.

(10) GOVERNMENT CORPORATION.—

(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

Reports.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

16 USC 450ss-4.

SEC. 6. DUTIES AND AUTHORITIES OF THE TRUST.

(a) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall administer the operation, maintenance, management and interpretation of the Memorial including, but not limited to, leasing, rehabilitation, repair and improvement of property within the Memorial under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with—

(1) the provisions of law generally applicable to units of the National Park Service, including: “An Act to establish a National Park Service, and for other purposes” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4);

(2) the Act of August 21, 1935 (49 Stat. 666; U.S.C. 461-467);

(3) the general objectives of the “Memorial Mission Statement”, adopted March 26, 1996, by the Oklahoma City Memorial Foundation;

(4) the “Oklahoma City Memorial Foundation Intergovernmental Letter of Understanding”, dated October 28, 1996; and

(5) the Cooperative Agreement to be entered into between the Trust and the Secretary pursuant to this Act.

(b) AUTHORITIES.—

(1) The Trust may participate in the development of programs and activities at the properties designated by the map, and the Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State and local governments as are necessary and appropriate to carry out its authorized activities. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Memorial facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition.

PUBLIC LAW 105-58—OCT. 9, 1997

111 STAT. 1265

(3) The Trust may not dispose of or convey fee title to any real property transferred to it under this Act.

(4) Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing working conditions, and any civil rights provisions otherwise applicable thereto.

(5) The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

Regulations.

(c) MANAGEMENT PROGRAM.—Within one year after the enactment of this Act, the Trust, in consultation with the Secretary, shall develop a cooperative agreement for management of those lands, operations and facilities within the Memorial established by this Act. In furtherance of the general purposes of this Act, the Secretary and the Trust shall enter into a Cooperative Agreement pursuant to which the Secretary shall provide technical assistance for the planning, preservation, maintenance, management, and interpretation of the Memorial. The Secretary also shall provide such maintenance, interpretation, curatorial management, and general management as mutually agreed to by the Secretary and the Trust.

Contracts.

(d) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties.

(e) PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, operation, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Memorial properties under its administrative jurisdiction. The Secretary of the Treasury, at the option of the Trust shall invest excess monies of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(f) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to provide advice and counsel. The District Court for the Western District of Oklahoma shall have exclusive jurisdiction over any suit filed against the Trust.

(g) BYLAWS, RULES AND REGULATIONS.—The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the operation of the National Park System and that may be necessary and appropriate to carry out its duties and responsibilities under this Act. The Trust shall

Federal Register,
publication.

111 STAT. 1266

PUBLIC LAW 105-58—OCT. 9, 1997

give notice of the adoption of such rules and regulations by publication in the Federal Register.

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

16 USC 450ss-5. **SEC. 7. LIMITATIONS ON FUNDING.**

Authorization of Appropriations:

(1) **IN GENERAL.**—In furtherance of the purposes of this Act, there is hereby authorized the sum of \$5,000,000, to remain available until expended.

(2) **MATCHING REQUIREMENT.**—Amounts appropriated in any fiscal year to carry out the provisions of this Act may only be expended on a matching basis in a ratio of at least one non-Federal dollar to every Federal dollar. For the purposes of this provision, each non-Federal dollar donated to the Trust or to the Oklahoma City Memorial Foundation for the creation, maintenance, or operation of the Memorial shall satisfy the matching dollar requirement without regard to the fiscal year in which such donation is made.

16 USC 450ss-6. **SEC. 8. ALFRED P. MURRAH FEDERAL BUILDING.**

Prior to the construction of the Memorial the Administrator of General Services shall, among other actions, exchange, sell, lease, donate, or otherwise dispose of the site of the Alfred P. Murrah Federal Building, or a portion thereof, to the Trust. Any such disposal shall not be subject to—

(1) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.);

(2) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. et seq.); or

(3) any other Federal law establishing requirements or procedures for the disposal of Federal property.

Reports.
16 USC 450ss-7. **SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.**

Six years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate,

PUBLIC LAW 105–58—OCT. 9, 1997

111 STAT. 1267

and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this Act.

Approved October 9, 1997.

LEGISLATIVE HISTORY—S. 871 (H.R. 1849):

HOUSE REPORTS: No. 105–316 accompanying H.R. 1849 (Comm. on Resources).

SENATE REPORTS: No. 105–71 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 31, considered and passed Senate.

Sept. 23, considered and passed House, amended.

Sept. 25, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Oct. 9, Presidential statement.



11. Victims of Communism

112 STAT. 2681

PUBLIC LAW 105–277—OCT. 21, 1998

***Public Law 105–277**
105th Congress

An Act

Oct. 21, 1998
 [H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

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

Omnibus
 Consolidated and
 Emergency
 Supplemental
 Appropriations
 Act, 1999.

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

* * * * *

112 STAT.
 2681–231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
 2681–232
 Department of
 the Interior and
 Related Agencies
 Appropriations
 Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

* * * * *

112 STAT.
 2681–286

TITLE III—GENERAL PROVISIONS

* * * * *

112 STAT.
 2681–291
 40 USC 1003
 note.

SEC. 326. Notwithstanding the provisions of section 1010(b) of the Commemorative Works Act (40 U.S.C. 1001 et seq.), the legislative authority for the international memorial to honor the victims of communism, authorized under section 905 of Public Law 103–199 (107 Stat. 2331), shall expire December 17, 2007.

* * * * *

112 STAT.
 2681–919

Approved October 21, 1998.

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



12. Wright Brothers

PUBLIC LAW 105–124—DEC. 1, 1997

111 STAT. 2534

Public Law 105–124
105th Congress

An Act

To provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

Dec. 1, 1997
[S. 1228]

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 “50 States Commemorative Coin Program Act”.

50 States
Commemorative
Coin Program
Act.
31 USC 5101
note.

* * * * *

SEC. 6. FIRST FLIGHT COMMEMORATIVE COINS.

111 STAT. 2537
31 USC 5112
note.

(a) COIN SPECIFICATIONS.—

(1) **DENOMINATIONS.**—The Secretary of the Treasury (hereafter in this section referred to as the “Secretary”) shall mint and issue the following coins:

(A) **\$10 GOLD COINS.**—Not more than 100,000 \$10 coins, each of which shall—

- (i) weigh 16.718 grams;
- (ii) have a diameter of 1.06 inches; and
- (iii) contain 90 percent gold and 10 percent alloy.

(B) **\$1 SILVER COINS.**—Not more than 500,000 \$1 coins, each of which shall—

- (i) weigh 26.73 grams;
- (ii) have a diameter of 1.500 inches; and
- (iii) contain 90 percent silver and 10 percent copper.

(C) **HALF DOLLAR CLAD COINS.**—Not more than 750,000 half dollar coins each of which shall—

- (i) weigh 11.34 grams;
- (ii) have a diameter of 1.205 inches; and
- (iii) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) **LEGAL TENDER.**—The coins minted under this section shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **SOURCES OF BULLION.**—The Secretary shall obtain gold and silver for minting coins under this section pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

111 STAT. 2538

(d) DESIGN OF COINS.—**(1) DESIGN REQUIREMENTS.—**

(A) **IN GENERAL.**—The design of the coins minted under this section shall be emblematic of the first flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(B) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this section there shall be—

- (i) a designation of the value of the coin;

- (ii) an inscription of the year “2003”; and
- (iii) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(2) SELECTION.—The design for the coins minted under this section shall be—

- (A) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

- (B) reviewed by the Citizens Commemorative Coin Advisory Committee.

(e) PERIOD FOR ISSUANCE OF COINS.—The Secretary may issue coins minted under this section only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(f) SALE OF COINS.—

(1) SALE PRICE.—The coins issued under this section shall be sold by the Secretary at a price equal to the sum of—

- (A) the face value of the coins;

- (B) the surcharge provided in paragraph (4) with respect to such coins; and

- (C) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(2) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this section at a reasonable discount.

(3) PREPAID ORDERS.—

- (A) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this section before the issuance of such coins.

- (B) DISCOUNT.—Sale prices with respect to prepaid orders under subparagraph (A) shall be at a reasonable discount.

(4) SURCHARGES.—All sales shall include a surcharge of—

- (A) \$35 per coin for the \$10 coin;

- (B) \$10 per coin for the \$1 coin; and

- (C) \$1 per coin for the half dollar coin.

(g) GENERAL WAIVER OF PROCUREMENT REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(2) EQUAL EMPLOYMENT OPPORTUNITY.—Paragraph (1) does not relieve any person entering into a contract under the authority of this section from complying with any law relating to equal employment opportunity.

(h) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this subsection shall be considered to be numismatic items.

(i) DISTRIBUTION OF SURCHARGES.—

(1) IN GENERAL.—Subject to section 5134 of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this section shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

PUBLIC LAW 105–124—DEC. 1, 1997

111 STAT. 2539

(A) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(B) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(2) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under paragraph (1).

(j) FINANCIAL ASSURANCES.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this section will not result in any net cost to the United States Government.

Approved December 1, 1997.

LEGISLATIVE HISTORY—S. 1228:

SENATE REPORTS: No. 105–130 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Nov. 9, considered and passed Senate.

Nov. 13, considered and passed House.



X. NATIONAL MONUMENTS

1. Aniakchak National Monument and Preserve

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333
104th Congress

An Act

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

Nov. 12, 1996

[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE III—EXCHANGES

110 STAT. 4116

* * * * *

SEC. 303. ALASKA PENINSULA SUBSURFACE CONSOLIDATION.

110 STAT. 4119

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

(1) AGENCY.—The term agency—

(A) means any instrumentality of the United States, and any Government corporation (as defined in section 9101(1) of title 31, United States Code); and

(B) includes any element of an agency.

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

(3) FEDERAL LANDS OR INTEREST THEREIN.—The term “Federal lands or interests therein” means any lands or properties owned by the United States (A) which are administered by the Secretary, or (B) which are subject to a lease to third parties, or (C) which have been made available to the Secretary for exchange under this section through the concurrence of the director of the agency administering such lands or properties: *Provided however*, That excluded from such lands shall be those lands which are within an existing conservation system unit as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)), and those lands the mineral interest for which are currently under mineral lease.

110 STAT. 4120

(4) KONIAG.—The term “Koniag” means Koniag, Incorporated, which is a regional Corporation.

(5) REGIONAL CORPORATION.—The term “Regional Corporation” has the same meaning as is provided in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(6) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of the Interior.

110 STAT. 4120

PUBLIC LAW 104-333—NOV. 12, 1996

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

(b) VALUATION OF KONIAG SELECTION RIGHTS.—

(1) IN GENERAL.—Pursuant to paragraph (2) of this subsection, the Secretary shall value the Selection Rights which Koniag possesses within the boundaries of Aniakchak National Monument and Preserve, Alaska Peninsula National Wildlife Refuge, and Becharof National Wildlife Refuge.

(2) VALUE.—

(A) IN GENERAL.—The value of the selection rights shall be equal to the fair market value of—

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

(ii) in the case of the lands or interests in lands for which Koniag is to receive the entire subsurface estate, the subsurface estate of the lands or interests in lands that are the subject of the selection rights.

(B) APPRAISAL.—

(i) SELECTION OF APPRAISER.—

(I) IN GENERAL.—Not later than 90 days after the date of enactment of this section the Secretary and Koniag shall meet to select a qualified appraiser to conduct an appraisal of the selection rights. Subject to subclause (II), the appraiser shall be selected by the mutual agreement of the Secretary and Koniag.

(II) FAILURE TO AGREE.—If the Secretary and Koniag fail to agree on an appraiser by the date that is 60 days after the date of the initial meeting referred to in subclause (I), the Secretary and Koniag shall, by the date that is not later than 90 days after the date of the initial meeting, each designate an appraiser who is qualified to perform the appraisal. The 2 appraisers so identified shall select a third qualified appraiser who shall perform the appraisal.

(ii) STANDARDS AND METHODOLOGY.—The appraisal shall be conducted in conformity with the standards of the Appraisal Foundation (as defined in section 1121(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(9))).

(iii) SUBMISSION OF APPRAISAL REPORT.—Not later than 180 days after the selection of an appraiser pursuant to clause (i), the appraiser shall submit to the Secretary and to Koniag a written appraisal report specifying the value of the selection rights and the methodology used to arrive at the value.

(C) DETERMINATION OF VALUE.—

110 STAT. 4121

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4121

(i) DETERMINATION BY THE SECRETARY.—Not later than 60 days after the date of the receipt of the appraisal report under subparagraph (B)(iii), the Secretary shall determine the value of the selection rights and shall notify Koniag of the determination.

(ii) ALTERNATIVE DETERMINATION OF VALUE.—

(I) IN GENERAL.—Subject to subclause (II), if Koniag does not agree with the value determined by the Secretary under clause (i), the procedures specified in section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)) shall be used to establish the value.

(II) AVERAGE VALUE LIMITATION.—The average value per acre of the selection rights shall not be less than the value utilizing the risk adjusted discount cash flow methodology, but in no event may exceed \$300.

(c) KONIAG ACCOUNT.—

(1) IN GENERAL.—(A) The Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein which are in the State of Alaska for the Selection Rights.

(B) If the value of the Federal property to be exchanged is less than the value of the Selection Rights established in subsection (b), and if such Federal property to be exchanged is not generating receipts to the Federal Government in excess of \$1,000,000 per year, then the Secretary may exchange the Federal property for that portion of the Selection Rights having a value equal to that of the Federal property. The remaining selection rights shall remain available for additional exchanges.

(C) For the purposes of any exchange to be consummated under this section, if less than all the selection rights are being exchanged, then the value of the selection rights being exchanged shall be equal to the number of acres of selection rights being exchanged multiplied by a fraction, the numerator of which is the value of all the selection rights as determined pursuant to subsection (b) hereof and the denominator of which is the total number of acres of selection rights.

110 STAT. 4122

(2) ADDITIONAL EXCHANGES.—If, after 10 years from the date of the enactment of this section, the Secretary was unable to conclude such exchanges as may be required to acquire all of the selection rights, he shall conclude exchanges for the remaining selection rights for such Federal property as may be identified by Koniag, which property is available for transfer to the administrative jurisdiction of the Secretary under any provision of law and which property, at the time of the proposed transfer to Koniag is not generating receipts of the Federal Government in excess of \$1,000,000 per year. The Secretary shall keep Koniag advised in a timely manner as to which properties may be available for such transfer. Upon receipt of such identification by Koniag, the Secretary shall request in a timely manner the transfer of such identified property to the administrative jurisdiction of the Department of the Interior. Such property shall not be subject to the geographic limitations of section 206(b) of the Federal Land Policy and Management Act and may be retained by the

110 STAT. 4122

PUBLIC LAW 104-333—NOV. 12, 1996

Secretary solely for purposes of transferring it to Koniag to complete the exchange. Should the value of the property so identified by Koniag be in excess of the value of the remaining selection rights, then Koniag shall have the option of (A) declining to proceed with the exchange and identifying other property, or (B) paying the difference in value between the property rights.

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

(d) AUTHORITY TO APPOINT AND REMOVE TRUSTEE.—In establishing a Settlement Trust under section 39 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629c), Koniag may delegate, in whole or in part, the authority granted to Koniag under subsection (b)(2) of such section to any entity that Koniag may select without affecting the status of the trust as a Settlement Trust under such section.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



2. Bandelier

PUBLIC LAW 105–85—NOV. 18, 1997

111 STAT. 1629

Public Law 105–85
105th Congress

An Act

To authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Nov. 18, 1997

[H.R. 1119]

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 Defense Authorization Act for Fiscal Year 1998”.

National Defense
Authorization
Act for Fiscal
Year 1998.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

* * * * *

DIVISION C—DEPARTMENT OF ENERGY
NATIONAL SECURITY AUTHORIZATIONS
AND OTHER AUTHORIZATIONS

111 STAT. 2023

TITLE XXXI—DEPARTMENT OF ENERGY
NATIONAL SECURITY PROGRAMS

* * * * *

Subtitle D—Other Matters

111 STAT. 2041

* * * * *

SEC. 3164. LAND TRANSFER, BANDELIER NATIONAL MONUMENT.

111 STAT. 2050
16 USC 431 note.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of real property consisting of approximately 4.47 acres as depicted on the map entitled “Boundary Map, Bandelier National Monument”, No. 315/80,051, dated March 1995.

(b) BOUNDARY MODIFICATION.—The boundary of the Bandelier National Monument established by Proclamation No. 1322 (16 U.S.C. 431 note) is modified to include the real property transferred under subsection (a).

(c) PUBLIC AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the office of the Superintendent of Bandelier National Monument.

111 STAT. 2050

PUBLIC LAW 105–85—NOV. 18, 1997

(d) ADMINISTRATION.—The real property and interests in real property transferred under subsection (a) shall be—

(1) administered as part of Bandelier National Monument; and

(2) subject to all laws applicable to the Bandelier National Monument and all laws generally applicable to units of the National Park System.

* * * * *

111 STAT. 2078

Approved November 18, 1997.

LEGISLATIVE HISTORY—H.R. 1119 (S. 924) (S. 936):

HOUSE REPORTS: No. 105–132 (Comm. on National Security) and 105–340 (Comm. of Conference).

SENATE REPORTS: No. 105–29 accompanying S. 924 and S. 936 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 19, 20, 23–25, considered and passed House.

July 11, considered and passed Senate, amended.

Oct. 28, House agreed to conference report.

Nov. 5, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 18, Presidential statement.



PUBLIC LAW 105–376—NOV. 12, 1998

112 STAT. 3388

Public Law 105–376
105th Congress

An Act

To modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

Nov. 12, 1998
[S. 1132]

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 “Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998”.

Bandelier
National
Monument
Administrative
Improvement
and Watershed
Protection Act of
1998.
New Mexico.
16 USC 431 note
[table].

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) Bandelier National Monument (hereinafter, the Monument) was established by Presidential proclamation on February 11, 1916, to preserve the archeological resources of a “vanished people, with as much land as may be necessary for the proper protection thereof . . .” (No. 1322; 39 Stat. 1746).

(2) At various times since its establishment, the Congress and the President have adjusted the Monument’s boundaries and purpose to further preservation of archeological and natural resources within the Monument.

(A) On February 25, 1932, the Otowi Section of the Santa Fe National Forest (some 4,699 acres of land) was transferred to the Monument from the Santa Fe National Forest (Presidential Proclamation No. 1191; 17 Stat. 2503).

(B) In December of 1959, 3,600 acres of Frijoles Mesa were transferred to the National Park Service from the Atomic Energy Committee (hereinafter, AEC) and subsequently added to the Monument on January 9, 1991, because of “pueblo-type archeological ruins germane to those in the monument” (Presidential Proclamation No. 3388).

(C) On May 27, 1963, Upper Canyon, 2,882 acres of land previously administered by the AEC, was added to the Monument to preserve “their unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes” of the Monument (Presidential Proclamation No. 3539).

(D) In 1976, concerned about upstream land management activities that could result in flooding and erosion

112 STAT. 3389

PUBLIC LAW 105-376—NOV. 12, 1998

in the Monument, Congress included the headwaters of the Rito de los Frijoles and the Cañada de Cochiti Grant (a total of 7,310 acres) within the Monument's boundaries (Public Law 94-578; 90 Stat. 2732).

(E) In 1976, Congress created the Bandelier Wilderness, a 23,267 acres area that covers over 70 percent of the Monument.

(3) The Monument still has potential threats from flooding, erosion, and water quality deterioration because of the mixed ownership of the upper watersheds, along its western border, particularly in Alamo Canyon.

(b) PURPOSE.—The purpose of this Act is to modify the boundary of the Monument to allow for acquisition and enhanced protection of the lands within the Monument's upper watershed.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the Monument shall be modified to include approximately 935 acres of land comprised of the Elk Meadows subdivision, the Gardner parcel, the Clark parcel, and the Baca Land & Cattle Co. lands within the Upper Alamo watershed as depicted on the National Park Service map entitled "Proposed Boundary Expansion Map Bandelier National Monument" dated July, 1997. Such 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.

SEC. 4. LAND ACQUISITION.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary of the Interior is authorized to acquire lands and interests therein within the boundaries of the area added to the Monument by this Act by donation, purchase with donated or appropriated funds, transfer with another Federal agency, or exchange: *Provided*, That no lands or interests therein may be acquired except with the consent of the owner thereof.

(b) STATE AND LOCAL LANDS.—Lands or interests therein owned by the State of New Mexico or a political subdivision thereof may only be acquired by donation or exchange.

(c) ACQUISITION OF LESS THAN FEE INTERESTS IN LAND.—The Secretary may acquire less than fee interests in land only if the Secretary determines that such less than fee acquisition will adequately protect the Monument from flooding, erosion, and degradation of its drainage waters.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national Monument, including lands added to the Monument by this Act, in accordance with this Act and the provisions of law generally applicable to units of National Park System, including the Act of August 25, 1916, an Act to establish a National Park Service (39 Stat. 535; 16 U.S.C. 1 et seq.), and such specific legislation as heretofore has been enacted regarding the Monument.

PUBLIC LAW 105-376—NOV. 12, 1998

112 STAT. 3390

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

Approved November 12, 1998.

LEGISLATIVE HISTORY—S. 1132:

SENATE REPORTS: No. 105-178 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 17, considered and passed Senate.

Oct. 20, considered and passed House.



3. Craters of the Moon

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4105

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

* * * * *

110 STAT. 4106
16 USC 431 note.

SEC. 205. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

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

(b) **ADMINISTRATION AND ACQUISITION.**—Federal lands and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



4. Fort Pulaski

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 807. FORT PULASKI NATIONAL MONUMENT, GEORGIA.

110 STAT. 4188

Section 4 of the Act of June 26, 1936 (ch. 844; 49 Stat. 1979),
is amended by striking “: *Provided, That*” and all that follows
and inserting a period.

16 USC 431 note.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



5. Hagerman Fossil Beds

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4105

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

* * * * *

110 STAT. 4106

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

16 USC 431 note.

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

110 STAT. 4107

“(d) To further the purposes of the monument, the Secretary
is also authorized to acquire from willing sellers only, by donation,
purchase with donated or appropriated funds, or exchange not
to exceed 65 acres outside the boundary depicted on the map
referred to in section 301 and develop and operate thereon research,
information, interpretive, and administrative facilities. Lands
acquired and facilities developed pursuant to this subsection shall
by administered by the Secretary as part of the monument. The
boundary of the monument shall be modified to include the lands
added under this subsection as a non-contiguous parcel.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



6. Petroglyph

PUBLIC LAW 105–174—MAY 1, 1998

112 STAT. 58

Public Law 105–174
105th Congress**An Act**

Making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes.

May 1, 1998
[H.R. 3579]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:1998
Supplemental
Appropriations
and Rescissions
Act.

* * * * *

TITLE III—SUPPLEMENTAL APPROPRIATIONS

112 STAT. 78

* * * * *

CHAPTER 3

112 STAT. 80

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for “Operation of the National Park System”, \$340,000, to remain available until expended, to provide for public access at Katmai National Park and Preserve and for litigation costs related to the disposition of an allotment within the Park.

112 STAT. 81

* * * * *

GENERAL PROVISIONS—THIS CHAPTER

112 STAT. 82

* * * * *

SEC. 3005. PETROGLYPH NATIONAL MONUMENT. (a) SHORT TITLE.—This section may be cited as the “Petroglyph National Monument Boundary Adjustment Act”.

Petroglyph
National
Monument
Boundary
Adjustment Act.
New Mexico.
16 USC 431 note.

(b) FINDINGS.—Congress finds that—

(1) the purposes for which Petroglyph National Monument (referred to in this section as “the monument”) was established continue to be valid;

(2) it is of mutual benefit to the trustee institutions of the New Mexico State Trust lands and the National Park Service for land exchange negotiations to be completed with all due diligence, resulting in the transfer of all State Trust lands within the boundaries of the monument to the United States in accordance with State and Federal law;

(3) because the city of Albuquerque, New Mexico, has acquired substantial acreage within the monument boundaries, purchased with State and municipal funds, the consolidation of land ownership and jurisdiction under the National Park

112 STAT. 82

PUBLIC LAW 105-174—MAY 1, 1998

Service will require the consent of the city of Albuquerque, and options for National Park Service acquisition that are not currently available;

112 STAT. 83

(4) corridors for the development of Paseo del Norte and Unser Boulevard are depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note), and the alignment of the roadways was anticipated by Congress before the date of enactment of the Act;

(5) it was the expectation of the principal proponents of the monument, including the cities of Albuquerque and Rio Rancho, New Mexico, and the National Park Service, that passage of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) would allow the city of Albuquerque—

(A) to utilize the Paseo del Norte and Unser Boulevard corridors through the monument; and

(B) to design and construct infrastructure within the corridors with the cultural and natural resources of the monument in mind;

(6) the city of Albuquerque has not provided for the establishment of rights-of-way for the Paseo del Norte and Unser Boulevard corridors under the Joint Powers Agreement (JPANO 78-521.81-277A), which expanded the boundary of the monument to include the Piedras Marcadas and Boca Negra units, pursuant to section 104 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note);

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction within the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

(10) adequate planning and cooperation between the city of Albuquerque and the National Park Service is essential to avoid resource degradation within the monument resulting from storm water runoff, and drainage conveyances through the monument should be designed and located to provide sufficient capacity for effective runoff management; and

(11) the monument will best be managed for the benefit and enjoyment of present and future generations with coopera-

PUBLIC LAW 105-174—MAY 1, 1998

112 STAT. 83

tion between the city of Albuquerque, the State of New Mexico, and the National Park Service.

(c) PLANNING AUTHORITY.—

(1) STORM WATER DRAINAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service (referred to in this section as the “Secretary”), and the city of Albuquerque, New Mexico, shall enter into negotiations to provide for the management of storm water runoff and drainage within the monument, including the design and construction of any storm water corridors, conveyances, and easements within the monument boundaries.

112 STAT. 84

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A-2 of the Unser Middle Transportation Corridor Record of Decision prepared by the city of Albuquerque dated December 1993.

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument by the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter “the Director”), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

(d) ACQUISITION AUTHORITY; BOUNDARY ADJUSTMENT; ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—

(1) ACQUISITION AUTHORITY.—Section 103(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended—

(A) by striking “(a) The Secretary” and inserting the following:

“(a) AUTHORITY.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary”;

(B) by striking “, except that lands or interests therein owned by the State or a political subdivision thereof may be acquired only by donation or exchange”; and

112 STAT. 84

PUBLIC LAW 105-174—MAY 1, 1998

(C) by adding at the end the following:

“(2) LAND OWNED BY THE STATE OR A POLITICAL SUBDIVISION.—No land or interest in land owned by the State or a political subdivision of the State may be acquired by purchase before—

“(A) the State or political subdivision holding title to the land or interest in land identifies the land or interest in land for disposal; and

“(B)(i) all private land within the monument boundary for which there is a willing seller is acquired; or

112 STAT. 85

“(ii) 2 years have elapsed after the date on which the Secretary has made a final offer (for which funds are available) to acquire all remaining private land at fair market value.”.

(2) BOUNDARY ADJUSTMENT.—Section 104(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by inserting “(1)” after “(a)”; and

(C) by adding at the end the following:

“(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—

“(i) the boundary of the monument is adjusted to exclude the Paseo Del Norte corridor in the Piedras Marcadas Unit described in Exhibit B of the document described in subparagraph (B); and

“(ii) the inclusion of the Paseo Del Norte corridor within the boundary of the monument before the date of enactment of this paragraph shall have no effect on any future ownership, use, or management of the corridor.

“(B) The document described in this subparagraph is the document entitled ‘Petroglyph National Monument Roadway/Utility Corridors’, dated October 30, 1997, on file with the Secretary of the Interior and the mayor of the city of Albuquerque, New Mexico.”.

(e) ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—Section 105 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended by adding at the end the following:

“(f) BOCA NEGRA AND PIEDRAS MARCADAS UNITS.—If the binding agreement providing for the expansion of the monument pursuant to section 104 is amended, in accordance with the terms of the agreement, to transfer to the National Park Service responsibility for operation, maintenance, and repair of any or all property within the Boca Negra or Piedras Marcadas Unit of the monument, the Secretary may employ, at a comparable grade and salary within the National Park Service, any willing employees of the city assigned to the Unit.”.

(f) DOUBLE EAGLE II AIRPORT ACCESS ROAD.—The Administrator of the Federal Aviation Administration shall allow the use of the access road to the Double Eagle II Airport in existence on the date of enactment of this Act for visitor access to the monument.

* * * * *

PUBLIC LAW 105–174—MAY 1, 1998

112 STAT. 101

This Act may be cited as the “1998 Supplemental Appropriations and Rescissions Act”.

Approved May 1, 1998.

LEGISLATIVE HISTORY—H.R. 3579 (S. 1768):

HOUSE REPORTS: Nos. 105–469 (Comm. on Appropriations) and 105–504 (Comm. of Conference).

SENATE REPORTS: No. 105–168 accompanying S. 1768 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Mar. 31, considered and passed House. Passed Senate, amended, in lieu of S. 1768.

Apr. 30, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

May 1, Presidential statement.



7. Walnut Canyon

110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333 104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4105

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

* * * * *

110 STAT. 4107
16 USC 431 note.

SEC. 208. WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION.

(a) PURPOSE.—The purpose of this section is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this section referred to as the “national monument”) to improve management of the national monument and associated resources.

(b) BOUNDARY MODIFICATION.—Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled “Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona”, numbered 360/80,010, and dated September 1994. Such 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. The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map.

(c) ACQUISITION AND TRANSFER OF PROPERTY.—The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this section) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under subsection (b) is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

(d) ADMINISTRATION.—The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this title and the provisions of law generally applicable to units of the National Park Service, including “An Act to establish a National Park Service, and for other purposes” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).

110 STAT. 4108

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4108

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

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



8. White Sands

110 STAT. 2422

PUBLIC LAW 104–201—SEPT. 23, 1996

Public Law 104–201 104th Congress

An Act

Sept. 23, 1996
[H.R. 3230]

To authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

National Defense
Authorization
Act for Fiscal
Year 1997.

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 Defense Authorization Act for Fiscal Year 1997”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

* * * * *

110 STAT. 2763
Military
Construction
Authorization
Act for Fiscal
Year 1997.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

* * * * *

110 STAT. 2786

TITLE XXVIII—GENERAL PROVISIONS

* * * * *

110 STAT. 2791

Subtitle C—Land Conveyances

* * * * *

110 STAT. 2800

PART IV—OTHER CONVEYANCES

* * * * *

110 STAT. 2803
16 USC 431 note.

SEC. 2854. MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.

(a) TRANSFER OF LANDS BY SECRETARY OF ARMY.—The Secretary of the Army may transfer to the administrative jurisdiction of the Secretary of the Interior the following lands as generally

PUBLIC LAW 104–201—SEPT. 23, 1996

110 STAT. 2803

depicted on the map entitled “White Sands National Monument, Boundary Proposal”, numbered 142/80,061, and dated January 1994:

(1) Lands consisting of approximately 2,524 acres located within White Sands National Monument, New Mexico.

(2) Lands consisting of approximately 5,758 acres located within White Sands Missile Range, New Mexico, and abutting White Sands National Monument.

(b) TRANSFER OF LANDS BY SECRETARY OF INTERIOR.—The Secretary of the Interior may transfer to the administrative jurisdiction of the Secretary of the Army lands consisting of approximately 4,277 acres located in White Sands National Monument, which lands are generally depicted on the map referred to in subsection (a).

(c) BOUNDARY MODIFICATIONS.—(1) The Secretary of the Army and the Secretary of the Interior shall jointly modify the boundary of White Sands National Monument so as to include within the national monument the lands transferred under subsection (a) and to exclude from the national monument the lands transferred under subsection (b).

(2) The Secretary of the Army and the Secretary of the Interior shall jointly modify the boundary of White Sands Missile Range as to include within the missile range the lands transferred under subsection (b) and exclude from the missile range the lands transferred under subsection (a).

(d) ADMINISTRATION OF TRANSFERRED LANDS.—(1) The Secretary of the Interior shall administer the lands transferred to that Secretary under subsection (a) in accordance with the laws applicable to the White Sands National Monument.

(2) The Secretary of the Army shall administer the lands transferred to that Secretary under subsection (b) as part of White Sands Missile Range.

(3) The Secretary of the Army shall maintain control of the airspace above the lands transferred to that Secretary under subsection (b) and administer that airspace in a manner consistent with the use of such lands as part of White Sands Missile Range.

(e) PUBLIC AVAILABILITY OF MAP OF MONUMENT.—The Secretary of the Interior and the Secretary of the Army shall jointly prepare, and the Secretary of the Interior shall keep on file for public inspection in the headquarters of White Sands National Monument, a map showing the boundary of White Sands National Monument as modified by this section.

(f) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3476), land or an interest in land that was deleted from White Sands National Monument by section 301(19) of the Act (92 Stat. 3475) may, at the election of the Secretary of the Interior, be—

(1) exchanged for land owned by the State of New Mexico within the boundaries of any unit of the National Park System in the State of New Mexico;

(2) transferred to the jurisdiction of any other Federal agency without monetary consideration; or

110 STAT. 2804

110 STAT. 2804 PUBLIC LAW 104–201—SEPT. 23, 1996

(3) administered as public land.

* * * * *

110 STAT. 2870 Approved September 23, 1996.

LEGISLATIVE HISTORY—H.R. 3230 (S. 1745):

HOUSE REPORTS: Nos. 104–563 (Comm. on National Security) and 104–724 (Comm. of Conference).

SENATE REPORTS: Nos. 104–267 (Comm. on Armed Services) and 104–278 (Select Comm. on Intelligence) both accompanying S. 1745.

CONGRESSIONAL RECORD, Vol. 142 (1996):

May 14, 15, considered and passed House.

June 18–20, 24–28, July 10, S. 1745 considered and passed Senate; H.R. 3230, amended, passed in lieu.

Aug. 1, House agreed to conference report.

Sept. 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 23, Presidential remarks and statement.



9. Wupatki

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

110 STAT. 4105

* * * * *

SEC. 207. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.110 STAT. 4107
16 USC 431 note.

The boundaries of the Wupatki National Monument, Arizona, are hereby revised to include the lands and interests in lands within the area generally depicted as “Proposed Addition 168.89 Acres” on the map entitled “Boundary—Wupatki and Sunset Crater National Monuments, Arizona”, numbered 322–80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



10. Yucca House

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4105

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

16 USC 431 note.

**SEC. 201. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY
ADJUSTMENT.**(a) IN GENERAL.—The boundaries of Yucca House National
Monument are revised to include the approximately 24.27 acres
of land generally depicted on the map entitled “Boundary—Yucca
House National Monument, Colorado”, numbered 318/80,001–B, and
dated February 1990.(b) MAP.—The map referred to in subsection (a) shall be on
file and available for public inspection in appropriate offices of
the National Park Service of the Department of the Interior.

(c) ACQUISITION.—

(1) IN GENERAL.—Within the lands described in subsection
(a), the Secretary of the Interior may acquire lands and
interests in lands by donation.(2) The Secretary of the Interior may pay administrative
costs arising out of any donation described in paragraph (1)
with appropriated funds.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



XI. NATIONAL SEASHORES

1. Cape Cod

PUBLIC LAW 105–280—OCT. 26, 1998

112 STAT. 2694

Public Law 105–280
105th Congress

An Act

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

Nov. 6, 1998
[H.R. 3910]

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

SECTION 1. CAPE COD NATIONAL SEASHORE.

(a) LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—Section 2
of Public Law 87–126 (16 U.S.C. 459b–1) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new
subsection:

“(d) The Secretary may convey to the town of Provincetown,
Massachusetts, a parcel of real property consisting of approximately
7.62 acres of Federal land within such area in exchange for approxi-
mately 11.157 acres of land outside of such area, as depicted on
the map entitled ‘Cape Cod National Seashore Boundary Revision
Map’, dated May, 1997, and numbered 609/80,801, to allow for
the establishment of a municipal facility to serve the town that
is restricted to solid waste transfer and recycling facilities and
for other municipal activities that are compatible with National
Park Service laws and regulations. Upon completion of the
exchange, the Secretary shall modify the boundary of the Cape
Cod National Seashore to include the land that has been added.”.

(b) REAUTHORIZATION OF ADVISORY COMMISSION.—Section 8(a)
of such Act (16 U.S.C. 459b–7(a)) is amended by striking the second
sentence and inserting the following new sentence: “The Commis-
sion shall terminate September 26, 2008.”.

Termination
date.

Approved October 26, 1998.

LEGISLATIVE HISTORY—H.R. 2411:

HOUSE REPORTS: No. 105–568 (Comm. on Resources)

SENATE REPORTS: No. 105–392 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 22, considered and passed House.

Oct. 7, considered and passed Senate.



2. Cape Hatteras

112 STAT. 3411

PUBLIC LAW 105–383—NOV. 13, 1998

Public Law 105–383
105th Congress

An Act

Nov. 13, 1998
[H.R. 2204]To authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard,
and for other purposes.Coast Guard
Authorization
Act of 1998.*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 “Coast Guard Authorization Act
of 1998”.**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

* * * * *

112 STAT. 3424

TITLE IV—MISCELLANEOUS

* * * * *

112 STAT. 3439
16 USC 459a–10.**SEC. 420. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY
OF THE INTERIOR.**The Administrator of the General Services Administration shall
transfer administrative jurisdiction over the Federal property
consisting of approximately 2 acres, known as the Ocracoke Light
Station, to the Secretary of the Interior, subject to such reservations,
terms, and conditions as may be necessary for Coast Guard pur-
poses. All property so transferred shall be included in and adminis-
tered as part of the Cape Hatteras National Seashore.

* * * * *

112 STAT. 3450

Approved November 13, 1998.

LEGISLATIVE HISTORY—H.R. 2204 (S. 1259):

HOUSE REPORTS: No. 105–236 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 105–246 accompanying S. 1259 (Comm. on Commerce,
Science, and Transportation).**CONGRESSIONAL RECORD:**

Vol. 143 (1997): Oct. 21, considered and passed House.

Vol. 144 (1998): Oct. 12, considered and passed Senate, amended, in lieu of
S. 1259.Oct. 15, House concurred in Senate amendment with an
amendment.

Oct. 21, Senate concurred in House amendment.



3. Cape Lookout

PUBLIC LAW 105–202—JULY 16, 1998

112 STAT. 676

Public Law 105–202
105th Congress

An Act

To extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.

July 16, 1998
[S. 731]

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

40 USC 1003
note.
North Carolina.

SEC. 2. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT NATIONAL SEASHORE.

Section 5 of the Act entitled “An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes”, approved March 10, 1966 (Public Law 89–366; 16 U.S.C. 459g–4), is amended by inserting “(a)” after “SEC. 5.”, and by adding at the end the following new subsection:

“(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the “seashore”): *Provided*, That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

“(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackelford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—

Contracts.

“(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and

“(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

“(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—

“(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

“(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or

“(C) except in the case of an emergency, or to protect public health and safety.

“(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

112 STAT. 677
Public
information.

“(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.

112 STAT. 677

PUBLIC LAW 105-202—JULY 16, 1998

“(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.”.

Approved July 16, 1998.

LEGISLATIVE HISTORY—S. 731:

HOUSE REPORTS: No. 105-362 (Comm. on Resources).

SENATE REPORTS: No. 105-40 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 143 (1997): July 11, considered and passed Senate.

Nov. 13, considered and passed House, amended.

Vol. 144 (1998): June 25, Senate concurred in House amendment.



PUBLIC LAW 105-229—AUG. 13, 1998

112 STAT. 1517

Public Law 105-229
105th Congress

An Act

To ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

Aug. 13, 1998

[H.R. 765]

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

SECTION 1. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT NATIONAL SEASHORE.

Section 5 of the Act entitled “An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes”, approved March 10, 1966 (Public Law 89-366; 16 U.S.C. 459g-4), is amended by inserting “(a)” after “Sec. 5.”, and by adding at the end the following new subsection:

“(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the ‘Seashore’): *Provided*, That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

“(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackelford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—

Deadline.
Contracts.

“(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and

“(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

“(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—

“(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

“(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or

“(C) except in the case of an emergency, or to protect public health and safety.

“(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

Public
information.

112 STAT. 1518

PUBLIC LAW 105-229—AUG. 13, 1998

“(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.

“(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.”.

Approved August 13, 1998.

LEGISLATIVE HISTORY—H.R. 765:

HOUSE REPORTS: No. 105-179 (Comm. on Resources).

SENATE REPORTS: No. 105-115 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 143 (1997): July 22, considered and passed House.

Vol. 144 (1998): July 17, considered and passed Senate, amended.

Aug. 3, House concurred in Senate amendment.



XII. NATIONAL LAKESHORES

1. Indiana Dunes

PUBLIC LAW 105–277—OCT. 21, 1998

112 STAT. 2681

*Public Law 105–277
105th Congress

An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Oct. 21, 1998

[H.R. 4328]

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

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

Omnibus
Consolidated and
Emergency
Supplemental
Appropriations
Act, 1999.

* * * * *

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
2681–231

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

112 STAT.

2681–232
Department of
the Interior and
Related Agencies
Appropriations
Act, 1999.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

112 STAT.
2681–252

* * * * *

SEC. 141. Section 5(a)(3) of the Act entitled “An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes”, approved November 5, 1966 (16 U.S.C. 460u–5(a)(3)), is amended—

112 STAT.
2681–266

(1) in subparagraph (A), in the matter preceding clause (i), by—

112 STAT.
2681–267

(A) striking “as of that date”; and

(B) inserting “, subject to subparagraph (B),” after “term ending”; and

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

112 STAT. 2681–267 PUBLIC LAW 105–277—OCT. 21, 1998

(2) in subparagraph (B), by striking “Subparagraph (A)”
and inserting “Subparagraph (A)(ii)”.

* * * * *

112 STAT.
2681–919

Approved October 21, 1998.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



2. Pictured Rocks

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

110 STAT. 4105

* * * * *

**SEC. 203. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY
ADJUSTMENT.**110 STAT. 4106
16 USC 460s–14.The boundary of Pictured Rocks National Lakeshore is hereby
modified as depicted on the map entitled “Area Proposed for Addi-
tion to Pictured Rocks National Lakeshore”, numbered 625–
80,043A, and dated July 1992.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



112 STAT. 3395

PUBLIC LAW 105–378—NOV. 12, 1998

Public Law 105–378
105th Congress

An Act

Nov. 12, 1998
[S. 1408]

To establish the Lower East Side Tenement National Historic Site, and for other purposes.

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

* * * * *

112 STAT. 3397

TITLE II—OTHER MATTERS

* * * * *

112 STAT. 3398

SEC. 202. PROVISION FOR ROADS IN PICTURED ROCKS NATIONAL LAKESHORE.

Section 6 of the Act of October 15, 1966, entitled “An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes” (16 U.S.C. 460s–5), is amended as follows:

(1) In subsection (b)(1) by striking “including a scenic shoreline drive” and inserting “including appropriate improvements to Alger County Road H–58”.

(2) By adding at the end the following new subsection:
“(c) PROHIBITION OF CERTAIN CONSTRUCTION.—A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.”.

Approved November 12, 1998.

LEGISLATIVE HISTORY—S. 1408:

SENATE REPORTS: No. 105–303 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.
Oct. 10, considered and passed House, amended.
Oct. 14, Senate concurred in House amendment.



XIII. NATIONAL RECREATION AREAS

1. Boston Harbor Islands

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE X—MISCELLANEOUS

110 STAT. 4204

* * * * *

Subtitle C—Additional Provisions

110 STAT. 4210

* * * * *

SEC. 1029. BOSTON HARBOR ISLANDS RECREATION AREA.

110 STAT. 4232
Massachusetts.
16 USC 460kkk.

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

(1) to preserve for public use and enjoyment the lands and waters that comprise the Boston Harbor Islands National Recreation Area;

(2) to manage the recreation area in partnership with the private sector, the Commonwealth of Massachusetts, municipalities surrounding Massachusetts and Cape Cod Bays, the Thompson Island Outward Bound Education Center, and Trustees of Reservations, and with historical, business, cultural, civic, recreational and tourism organizations;

(3) to improve access to the Boston Harbor Islands through the use of public water transportation; and

(4) to provide education and visitor information programs to increase public understanding of and appreciation for the natural and cultural resources of the Boston Harbor Islands, including the history of Native American use and involvement.

110 STAT. 4233

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

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

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

(c) BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.—

(1) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national recreation area certain lands located in Massachusetts Bay, there is established as a unit of the National Park System the Boston Harbor Islands National Recreation Area.

(2) BOUNDARIES.—(A) The recreation area shall be comprised of the lands, waters, and submerged lands generally depicted on the map entitled “Proposed Boston Harbor Islands NRA”, numbered BOHA 80,002, and dated September 1996. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. After advising the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(B) The recreation area shall include the following:

(i) The areas depicted on the map reference in subparagraph (A).

(ii) Landside points required for access, visitor services, and administration in the city of Boston along its Harborwalk and at Long Wharf, Fan Pier, John F. Kennedy Library, and the Custom House; Charlestown Navy Yard; Old Northern Avenue Bridge; the city of Quincy at Squantum Point/Marina Bay, the Fore River Shipyard, and Town River; the Town of Hingham at Hewitt’s Cove; the Town of Hull; the city of Salem at Salem National Historic Site; and the city of Lynn at the Heritage State Park.

(d) ADMINISTRATION OF RECREATION AREA.—

(1) IN GENERAL.—The recreation area shall be administered in partnership by the Secretary, the Commonwealth of Massachusetts, City of Boston and its applicable subdivisions and others in accordance 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, 2, 3, and 4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467) as amended and supplemented and in accordance with the integrated management plan specified in subsection (f).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section shall be construed to diminish, enlarge, or modify any right of the Commonwealth of Massachusetts or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State laws, rules, and regulations within the recreation area, including those relating to fish and wildlife, or to tax persons, corporations, franchises, or private property on the lands and waters included in the recreation area.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with the Commonwealth of Massachusetts or its political subdivisions to acquire from and provide to the Commonwealth or its political subdivisions goods and services to be used in the cooperative management of lands within the recreation area, if the Secretary determines that appropriations for that purpose are available and the agreement is in the best interest of the United States.

(4) CONSTRUCTION OF FACILITIES ON NON-FEDERAL LANDS.—In order to facilitate the administration of the recreation area, the Secretary is authorized, subject to the appropriation of necessary funds in advance, to construct essential administrative or visitor use facilities on non-Federal public lands within

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4234

the recreation area. Such facilities and the use thereof shall be in conformance with applicable plans

(5) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept and use donated funds, property, and services to carry out this section.

(6) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.—With respect to the recreation area, the present and future maintenance, operation, improvement and use of Boston-Logan International Airport and associated flight patterns from time to time in effect shall not be deemed to constitute the use of publicly owned land of a public park, recreation area, or other resource within the meaning of section 303(c) of title 49, United States Code, and shall not be deemed to have a significant effect on natural, scenic, and recreation assets within the meaning of section 47101(h)(2) of title 49, United States Code.

(7) MANAGEMENT IN ACCORDANCE WITH INTEGRATED MANAGEMENT PLAN.—The Secretary shall preserve, interpret, manage, and provide educational and recreational uses for the recreation area, in consultation with the owners and managers of lands in the recreation area, in accordance with the integrated management plan.

(e) BOSTON HARBOR ISLANDS PARTNERSHIP ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is hereby established the Boston Harbor Islands Partnership whose purpose shall be to coordinate the activities of Federal, State, and local authorities and the private sector in the development and implementation of an integrated resource management plan for the recreation area.

(2) MEMBERSHIP.—The Partnership shall be composed of 13 members, as follows:

(A) One individual, appointed by the Secretary, to represent the National Park Service.

(B) One individual, appointed by the Secretary of Transportation, to represent the United States Coast Guard.

(C) Two individuals, appointed by the Secretary, after consideration of recommendations by the Governor of Massachusetts, to represent the Department of Environmental Management and the Metropolitan District Commission.

(D) One individual, appointed by the Secretary, after consideration of recommendations by the Chair, to represent the Massachusetts Port Authority.

(E) One individual, appointed by the Secretary, after consideration of recommendations by the Chair, to represent the Massachusetts Water Resources Authority.

(F) One individual, appointed by the Secretary, after consideration of recommendations by the Mayor of Boston, to represent the Office of Environmental Services of the City of Boston.

(G) One individual, appointed by the Secretary, after consideration of recommendations by the Chair, to represent the Boston Redevelopment Authority.

(H) One individual, appointed by the Secretary, after consideration of recommendations of the President of the

110 STAT. 4235

Thompson Island Outward Bound Education Center, to represent the Center.

(I) One individual, appointed by the Secretary, after consideration of recommendations of the Chair, to represent the Trustees of Reservations.

(J) One individual, appointed by the Secretary, after consideration of recommendations of the President of the Island Alliance, to represent the Alliance, a nonprofit organization whose sole purpose is to provide financial support for the Boston Harbor Islands National Recreation Area.

(K) Two individuals, appointed by the Secretary, to represent the Boston Harbor Islands Advisory Council, established in subsection (g).

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

(B) The Secretary shall appoint the first members of the Partnership within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsections (b) (3), (4), (5), (6), (7), (8), (9), and (10).

(C) A member may serve after the expiration of his or her term until a successor has been appointed.

(4) COMPENSATION.—Members of the Partnership shall serve without pay, but while away from their homes or regular places of business in the performance of services for the Partnership, members 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.

(5) ELECTION OF OFFICERS.—The Partnership shall elect one of its members as Chairperson and one as Vice Chairperson. The term of office of the Chairperson and Vice Chairperson shall be one year. The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(6) VACANCY.—Any vacancy on the Partnership shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—The Partnership shall meet at the call of the Chairperson or a majority of its members.

(8) QUORUM.—A majority of the Partnership shall constitute a quorum.

(9) STAFF OF THE PARTNERSHIP.—The Secretary shall provide the Partnership with such staff and technical assistance as the Secretary, after consultation with the Partnership, considers appropriate to enable the Partnership to carry out its duties. The Secretary may accept the services of personnel detailed from the Commonwealth of Massachusetts, any political subdivision of the Commonwealth or any entity represented on the Partnership.

(10) HEARINGS.—The Partnership may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership may deem appropriate.

(11) DONATIONS.—Notwithstanding any other provision of law, the Partnership may seek and accept donations of

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4236

funds, property, or services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out this section.

(12) USE OF FUNDS TO OBTAIN MONEY.—The Partnership 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.

(13) MAILS.—The Partnership may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(14) OBTAINING PROPERTY.—The Partnership 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 Partnership may not acquire any real property or interest in real property.

(15) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan described in subsection (f), the Partnership may enter into cooperative agreements with the Commonwealth of Massachusetts, any political subdivision thereof, or with any organization or person.

(f) INTEGRATED RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three years after the date of enactment of this Act, the Partnership shall submit to the Secretary a management plan for the recreation area to be developed and implemented by the Partnership.

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

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

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

(ii) A program for the coordination and consolidation, to the extent feasible, of activities that may be carried out by Federal, State, and local agencies having jurisdiction over land and waters within the recreation area, including planning and regulatory responsibilities.

(B) Policies and programs for the following purposes:

(i) Enhancing public outdoor recreational opportunities in the recreation area.

(ii) Conserving, protecting, and maintaining the scenic, historical, cultural, natural and scientific values of the islands.

(iii) Developing educational opportunities in the recreation area.

(iv) Enhancing public access to the Islands, including development of transportation networks.

(v) Identifying potential sources of revenue from programs or activities carried out within the recreation area.

110 STAT. 4237

(vi) Protecting and preserving Native American burial grounds connected with the King Philip's War internment period and other periods.

(C) A policy statement that recognizes existing economic activities within the recreation area.

(3) DEVELOPMENT OF PLAN.—In developing the plan, the Partnership shall—

(A) 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 recreation area;

(B) consult with interested conservation, business, professional, and citizen organizations; and

(C) conduct public hearings or meetings for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the plan.

(4) APPROVAL OF PLAN.—(A) The Partnership shall submit the plan to the Governor of Massachusetts for review. The Governor shall have 90 days to review and make any recommendations. After considering the Governor's recommendations, the Partnership shall submit the plan to the Secretary, who shall approve or disapprove the plan within 90 days. In reviewing the plan the Secretary shall consider each of the following:

(i) The adequacy of public participation.

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

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

(B) If the Secretary disapproves the plan, the Secretary shall within 60 days after the date of such disapproval, advise the Partnership in writing of the reasons therefore, together with recommendations for revision. Within 90 days of receipt of such notice of disapproval, the Partnership shall revise and resubmit the plan to the Secretary who shall approve or disapprove the revision within 60 days.

(5) INTERIM PROGRAM.—Prior to adoption of the Partnership's plan, the Secretary and the Partnership shall assist the owners and managers of lands and waters within the recreation area to ensure that existing programs, services, and activities that promote the purposes of this section are supported.

(g) BOSTON HARBOR ISLANDS ADVISORY COUNCIL.—

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4238

such committee shall not be limited to members of the Advisory Council.

(2) MEMBERSHIP.—The Advisory Council shall consist of not fewer than 18 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service. The Secretary shall appoint no fewer than three individuals to represent each of the following categories of entities: municipalities; educational and cultural institutions; environmental organizations; business and commercial entities, including those related to transportation, tourism and the maritime industry; and Boston Harbor-related advocacy organizations; and organizations representing Native American interests.

(3) PROCEDURES.—Each meeting of the Advisory Council and its committees shall be open to the public.

(4) FACA.—The provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), are hereby waived with respect to the Advisory Council.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section, provided that no funds may be appropriated for land acquisition.

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

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



112 STAT. 3247

PUBLIC LAW 105–355—NOV. 6, 1998

Public Law 105–355
105th Congress

An Act

Nov. 6, 1998
[H.R. 3910]

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

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

* * * * *

112 STAT. 3261

TITLE V—OTHER MATTERS

* * * * *

112 STAT. 3266

**SEC. 513. LAND ACQUISITION, BOSTON HARBOR ISLANDS RECREATION
AREA.**

Section 1029(c) of division I of the Omnibus Parks and Public
Lands Management Act of 1996 (Public Law 104–333; 110 Stat.
4233; 16 U.S.C. 460kkk(c)) is amended by adding at the end the
following new paragraph:

112 STAT. 3267

“(3) LAND ACQUISITION.—Notwithstanding subsection (h),
the Secretary is authorized to acquire, in partnership with
other entities, a less than fee interest in lands at Thompson
Island within the recreation area. The Secretary may acquire
the lands only by donation, purchase with donated or appro-
priated funds, or by exchange.”.

Approved November 6, 1998.

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



2. Delaware Water Gap

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE VII—FEES

110 STAT. 4182

* * * * *

SEC. 702. DELAWARE WATER GAP.

110 STAT. 4185

(a) **IN GENERAL.**—Effective at noon on September 30, 2005,
the use of Highway 209 within Delaware Water Gap National
Recreation Area by commercial vehicles, when such use is not
connected with the operation of the recreation area, is prohibited,
except as provided in subsection (b).

Effective date.

(b) **LOCAL BUSINESS USE PROTECTED.**—Subsection (a) does not
apply with respect to the use of commercial vehicles to serve
businesses located within or in the vicinity of the recreation area,
as determined by the Secretary.(c) **CONFORMING PROVISIONS.**—(1) Paragraphs (1) through (3) of the third undesignated
paragraph under the heading “ADMINISTRATIVE PROVI-
SIONS” in chapter VII of title I of Public Law 98–63 (97
Stat. 329) are repealed, effective September 30, 2005.(2) Prior to noon on September 30, 2005, the Secretary
shall collect and utilize a commercial use fee from commercial
vehicles in accordance with paragraphs (1) through (3) of such
third undesignated paragraph. Such fee shall not exceed \$25
per trip.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.

112 STAT. 2681

PUBLIC LAW 105-277—OCT. 21, 1998

***Public Law 105-277**
105th Congress

An Act

Oct. 21, 1998
 [H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

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

Omnibus
 Consolidated and
 Emergency
 Supplemental
 Appropriations
 Act, 1999.

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
 SEC. 101.

* * * * *

112 STAT.
 2681-231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
 2681-232
 Department of
 the Interior and
 Related Agencies
 Appropriations
 Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681-252

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681-257
 16 USC 460o
 note.

SEC. 118. The 37 mile River Valley Trail from the town of Delaware Gap to the edge of the town of Milford, Pennsylvania located within the Delaware Water Gap National Recreation Area shall hereafter be referred to in any law, regulation, document, or record of the United States as the Joseph M. McDade Recreational Trail.

* * * * *

112 STAT.
 2681-919

Approved October 21, 1998.

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105-648 (Comm. on Appropriations) and 105-825 (Comm. of Conference).

SENATE REPORTS: No. 105-249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress

An Act

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

Nov. 6, 1998
[H.R. 3910]

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

* * * * *

TITLE V—OTHER MATTERS

112 STAT. 3261

* * * * *

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

112 STAT. 3264

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

* * * * *

Approved November 6, 1998.

112 STAT. 3267

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



3. Gauley River

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333 104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4145

TITLE IV—RIVERS AND TRAILS

* * * * *

110 STAT. 4149

SEC. 406. WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996.

* * * * *

110 STAT. 4150
16 USC
460m–29a.

(b) VISITOR CENTER.—The Secretary of the Interior is authorized to construct a visitor center and such other related facilities as may be deemed necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New and Gauley Rivers. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

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

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

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

“(4) ACCESS TO RIVER.—(A) In order to facilitate public safety, use, and enjoyment of the recreation area, and to protect, to the maximum extent feasible, the scenic and natural resources of the area, the Secretary is authorized and directed to acquire such lands or interests in lands and to take such actions as are necessary to provide access by noncommercial entities on the north side of the Gauley River at the area known as Woods Ferry utilizing existing roads and rights-

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4150

of-way. Such actions by the Secretary shall include the construction of parking and related facilities in the vicinity of Woods Ferry for noncommercial use on lands acquired pursuant to paragraph (3) or on lands acquired with the consent of the owner thereof within the boundaries of the recreation area.

110 STAT. 4151

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

“(C) Nothing in subparagraph (A) shall affect the rights of any person to continue to utilize, pursuant to a lease in effect on April 1, 1993, any right of way acquired pursuant to such lease which authorizes such person to use an existing road referred to in subparagraph (A). Except as provided under paragraph (2) relating to access immediately downstream of the Summersville project, until there is compliance with this paragraph the Secretary is prohibited from acquiring or developing any other river access points within the recreation area.”.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



4. Golden Gate

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333 104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

TITLE I—THE PRESIDIO OF SAN FRANCISCO

16 USC 460bb
note.

SEC. 101. FINDINGS.

The Congress finds that—

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

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

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

(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92–589;

(5) as part of the Golden Gate National Recreation Area, the Presidio’s significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

(6) removal and/or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

(7) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

16 USC 460bb
note.

SEC. 102. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR.

(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this title referred to as the “Secretary”) is authorized to manage leases in existence on the date of this Act for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4097

6 months after the first meeting of the Presidio Trust. The Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this title, however, the Secretary is authorized to enter into agreements for use and occupancy of the Presidio properties which are assignable to the Trust and are terminable with 30 days notice. Prior to the transfer of administrative jurisdiction over any property to the Presidio Trust, and notwithstanding section 1341 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. The Secretary may adjust the rental charge on any such lease for any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties and infrastructure within the Presidio.

110 STAT. 4098

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

(c) **OTHER.**—Those lands and facilities within the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all portions of the Presidio. Any infrastructure and building improvement projects that were funded prior to the enactment of this Act shall be completed by the National Park Service.

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

(2) Any career employee of the National Park Service employed at the Presidio on the date of enactment of this title shall be given priority placement for any available position within the National Park System notwithstanding any priority reemployment lists, directives, rules, regulations or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.

SEC. 103. ESTABLISHMENT OF THE PRESIDIO TRUST.16 USC 460bb
note.

(a) **ESTABLISHMENT.**—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this title referred to as the “Trust”).

(b) **TRANSFER.**—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as Area B on the map entitled “Presidio Trust Number 1”, dated December 7, 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Secretary shall transfer to the Trust administrative jurisdiction over all remaining parcels within Area B. Such map shall be on file and available for public inspection in the offices of the Trust

110 STAT. 4098

PUBLIC LAW 104-333—NOV. 12, 1996

Federal buildings
and facilities.

110 STAT. 4099

and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. The Secretary shall retain jurisdiction over those portions of the building identified as number 102 as the Secretary deems essential for use as a visitor center. The Building shall be named the "William Penn Mott Visitor Center". Any parcel of land, the jurisdiction over which is transferred pursuant to this subsection, shall remain within the boundary of the Golden Gate National Recreation Area. With the consent of the Secretary, the Trust may at any time transfer to the administrative jurisdiction of the Secretary any other properties within the Presidio which are surplus to the needs of the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary open space areas which have high public use potential and are contiguous to other lands administrated by the Secretary.

(2) Within 60 days after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively which records, equipment, and other personal property are deemed to be necessary for the immediate administration of the properties to be transferred, and the Secretary shall immediately transfer such personal property to the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively what, if any, additional records, equipment, and other personal property used by the Secretary in the administration of the properties to be transferred should be transferred to the Trust.

(3) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, the unobligated balance of all funds appropriated to the Secretary, all leases, concessions, licenses, permits, and other agreements affecting such property.

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

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the "Board") consisting of the following 7 members:

(A) The Secretary of the Interior or the Secretary's designee.

President.

(B) 6 individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate development, and resource conservation. At least one of these individuals shall be a veteran of the Armed Services. At least 3 of these individuals shall reside in the San Francisco Bay Area. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act and shall ensure that the fields of city planning, finance, real estate development, and resource conservation are adequately represented. Upon establishment of the Trust, the Chairman of the Board of Directors of the Trust shall meet with the Chairman of the Energy and Natural

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4099

Resources Committee of the United States Senate and the Chairman of the Resources Committee of the United States House of Representatives.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 3 shall serve for a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

110 STAT. 4100

(3) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

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

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

(6) MEETINGS.—The Board shall meet at least three times per year in San Francisco and at least two of those meetings shall be open to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues. The Board may establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

Procedures.
Public
information.

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

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

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of California, and its political subdivisions, including the City and County of San Francisco.

(10) GOVERNMENT CORPORATION.—(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred

110 STAT. 4100

PUBLIC LAW 104-333—NOV. 12, 1996

to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

Reports.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

110 STAT. 4101

16 USC 460bb
note.

SEC. 104. DUTIES AND AUTHORITIES OF THE TRUST.

(a) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with the purposes set forth in section 1 of the Act entitled “An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes”, approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), and in accordance with the general objectives of the General Management Plan (hereinafter referred to as the “management plan”) approved for the Presidio.

Procedures.
Contracts.

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

Procedures.
Contracts.

(c) MANAGEMENT PROGRAM.—The Trust shall develop a comprehensive program for management of those lands and facilities within the Presidio which are transferred to the administrative jurisdiction of the Trust. Such program shall be designed to reduce expenditures by the National Park Service and increase revenues to the Federal Government to the maximum extent possible. In

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4101

carrying out this program, the Trust shall be treated as a successor in interest to the National Park Service with respect to compliance with the National Environmental Policy Act and other environmental compliance statutes. Such program shall consist of—

(1) demolition of structures which in the opinion of the Trust, cannot be cost-effectively rehabilitated, and which are identified in the management plan for demolition,

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

110 STAT. 4102

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

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

The Trust shall consult with the Secretary in the preparation of this program.

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

(1) The authority to guarantee any lender against loss of principal or interest on any loan: *Provided, That—*

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

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

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

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

(3) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established and only to the extent authorized in advance in appropriations acts. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. Obligations issued under this subparagraph shall be in such forms

110 STAT. 4102

PUBLIC LAW 104-333—NOV. 12, 1996

and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

110 STAT. 4103

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

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

(f) PUBLIC AGENCY.—The Trust shall be deemed to be a public agency for purposes of entering into joint exercise of powers agreements pursuant to California government code section 6500 and related provisions of that Code.

(g) PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

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

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

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4103

(k) **DIRECT NEGOTIATIONS.**—For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

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

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

110 STAT. 4104

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

(o) **REVERSION.**—If, at the expiration of 15 years, the Trust has not accomplished the goals and objectives of the plan required in section 105(b) of this title, then all property under the administrative jurisdiction of the Trust pursuant to section 103(b) of this title shall be transferred to the Administrator of the General Services Administration to be disposed of in accordance with the procedures outlined in the Defense Authorization Act of 1990 (104 Stat. 1809), and any real property so transferred shall be deleted from the boundary of the Golden Gate National Recreation Area. In the event of such transfer, the terms and conditions of all agreements and loans regarding such lands and facilities entered into by the Trust shall be binding on any successor in interest.

SEC. 105. LIMITATIONS ON FUNDING.16 USC 460bb
note.

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

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

(b) Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing federally appropriated funding that will achieve, at a minimum, self-sufficiency for the Trust within 15 complete fiscal years after such meeting of the Trust. No further funds shall be authorized for the Trust 15 years after the first meeting of the Board of Directors of the Trust.

110 STAT. 4104

PUBLIC LAW 104-333—NOV. 12, 1996

(c) The Administrator of the General Services Administration shall provide necessary assistance, including detailees as necessary, to the Trust in the formulation and submission of the annual budget request for the administration, operation, and maintenance of the Presidio.

16 USC 460bb
note.

SEC. 106. GENERAL ACCOUNTING OFFICE STUDY.

110 STAT. 4105

(a) Three years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this title.

(b) In consultation with the Trust, the General Accounting Office shall develop an interim schedule and plan to reduce and replace the Federal appropriations to the extent practicable for interpretive services conducted by the National Park Service, and law enforcement activities and services, fire and public safety programs conducted by the Trust.

(c) Seven years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct a comprehensive study of the activities of the Trust, including the Trust's progress in meeting its obligations under this title, taking into consideration the results of the study described in subsection (a) and the implementation of plan and schedule required in subsection (b). The General Accounting Office shall report the results of the study, including any adjustments to the plan and schedule, to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



5. Lake Chelan

PUBLIC LAW 104–134—APR. 26, 1996

110 STAT. 1321

* Public Law 104–134
104th Congress

An Act

Making appropriations for fiscal year 1996 to make a further downpayment toward
a balanced budget, and for other purposes.

Apr. 26, 1996
[H.R. 3019]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*
SECTION 101.

* * * * *

(c) For programs, projects or activities in the Department of
the Interior and Related Agencies Appropriations Act, 1996, pro-
vided as follows, to be effective as if it had been enacted into
law as the regular appropriations Act:

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.
110 STAT.
1321–156

AN ACT

Making appropriations for the Department of the Interior and
related agencies for the fiscal year ending September 30, 1996,
and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1996.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

SEC. 117. Notwithstanding Public Law 90–544, as amended,
the National Park Service is authorized to expend appropriated
funds for maintenance and repair of the Company Creek Road
in the Lake Chelan National Recreation Area: *Provided*, That appro-
priated funds shall not be expended for the purpose of improving
the property of private individuals unless specifically authorized
by law.

110 STAT.
1321–175

110 STAT.
1321–178

* * * * *

Approved April 26, 1996.

110 STAT.
1321–381

*Note: This is a typeset print of the original hand enrollment as signed by the President on
April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible
text in the original.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104–537 (Comm. of Conference).

SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropria-
tions).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.

112 STAT. 1562

PUBLIC LAW 105-238—SEPT. 23, 1998

Public Law 105-238
105th Congress

An Act

Sept. 23, 1998
[S. 1683]

To transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

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

16 USC 90a-1
note.

SECTION 1. BOUNDARY ADJUSTMENTS, LAKE CHELAN NATIONAL RECREATION AREA AND WENATCHEE NATIONAL FOREST, WASHINGTON.

(a) BOUNDARY ADJUSTMENTS.—

(1) LAKE CHELAN NATIONAL RECREATION AREA.—The boundary of the Lake Chelan National Recreation Area, established by section 202 of Public Law 90-544 (16 U.S.C. 90a-1), is hereby adjusted to exclude a parcel of land and waters consisting of approximately 88 acres, as depicted on the map entitled “Proposed Management Units, North Cascades, Washington”, numbered NP-CAS-7002A, originally dated October 1967, and revised July 13, 1994.

(2) WENATCHEE NATIONAL FOREST.—The boundary of the Wenatchee National Forest is hereby adjusted to include the parcel of land and waters described in paragraph (1).

(3) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the superintendent of the Lake Chelan National Recreation Area and the Director of the National Park Service, Department of the Interior, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over Federal land and waters in the parcel covered by the boundary adjustments in subsection (a) is transferred from the Secretary of the Interior to the Secretary of Agriculture, and the transferred land and waters shall be managed by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

112 STAT. 1563

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the Wenatchee National Forest, as adjusted by subsection (a), shall be considered to be the boundaries of the Wenatchee National Forest as of January 1, 1965.

Approved September 23, 1998.

LEGISLATIVE HISTORY—S. 1683:

SENATE REPORTS: No. 105-228 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):
July 17, considered and passed Senate.
Sept. 9, considered and passed House.



PUBLIC LAW 105-277—OCT. 21, 1998

112 STAT. 2681

***Public Law 105-277**
105th Congress

An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Oct. 21, 1998

[H.R. 4328]

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

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
 SEC. 101.

Omnibus
Consolidated and
Emergency
Supplemental
Appropriations
Act, 1999.

* * * * *

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
2681-231

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

112 STAT.
2681-232
Department of
the Interior and
Related Agencies
Appropriations
Act, 1999.

* * * * *

TITLE III—GENERAL PROVISIONS

112 STAT.
2681-286

* * * * *

SEC. 342. (a) BOUNDARY ADJUSTMENTS.—

(1) LAKE CHELAN NATIONAL RECREATION AREA.—The boundary of the Lake Chelan National Recreation Area, established by section 202 of Public Law 90-544 (16 U.S.C. 90a-1), is hereby adjusted to exclude a parcel of land and waters consisting of approximately 88 acres, as depicted on the map entitled “Proposed Management Units, North Cascades, Washington”, numbered NP-CAS-7002A, originally dated October 1967, and revised July 13, 1994.

112 STAT.
2681-296
16 USC 90a-1
note.

(2) WENATCHEE NATIONAL FOREST.—The boundary of the Wenatchee National Forest is hereby adjusted to include the parcel of land and waters described in paragraph (1).

112 STAT.
2681-297

(3) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the superintendent of the Lake Chelan National Recreation Area and the Director of the National Park Service, Department of the Interior, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over Federal land and waters in the parcel covered by the boundary adjustments in subsection (a) is transferred from the Secretary of the Interior to the Secretary of Agriculture, and

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

112 STAT. 2681–297 PUBLIC LAW 105–277—OCT. 21, 1998

the transferred land and waters shall be managed by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Wenatchee National Forest, as adjusted by subsection (a), shall be considered to be the boundaries of the Wenatchee National Forest as of January 1, 1965.

* * * * *

112 STAT.
2681–919

Approved October 21, 1998.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



6. Santa Monica Mountains

PUBLIC LAW 105–277—OCT. 21, 1998

112 STAT. 2681

*Public Law 105–277
105th Congress

An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Oct. 21, 1998
[H.R. 4328]

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

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

* * * * *

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
2681–231

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

112 STAT.
2681–232
Department of
the Interior and
Related Agencies
Appropriations
Act, 1999.
112 STAT.
2681–252
112 STAT.
2681–267
16 USC 460kkk
note.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

SEC. 145. The principal visitor center for the Santa Monica Mountains National Recreation Area, regardless of location, shall be named for Anthony C. Beilenson and shall be referred to in any law, document or record of the United States as the “Anthony C. Beilenson Visitor Center”.

* * * * *

Approved October 21, 1998.

112 STAT.
2681–919

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



XIV. NATIONAL RIVERS

1. New River Gorge

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE IV—RIVERS AND TRAILS

110 STAT. 4145

* * * * *

SEC. 406. WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996.

110 STAT. 4149

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

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

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

110 STAT. 4150

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

“SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.

16 USC
460m–30.

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

“(b) REMNANT LANDS.—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as

110 STAT. 4150

PUBLIC LAW 104-333—NOV. 12, 1996

16 USC
460m-29a.

such provisions apply to tracts of land only partially within the Gauley River National Recreation Area.”.

(b) VISITOR CENTER.—The Secretary of the Interior is authorized to construct a visitor center and such other related facilities as may be deemed necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New and Gauley Rivers. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



2. Ozark National Scenic Riverways

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 803. FERAL BURROS AND HORSES.

* * * * *

(b) OZARK NATIONAL SCENIC RIVERWAYS.—Section 7 of the Act
entitled “An Act to provide for the establishment of the Ozark
National Scenic Riverways in the State of Missouri, and for other
purposes”, approved August 27, 1964 (16 U.S.C. 460m-6), is
amended to read as follows:“SEC. 7. (a) The Secretary, in accordance with this section,
shall allow free-roaming horses in the Ozark National Scenic
Riverways. Within 180 days after enactment of this section, the
Secretary shall enter into an agreement with the Missouri Wild
Horse League or another qualified nonprofit entity to provide for
management of free-roaming horses. The agreement shall provide
for cost-effective management of the horses and limit Federal
expenditures to the costs of monitoring the agreement. The Sec-
retary shall issue permits for adequate pastures to accommodate
the historic population level of the free-roaming horse herd, which
shall be not less than the number of horses in existence on the
date of the enactment of this section nor more than 50.

Contracts.

“ (b) The Secretary may not remove, or assist in, or permit
the removal of any free-roaming horses from Federal lands within
the boundary of the Ozark National Scenic Riverways unless—

110 STAT. 4187

“ (1) the entity with whom the Secretary has entered into
the agreement under subsection (a), following notice and a
90-day response period, substantially fails to meet the terms
and conditions of the agreement;

“ (2) the number of free-roaming horses exceeds 50; or

“ (3) in the case of an emergency or to protect public health
and safety, as defined in the agreement.“ (c) Nothing in this section shall be construed as creating
liability for the United States for any damages caused by the

110 STAT. 4187

PUBLIC LAW 104-333—NOV. 12, 1996

free-roaming horses to property located inside or outside the boundaries of the Ozark National Scenic Riverways.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



XV. NATIONAL CAPITOL PARKS

1. Black Revolutionary War Patriots Memorial

PUBLIC LAW 104–329—OCT. 20, 1996

110 STAT. 4005

Public Law 104–329
104th Congress

An Act

To establish United States commemorative coin programs, and for other purposes.

Oct. 20, 1996
[H.R. 1776]

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

United States
Commemorative
Coin Act of 1996.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “United States
Commemorative Coin Act of 1996”.

31 USC 5101
note.

(b) TABLE OF CONTENTS.—The table of contents for this Act
is as follows:

* * * * *

SEC. 2. DEFINITIONS.

31 USC 5112
note.

For purposes of this Act—

(1) the term “Fund” means the National Law Enforcement
Officers Memorial Maintenance Fund established under section
201;

(2) the term “recipient organization” means an organization
described in section 101 to which surcharges received by the
Secretary from the sale of coins issued under this Act are
paid; and

(3) the term “Secretary” means the Secretary of the
Treasury.

TITLE I—COMMEMORATIVE COIN PROGRAMS

110 STAT. 4006
31 USC 5112
note.

SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens
Commemorative Coin Advisory Committee, the Secretary shall mint
and issue the following coins:

* * * * *

(3) BLACK REVOLUTIONARY WAR PATRIOTS.—

110 STAT. 4007

(A) IN GENERAL.—In commemoration of Black Revolu-
tionary War patriots and the 275th anniversary of the
birth of the first Black Revolutionary War patriot, Crispus
Attucks, who was the first American colonist killed by
British troops during the Revolutionary period, the
Secretary shall mint and issue not more than 500,000
\$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent
copper.

(B) DESIGN OF COINS.—The design of the coins minted
under this paragraph—

110 STAT. 4007

PUBLIC LAW 104-329—OCT. 20, 1996

(i) on the obverse side of the coins, shall be emblematic of the first Black Revolutionary War patriot, Crispus Attucks; and

(ii) on the reverse side of such coins, shall be emblematic of the Black Revolutionary War Patriots Memorial.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on January 1, 1998, and ending on December 31, 1998.

(E) SURCHARGES.—All sales of coins issued under this paragraph shall include a surcharge of \$10 per coin.

110 STAT. 4008

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of establishing an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

* * * * *

101 STAT. 4010

SEC. 102. DESIGN.

(a) SELECTION.—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin issued under this paragraph there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

SEC. 103. LEGAL TENDER.

(a) LEGAL TENDER.—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 104. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

PUBLIC LAW 104-329—OCT. 20, 1996

110 STAT. 4010

SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

SEC. 106. SALE OF COINS.

(a) **SALE PRICE.**—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coin;
- (2) the surcharge provided in section 101 with respect to the coin; and
- (3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

110 STAT. 4011

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

SEC. 108. FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) **PAYMENT FOR COINS.**—A coin shall not be issued under this title unless the Secretary has received—

- (1) full payment for the coin;
- (2) security satisfactory to the Secretary to indemnify the United States for full payment; or
- (3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

* * * * *

Approved October 20, 1996.

110 STAT. 4015

LEGISLATIVE HISTORY—H.R. 1776:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 17, considered and passed House.

Oct. 3, considered and passed Senate, amended.

Oct. 4, House concurred in Senate amendments.



2. John F. Kennedy Center for the Performing Arts

111 STAT. 2148

PUBLIC LAW 105–95—NOV. 19, 1997

Public Law 105–95 105th Congress

An Act

Nov. 19, 1997
[H.R. 1747]

To amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

John F. Kennedy
Center Parking
Improvement Act
of 1997.
20 USC 76h 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 “John F. Kennedy Center Parking Improvement Act of 1997”.

SEC. 2. PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.

Section 3 of the John F. Kennedy Center Act (20 U.S.C. 76i) is amended—

(1) by striking the section heading and all that follows through “The Board” and inserting the following:

“SEC. 3. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

“(a) IN GENERAL.—The Board”; and

(2) by adding at the end the following:

“(b) PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.—

“(1) IN GENERAL.—Substantially in accordance with the plan entitled ‘Site Master Plan—Drawing Number 1997–2 April 29, 1997,’ and map number NCR 844/82571, the Board may design and construct—

“(A) an addition to the parking garage at each of the north and south ends of the John F. Kennedy Center for the Performing Arts; and

“(B) site improvements and modifications.

“(2) AVAILABILITY.—The plan shall be on file and available for public inspection in the office of the Secretary of the Center.

“(3) LIMITATION ON USE OF APPROPRIATED FUNDS.—No appropriated funds may be used to pay the costs (including the repayment of obligations incurred to finance costs) of—

“(A) the design and construction of an addition to the parking garage authorized under paragraph (1)(A);

“(B) the design and construction of site improvements and modifications authorized under paragraph (1)(B) that the Board specifically designates will be financed using sources other than appropriated funds; or

“(C) any project to acquire large screen format equipment for an interpretive theater, or to produce an interpretive film, that the Board specifically designates will be financed using sources other than appropriated funds.”.

PUBLIC LAW 105–95—NOV. 19, 1997

111 STAT. 2149

SEC. 3. PEDESTRIAN AND VEHICULAR ACCESS.

(a) DUTIES OF THE BOARD.—Section 4(a)(1) of the John F. Kennedy Center Act (20 U.S.C. 76j(a)(1)) is amended—

- (1) by striking “and” at the end of subparagraph (G);
- (2) by striking the period at the end of subparagraph (H) and inserting “; and”; and
- (3) by adding at the end the following:

“(I) ensure that safe and convenient access to the site of the John F. Kennedy Center for the Performing Arts is provided for pedestrians and vehicles.”.

(b) POWERS OF THE BOARD.—Section 5 of such Act (20 U.S.C. 76k) is amended by adding at the end the following:

“(g) PEDESTRIAN AND VEHICULAR ACCESS.—Subject to approval of the Secretary of the Interior under section 4(a)(2)(F), the Board shall develop plans and carry out projects to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.”.

SEC. 4. DEFINITION OF BUILDING AND SITE.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76s) and section 9(3) of the Act of October 24, 1951 (40 U.S.C. 193v), are each amended by inserting after “numbered 844/82563, and dated April 20, 1994” the following: “(as amended by the map entitled ‘Transfer of John F. Kennedy Center for the Performing Arts’, numbered 844/82563A and dated May 22, 1997)”.

Approved November 19, 1997.

LEGISLATIVE HISTORY—H.R. 1747 (S. 797):

HOUSE REPORTS: No. 105–130 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 105–30 accompanying S. 797 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 17, considered and passed House.

Nov. 7, considered and passed Senate.



3. National Law Enforcement Memorial

110 STAT. 4005

PUBLIC LAW 104–329—OCT. 20, 1996

Public Law 104–329
104th Congress

An Act

Oct. 20, 1996
[H.R. 1776]

To establish United States commemorative coin programs, and for other purposes.

United States
Commemorative
Coin Act of 1996.
31 USC 5101
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “United States Commemorative Coin Act of 1996”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

* * * * *

31 USC 5112
note.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term “Fund” means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term “recipient organization” means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term “Secretary” means the Secretary of the Treasury.

110 STAT. 4006
31 USC 5112
note.

TITLE I—COMMEMORATIVE COIN PROGRAMS

SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

* * * * *

110 STAT. 4008

(6) NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.—

(A) IN GENERAL.—To recognize the sacrifice of law enforcement officers and their families in preserving public safety, during a 1-year period beginning on or after December 15, 1997, the Secretary shall issue not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), after receiving surcharges from the sale of the coins issued under this paragraph, the Secretary

110 STAT. 4009

PUBLIC LAW 104–329—OCT. 20, 1996

110 STAT. 4009

shall transfer to the Secretary of the Interior an amount equal to the surcharges received from the sale of the coins issued under this paragraph, which amount shall be deposited in the Fund established under section 201.

* * * * *

SEC. 102. DESIGN.

101 STAT. 4010

(a) **SELECTION.**—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) **DESIGNATION AND INSCRIPTIONS.**—On each coin issued under this paragraph there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

SEC. 103. LEGAL TENDER.

(a) **LEGAL TENDER.**—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) **NUMISMATIC ITEMS.**—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 104. SOURCES OF BULLION.

(a) **GOLD.**—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) **SILVER.**—The Secretary shall obtain silver for minting coins under this title from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

SEC. 106. SALE OF COINS.

(a) **SALE PRICE.**—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 101 with respect to the coin; and

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **PREPAID ORDERS.**—

110 STAT. 4011

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

110 STAT. 4011

PUBLIC LAW 104-329—OCT. 20, 1996

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

SEC. 108. FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) **PAYMENT FOR COINS.**—A coin shall not be issued under this title unless the Secretary has received—

- (1) full payment for the coin;
- (2) security satisfactory to the Secretary to indemnify the United States for full payment; or
- (3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

* * * * *

110 STAT. 4015

Approved October 20, 1996.

LEGISLATIVE HISTORY—H.R. 1776:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 17, considered and passed House.

Oct. 3, considered and passed Senate, amended.

Oct. 4, House concurred in Senate amendments.



4. Oxen Cove Park

PUBLIC LAW 104–208—SEPT. 30, 1996

110 STAT. 3009

*Public Law 104–208
104th Congress

An Act

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Sept. 30, 1996
[H.R. 3610]

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

Omnibus
Consolidated
Appropriations
Act, 1997.

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101.

* * * * *

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

110 STAT.
3009–181

AN ACT

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1997.

* * * * *

TITLE III—GENERAL PROVISIONS

* * * * *

110 STAT.
3009–219

SEC. 323. (a) The Secretary of the Interior is authorized to accept title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and bordered generally by the Potomac River, Interstate 295 and the Woodrow Wilson Bridge, or any interest therein, and in exchange therefor may convey to the Corrections Corporation of America approximately 50 acres of land located in Oxon Cove Park in the District of Columbia and bordered generally by Oxon Cove, Interstate 295 and the District of Columbia Impound Lot, or any interest therein.

110 STAT.
3009–223

(b) Before proceeding with an exchange, the Secretary shall determine if the federal property is suitable for exchange under the criteria normally used by the National Park Service. The exchange shall comply with applicable regulations and National Park Service policies for land exchanges.

110 STAT.
3009–224

*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

110 STAT. 3009–224 PUBLIC LAW 104–208—SEPT. 30, 1996

(c)(1) The Secretary shall not acquire any lands under this section if the Secretary determines that the lands or any portion thereof have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 960l)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this section after their transfer to the ownership of any party, but nothing in this section shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party: *Provided*, That the Corrections Corporation of America shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 960l) and the Resource Conservation Recovery Act (42 U.S.C. 690l, et seq.).

(d) The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: *Provided*, That the Secretary shall order appraisals made of the fair market value for improvements thereon: *Provided further*, That any such cash payment received by the Secretary shall be deposited to "Miscellaneous Trust Funds, National Park Service" and shall be available without further appropriation until expended for the acquisition of land within the National Park System.

(e) Costs of conducting necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(f) Following any exchange authorized by this provision, the boundaries of Oxon Cove Park shall be expanded to include the land acquired by the United States.

* * * * *

110 STAT.
3009–749

Approved September 30, 1996.

LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm. on Conference).

SENATE REPORTS: No. 104–286 accompanying S. 1894 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 1

Public Law 105–83
105th Congress

An Act

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.

Nov. 14, 1997

[H.R. 2107]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

SEC. 135. (a) Notwithstanding any other provision of law, the Secretary of the Interior is directed to accept full title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and bordered generally by the Potomac River, Interstate 295 and the Woodrow Wilson Bridge, and in exchange therefor shall convey to the Corrections Corporation of America all of the interest of the United States in approximately 42 acres of land located in Oxon Cove Park in the District of Columbia, and bordered generally by Oxon Cove, Interstate 295 and the District of Columbia Impound Lot.

111 STAT. 30

(b) The Secretary shall not acquire any lands under this section if the Secretary determines that the lands or any portion thereof have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(c) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this section after their transfer to any party, but nothing in this section shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party: *Provided*, That the Corrections Corporation of America shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and the Resource Conservation Recovery Act (42 U.S.C. 9601 et seq.).

(d) The properties so exchanged shall be equal in fair market value or if they are not approximately equal, the Corrections Corporation of America shall equalize the values by the payment of cash to the Secretary and any such payments shall be deposited to credit of “Miscellaneous Trust Funds, National Park Service” and shall be available without further appropriation until expended for the acquisition of land within the National Park System. No equalization shall be required if the value of the property received by the Secretary is more than that transferred by the Secretary.

(e) Costs of conducting necessary land surveys, preparing the legal descriptions of the lands to be conveyed, appraisals, deeds, other necessary documents, and administrative costs shall be borne by the Corporation. The required appraisals shall be conducted in accordance with 43 CFR 2201.3–1, 2201.3–3, and 2201.3–4.

111 STAT. 30

PUBLIC LAW 105–83—NOV. 14, 1997

(f) Following any exchange authorized by this provision, the boundaries of the Park System of the Nation's Capital are hereby amended to reflect the property added to and deleted from that System.

* * * * *

111 STAT. 85

Approved November 14, 1997.

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm. of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



XVI. NATIONAL TRAILS SYSTEM

1. Great Western Scenic

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996

[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE IV—RIVERS AND TRAILS

110 STAT. 4145

* * * * *

SEC. 403. GREAT WESTERN SCENIC TRAIL.

110 STAT. 4148

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

“() The Great Western Scenic Trail, a system of trails to
accommodate a variety of travel users in a corridor of approximately
3,100 miles in length extending from the Arizona-Mexico border
to the Idaho-Montana-Canada border, following the approximate
route depicted on the map identified as ‘Great Western Trail Cor-
ridor, 1988’, which shall be on file and available for public inspection
in the Office of the Chief of the Forest Service, United States
Department of Agriculture. The trail study shall be conducted by
the Secretary of Agriculture, in consultation with the Secretary
of the Interior, in accordance with subsection (b) and shall include—

“(A) the current status of land ownership and current and
potential use along the designated route;

“(B) the estimated cost of acquisition of lands or interests
in lands, if any; and

“(C) an examination of the appropriateness of motorized
trail use along the trail.”.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



2. Lewis and Clark

112 STAT. 2681

PUBLIC LAW 105–277—OCT. 21, 1998

*Public Law 105–277
105th Congress

An Act

Oct. 21, 1998
[H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

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

Omnibus
Consolidated and
Emergency
Supplemental
Appropriations
Act, 1999.

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

* * * * *

112 STAT.
2681–584

DIVISION C—OTHER MATTERS**TITLE I—OTHER MATTERS**

* * * * *

112 STAT.
2681–592

SEC. 112. INCLUSION OF SPIRIT MOUND, SOUTH DAKOTA, ON THE LEWIS AND CLARK TRAIL. (a) ACQUISITION.—The Secretary of the Interior is authorized to acquire on a willing seller basis, at a cost of not to exceed \$600,000, the tract of land known as “Spirit Mound”, located on South Dakota Highway 19 near Vermilion, South Dakota.

(b) INCLUSION ON THE LEWIS AND CLARK TRAIL.—The tract described in subsection (a) shall be administered as part of the Lewis and Clark National Historic Trail.

* * * * *

112 STAT.
2681–919

Approved October 21, 1998.

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



3. Old Spanish

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE IV—RIVERS AND TRAILS

110 STAT. 4145

* * * * *

SEC. 402. OLD SPANISH TRAIL.

110 STAT. 4148

Section 5(c) of the National Trails System Act (16 U.S.C.
1244(c)) is amended by adding at the end the following new
paragraph:“() The Old Spanish Trail, beginning in Santa Fe, New
Mexico, proceeding through Colorado and Utah, and ending in
Los Angeles, California, and the Northern Branch of the Old Span-
ish Trail, beginning near Espanola, New Mexico, proceeding through
Colorado, and ending near Crescent Junction, Utah.”.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



4. Selma to Montgomery

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333 104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4153

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

SEC. 501. THE SELMA TO MONTGOMERY NATIONAL HISTORIC TRAIL.

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

110 STAT. 4154

“() The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled “Selma to Montgomery” and dated April 1993. Maps depicting the route 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 in accordance with this Act, including section 7(h). The Secretary of the Interior, acting through the National Park Service, which shall be the lead Federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



XVII. WILD AND SCENIC RIVERS

1. Bluestone

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE IV—RIVERS AND TRAILS

110 STAT. 4145

* * * * *

SEC. 406. WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996.

110 STAT. 4149

* * * * *

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

110 STAT. 4151

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

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

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



2. Columbia

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4145

TITLE IV—RIVERS AND TRAILS

* * * * *

110 STAT. 4148

SEC. 404. HANFORD REACH PRESERVATION.

Section 2 of Public Law 100–605 is amended as follows:

(1) By striking “**INTERIM**” in the section heading.(2) By striking “For a period of eight years after” and
inserting “After” in subsection (a).(3) By striking in subsection (b) “During the eight year
interim protection period, provided by this section, all” and
inserting “All”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



3. Lamprey

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE IV—RIVERS AND TRAILS

110 STAT. 4145

* * * * *

SEC. 405. LAMPREY WILD AND SCENIC RIVER.

110 STAT. 4149

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

(b) MANAGEMENT.—

16 USC 1274
note.(1) COMMITTEE.—The Secretary of the Interior shall coordi-
nate his management responsibilities under this Act with
respect to the segment designated by subsection (a) with the
Lamprey River Advisory Committee established pursuant to
New Hampshire RSA 483.(2) LAND MANAGEMENT.—The zoning ordinances duly
adopted by the towns of Durham, Lee, and Newmarket, New
Hampshire, including provisions for conservation of shorelands,
floodplains, and wetlands associated with the segment, shall
be deemed to satisfy the standards and requirements of section
6(c) of the Wild and Scenic Rivers Act, and the provisions
of that section, which prohibit Federal acquisition of lands
by condemnation, shall apply to the segment designated by

110 STAT. 4149

PUBLIC LAW 104-333—NOV. 12, 1996

subsection (a). The authority of the Secretary to acquire lands for the purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Lamprey River Management Plan.

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

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



4. Wekiva River, Seminole Creek, and Rock Springs Run

PUBLIC LAW 104–311—OCT. 19, 1996

110 STAT. 3818

Public Law 104–311
104th Congress

An Act

To amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System.

Oct. 19, 1996
[H.R. 3155]

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

SECTION 1. ADDITIONAL DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

“() WEKIVA RIVER, FLORIDA.—(A) The entire river.

“(B) The Seminole Creek tributary.

“(C) The Rock Springs Run tributary.”.

SEC. 2. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

“() The study of the Wekiva River and the tributaries designated in paragraph () of subsection (a) shall be completed and the report transmitted to Congress not later than two years after the date of the enactment of this paragraph.”.

Approved October 19, 1996.

LEGISLATIVE HISTORY—H.R. 3155:

HOUSE REPORTS: No. 104–824 (Comm. on Resources).
CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 25, considered and passed House.
Oct. 3, considered and passed Senate.



5. Wild and Scenic Rivers Generic Amendments

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333 104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4145

TITLE IV—RIVERS AND TRAILS

* * * * *

110 STAT. 4151

SEC. 407. TECHNICAL AMENDMENT TO THE WILD AND SCENIC RIVERS ACT.

(a) NUMBERING OF PARAGRAPHS.—The unnumbered paragraphs in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), relating to each of the following river segments, are each amended by numbering such paragraphs as follows:

	River:	Paragraph Number
	East Fork of Jemez, New Mexico	(109)
	Pecos River, New Mexico	(110)
	Smith River, California	(111)
	Middle Fork Smith River, California	(112)
	North Fork Smith River, California	(113)
	Siskiyou Fork Smith River, California	(114)
	South Fork Smith River, California	(115)
	Clarks Fork, Wyoming	(116)
	Niobrara, Nebraska	(117)
	Missouri River, Nebraska and South Dakota	(118)
	Bear Creek, Michigan	(119)
	Black, Michigan	(120)
110 STAT. 4152	Carp, Michigan	(121)
	Indian, Michigan	(122)
	Manistee, Michigan	(123)
	Ontonagon, Michigan	(124)
	Paint, Michigan	(125)
	Pine, Michigan	(126)
	Presque Isle, Michigan	(127)
	Sturgeon, Hiawatha National Forest, Michigan	(128)
	Sturgeon, Ottawa National Forest, Michigan	(129)
	East Branch of the Tahquamenon, Michigan	(130)
	Whitefish, Michigan	(131)
	Yellow Dog, Michigan	(132)
	Allegheny, Pennsylvania	(133)
	Big Piney Creek, Arkansas	(134)
	Buffalo River, Arkansas	(135)
	Cossatot River, Arkansas	(136)
	Hurricane Creek, Arkansas	(137)
	Little Missouri River, Arkansas	(138)
	Mulberry River, Arkansas	(139)
	North Sylamore Creek, Arkansas	(140)
	Richland Creek, Arkansas	(141)
	Sespe Creek, California	(142)

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4152

Sisquoc River, California	(143)
Big Sur River, California	(144)
Great Egg Harbor River, New Jersey	(145)
The Maurice River, Middle Segment	(146)
The Maurice River, Middle Segment	(147)
The Maurice River, Upper Segment	(148)
The Menantico Creek, Lower Segment	(149)
The Menantico Creek, Upper Segment	(150)
Manumuskin River, Lower Segment	(151)
Manumuskin River, Upper Segment	(152)
Muskee Creek, New Jersey	(153)
Red River, Kentucky	(154)
Rio Grande, New Mexico	(155)
Farmington River, Connecticut	(156)

(b) STUDY RIVERS.—Section 5(a) of such Act is amended as follows: 16 USC 1276.

(1) Paragraph (106), relating to St. Mary's, Florida, is renumbered as paragraph (108).

(2) Paragraph (112), relating to White Clay Creek, Delaware and Pennsylvania, is renumbered as paragraph (113).

(3) The unnumbered paragraphs, relating to each of the following rivers, are amended by numbering such paragraphs as follows:

River:	Paragraph Number
Mills River, North Carolina	(109)
Sudbury, Assabet, and Concord, Massachusetts	(110)
Niobrara, Nebraska	(111)
Lamprey, New Hampshire	(112)
Brule, Michigan and Wisconsin	(114)
Carp, Michigan	(115)
Little Manistee, Michigan	(116)
White, Michigan	(117)
Ontonagon, Michigan	(118)
Paint, Michigan	(119)
Presque Isle, Michigan	(120)
Sturgeon, Ottawa National Forest, Michigan	(121)
Sturgeon, Hiawatha National Forest, Michigan	(122)
Tahquamenon, Michigan	(123)
Whitefish, Michigan	(124)
Clarion, Pennsylvania	(125)
Mill Creek, Jefferson and Clarion Counties, Pennsylvania	(126)
Piru Creek, California	(127)
Little Sur River, California	(128)
Matilija Creek, California	(129)
Lopez Creek, California	(130)
Sespe Creek, California	(131)
North Fork Merced, California	(132)
Delaware River, Pennsylvania and New Jersey	(133)
New River, West Virginia and Virginia	(134)
Rio Grande, New Mexico	(135)

110 STAT. 4153

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



XVIII. NATIONAL HERITAGE AREAS

1. Augusta Canal

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

* * * * *

DIVISION II

110 STAT. 4243

* * * * *

TITLE III—AUGUSTA CANAL NATIONAL HERITAGE AREA

110 STAT. 4249
Georgia.
16 USC 461 note.

SEC. 301. FINDINGS.

The Congress finds that—

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

(2) the Augusta Canal National Historic Landmark possesses excellent water quality, beautiful rural and historic cultural landscapes, architecturally significant mill structures and mill villages, and large acreages of parks and permanent open space;

(3) three national historic districts, the Harrisburg, Laney Walker, and Greene Street districts, and two national historic landmarks, Stallings Island, located in the Savannah River, and Meadow Garden, are connected by the Augusta Canal Area;

(4) the beautiful rural landscapes and historic cultural landscapes, scenic vistas and excellent water quality of the Augusta Canal contain significant undeveloped recreational opportunities for people throughout the United States;

(5) the Augusta Canal and related mill sites, structures, and associated neighborhoods are representatives of the development of the cotton textile industry and associated agriculture and trade in the South;

(6) the transformation of the agrarian economy of the area into an early industrial economy was precipitated by the development and use of the Augusta Canal;

(7) several significant sites associated with the American Revolution, the Civil War, Native Americans, Colonial Americans, African Americans, Chinese Americans, and Irish Americans are located within the Augusta Canal area;

110 STAT. 4249

PUBLIC LAW 104-333—NOV. 12, 1996

(8) despite the efforts by the State of Georgia, political subdivisions of the State, volunteer organizations, and private businesses, the cultural, historical, natural, and recreational resources of the area have not realized full potential and may be lost without assistance from the Federal Government;

(9) the Secretary of the Interior considers this landmark to be threatened and has designated it a priority for protection;

(10) many local, regional, and State agencies, businesses, and private citizens have expressed an overwhelming desire to combine forces to work cooperatively to preserve and enhance the resources of the Augusta Canal National Historic Landmark and better plan for its future; and

(11) the Augusta Canal Authority, a public body established under the law of the State of Georgia, would be an appropriate management entity for a National Heritage Area established in the area of the Augusta Canal.

SEC. 302. PURPOSE.

110 STAT. 4250

It is the purpose of this title to provide a cooperative management framework to assist the State of Georgia, its units of local government, and area citizens in retaining, enhancing, and interpreting the significant features of the lands, water, and structures of the Augusta Canal, in a manner that is consistent with positive economic impact and development for the benefit and inspiration of present and future generations in the State of Georgia and the United States.

SEC. 303. DESIGNATION OF AUGUSTA CANAL NATIONAL HERITAGE AREA.

(a) DESIGNATION.—There is hereby designated in the State of Georgia the Augusta Canal National Heritage Area (referred to in this title as the “Heritage Area”).

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall include the land generally depicted on the map entitled “The Augusta Canal”, numbered AUCA-80,000, and dated August 1994, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, D.C.

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior (referred to in this title as the “Secretary”) shall prepare and place on file with the map described in paragraph (1) a legal description of the boundaries of the Heritage Area.

SEC. 304. MANAGEMENT.

The Secretary, acting through the Director of the National Park Service, shall enter into a cooperative agreement with the Augusta Canal Authority, a public body established under the law of the State of Georgia, providing for the management of the Heritage Area by the Augusta Canal Authority under terms and conditions stated in the cooperative agreement. The Secretary shall consult with the Augusta Canal Authority before carrying out any management authority with respect to the Heritage Area which is not provided for by the cooperative agreement.

SEC. 305. MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—Not later than three years after the date of enactment of this title, the Augusta Canal Authority

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4250

shall prepare and submit to the Secretary for review and approval a plan for the management and administration of the Heritage Area.

(b) CONTENTS.—The plan shall be based on Federal, State, and local plans in existence on the date of enactment of this title, including the Augusta Canal Master Plan. The Augusta Canal Authority shall coordinate and combine such plans and present an integrated and cooperative approach for the protection, enhancement, and interpretation of the cultural, natural, scenic, and recreational resources of the Heritage Area.

(c) ASSISTANCE.—The Secretary may provide technical and financial assistance in the preparation of the management plan.

(d) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after receipt of the plan submitted under subsection (a), the Secretary shall approve or disapprove the plan.

(2) CRITERIA.—In determining whether to approve a plan, the Secretary shall consider—

(A) whether the plan has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments within the area;

(B) whether the plan is consistent with and complements continued economic activity in the area;

(C) whether the plan has a high potential for effective partnership mechanisms;

(D) whether the plan improperly infringes on private property rights; and

(E) whether the plan will take appropriate action to ensure private property rights are observed.

(3) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the proposed management plan, the Secretary shall notify the Augusta Canal Authority of the disapproval in writing.

(B) CONTENTS.—A notification under subparagraph (A) shall include—

(i) the reasons for the disapproval; and

(ii) recommendations for revision.

(C) REVISED PLAN.—The Augusta Canal Authority shall revise and resubmit the management plan to the Secretary for approval. Not later than 180 days after receipt of the revised plan, the Secretary shall approve or disapprove the plan as provided in paragraph (2). The Augusta Canal Authority shall revise and submit the management plan until the management plan is approved by the Secretary.

(e) IMPLEMENTATION.—

(1) IN GENERAL.—Upon approval of the management plan as provided in subsection (d), the Secretary, in conjunction with the Augusta Canal Authority, shall take appropriate steps to implement the management plan.

(2) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the State of Georgia, political subdivisions of the State, the Augusta Canal Authority, or any organization or individual to implement the management plan.

(f) ECONOMIC DEVELOPMENT.—It is the sense of Congress that the Augusta Canal Authority, the State of Georgia, the City of Augusta, and other political subdivisions of the State of Georgia

110 STAT. 4251

Notification.

110 STAT. 4251

PUBLIC LAW 104-333—NOV. 12, 1996

should encourage, by appropriate means, enhanced economic and industrial development in the area consistent with the goals of the Augusta Canal Master Plan.

SEC. 306. GRANTS AND TECHNICAL ASSISTANCE.

The Secretary may provide grants and technical assistance for the purposes of this title.

SEC. 307. ACQUISITION OF REAL PROPERTY.

The Augusta Canal Authority may not use any Federal funds that it may receive pursuant to this title to acquire real property or an interest in real property.

SEC. 308. OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.

Nothing in this title shall be construed to—

(1) impose any occupational, safety, conservation, or environmental regulation on the Heritage Area that is more stringent than the regulations that would be applicable to the Heritage Area but for the designation of the Heritage Area under section 303; or

110 STAT. 4252

(2) authorize any Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the Heritage Area that is more stringent than the regulations applicable to the Heritage Area in existence on the date of enactment of this title, solely as a result of the designation of the Heritage Area under section 303.

SEC. 309. LAND USE REGULATION.

Nothing in this title shall be construed to—

(1) modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by law or regulation; or

(2) grant powers of zoning or land use to the Augusta Canal Authority.

SEC. 310. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

(b) **50 PERCENT MATCH.**—Federal funding provided under this title, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



2. Automobile

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress

An Act

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

Nov. 6, 1998
[H.R. 3910]

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

**TITLE I—AUTOMOBILE NATIONAL HERITAGE AREA
OF MICHIGAN**

Automobile
National
Heritage Area
Act.
16 USC 461 note
[table].

SEC. 101. SHORT TITLE.

This title may be cited as the “Automobile National Heritage Area Act”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the industrial, cultural, and natural heritage legacies of Michigan’s automobile industry are nationally significant;

(2) in the areas of Michigan including and in proximity to Detroit, Dearborn, Pontiac, Flint, and Lansing, the design and manufacture of the automobile helped establish and expand the United States industrial power;

(3) the industrial strength of automobile manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories;

(4) the economic strength of our Nation is connected integrally to the vitality of the automobile industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends;

(5) the industrial and cultural heritage of the automobile industry in Michigan includes the social history and living cultural traditions of several generations;

(6) the United Auto Workers and other unions played a significant role in the history and progress of the labor movement and the automobile industry;

(7) the Department of the Interior is responsible for protecting and interpreting the Nation’s cultural and historic resources, and there are significant examples of these resources within Michigan to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Automobile National Heritage Area Partnership, Incorporated, the State of Michigan, and other local and governmental bodies, to adequately conserve, protect, and interpret

this heritage for the educational and recreational benefit of this and future generations of Americans;

(8) the Automobile National Heritage Area Partnership, Incorporated would be an appropriate entity to oversee the development of the Automobile National Heritage Area; and

(9) 2 local studies, “A Shared Vision for Metropolitan Detroit” and “The Machine That Changed the World”, and a National Park Service study, “Labor History Theme Study: Phase III; Suitability-Feasibility”, demonstrated that sufficient historical resources exist to establish the Automobile National Heritage Area.

(b) PURPOSE.—The purpose of this title is to establish the Automobile National Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Michigan and empower communities in Michigan to conserve their automotive heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Automobile National Heritage Area.

SEC. 103. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term “Board” means the Board of Directors of the Partnership.

(2) HERITAGE AREA.—The term “Heritage Area” means the Automobile National Heritage Area established by section 104.

(3) PARTNERSHIP.—The term “Partnership” means the Automobile National Heritage Area Partnership, Incorporated (a nonprofit corporation established under the laws of the State of Michigan).

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

SEC. 104. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Michigan the Automobile National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in Michigan that are related to the following corridors:

(A) The Rouge River Corridor.

(B) The Detroit River Corridor.

(C) The Woodward Avenue Corridor.

(D) The Lansing Corridor.

(E) The Flint Corridor.

(F) The Sauk Trail/Chicago Road Corridor.

(2) SPECIFIC BOUNDARIES.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 106.

(3) MAP.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) NOTICE TO LOCAL GOVERNMENTS.—The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3249

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

SEC. 105. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Partnership shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this title.

(2) DISQUALIFICATION.—If a management plan for the Heritage Area is not submitted to the Secretary as required under section 106 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this title until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this title—

(1) to make grants to the State of Michigan, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State of Michigan, its political subdivisions, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) 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; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 106. MANAGEMENT DUTIES OF THE AUTOMOBILE NATIONAL HERITAGE AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of the enactment of this title, develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) PLAN REQUIREMENTS, GENERALLY.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan also shall include the following, as appropriate:

112 STAT. 3250

PUBLIC LAW 105-355—NOV. 6, 1998

Records.

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the Heritage Area.

Deadlines.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 180 days, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the plan and revisions shall be considered approved.

(b) PRIORITIES.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the natural and cultural resources in the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3251

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) PUBLIC MEETINGS.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) ANNUAL REPORTS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) DELEGATION.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 104(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the assistance effectively fulfills the objectives contained in the Heritage Area

management plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) **PROVISION OF INFORMATION.**—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) **OTHER ASSISTANCE.**—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 108. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) **LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.**—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) **LACK OF ZONING OR LAND USE POWERS.**—Nothing in this title shall be construed to grant powers of zoning or land use control to the Partnership.

(c) **LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.**—Nothing in this title shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property;

or

(2) any local zoning ordinance or land use plan of the State of Michigan or a political subdivision thereof.

SEC. 109. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2014.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

(b) **50 PERCENT MATCH.**—Federal funding provided under this title, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any activity carried out with any financial assistance or grant provided under this title.

* * * * *

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.

3. Blackstone River Valley National Heritage Corridor

PUBLIC LAW 104–208—SEPT. 30, 1996

110 STAT. 3009

*Public Law 104–208
104th Congress

An Act

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Sept. 30, 1996
[H.R. 3610]

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

Omnibus
Consolidated
Appropriations
Act, 1997.

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101.

* * * * *

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

110 STAT.
3009–181

AN ACT

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1997.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

110 STAT.
3009–198

* * * * *

SEC. 115. Section 7 of Public Law 99–647 (16 U.S.C. 461 note) is amended to read as follows:

110 STAT.
3009–201

*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

110 STAT. 3009–201 PUBLIC LAW 104–208—SEPT. 30, 1996

“SEC. 7. TERMINATION OF COMMISSION.**“The Commission shall terminate on November 10, 1997.”.**

* * * * *

110 STAT.
3009–749

Approved September 30, 1996.

LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):**HOUSE REPORTS:** Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm. on Conference).**SENATE REPORTS:** No. 104–286 accompanying S. 1894 (Comm. on Appropriations).**CONGRESSIONAL RECORD**, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE IX—HERITAGE AREAS

110 STAT. 4201

SEC. 901. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Massachusetts.
Rhode Island.

(a) **BOUNDARY CHANGES.**—Section 2 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by striking the first sentence and inserting the following new sentence: “The boundaries shall include the lands and water generally depicted on the map entitled ‘Blackstone River Valley National Heritage Corridor Boundary Map’, numbered BRV-80-80,011, and dated May 2, 1993.”.

110 STAT. 4202

(b) **TERMS.**—Section 3(c) of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by inserting before the period at the end the following: “, but may continue to serve after the expiration of this term until a successor has been appointed”.

(c) **REVISION OF PLAN.**—Section 6 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by adding at the end the following new subsection:

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

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

(d) **EXTENSION OF COMMISSION.**—Section 7 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage

110 STAT. 4202

PUBLIC LAW 104-333—NOV. 12, 1996

Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended to read as follows:

“SEC. 7. TERMINATION OF COMMISSION.

“The Commission shall terminate on the date that is 10 years after the date of enactment of this section.”

(e) IMPLEMENTATION OF PLAN.—Subsection (c) of section 8 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended to read as follows:

“(c) IMPLEMENTATION.—(1) To assist in the implementation of the Cultural Heritage and Land Management Plan in a manner consistent with purposes of this Act, the Secretary is authorized to undertake a limited program of financial assistance for the purpose of providing funds for the preservation and restoration of structures on or eligible for inclusion on the National Register of Historic Places within the Corridor which exhibit national significance or provide a wide spectrum of historic, recreational, or environmental education opportunities to the general public.

“(2) To be eligible for funds under this section, the Commission shall submit an application to the Secretary that includes—

“(A) a 10-year development plan including those resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor; and

110 STAT. 4203

“(B) specific descriptions of annual work programs that have been assembled, the participating parties, roles, cost estimates, cost-sharing, or cooperative agreements necessary to carry out the development plan.

“(3) Funds made available pursuant to this subsection shall not exceed 50 percent of the total cost of the work programs.

“(4) In making the funds available, the Secretary shall give priority to projects that attract greater non-Federal funding sources.

“(5) Any payment made for the purposes of conservation or restoration of real property or structures shall be subject to an agreement either—

“(A) to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission, as appropriate, of the State in which the real property or structure is located; or

“(B) that conversion, use, or disposal of the resources so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States for reimbursement of all funds expended upon such resources or the proportion of the increased value of the resources attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

“(6) The authority to determine that a conversion, use, or disposal of resources has been carried out contrary to the purposes of this Act in violation of an agreement entered into under paragraph (5)(A) shall be solely at the discretion of the Secretary.”

(f) LOCAL AUTHORITY.—Section 5 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4203

(Public Law 99-647; 16 U.S.C. 461 note), is amended by adding at the end the following new subsection:

“(j) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this Act shall be construed to affect or to authorize the Commission to interfere with—

“(1) the rights of any person with respect to private property; or

“(2) any local zoning ordinance or land use plan of the Commonwealth of Massachusetts or any political subdivision of the Commonwealth.”.

(g) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provisions of law regarding limitations on funding for heritage areas, section 10 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), as amended, is further amended:

(1) in subsection (a), by striking “\$350,000” and inserting “\$650,000”; and

(2) by amending subsection (b) to read as follows:

“(b) DEVELOPMENT FUNDS.—For fiscal year 1996, 1997, and 1998, there is authorized to be appropriated to carry out section 8(c) not to exceed \$5,000,000.”.

Appropriation
authorization.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



112 STAT. 3247

PUBLIC LAW 105–355—NOV. 6, 1998

Public Law 105–355
105th Congress

An Act

Nov. 6, 1998
[H.R. 3910]

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

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

* * * * *

112 STAT. 3261

TITLE V—OTHER MATTERS

**SEC. 501. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE COR-
RIDOR, MASSACHUSETTS AND RHODE ISLAND.**

Section 10(b) of the Act entitled “An Act to establish the Black-
stone River Valley National Heritage Corridor in Massachusetts
and Rhode Island”, approved November 10, 1986 (Public Law 99–
647; 16 U.S.C. 461 note), is amended by striking “For fiscal year
1996, 1997, and 1998,” and inserting “For fiscal years 1998, 1999,
and 2000,”.

* * * * *

112 STAT. 3267

Approved November 6, 1998.

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



4. Cache La Poudre River Corridor

PUBLIC LAW 104–323—OCT. 19, 1996

110 STAT. 3889

Public Law 104–323
104th Congress

An Act

To establish the Cache La Poudre River Corridor.

Oct. 19, 1996

[S. 342]

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

Cache La Poudre
River Corridor
Act.
Colorado.

SEC. 100. SHORT TITLE.

This Act may be cited as the “Cache La Poudre River Corridor Act”.

SEC. 101. PURPOSE.

The purpose of this Act is to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

SEC. 102. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Cache La Poudre Corridor Commission established by section 104(a).

(2) CORRIDOR.—The term “Corridor” means the Cache La Poudre Corridor established by section 103(a).

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

(4) PLAN.—The term “Plan” means the corridor interpretation plan prepared by the Commission pursuant to section 108(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term “political subdivision of the State” means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Corridor, including a county, city, town, water conservancy district, or special district.

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

SEC. 103. ESTABLISHMENT OF THE CACHE LA POUFRE CORRIDOR.

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

(b) BOUNDARIES.—The boundaries of the Corridor shall include the lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along the floodplain to a point $\frac{1}{4}$ mile west of the confluence of the Cache La Poudre River and the South Platte River in Weld

110 STAT. 3890

PUBLIC LAW 104-323—OCT. 19, 1996

County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0608D, September 27,

PUBLIC LAW 104-323—OCT. 19, 1996

110 STAT. 3891

1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

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

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

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

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

SEC. 104. ESTABLISHMENT OF THE CACHE LA POUDE CORRIDOR COMMISSION.

(a) IN GENERAL.—Upon the recommendation of the Governor, the Secretary is authorized to recognize, for the purpose of developing and implementing the plan referred to in section 108, the Cache La Poudre Corridor Commission, as such Commission may be established by the State of Colorado or its political subdivisions.

(b) REFLECTION OF CROSS-SECTION OF INTERESTS.—The Secretary may provide recognition under subsection (a) only if the Commission reflects the following:

(1) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(i) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(ii) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(iii) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(I) 1 member shall represent the State;

(II) 1 member shall represent Colorado State University in Fort Collins; and

(III) 1 member shall represent the Northern Colorado Water Conservancy District;
(iv) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

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

(II) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

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

(IV) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

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

(v) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(I) represent the general public;

(II) be citizens of the State; and

(III) reside within the Corridor.

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

(C) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(2) TERMS OF SERVICE.—

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

(B) INITIAL MEMBERS.—The initial members of the Commission first appointed under paragraph (1)(A) shall be appointed as follows:

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

(I) The representative of the Secretary of the Interior.

(II) 1 representative of Weld County.

(III) 1 representative of Larimer County.

(IV) 1 representative of the city of Loveland.

(V) 1 representative of the general public.

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

(I) The representative of the Forest Service.

(II) The representative of the State.

(III) The representative of Colorado State University.

(IV) The representative of the Northern Colorado Water Conservancy District.

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

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

(II) 1 representative of Larimer County.

PUBLIC LAW 104-323—OCT. 19, 1996

110 STAT. 3893

(III) 1 representative of the city of Greeley.

(IV) 1 representative of Weld County.

(V) 1 representative of the general public.

(C) PARTIAL TERMS.—

(i) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of the member's term.

(ii) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(3) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(4) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members 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.

SEC. 105. STAFF OF THE COMMISSION.

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

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the civil service laws (including regulations); and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions 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, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) 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.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

110 STAT. 3894

PUBLIC LAW 104-323—OCT. 19, 1996

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 106. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) **IN GENERAL.**—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 necessary to carry out this Act.

(2) **SUBPOENAS.**—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) **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 Federal Government.

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

(d) **GIFTS.**—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

(e) REAL PROPERTY.—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Commission may not acquire real property or an interest in real property.

(2) **EXCEPTION.**—Subject to paragraph (3), the Commission may acquire real property in the Corridor, and interests in real property in the Corridor—

(A) by gift or device;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) **CONVEYANCE TO PUBLIC AGENCIES.**—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) as soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Corridor is established.

(f) **COOPERATIVE AGREEMENTS.**—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) **ADVISORY GROUPS.**—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

PUBLIC LAW 104-323—OCT. 19, 1996

110 STAT. 3895

(1) **IN GENERAL.**—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this Act.

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

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Corridor; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. 107. DUTIES OF THE COMMISSION.

(a) **PLAN.**—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 108.

(b) **MEETINGS.**—

(1) **TIMING.**—

(A) **INITIAL MEETING.**—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) **SUBSEQUENT MEETINGS.**—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the Commission shall meet at least quarterly .

(2) **QUORUM.**—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) **BUDGET.**—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) **ANNUAL REPORTS.**—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. 108. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) **PREPARATION OF PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Corridor Interpretation Plan.

(2) **DEVELOPMENT.**—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Corridor; and

(B) conduct public hearings within the Corridor for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) **RELATIONSHIP TO EXISTING PLANS.**—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Corridor.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for the Governor's review.

(2) GOVERNOR.—The Governor may review the Plan and, if the Governor concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(A) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(B) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(2) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(A) CULTURAL RESOURCES.—

(i) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Corridor.

(ii) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by the agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Corridor.

PUBLIC LAW 104-323—OCT. 19, 1996

110 STAT. 3897

(3) **PUBLIC AWARENESS.**—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Corridor, and the archaeological, geological, and cultural resources and sites in the Corridor—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(4) **RESTORATION.**—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Corridor with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(5) **INTERPRETATION.**—The Commission shall assist in the interpretation of the historical, present, and future uses of the Corridor—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 110;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Corridor;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

(6) **RECOGNITION.**—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

(7) **LAND EXCHANGES.**—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

SEC. 109. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section 104 is amended by striking paragraph (4).

Effective date.

110 STAT. 3898

PUBLIC LAW 104-323—OCT. 19, 1996

SEC. 110. DUTIES OF THE SECRETARY.

(a) **ACQUISITION OF LAND.**—The Secretary may acquire land and interests in land within the Corridor that have been specifically identified by the Commission for acquisition by the Federal Government and that have been approved for the acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if the lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) **TECHNICAL ASSISTANCE.**—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 108.

(c) **DETAIL.**—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 107.

SEC. 111. OTHER FEDERAL ENTITIES.

(a) **DUTIES.**—Subject to section 112, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Corridor, or the natural resources of the Corridor shall consult with the Commission with respect to the activities.

(b) **AUTHORIZATION.**—

(1) **IN GENERAL.**—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Corridor by exchange for other lands within the agency's jurisdiction within the State of Colorado, based on fair market value, if the lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Corridor is established.

(2) **CONVEYANCE OF SURPLUS REAL PROPERTY.**—Without monetary consideration to the United States, the Administrator of General Services may convey to the State of Colorado, its political subdivisions, or instrumentalities thereof all of the right, title, and interest of the United States in and to any surplus real property (within the meaning of section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g))) within the State of Colorado which the Secretary has determined is suitable and desirable to meet the purposes for which the Corridor is established. Subparagraph (B) of section 203(k)(3) of such Act shall apply to any conveyance made under this paragraph. For purposes of the preceding sentence, such subparagraph shall be applied by substituting "the purposes for which the Cache La Poudre Corridor is established" for "historic monument purposes".

SEC. 112. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) **EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.**—

PUBLIC LAW 104-323—OCT. 19, 1996

110 STAT. 3899

(1) VOLUNTARY COOPERATION.—In carrying out this Act, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this Act shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Corridor not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this Act shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Corridor not been established.

(4) WATER STANDARDS.—Nothing in this Act shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Corridor, that is more restrictive than those that would be applicable had the Corridor not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Corridor shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Corridor.

(6) WATER FACILITIES.—Nothing in the establishment of the Corridor shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Corridor shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this Act shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under this Act;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

- (A) land use regulation;
- (B) environmental quality;
- (C) licensing;
- (D) permitting;
- (E) easements;
- (F) private land development; or
- (G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

- (A) land use regulation;
- (B) environmental quality; or

110 STAT. 3900

PUBLIC LAW 104–323—OCT. 19, 1996

(C) pipeline or utility crossings;

(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this Act shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act requires an owner of private property to allow access to the property by the public.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed \$50,000 to the Commission to carry out this Act for each of the first 5 fiscal years following the date of enactment of this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

Approved October 19, 1996.

LEGISLATIVE HISTORY—S. 342:

SENATE REPORTS: No. 104–188 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 142 (1996):

Oct. 3, considered and passed Senate.
Oct. 4, considered and passed House.



5. Delaware and Lehigh Navigation Canal National Heritage Corridor

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress

An Act

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

Nov. 6, 1998
[H.R. 3910]

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

* * * * *

TITLE IV—DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR OF PENNSYLVANIA

112 STAT. 3258
16 USC 461 note
[table].

SEC. 401. CHANGE IN NAME OF HERITAGE CORRIDOR.

The Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (Public Law 100–692; 102 Stat. 4552; 16 U.S.C. 461 note) is amended by striking “Delaware and Lehigh Navigation Canal National Heritage Corridor” each place it appears (except section 4(a)) and inserting “Delaware and Lehigh National Heritage Corridor”.

SEC. 402. PURPOSE.

Section 3(b) of such Act (102 Stat. 4552) is amended as follows:

(1) By inserting after “subdivisions” the following: “in enhancing economic development within the context of preservation and”.

(2) By striking “and surrounding the Delaware and Lehigh Navigation Canal in the Commonwealth” and inserting “the Corridor”.

112 STAT. 3259

SEC. 403. CORRIDOR COMMISSION.

(a) MEMBERSHIP.—Section 5(b) of such Act (102 Stat. 4553) is amended as follows:

(1) In the matter preceding paragraph (1), by striking “appointed not later than 6 months after the date of the enactment of this Act”.

(2) By striking paragraph (2) and inserting the following: “(2) three individuals appointed by the Secretary upon consideration of individuals recommended by the Governor, of whom—

“(A) one shall represent the Pennsylvania Department of Conservation and Natural Resources;

“(B) one shall represent the Pennsylvania Department of Community and Economic Development; and

“(C) one shall represent the Pennsylvania Historical and Museum Commission.”.

(3) In paragraph (3), by striking “the Secretary, after receiving recommendations from the Governor, of whom” and all that follows through “Delaware Canal region” and inserting the following: “the Secretary upon consideration of individuals recommended by the Governor, of whom—

112 STAT. 3259

PUBLIC LAW 105-355—NOV. 6, 1998

“(A) one shall represent a city, one shall represent a borough, and one shall represent a township; and

“(B) one shall represent each of the 5 counties of Luzerne, Carbon, Lehigh, Northampton, and Bucks in Pennsylvania”.

(4) In paragraph (4)—

(A) By striking “8 individuals” and inserting “nine individuals”.

(B) By striking “the Secretary, after receiving recommendations from the Governor, who shall have” and all that follows through “Canal region. A vacancy” and inserting the following: “the Secretary upon consideration of individuals recommended by the Governor, of whom—

“(A) three shall represent the northern region of the Corridor;

“(B) three shall represent the middle region of the Corridor; and

“(C) three shall represent the southern region of the Corridor.

A vacancy”.

(b) TERMS.—Section 5 of such Act (102 Stat. 4553) is amended by striking subsection (c) and inserting the following:

“(c) TERMS.—The following provisions shall apply to a member of the Commission appointed under paragraph (3) or (4) of subsection (b):

“(1) LENGTH OF TERM.—The member shall be appointed for a term of 3 years.

“(2) CARRYOVER.—The member shall serve until a successor is appointed by the Secretary.

“(3) REPLACEMENT.—If the member resigns or is unable to serve due to incapacity or death, the Secretary shall appoint, not later than 60 days after receiving a nomination of the appointment from the Governor, a new member to serve for the remainder of the term.

“(4) TERM LIMITS.—A member may serve for not more than 6 years.”.

Deadline.

112 STAT. 3260

SEC. 404. POWERS OF CORRIDOR COMMISSION.

(a) CONVEYANCE OF REAL ESTATE.—Section 7(g)(3) of such Act (102 Stat. 4555) is amended in the first sentence by inserting “or nonprofit organization” after “appropriate public agency”.

(b) COOPERATIVE AGREEMENTS.—Section 7(h) of such Act (102 Stat. 4555) is amended as follows:

(1) In the first sentence, by inserting “any nonprofit organization,” after “subdivision of the Commonwealth,”.

(2) In the second sentence, by inserting “such nonprofit organization,” after “such political subdivision,”.

SEC. 405. DUTIES OF CORRIDOR COMMISSION.

Section 8(b) of such Act (102 Stat. 4556) is amended in the matter preceding paragraph (1) by inserting “, cultural, natural, recreational, and scenic” after “interpret the historic”.

SEC. 406. TERMINATION OF CORRIDOR COMMISSION.

Section 9(a) of such Act (102 Stat. 4556) is amended by striking “on the day occurring 5 years after the date of the enactment of this Act” and inserting “on November 18, 2003”.

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3260

SEC. 407. DUTIES OF OTHER FEDERAL ENTITIES.

Section 11 of such Act (102 Stat. 4557) is amended in the matter preceding paragraph (1) by striking “the flow of the Canal or the natural” and inserting “directly affecting the purposes of the Corridor”.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—Section 12(a) of such Act (102 Stat. 4558) is amended by striking “\$350,000” and inserting “\$1,000,000”.

(b) MANAGEMENT ACTION PLAN.—Section 12 of such Act (102 Stat. 4558) is amended by adding at the end the following:

“(c) MANAGEMENT ACTION PLAN.—

“(1) IN GENERAL.—To implement the management action plan created by the Commission, there is authorized to be appropriated \$1,000,000 for each of fiscal years 2000 through 2007.

“(2) LIMITATION ON EXPENDITURES.—Amounts made available under paragraph (1) shall not exceed 50 percent of the costs of implementing the management action plan.”.

SEC. 409. LOCAL AUTHORITY AND PRIVATE PROPERTY.

Such Act is further amended—

(1) by redesignating section 13 (102 Stat. 4558) as section 14; and

(2) by inserting after section 12 the following:

“SEC. 13. LOCAL AUTHORITY AND PRIVATE PROPERTY.

“The Commission shall not interfere with—

“(1) the private property rights of any person; or

“(2) any local zoning ordinance or land use plan of the Commonwealth of Pennsylvania or any political subdivision of Pennsylvania.”.

SEC. 410. DUTIES OF THE SECRETARY.

112 STAT. 3261

Section 10 of such Act (102 Stat. 4557) is amended by striking subsection (d) and inserting the following:

“(d) TECHNICAL ASSISTANCE AND GRANTS.—The Secretary, upon request of the Commission, is authorized to provide grants and technical assistance to the Commission or units of government, nonprofit organizations, and other persons, for development and implementation of the Plan.”.

* * * * *

Approved November 6, 1998.

112 STAT. 3267

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



6. Essex

110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

**Public Law 104-333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4243

DIVISION II

* * * * *

110 STAT. 4257
Massachusetts.
16 USC 461 note.**TITLE V—ESSEX NATIONAL HERITAGE AREA****SEC. 501. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) Essex County, Massachusetts, was host to a series of historic events that influenced the course of the early settlement of the United States; its emergence as a maritime power; and its subsequent industrial development;

(2) the North Shore of Essex County and the Merrimack River valley in Essex County contain examples of significant early American architecture and significant Federal-period architecture, many sites and buildings associated with the establishment of the maritime trade in the United States, the site of the witchcraft trials of 1692, the birthplace of successful iron manufacture, and the establishment of the textile and leather industries in and around the cities of Peabody, Beverly, Lynn, Lawrence, and Haverhill;

(3) Salem, Massachusetts, has a rich heritage as one of the earliest landing sites of the English colonists, the first major world harbor for the United States, and an early thriving hub of American industries;

(4) the Saugus Iron Works National Historic Site is the site of the first sustained, integrated iron works in Colonial America, and the technology employed at the Iron Works was dispersed throughout the Colonies and was critical to the development of industry and technology in America;

(5) the Salem Maritime National Historic Site contains nationally significant resources that explain the manner in which the Nation was settled, its evolution into a maritime power, and its development as a major industrial force;

(6) the story told at the Salem Maritime and Saugus Iron Works National Historic Sites would be greatly enhanced through the interpretation of significant theme-related resources in Salem and Saugus and throughout Essex County;

(7) partnerships between the private and public sectors have been created and additional partnerships will be encouraged to preserve the rich cultural heritage of the region, which

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4257

will stimulate cultural awareness, preservation, and economic development through tourism;

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

(9) the resident and business communities of the region have formed the Essex Heritage Ad Hoc Commission for the preservation, interpretation, promotion, and development of the historic, cultural, and natural resources of the region and are investing significant private funds and energy to develop a plan to preserve the nationally significant resources of Essex County.

(b) PURPOSE.—It is the purpose of this title—

(1) to establish the Essex National Heritage Area to recognize, preserve, promote, interpret, and make available for the benefit of the public the historic, cultural, and natural resources of the North Shore and lower Merrimack River valley in Essex County, Massachusetts, which encompass the three primary themes of the Salem Maritime National Historic Site and Saugus Iron Works National Historic Site (the histories of early settlement, maritime trade, and the textile and leather industries);

110 STAT. 4258

(2) to implement the appropriate alternative as described in the document entitled "The Salem Project: A Study of Alternatives", dated January 1990, within the boundaries of Essex County; and

(3) to provide a management framework to assist the Commonwealth of Massachusetts and its units of local government in the development and implementation of an integrated cultural, historical, and land resource management program in order to retain, enhance, and interpret the significant values of the lands, waters, and structures located in the Essex National Heritage Area.

SEC. 502. DEFINITIONS.

For purposes of this title:

(1) The terms "Area" and "National Heritage Area" mean the Essex National Heritage Area established by section 503.

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

SEC. 503. DESIGNATION OF NATIONAL HERITAGE AREA.

(a) DESIGNATION.—For the purpose of preserving and interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of certain historic and cultural lands, natural waterways, and structures within the County of Essex in the Commonwealth of Massachusetts, there is hereby established the Essex National Heritage Area.

(b) BOUNDARIES.—The Area shall comprise the lands generally depicted on the map numbered NAR-51-80,000 and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADMINISTRATION.—The Area shall be administered in accordance with the provisions of this title.

110 STAT. 4258

PUBLIC LAW 104-333—NOV. 12, 1996

SEC. 504. MANAGEMENT ENTITY.

(a) **IN GENERAL.**—The management entity for the National Heritage Area shall be an entity which is selected by the Essex Heritage Ad Hoc Commission or its designee, reflects a broad cross-section of interests within the Area, and includes—

(1) at least 1 representative of one or more units of government in each State in which the National Heritage Area is located; and

(2) private property owners who reside within the National Heritage Area.

(b) **DUTIES.**—The management entity for the Area shall fulfill each of the following requirements:

(1) **HERITAGE PLAN.**—Not later than 3 years after the date of the designation of the Area as a National Heritage Area, the management entity shall develop and forward to the Secretary, and to the Governor of Massachusetts, a heritage plan for the Area.

110 STAT. 4259

(2) **PRIORITIES.**—The management entity shall give priority to the implementation of action, goals, and policies set forth in the compact and heritage plan for the Area, including assisting units of government and others in—

(A) carrying out programs which recognize important resource values within the Area;

(B) encouraging economic viability in the affected communities;

(C) establishing and maintaining interpretive exhibits in the Area;

(D) developing recreational and educational opportunities in the Area;

(E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Area;

(F) restoring historic buildings that are located within the boundaries of the Area and relate to the theme of the Area; and

(G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place throughout the Area.

(3) **CONSIDERATION OF INTERESTS OF LOCAL GROUPS.**—The management entity shall, in developing and implementing the heritage plan for the Area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

Notice.

(4) **PUBLIC MEETINGS.**—The management entity shall conduct public meetings at least annually regarding the implementation of the heritage plan for the Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Area and shall make the minutes of the meeting available to the public.

SEC. 505. DUTIES OF THE SECRETARY.

(a) **IN GENERAL.**—To carry out the purpose of this title, the Secretary shall assist the management entity in preparing such studies and plans as the Secretary considers appropriate and in implementing the recommendations contained in a study report prepared by the management entity. The Secretary is authorized to enter into agreements with the Commission or with any owner of property with national historic or cultural significance within

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4259

the Area for the purpose of facilitating public use and enjoyment of such resources or to otherwise further the objectives of the management entity. Any such agreement shall provide whenever appropriate that—

(1) the public may have access to such resources at specified, reasonable times for the purpose of viewing the property or exhibits or attending programs or other activities, as may be appropriate;

(2) the Secretary may make improvements to such resources as the management entity or the Secretary deem necessary to enhance the public use and enjoyment of the resources, or to render such property usable by the Secretary, the management entity, or any person for the purpose of this title; and

(3) the Secretary may occupy, utilize, and acquire easements or leasehold interests in resources as required to implement the programs and purpose of this title.

110 STAT. 4260

(b) **TECHNICAL ASSISTANCE AND GRANTS.**—The Secretary may provide, upon request, technical assistance and grants to the management entity to assist the management entity in the performance of its powers and functions as authorized under this title. The Secretary may provide to any owner of property within the Area, to the Commonwealth of Massachusetts, to the City of Salem and other participating municipalities, to any other Federal or State entity, to any institution, or to any person such technical assistance and grants as the Secretary considers appropriate to carry out the purpose of this title.

SEC. 506. PRIVATE PROPERTY.

No privately owned property shall be included within the boundaries of the Area unless the government of the county, city, or town in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

SEC. 507. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Area under this title.

(b) **50 PERCENT MATCH.**—Federal funding provided under this title, after the designation of the Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



7. Hudson River Valley

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4243

DIVISION II

* * * * *

110 STAT. 4275
Hudson River
Valley National
Heritage Area
Act of 1996.
16 USC 461 note.**TITLE IX—HUDSON RIVER VALLEY NATIONAL
HERITAGE AREA****SEC. 901. SHORT TITLE.**This title may be cited as the “Hudson River Valley National
Heritage Area Act of 1996”.**SEC. 902. FINDINGS.**

The Congress finds the following:

(1) The Hudson River Valley between Yonkers, New York,
and Troy, New York, possesses important historical, cultural,
and natural resources, representing themes of settlement and
migration, transportation, and commerce.(2) The Hudson River Valley played an important role
in the military history of the American Revolution.(3) The Hudson River Valley gave birth to important move-
ments in American art and architecture through the work
of Andrew Jackson Downing, Alexander Jackson Davis, Thomas
Cole, and their associates, and played a central role in the
recognition of the esthetic value of the landscape and the devel-
opment of an American esthetic ideal.(4) The Hudson River Valley played an important role
in the development of the iron, textile, and collar and cuff
industries in the 19th century, exemplified in surviving struc-
tures such as the Harmony Mills complex at Cohoes, and in
the development of early men’s and women’s labor and coopera-
tive organizations, and is the home of the first women’s labor
union and the first women’s secondary school.(5) The Hudson River Valley, in its cities and towns and
in its rural landscapes—(A) displays exceptional surviving physical resources
illustrating these themes and the social, industrial, and
cultural history of the 19th and early 20th centuries; and(B) includes many National Historic Sites and Land-
marks.(6) The Hudson River Valley is the home of traditions
associated with Dutch and Huguenot settlements dating to
the 17th and 18th centuries, was the locus of characteristicAndrew Jackson
Downing.
Alexander
Jackson Davis.
Thomas Cole.

110 STAT. 4276

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4276

American stories such as “Rip Van Winkle” and the “Legend of Sleepy Hollow”, and retains physical, social, and cultural evidence of these traditions and the traditions of other more recent ethnic and social groups.

(7) New York State has established a structure for the Hudson River Valley communities to join together to preserve, conserve, and manage these resources, and to link them through trails and other means, in the Hudson River Greenway Communities Council and the Greenway Conservancy.

SEC. 903. PURPOSES.

The purposes of this title are the following:

(1) To recognize the importance of the history and the resources of the Hudson River Valley to the Nation.

(2) To assist the State of New York and the communities of the Hudson River Valley in preserving, protecting, and interpreting these resources for the benefit of the Nation.

(3) To authorize Federal financial and technical assistance to serve these purposes.

SEC. 904. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established a Hudson River Valley National Heritage Area (in this title referred to as the “Heritage Area”).

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—Except as otherwise provided in paragraph (2), the Heritage Area shall be comprised of the counties of Albany, Rensselaer, Columbia, Greene, Ulster, Dutchess, Orange, Putnam, Westchester, and Rockland, New York, and the Village of Waterford in Saratoga County, New York.

(2) **AREAS EXCLUDED.**—The Heritage Area shall not include any of the following:

(A) The counties of Greene and Columbia.

(B) Those portions of the counties of Rensselaer and Dutchess located entirely within the 22d Congressional District of New York (as such district exists on the date of the enactment of this Act).

(c) **MANAGEMENT ENTITIES.**—The management entities for the Heritage Area shall be the Hudson River Valley Greenway Communities Council and the Greenway Conservancy (agencies established by the State of New York in its Hudson River Greenway Act of 1991, in this title referred to as the “management entities”). The management entities shall jointly establish a Heritage Area Committee to manage the Heritage Area.

SEC. 905. COMPACT.

To carry out the purposes of this title, the Secretary of the Interior (in this title referred to as the “Secretary”) shall enter into a compact with the management entities. The compact shall include information relating to the objectives and management of the area, including the following:

(1) A discussion of the goals and objectives of the Heritage Area, including an explanation of a proposed approach to conservation and interpretation, and a general outline of the protection measures committed to by the parties to the compact.

(2) A description of the respective roles of the management entities.

110 STAT. 4277

(3) A list of the initial partners to be involved in developing and implementing a management plan for the Heritage Area, and a statement of the financial commitment of such partners.

(4) A description of the role of the State of New York.

SEC. 906. MANAGEMENT PLAN.

The management entities shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the Heritage Area's conservation, funding, management and development. Such plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations working in the Heritage Area. It shall include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area. Such plan shall include specifically as appropriate the following:

(1) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.

(2) A recommendation of policies of resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.

(3) A program for implementation of the management plan by the management entities, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.

(4) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title.

(5) An interpretation plan for the Heritage Area.

SEC. 907. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITIES.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITIES.**—The management entities may, for purposes of preparing and implementing the management plan under section 906, use Federal funds made available through this title—

(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person; and

(2) to hire and compensate staff.

(b) **DUTIES OF THE MANAGEMENT ENTITIES.**—The management entities shall—

(1) develop and submit to the Secretary for approval a management plan as described in section 906 within 5 years after the date of the enactment of this title.

(2) give priority to implementing actions as set forth in the compact and the management plan, including taking steps to—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4278

(A) assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(B) assist units of government, regional planning organizations, and nonprofit organizations in establishing, and maintaining interpretive exhibits in the Heritage Area;

(C) assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;

(D) assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of an appreciation for the natural, historical and architectural resources and sites in the Heritage Area;

(E) assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;

(F) encourage by appropriate means economic viability in the corridor consistent with the goals of the plan;

(G) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan; and

(H) assist units of government, regional planning organizations and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

Public
information.

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval;

(6) for any year in which Federal funds have been received under this title, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which any loans and grants were made during the year for which the report is made; and

Reports.

(7) for any year in which Federal funds have been received under this title, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

Records.

If a management plan is not submitted to the Secretary as required under paragraph (1) within the specified time, the Heritage Area shall no longer qualify for Federal funding.

110 STAT. 4279

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entities may not use Federal funds received under this title to acquire real property or an interest in real property. Nothing in this title shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

(d) ELIGIBILITY FOR RECEIVING FINANCIAL ASSISTANCE.—

110 STAT. 4279

PUBLIC LAW 104-333—NOV. 12, 1996

(1) **ELIGIBILITY.**—The management entities shall be eligible to receive funds appropriated through this title for a period of 10 years after the day on which the compact under section 905 is signed by the Secretary and the management entities, except as provided in paragraph (2).

(2) **EXCEPTION.**—The management entities' eligibility for funding under this title may be extended for a period of not more than 5 additional years if—

Notification.

(A) the management entities determine such extension is necessary in order to carry out the purposes of this title and notify the Secretary not later than 180 days prior to the termination date;

(B) the management entities, not later than 180 days prior to the termination date, present to the Secretary a plan of their activities for the period of the extension, including provisions for becoming independent of the funds made available through this title; and

(C) the Secretary, with the advice of the Governor of New York, approves such extension of funding.

SEC. 908. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—The Secretary may, upon request of the management entities, provide technical and financial assistance to the Heritage Area to develop and implement the management plan. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(i) conserving the significant natural historic, and cultural resources which support its themes; and

(ii) providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.

(B) **SPENDING FOR NON-FEDERALLY OWNED PROPERTY.**—The Secretary may spend Federal funds directly on nonfederally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(2) **APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.**—

(A) **IN GENERAL.**—The Secretary, in consultation with the Governor of New York, shall approve or disapprove a compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan.

110 STAT. 4280

(B) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entities in writing of the reasons therefor and shall make recommendations for revisions in the compact or plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4280

(3) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this title may not be expended to implement the changes until the Secretary approves the amendments.

(4) PROMULGATING REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this title.

(b) DUTIES OF FEDERAL ENTITIES.—Any Federal entity conducting or supporting activities directly affecting the Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities, shall to the maximum extent practicable—

(1) consult with the Secretary and the management entities with respect to such activities;

(2) cooperate with the Secretary and the management entities in carrying out their duties under this title and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the management plan unless the Federal entity, after consultation with the management entities, determines there is no practicable alternative.

SEC. 909. AUTHORIZATION OF APPROPRIATIONS.

(a) COMPACTS AND MANAGEMENT PLAN.—There is authorized to be appropriated to the Secretary, for grants for developing a compact under section 905 and providing assistance for a management plan under section 906, not more than \$300,000, to remain available until expended, subject to the following conditions:

(1) No grant for a compact or management plan may exceed 75 percent of the grantee's cost for such study or plan.

(2) The total amount of Federal funding for the compact for the Heritage Area may not exceed \$150,000.

(3) The total amount of Federal funding for a management plan for the Heritage Area may not exceed \$150,000.

(b) MANAGEMENT ENTITY OPERATIONS.—There is authorized to be appropriated to the Secretary for the management entities, amounts as follows:

(1) For the operating costs of each management entity, pursuant to section 907, not more than \$250,000 annually.

(2) For technical assistance pursuant to section 908, not more than \$50,000 annually.

The Federal contribution to the operations of the management entities shall not exceed 50 percent of the annual operating costs of the entities.

(c) IMPLEMENTATION.—There is authorized to be appropriated to the Secretary, for grants (and the administration thereof) for the implementation of the management plans for the Heritage Area pursuant to section 908, not more than \$10,000,000, to remain available until expended, subject to the following conditions:

(1) No grant for implementation may exceed 50 percent of the grantee's cost of implementation. 110 STAT. 4281

(2) Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States of reimbursement of all funds made available to such project

110 STAT. 4281

PUBLIC LAW 104-333—NOV. 12, 1996

or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 910. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:**CONGRESSIONAL RECORD**, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



PUBLIC LAW 105–83—NOV. 14, 1997

111 STAT. 1

Public Law 105–83
105th Congress

An Act

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.

Nov. 14, 1997

[H.R. 2107]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,* That the
following sums are appropriated, out of any money in the Treasury
not otherwise appropriated, for the fiscal year ending September
30, 1998, and for other purposes, namely:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

* * * * *

TITLE III—GENERAL PROVISIONS

111 STAT. 47

* * * * *

SEC. 317. Section 909(b)(2) of division II, title IX of Public
Law 104–333 is amended by striking the following: “For technical
assistance pursuant to section 908, not more than \$50,000
annually.”.

111 STAT. 53
16 USC 461 note.

* * * * *

SEC. 324. Notwithstanding section 904(b) of Public Law 104–
333, hereafter, the Heritage Area established under section 904
of title IX of division II of Public Law 104–333 shall include any
portion of a city, town, or village within an area specified in section
904(b)(2) of that Act only to the extent that the government of
the city, town, or village, in a resolution of the governing board
or council, agrees to be included and submits the resolution to
the Secretary of the Interior and the management entities for
the Heritage Area and to the extent such resolution is not subse-
quently revoked in the same manner.

111 STAT. 55
16 USC 461 note.

* * * * *

Approved November 14, 1997.

111 STAT. 85

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm.
of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President’s special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



8. Illinois and Michigan Canal National Heritage Corridor

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4201

TITLE IX—HERITAGE AREAS

* * * * *

110 STAT. 4204

SEC. 902. ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR.

The Illinois and Michigan Canal National Heritage Corridor
Act of 1984 (Public Law 98–398; 16 U.S.C. 461 note) is amended
by inserting after section 117 the following new section:

“SEC. 118. STUDY OF POSSIBLE ADDITIONS TO CORRIDOR.

Notification.

“The Commission shall undertake a study to determine whether
the Joliet Army Ammunition Plant and the Calumet-Sag and
Chicago Sanitary and Ship Canals should be added to the corridor.
The study shall specifically examine the relationship between the
purposes of this Act and the areas proposed for study and shall
identify any specific resources which are related to the purposes
for which the corridor was established. The study shall propose
boundaries which provide for the inclusion of any related resources
within the corridor. The Commission shall submit the study to
the Secretary and the appropriate congressional committees. Upon
receipt of the study, the Secretary shall determine which lands
(if any) should be added to the corridor and shall so notify the
appropriate congressional committees.”.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress

An Act

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

Nov. 6, 1998
[H.R. 3910]

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

* * * * *

TITLE V—OTHER MATTERS

112 STAT. 3261

* * * * *

**SEC. 502. ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE COR-
RIDOR, ILLINOIS.**

(a) **EXTENSION OF COMMISSION.**—Section 111(a) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 98 Stat. 1456; 16 U.S.C. 461 note) is amended by striking “ten” and inserting “20”.

(b) **REPEAL OF EXTENSION AUTHORITY.**—Section 111 of such Act (16 U.S.C. 461 note) is further amended—

- (1) by striking “(a) **TERMINATION.**—”; and
- (2) by striking subsection (b).

* * * * *

Approved November 6, 1998.

112 STAT. 3267

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



9. National Coal

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333 104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4243

DIVISION II

National Coal
Heritage Area
Act of 1996.
West Virginia.
16 USC 461 note.

TITLE I—NATIONAL COAL HERITAGE AREA

SEC. 101. SHORT TITLE.

This title may be cited as the “National Coal Heritage Area Act of 1996”.

SEC. 102. FINDINGS.

(a) FINDINGS.—The Congress finds as follows:

(1) Certain events that led to the development of southern West Virginia’s coalfields during the latter part of the 19th Century and the early part of the current century are of national historic and cultural significance in terms of their contribution to the industrialization of the United States, the organization of workers into trade unions, and the unique culture of the Appalachian Region.

(2) It is in the national interest to preserve and protect physical remnants of this era for the education and benefit of present and future generations.

(3) There is a need to provide assistance for the preservation and promotion of those vestiges of southern West Virginia’s coal heritage which have outstanding cultural, historic, and architectural value.

SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain lands and structures with unique and significant historic and cultural value associated with the coal mining heritage of the State of West Virginia and the Nation, there is hereby established the National Coal Heritage Area (hereafter in this title referred to as the “Area”).

(b) BOUNDARIES.—The Area shall be comprised of the counties in the State of West Virginia that are the subject of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia” conducted pursuant to title VI of Public Law 100–699.

(c) ADMINISTRATION.—The Area shall be administered in accordance with this title.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4243

SEC. 104. CONTRACTUAL AGREEMENT.

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

(1) The development and implementation of integrated cultural, historical, and land resource management policies and programs in order to retain, enhance, and interpret the significant values of the lands, water, and structures of the Area.

(2) The preservation, restoration, maintenance, operation, interpretation, and promotion of buildings, structures, facilities, sites, and points of interest for public use that possess cultural, historical, and architectural values associated with the coal mining heritage of the Area.

(3) The coordination of activities by Federal, State, and local governments and private businesses and organizations in order to further historic preservation and compatible economic revitalization.

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

110 STAT. 4244

SEC. 105. ELIGIBLE RESOURCES.

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

SEC. 106. COAL HERITAGE MANAGEMENT PLAN.

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

(1) set forth the integrated cultural, historical, and land resource management policies and programs referred to in section 104;

(2) describe the guidelines and standards for projects referred to in section 104; and

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

(b) **PLAN APPROVAL.**—The Secretary shall approve the plan submitted under subsection (a) unless he determines that it would meet the objectives of this title.

110 STAT. 4244

PUBLIC LAW 104-333—NOV. 12, 1996

SEC. 107. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Area under this title.

(b) **50 PERCENT MATCH**.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:**CONGRESSIONAL RECORD**, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



10. Ohio & Erie Canal National Heritage Corridor

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION II

110 STAT. 4243

* * * * *

**TITLE VIII—OHIO & ERIE CANAL NATIONAL
HERITAGE CORRIDOR**110 STAT. 4267
Ohio & Erie
Canal National
Heritage
Corridor Act of
1996.**SEC. 801. SHORT TITLE.**This title may be cited as the “Ohio & Erie Canal National
Heritage Corridor Act of 1996”.

16 USC 461 note.

SEC. 802. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Ohio & Erie Canal, which opened for commercial
navigation in 1832, was the first inland waterway to connect
the Great Lakes at Lake Erie with the Gulf of Mexico via
the Ohio and Mississippi Rivers and a part of a canal network
in Ohio that was one of America’s most extensive and successful
systems during a period in history when canals were essential
to the Nation’s growth.(2) The Ohio & Erie Canal spurred economic growth in
the State of Ohio that took the State from near bankruptcy
to the third most economically prosperous State in the Union
in just 20 years.(3) A 4-mile section of the Ohio & Erie Canal was
designated a National Historic Landmark in 1966 and other
portions of the Ohio & Erie Canal and many associated struc-
tures were placed on the National Register of Historic Places.

110 STAT. 4268

(4) In 1974, 19 miles of the Ohio & Erie Canal were
declared nationally significant under National Park Service
new area criteria with the designation of Cuyahoga Valley
National Recreation Area.(5) The National Park Service found the Ohio & Erie Canal
nationally significant in a 1975 study entitled “Suitability/Fea-
sibility Study, Proposed Ohio & Erie Canal”.(6) A 1993 Special Resources Study of the Ohio & Erie
Canal Corridor conducted by the National Park Service entitled
“A Route to Prosperity” has concluded that the corridor is
eligible as a National Heritage Corridor.(7) Local governments, the State of Ohio, and private sector
interests have embraced the heritage corridor concept and

110 STAT. 4268

PUBLIC LAW 104-333—NOV. 12, 1996

desire to enter into partnership with the Federal Government to preserve, protect, and develop the corridor for public benefit.

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

(1) to preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways, and structures within the 87-mile Ohio & Erie Canal Corridor between Cleveland and Zoar;

(2) to encourage within the corridor a broad range of economic opportunities enhancing the quality of life for present and future generations;

(3) to provide a management framework to assist the State of Ohio, its political subdivisions, and nonprofit organizations, or combinations thereof, in preparing and implementing an integrated Corridor Management Plan and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the corridor; and

(4) to authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and nonprofit organizations, or combinations thereof, in preparing and implementing a Corridor Management Plan.

SEC. 803. DEFINITIONS.

For the purposes of this title:

(1) The term “corridor” means the Ohio & Erie Canal National Heritage Corridor established by section 804.

(2) The term “Committee” means the Ohio & Erie Canal National Heritage Area Committee established by section 805.

(3) The term “Corridor Management Plan” means the management plan developed under section 808.

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary of the Interior.

(6) The term “financial assistance” means funds appropriated by Congress and made available to the management entity for the purposes of preparing and implementing a Corridor Management Plan.

(7) The term “management entity” means the entity recognized by the Secretary pursuant to section 807(a) to receive, distribute, and account for Federal funds appropriated for the purposes of this title.

SEC. 804. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Ohio the Ohio & Erie Canal National Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the corridor shall be composed of the lands that are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service Special Resources Study, “A Route to Prosperity”, subject to paragraph (2). The specific boundaries shall be those specified in the management plan submitted under section 808. The Secretary shall prepare a map of the corridor which shall be on file and available for

110 STAT. 4269

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4269

public inspection in the office of the Director of the National Park Service.

(2) CONSENT OF LOCAL GOVERNMENTS.—No privately owned property shall be included within the boundaries of the corridor unless the municipality in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

(c) ADMINISTRATION.—The corridor shall be administered in accordance with the provisions of this title.

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

(a) ESTABLISHMENT.—There is hereby established a Committee to be known as the “Ohio & Erie Canal National Heritage Corridor Committee”, whose purpose shall be to assist Federal, State, and local authorities and the private sector in the preparation and implementation of an integrated Corridor Management Plan.

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

(1) Four individuals, appointed by the Secretary after consideration of recommendations submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce, who shall include one representative of business and industry from each of Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas.

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

(3) One individual, appointed by the Secretary after consideration of recommendations submitted by the Ohio Historic Preservation Officer, with knowledge and experience in the field of historic preservation.

(4) One individual, appointed by the Secretary after consideration of recommendations submitted by the Director of the National Park Service, with knowledge and experience in the field of historic preservation.

(5) Three individuals appointed by the Secretary after consideration of recommendations submitted by the county or metropolitan park boards in the Ohio counties of Cuyahoga, Summit, and Stark. 110 STAT. 4270

(6) Eight individuals appointed by the Secretary after consideration of recommendations submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark and Tuscarawas, including—

(A) from each county, one representative of the planning offices of the county; and

(B) from each county, one representative of a municipality in the county.

(7) Two individuals appointed by the Secretary after consideration of recommendations submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Department of Transportation.

(8) The Superintendent of the Cuyahoga Valley National Recreation Area, ex officio.

110 STAT. 4270

PUBLIC LAW 104-333—NOV. 12, 1996

(c) APPOINTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Committee shall be appointed for terms of three years and may be reappointed.

(2) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Committee within 30 days after the date on which the Secretary has received all recommendations pursuant to subsection (b). Of the members first appointed—

(A) the members appointed pursuant to subsection (b)(6)(B) shall be appointed to a term of two years and may not be reappointed to a consecutive term; and

(B) the member appointed pursuant to subsection (b)(2) shall be appointed to a term of two years and may not be reappointed to a consecutive term.

(d) CHAIR AND VICE CHAIR.—The chair and vice chair of the Committee shall be elected by the members of the Committee. The terms of the chair and vice chair shall be two years.

(e) VACANCY.—A vacancy in the Committee 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 their predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Committee appointed for a definite term may serve after the expiration of their term until their successor has taken office.

(f) COMPENSATION AND EXPENSES.—Members of the Committee shall serve without compensation for their service on the Committee.

(g) QUORUM.—Eleven members of the Committee shall constitute a quorum.

(h) MEETINGS.—The Committee shall meet at least quarterly at the call of the chairperson or 11 of its members. Meetings of the Committee shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(i) NOT TREATED AS ADVISORY COMMITTEE.—The Committee shall not be treated as an Advisory Committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

110 STAT. 4271

SEC. 806. POWERS AND DUTIES OF THE NATIONAL HERITAGE CORRIDOR COMMITTEE.

(a) HEARINGS.—The Committee 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 Committee considers appropriate. The Committee may not issue subpoenas or exercise any subpoena authority.

(b) BYLAWS.—The Committee may make such bylaws and rules, consistent with this title, as it considers necessary to carry out its functions under this title.

(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Committee, if so authorized by the Committee, may take any action which the Committee is authorized to take by this title.

(d) CORRIDOR MANAGEMENT PLAN.—Upon submission of a draft Corridor Management Plan to the Committee from the management entity, the Committee shall, within 60 days, review such plan for consistency with the purposes of this title and endorse the plan or return it to the management entity for revision. Upon

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4271

endorsement of the Corridor Management Plan, the Committee shall submit such plan to the Secretary for approval pursuant to section 808.

(e) REVIEW OF BUDGET.—The Committee shall review on an annual basis the proposed expenditures of Federal funds by the management entity for consistency with the purpose of this title and the Corridor Management Plan.

SEC. 807. MANAGEMENT ENTITY.

(a) ENTITY.—Upon petition, the Secretary is authorized to recognize the Ohio & Erie Canal Association as the management entity for the Heritage Corridor.

(b) ELIGIBILITY.—To be eligible for designation as the management entity of the corridor, an entity must possess the legal ability to—

(1) receive Federal funds for use in preparing and implementing the management plan for the corridor;

(2) disburse Federal funds to other units of government or other organizations for use in preparing and implementing the management plan for the corridor;

(3) account for all Federal funds received or disbursed; and

(4) sign agreements with the Federal Government.

(c) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE.—The management entity is authorized to receive appropriated Federal funds.

(2) DISQUALIFICATION.—If a management plan for the corridor is not submitted to the Secretary as required under section 808 within the time specified herein, the management entity shall cease to be eligible for Federal funding under this title until such a plan regarding the corridor is submitted to the Secretary.

(d) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity of the corridor may, for purposes of preparing and implementing the management plan for the corridor, use Federal funds made available under this title—

(1) to make grants and loans to the State of Ohio, its political subdivisions, nonprofit organizations, and other persons; 110 STAT. 4272

(2) to enter into cooperative agreements with, or provide technical assistance to, Federal agencies, the State of Ohio, its political subdivision, nonprofit organizations, and other persons;

(3) to hire and compensate staff;

(4) 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; and

(5) to contract for goods and services.

(e) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The management entity for the corridor may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 808. DUTIES OF THE MANAGEMENT ENTITY.

(a) CORRIDOR MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY COMMITTEE.—Within 3 years after the date on which the Secretary has recognized the management entity for the corridor, the management entity

shall develop and submit for review to the Committee a management plan for the corridor.

(2) **PLAN REQUIREMENTS.**—A management plan submitted under this title shall present comprehensive recommendations for the conservation, funding, management, and development of the corridor. The plan shall be prepared with public participation. The plan shall take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the corridor. The plan shall include a description of actions that units of government and private organizations are recommended to take to protect the resources of the corridor. The plan shall specify existing and potential sources of funding for the conservation, management, and development of the corridor. The plan also shall include the following, as appropriate:

(A) An inventory of the resources contained in the corridor, including a list of property in the corridor that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the corridor.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the corridor in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity and specific commitments, for the first six years of operation of the plan by the partners identified in said plan.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the corridor.

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

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

(B) **DISAPPROVAL AND REVISIONS.**—If the Secretary disapproves the Corridor Management Plan, the Secretary shall advise the Committee, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revision. If the Secretary has taken no action for 60 days after receipt, the plan shall be considered approved.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4273

(b) **PRIORITIES.**—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the corridor, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the corridor;

(B) in establishing and maintaining interpretive exhibits in the corridor;

(C) in developing recreational opportunities in the corridor;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the corridor;

(E) in the restoration of historic buildings that are located within the boundaries of the corridor and relate to the themes of the corridor; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the corridor; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) **CONSIDERATION OF INTERESTS OF LOCAL GROUPS.**—The management entity shall, in preparing and implementing the management plan for the corridor, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(d) **PUBLIC MEETINGS.**—The management entity shall conduct public meetings at least quarterly regarding the implementation of the Corridor Management Plan.

(e) **ANNUAL REPORTS.**—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 807(d)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

110 STAT. 4274

(f) **COOPERATION WITH AUDITS.**—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 807(d)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

SEC. 809. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **TECHNICAL ASSISTANCE AND GRANTS.**—

(1) **IN GENERAL.**—The Secretary may provide technical assistance and grants to units of government, nonprofit organizations, and other persons, upon request of the management entity of the corridor, and to the management entity, regarding the management plan and its implementation.

110 STAT. 4274

PUBLIC LAW 104-333—NOV. 12, 1996

(2) **PROHIBITION OF CERTAIN REQUIREMENTS.**—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or grant to enact or modify land use restrictions.

(3) **DETERMINATIONS REGARDING ASSISTANCE.**—The Secretary shall decide if the corridor shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the corridor effectively fulfills the objectives contained in the Corridor Management Plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) **PROVISION OF INFORMATION.**—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the corridor.

(c) **OTHER ASSISTANCE.**—Upon request, the Superintendent of Cuyahoga Valley National Recreation Area may provide to public and private organizations within the corridor (including the management entity for the corridor) such operational assistance as appropriate to support the implementation of the Corridor Management Plan, subject to the availability of appropriated funds. The Secretary is authorized to enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal entity conducting any activity directly affecting the corridor shall consider the potential effect of the activity on the Corridor Management Plan and shall consult with the management entity of the corridor with respect to the activity to minimize the adverse effects of the activity on the corridor.

SEC. 810. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

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

(b) **LACK OF ZONING OR LAND USE POWERS.**—Nothing in this title shall be construed to grant powers of zoning or land use control to the Committee or management entity of the corridor.

(c) **LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.**—Nothing in this title shall be construed to affect or to authorize the Committee to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Ohio or a political subdivision thereof.

SEC. 811. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 812. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more

110 STAT. 4275

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4275

than a total of \$10,000,000 may be appropriated for the corridor under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this corridor, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



11. Shenandoah Valley Battlefields National Historic District

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4171

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

* * * * *

110 STAT. 4174
Shenandoah
Valley
Battlefields
National Historic
District and
Commission Act
of 1996.
16 USC 461 note.

SEC. 606. SHENANDOAH VALLEY BATTLEFIELDS.

(a) SHORT TITLE.—This section may be cited as the “Shenandoah
Valley Battlefields National Historic District and Commission Act
of 1996”.

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) there are situated in the Shenandoah Valley in the
Commonwealth of Virginia the sites of several key Civil War
battles;

(2) certain sites, battlefields, structures, and districts in
the Shenandoah Valley are collectively of national significance
in the history of the Civil War;

(3) in 1992, the Secretary of the Interior issued a
comprehensive study of significant sites and structures associ-
ated with Civil War battles in the Shenandoah Valley, and
found that many of the sites within the Shenandoah Valley
possess national significance and retain a high degree of histori-
cal integrity;

(4) the preservation and interpretation of these sites will
make a vital contribution to the understanding of the heritage
of the United States;

(5) the preservation of Civil War sites within a regional
framework requires cooperation among local property owners
and Federal, State, and local government entities; and

(6) partnerships between Federal, State, and local
governments, the regional entities of such governments, and
the private sector offer the most effective opportunities for
the enhancement and management of the Civil War battlefields
and related sites in the Shenandoah Valley.

(c) STATEMENT OF PURPOSE.—The purposes of this section
are to—

(1) preserve, conserve, and interpret the legacy of the Civil
War in the Shenandoah Valley;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4174

(2) recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

110 STAT. 4175

(3) recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) create partnerships among Federal, State, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

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

(1) The term “District” means the Shenandoah Valley Battlefields National Historic District established by section 5.

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

(3) The term “plan” means the Shenandoah Valley Battlefields National Historic District Commission plan approved by the Secretary under section 6.

(4) The term “management entity” means a unit of government or nonprofit organization designated by the plan to manage and administer the District.

(5) The term “Secretary” means the Secretary of the Interior.

(6) The term “Shenandoah Valley” means the Shenandoah Valley in the Commonwealth of Virginia.

(e) SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—To carry out the purposes of this section, there is hereby established the Shenandoah Valley Battlefields National Historic District in the Commonwealth of Virginia.

(2) BOUNDARIES.—(A) The corridor shall consist of lands and interests therein as generally depicted on the map entitled “Shenandoah Valley National Battlefields”, numbered SHVA/80,000, and dated April 1994.

(B) The District shall consist of historic transportation routes linking the units depicted on the map referred to in subparagraph (A).

(C) The map referred to in subparagraph (A) shall be on file and available for public inspection in the offices of the Commission, the management entity, and in the appropriate offices of the National Park Service.

(f) SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC DISTRICT PLAN.—

(1) IN GENERAL.—The District shall be managed and administered by the Commission and the management entity in accordance with the purposes of this Act and the Shenandoah Valley Battlefields National Historic District plan developed by the Commission and approved by the Secretary, as provided in this subsection.

(2) SPECIFIC PROVISIONS.—The plan shall include—

110 STAT. 4175

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4176

(A) an inventory which includes any property in the District which should be preserved, restored, managed, maintained, or acquired because of its national historic significance;

(B) provisions for the protection and interpretation of the natural, cultural, and historic resources of the District consistent with the purposes of this section;

(C) provisions for the establishment of a management entity which shall be a unit of government or a private nonprofit organization that administers and manages the District consistent with the plan, and possesses the legal ability to—

(i) receive Federal funds and funds from other units of government or other organizations for use in preparing and implementing the management plan;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in preparing and implementing the plan;

(iii) enter into agreements with the Federal, State, or other units of government and nonprofit organizations;

(iv) acquire lands or interests therein by gift or devise, or by purchase from a willing seller using donated or appropriated funds, or by donation and no lands or interests therein may be acquired by condemnation; and

(v) make such reasonable and necessary modifications to the plan which shall be approved by the Secretary;

(D) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) for the management, protection, and interpretation of the natural, cultural, and historical resources of the District;

(E) identification of appropriate partnerships between the Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this section;

(F) locations for visitor contact and major interpretive facilities;

(G) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the District;

(H) provisions for a uniform historical marker and wayside exhibit program in the District, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within the historic core areas and contribute to the understanding of the District;

(I) recommendations for means of ensuring continued local involvement and participation in the management, protection, and development of the District; and

(J) provisions for appropriate living history demonstrations and battlefield reenactments.

(3) PREPARATION OF DRAFT PLAN.—(A) Not later than 3 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of paragraph (2).

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4176

(B) Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(i) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan; 110 STAT. 4177

(ii) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the District; and

(iii) at least 1 public hearing in the vicinity of the District is conducted by the Commission with respect to the draft plan.

(4) REVIEW OF THE PLAN BY THE SECRETARY.—The Secretary shall review the draft plan submitted under paragraph (3) and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(A) approve the draft plan as the plan if the Secretary finds that the plan, when implemented, would adequately protect the significant historical and cultural resources of the District; or

(B) reject the draft plan and advise the Commission in writing of the reasons therefore and indicate any recommendations for revisions that would make the draft plan acceptable.

(g) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary may award grants, provide technical assistance and enter into cooperative agreements with the Commission, management entity, other units of government, or other persons to provide for the preservation and interpretation of the natural, cultural, and historical resources within the District.

(2) TECHNICAL ASSISTANCE.—The Secretary may make grants, provide technical assistance, and enter into cooperative agreements for—

(A) the preparation and implementation of the plan pursuant to subsection (f);

(B) interpretive and educational programs;

(C) acquiring lands or interests in lands from willing sellers;

(D) capital projects and improvements undertaken pursuant to the plan; and

(E) facilitating public access to historic resources within the District.

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

(4) ACQUISITION OF LAND.—The Secretary may acquire land and interests in lands from a willing seller or donee within the District that have been specifically identified by the Commission for acquisition by the Federal Government. No lands or interests therein may be acquired by condemnation.

(5) DETAIL.—Each fiscal year during the existence of the Commission and upon request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the

110 STAT. 4177

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4178

Commission to carry out the Commission's duties under section 9. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(6) REPORT.—Not later than 2 years after approval of the plan, the Secretary shall submit to Congress a report recommending whether the District or components thereof meet the criteria for designation as a unit of the National Park Service.

(7) OTHER ASSISTANCE.—Nothing in this section shall be deemed to prohibit the Secretary or units of government from providing technical or financial assistance under any other provision of law.

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

(1) ESTABLISHMENT.—There is hereby established the Shenandoah Valley Battlefields National Historic District Commission.

(2) MEMBERSHIP.—The Commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(A) 5 members representing local governments of communities in the vicinity of the District, appointed after the Secretary considers recommendations made by appropriate local governing bodies.

(B) 10 members representing property owners within the District (1 member within each unit of the battlefields).

(C) 1 member with demonstrated expertise in historic preservation.

(D) 1 member who is a recognized historian with expertise in Civil War history.

(E) The Governor of Virginia, or a designee of the Governor, ex officio.

(F) The Director of the National Park Service, or a designee of the Director, ex officio.

(3) APPOINTMENTS.—Members of the Commission shall be appointed for terms of 3 years. Any member of the Commission appointed for a definite term may serve after the expiration of the term until the successor of the member is appointed.

(4) ELECTION OF OFFICERS.—The Commission shall elect 1 of its members as Chairperson and 1 as Vice Chairperson. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(5) VACANCY.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(6) QUORUM.—Any majority of the Commission shall constitute a quorum.

(7) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission, but not less than quarterly. Notice of the Commission meetings and agendas for the meetings shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4178

(8) STAFF OF THE COMMISSION.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(9) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, without reimbursement, such administrative support services as the Commission may request. 110 STAT. 4179

(10) FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail to the Commission or management entity, without reimbursement, personnel of the agency to assist the commission or management entity in carrying out its duties and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(11) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

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

(13) 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.

(14) GIFTS.—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal or real property, or services received from any source.

(15) TERMINATION.—The Commission shall terminate at the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under subsection (f)(4).

(i) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) develop the plan and draft plan referred to in subsection (f), in consultation with the Secretary;

(B) assist the Commonwealth of Virginia, and any political subdivision thereof, in the management, protection, and interpretation of the natural, cultural, and historical resources within the District, except that the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision; and

(C) take appropriate action to encourage protection of the natural, cultural, and historic resources within the District by landowners, local governments, organizations, and businesses.

(j) AUTHORIZATION OF APPROPRIATION.—

(1) IN GENERAL.—From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated to the Commission not more than \$250,000 annually to remain available until expended.

(2) ASSISTANCE.—(A) From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated to the Secretary for grants and technical assistance pursuant to subsections (g) (1), (2), and (3) not more than \$2,000,000 annually to remain available until expended.

(B) The Federal share of any funds awarded under subsection (g)(2) may not exceed the amount of non-Federal

110 STAT. 4179

PUBLIC LAW 104-333—NOV. 12, 1996

funds provided for the preservation, interpretation, planning, development, or implementation with respect to which the grant is awarded.

110 STAT. 4180

(3) LAND ACQUISITION.—From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated for land acquisition pursuant to subsection (g)(4) not more than \$2,000,000 annually to remain available until expended.

(4) MANAGEMENT ENTITY.—From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated to the management entity not more than \$500,000 annually to remain available until expended.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



12. South Carolina National Heritage Corridor

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION II

110 STAT. 4243

* * * * *

**TITLE VI—SOUTH CAROLINA NATIONAL
HERITAGE CORRIDOR**110 STAT. 4260
South Carolina
National
Heritage
Corridor Act of
1996.**SEC. 601. SHORT TITLE.**This title may be cited as the “South Carolina National Heritage
Corridor Act of 1996”.

16 USC 461 note.

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the South Carolina National Heritage Corridor, more
than 250 miles in length, possesses a wide diversity of signifi-
cant rare plants, animals, and ecosystems, agricultural and
timber lands, shell-fish harvesting areas, historic sites and
structures, and cultural and multicultural landscapes related
to the past and current commerce, transportation, maritime,
textile, agricultural, mining, cattle, pottery, and national
defense industries of the region, which provide significant
ecological, natural, tourism, recreational, timber management,
educational, and economic benefits;(2) there is a national interest in protecting, conserving,
restoring, promoting, and interpreting the benefits of the
Corridor for the residents of, and visitors to, the Corridor
area;(3) a primary responsibility for conserving, preserving,
protecting, and promoting the benefits resides with the State
of South Carolina and the units of local government having
jurisdiction over the Corridor area; and(4) in view of the longstanding Federal practice of assisting
States in creating, protecting, conserving, preserving, and inter-
preting areas of significant natural and cultural importance,
and in view of the national significance of the Corridor, the
Federal Government has an interest in assisting the State
of South Carolina, the units of local government of the State,
and the private sector in fulfilling the responsibilities described
in paragraph (3).

110 STAT. 4261

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

(1) to protect, preserve, conserve, restore, promote, and interpret the significant land and water resource values and functions of the Corridor;

(2) to encourage and support, through financial and technical assistance, the State of South Carolina, the units of local government of the State, and the private sector in the development of a heritage plan for the Corridor to ensure coordinated public and private action in the Corridor area in a manner consistent with subsection (a);

(3) to provide, during the development of an integrated heritage plan, Federal financial and technical assistance for the protection, preservation, and conservation of land and water areas in the Corridor that are in danger of being adversely affected or destroyed;

(4) to encourage and assist the State of South Carolina and the units of local government of the State to identify the full range of public and private technical and financial assistance programs and services available to implement the heritage plan;

(5) to encourage adequate coordination of all government programs affecting the land and water resources of the Corridor; and

(6) to develop a management framework with the State of South Carolina and the units of local government of the State for—

(A) planning and implementing the heritage plan; and

(B) developing policies and programs that will preserve, conserve, protect, restore, enhance, and interpret the cultural, historical, natural, economic, recreational, and scenic resources of the Corridor.

SEC. 603. DEFINITIONS.

For purposes of this title—

(1) **CORRIDOR.**—The term “Corridor” means the South Carolina National Heritage Corridor established by section 604.

(2) **GOVERNOR.**—The term “Governor” means the Governor of the State of South Carolina.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 604. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.

(a) **ESTABLISHMENT.**—There is established in the State of South Carolina the South Carolina National Heritage Corridor.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The boundaries of the Corridor are generally the boundaries of the western counties of the State of South Carolina, extending from the western Piedmont along the Savannah Valley to Augusta, Georgia, along the route of the old Southern Railroad, along the Ashley River to Charleston.

(2) **INCLUDED COUNTIES.**—The Corridor shall consist of the following counties of South Carolina, in part or in whole, as the heritage plan may specify on the recommendations of the units of local government with the Corridor area:

(A) Oconee.

(B) Pickens.

(C) Anderson.

(D) Abbeville.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4262

- (E) Greenwood.
- (F) McCormick.
- (G) Edgefield.
- (H) Aiken.
- (I) Barnwell.
- (J) Orangeburg.
- (K) Bamberg.
- (L) Dorchester.
- (M) Colleton.
- (N) Charleston.

(3) **DETAIL.**—The boundaries shall be specified in detail in the heritage plan.

SEC. 605. MANAGEMENT ENTITY.

(a) **IN GENERAL.**—The management entity for the National Heritage Corridor shall be an entity selected by the Governor of the State of South Carolina which reflects a broad cross-section of interests within the Corridor and which includes—

- (1) at least 1 representative of one or more units of government in South Carolina; and
- (2) private property owners who reside within the National Heritage Corridor.

(b) **DUTIES.**—The management entity for the National Heritage Corridor shall fulfill each of the following requirements:

(1) **HERITAGE PLAN.**—Not later than 3 years after the date of the designation of the area as a National Heritage Corridor, the management entity shall develop and forward to the Secretary, and to the Governor of South Carolina, a heritage plan.

(2) **PRIORITIES.**—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the compact and heritage plan for the Corridor, including assisting units of government and others in—

(A) carrying out programs which recognize important resource values within the National Heritage Corridor;

(B) encouraging economic viability in the affected communities;

(C) establishing and maintaining interpretive exhibits in the Corridor;

(D) developing recreational and educational opportunities in the Corridor;

(E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Corridor;

(F) restoring historic buildings that are located within the boundaries of the Corridor and relate to the theme of the Corridor; and

(G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place throughout the Corridor.

(3) **CONSIDERATION OF INTERESTS OF LOCAL GROUPS.**—The management entity shall, in developing and implementing the heritage plan for the Corridor, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(4) **PUBLIC MEETINGS.**—The management entity shall conduct public meetings at least annually regarding the implementation of the heritage plan for the Corridor. The

110 STAT. 4263

Notice.

110 STAT. 4263

PUBLIC LAW 104-333—NOV. 12, 1996

management entity shall place a notice of each such meeting in a newspaper of general circulation in the Corridor and shall make the minutes of the meeting available to the public.

SEC. 606. DUTIES OF THE SECRETARY.

(a) ASSISTANCE.—On request of the management entity, and subject to the availability of funds appropriated specifically for the purpose, or made available on a reimbursable basis, the Secretary shall provide administrative, technical, financial, development, and operations assistance for the purposes of this title. The assistance may include—

(1) general administrative support in planning, finance, personnel, procurement, property management, environmental and historical compliance, and land acquisition;

(2) personnel;

(3) office space and equipment;

(4) planning and design services for visitor use facilities, trails, interpretive exhibits, publications, signs, and natural resource management;

(5) development and construction assistance, including visitor use facilities, trails, river use and access facilities, scenic byways, signs, waysides, and rehabilitation of historic structures; and

(6) operations functions, including interpretation and visitor services, maintenance, and natural resource management services conducted within the boundaries of the Corridor.

(b) LOANS, GRANTS, AND COOPERATIVE AGREEMENTS.—For the purposes of assisting in the development and implementation of the heritage plan, the Secretary may, in consultation with the management entity, make loans and grants to, and enter into cooperative agreements with, the State of South Carolina (or a political subdivision of the State), private nonprofit organizations, corporations, or other persons.

(c) APPROVAL OF HERITAGE PLAN.—

(1) IN GENERAL.—Not later than 180 days after receipt of the plan submitted under section 605(b), the Secretary shall approve or disapprove the plan.

(2) CRITERIA.—In determining whether to approve a plan under this title, the Secretary shall consider—

(A) whether the plan has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments within the area;

(B) whether the plan is consistent with and complements continued economic activity in the area;

(C) whether the plan has a high potential for effective partnership mechanisms;

(D) whether the plan improperly infringes on private property rights; and

(E) whether the plan will take appropriate action to ensure private property rights are observed.

(3) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the proposed heritage plan, the Secretary shall notify the management entity.

(B) CONTENTS.—A notification under subparagraph (A) shall include—

(i) the reasons for the disapproval; and

110 STAT. 4264

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4264

(ii) recommendations for revision.

(C) REVISED PLAN.—The management entity shall revise and resubmit the heritage plan to the Secretary for approval. Not later than 180 days after receipt of the revised plan, the Secretary shall approve or disapprove the plan as provided in paragraph (2). The management entity shall revise and submit the heritage plan until the heritage plan is approved by the Secretary.

SEC. 607. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Corridor under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this Corridor, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



13. Steel Industry American Heritage Area

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4243

DIVISION II

* * * * *

110 STAT. 4252
Steel Industry American Heritage Area Act of 1996.
Pennsylvania.
16 USC 461 note.

TITLE IV—STEEL INDUSTRY HERITAGE PROJECT

SEC. 401. SHORT TITLE.

This title may be cited as the “Steel Industry American Heritage Area Act of 1996”.

SEC. 402. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the industrial and cultural heritage of southwestern Pennsylvania, including the city of Pittsburgh, and the counties of Allegheny, Armstrong, Beaver, Fayette, Greene, Washington, and Westmoreland, related directly to steel and steel-related industries, is nationally significant;

(2) these industries include steelmaking, ironmaking, aluminum, specialty metals, glass, coal mining, coke production, machining and foundries, transportation, and electrical industries;

(3) the industrial and cultural heritage of the steel and related industries in this region includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including the formation of many key unions such as the Congress of Industrial Organizations (CIO) and the United Steel Workers of America (USWA), and crucial struggles to improve wages and working conditions, such as the Rail Strike of 1877, the Homestead Strike of 1892, and the Great Steel Strike of 1919;

110 STAT. 4253

(5) the Department of the Interior is responsible for protecting the Nation’s cultural and historic resources, and there are significant examples of these resources within this seven-county region to merit the involvement of the Federal Government to develop programs and projects, in cooperation with the Steel Industry Heritage Corporation, the Commonwealth of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization; and

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4253

(6) the Steel Industry Heritage Corporation would be an appropriate management entity for a Heritage Area established in the region.

(b) STATEMENT OF PURPOSE.—The objectives of the Steel Industry American Heritage Area are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the steel industry region of southwestern Pennsylvania and empower the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the seven-county region of southwestern Pennsylvania.

SEC. 403. STEEL INDUSTRY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Steel Industry American Heritage Area (in this title referred to as the “Heritage Area”).

(b) BOUNDARIES.—The Heritage Area shall be comprised of the counties of Allegheny, Armstrong, Beaver, Fayette, Greene, Washington, and Westmoreland in Pennsylvania.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Steel Industry Heritage Corporation.

SEC. 404. COMPACT.

(a) IN GENERAL.—To carry out the purposes of this title, the Secretary of the Interior (in this title referred to as the “Secretary”) shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including the following:

(1) A delineation of the boundaries of the proposed Heritage Area.

(2) A discussion of the goals and objectives of the proposed Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners referred to in paragraph (4).

(3) An identification and description of the management entity that will administer the proposed Heritage Area.

(4) A list of the initial partners to be involved in developing and implementing the management plan for the proposed Heritage Area, and a statement of the financial commitment of the partners.

(5) A description of the role of the Commonwealth of Pennsylvania.

(b) ADDITIONAL REQUIREMENTS.—The compact shall be prepared with public participation. Actions called for in the compact shall be likely to be initiated within a reasonable time after designation of the proposed Heritage Area and shall ensure effective implementation of the State and local aspects of the compact.

110 STAT. 4254

SEC. 405. MANAGEMENT PLAN.

The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the Heritage Area’s conservation, funding, management and development. Such plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and

private organizations working in the Heritage Area. It shall include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area. Such plan shall include, as appropriate, the following:

(1) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.

(2) A recommendation of policies for resource management which considers and details application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.

(3) A program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.

(4) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of the title.

(5) An interpretation plan for the Heritage Area.

SEC. 406. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—The management entity may, for purposes of preparing and implementing the management plan under section 405, use Federal funds made available through this title—

(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person; and

(2) to hire and compensate staff.

(b) **DUTIES OF THE MANAGEMENT ENTITY.**—The management entity shall—

(1) develop and submit to the Secretary for approval a management plan as described in section 405 within 3 years after the date of the enactment of this title;

(2) give priority to implementing actions set forth in the compact and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(B) assist units of government, regional planning organizations, and nonprofit organizations in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;

(D) assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the natural,

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4255

historical and architectural resources and sites in the Heritage Area;

(E) assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;

(F) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the plan;

(G) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan; and

(H) assist units of government, regional planning organizations and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

Public
information.

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval;

(6) for any year in which Federal funds have been received under this title, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entity to which any loans and grants were made during the year for which the report is made; and

Reports.

(7) for any year in which Federal funds have been received under this title, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

Records.

If a management plan is not submitted to the Secretary as required under paragraph (1) within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property. Nothing in this title shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

SEC. 407. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, upon request of the management entity, provide technical and financial assistance to the Heritage Area to develop and implement the management plan. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

110 STAT. 4256

(A) conserving the significant natural, historic, and cultural resources which support its themes; and

(B) providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.

110 STAT. 4256

PUBLIC LAW 104-333—NOV. 12, 1996

(2) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on non-federally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places. The Historic American Building Survey/Historic American Engineering Record shall conduct those studies necessary to document the industrial, engineering, building, and architectural history of the region.

(b) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of Pennsylvania shall approve or disapprove a compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entity in writing of the reasons therefor and shall make recommendations for revisions in the compact or plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(c) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this title may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

SEC. 408. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



14. Tennessee Civil War

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION II

110 STAT. 4243

* * * * *

TITLE II—TENNESSEE CIVIL WAR HERITAGE AREA110 STAT. 4245
16 USC 461 note.**SEC. 201. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) there are situated in the State of Tennessee the sites
of several key Civil War battles, campaigns, and engagements;(2) certain sites, battlefields, structures, and areas in
Tennessee are collectively of national significance in the history
of the Civil War;(3) the Civil War Sites Advisory Commission, established
by Congress in 1991, identified 38 sites in Tennessee as
significant;(4) the preservation and interpretation of these sites will
make an important contribution to the understanding of the
heritage of the United States;(5) the preservation of Civil War sites within a regional
framework requires cooperation among local property owners
and Federal, State, and local government entities; and(6) partnerships between Federal, State, and local govern-
ments and their regional entities, and the private sector, offer
the most effective opportunities for the enhancement and
management of the Civil War battlefields and related sites
located in Tennessee.

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

(1) to preserve, conserve, and interpret the legacy of the
Civil War in Tennessee;(2) to recognize and interpret important events and
geographic locations representing key Civil War battles,
campaigns, and engagements in Tennessee;(3) to recognize and interpret the effect of the Civil War
on the civilian population of Tennessee during the war and
postwar reconstruction period; and(4) to create partnerships among Federal, State, and local
governments and their regional entities, and the private sector
to preserve, conserve, enhance, and interpret the battlefields
and associated sites associated with the Civil War in Tennessee.

110 STAT. 4245

PUBLIC LAW 104-333—NOV. 12, 1996

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) The term “national heritage area” means the Tennessee Civil War Heritage Area as designated pursuant to section 203.

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

(3) The term “compact” means the compact approved under section 204.

(4) The term “management plan” means the management plan submitted under section 205.

SEC. 203. TENNESSEE CIVIL WAR HERITAGE AREA.

Federal Register,
publication.

(a) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Tennessee Civil War Heritage Area has been approved by the Secretary in accordance with this title, there is hereby designated the Tennessee Civil War Heritage Area.

110 STAT. 4246

(b) BOUNDARIES.—The Tennessee Civil War Heritage Area shall be comprised of areas of the State of Tennessee depicted on the map entitled “Tennessee Civil War Heritage Area”. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADMINISTRATION.—The national heritage area shall be administrated in accordance with the compact and the management plan.

SEC. 204. COMPACT.

(a) COMPACT.—The compact referred to in section 203(a) shall include information relating to the objectives and management of the area proposed for designation as the national heritage area. Such information shall include (but not be limited to) each of the following:

(1) A delineation of the boundaries of the proposed national heritage area.

(2) A discussion of the goals and objectives of the proposed national heritage area, including an explanation of the approach proposed by the partners referred to in paragraph (4), to conservation and interpretation of resources.

(3) An identification and description of the management entity that will administer the proposed national heritage area.

(4) A list of the initial partners to be involved in developing and implementing the management plan for the proposed national heritage area, and a statement of the financial commitment of the partners.

(5) A description of the role of the State of Tennessee.

(b) PREPARATION OF AND ACTIONS CALLED FOR IN COMPACT.—The compact shall be prepared with public participation. Actions called for in the compact shall be likely to be initiated within a reasonable time after designation of the proposed national heritage area and shall ensure effective implementation of the State and local aspects of the compact.

(c) APPROVAL AND DISAPPROVAL OF COMPACTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of Tennessee, shall approve or disapprove the proposed compact not later than 90 days after receiving such compact.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4246

(2) PROCEDURES IF DISAPPROVED.—If the Secretary disapproves a proposed compact, the Secretary shall advise, in writing, of the reasons for the disapproval and shall make recommendations for revisions of the proposed compact. The Secretary shall approve or disapprove a proposed revision to such a compact within 90 days after the date on which the revision is submitted to the Secretary.

SEC. 205. MANAGEMENT.

(a) MANAGEMENT PLANS.—A management plan submitted under this title for the national heritage area shall present comprehensive recommendations for the conservation, funding, management, and development of the area. The management plan shall—

- (1) be prepared with public participation;
- (2) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the area;
- (3) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the area;
- (4) specify existing and potential sources of funding for the conservation, management, and development of the area; and

110 STAT. 4247

(5) include the following, as appropriate:

(A) An inventory of the resources contained in the national heritage area, including a list of property in the area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the area.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and the recreational opportunities of the area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity specified in the compact for the area and specific commitments, for the first 5 years of operation of the plan, by the partners identified in the compact.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the national heritage area.

(b) MANAGEMENT ENTITIES.—The management entity for the national heritage area shall do each of the following:

(1) Develop and submit to the Secretary a management plan not later than three years after the date of the designation of the area as a national heritage area.

(2) Give priority to the implementation of actions, goals, and policies set forth in the compact and management plan for the area, including—

110 STAT. 4247

PUBLIC LAW 104-333—NOV. 12, 1996

(A) assisting units of government, regional planning organizations, and nonprofit organizations—

- (i) in conserving the national heritage area;
- (ii) in establishing and maintaining interpretive exhibits in the area;
- (iii) in developing recreational opportunities in the area;
- (iv) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the area;
- (v) in the restoration of historic buildings that are located within the boundaries of the area and relate to the themes of the area; and
- (vi) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the area; and

110 STAT. 4248

(B) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(3) In developing and implementing the management plan for the area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

Public
information.

(4) Conduct public meetings at least quarterly regarding the implementation of the management plan for the area.

(c) **CLEARING HOUSE.**—The Congress recognizes the Center for Historic Preservation at Middle Tennessee State University as the clearing house for the Tennessee Civil War Heritage Area.

SEC. 206. DUTIES AND AUTHORITIES OF SECRETARY.

The Secretary—

(1) may provide technical assistance and grants to units of government and private nonprofit organizations regarding the compact and, upon request of the management entity for the national heritage area, regarding the management plan and its implementation;

(2) may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or grants to enact or modify land use restrictions; and

(3) may not make limitations on fishing, hunting, or trapping a condition for the approval of the compact or the determination of eligibility for technical assistance or grants under this section.

SEC. 207. SAVINGS PROVISIONS.

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

(b) **LACK OF ZONING OR LAND USE POWERS OF ENTITY.**—Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for the national heritage area.

(c) **FISH AND WILDLIFE.**—The designation of the national heritage area shall not diminish the authority of the State of Tennessee to manage fish and wildlife, including the regulation of fishing and hunting within such area.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4248

SEC. 208. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the national heritage area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the national heritage area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



XIX. MISCELLANEOUS ENACTMENTS

1. AIDS Memorial Grove, California

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996

[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

110 STAT. 4153

* * * * *

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

110 STAT. 4170
16 USC 431 note.

(a) RECOGNITION OF SIGNIFICANCE OF THE AIDS MEMORIAL
GROVE.—The Congress hereby recognizes the significance of the
AIDS Memorial Grove located in Golden Gate Park in San
Francisco, California, as a memorial—

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

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

110 STAT. 4171

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

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



2. Aleutian World War II National Historic Area, Alaska

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4153

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

* * * * *

110 STAT. 4165
Aleutian World
War II National
Historic Areas
Act of 1996.
16 USC 461 note.

SEC. 513. UNALASKA.

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

(b) **PURPOSE.**—The purpose of this section is to designate and preserve the Aleutian World War II National Historic Area within lands owned by the Ounalaska Corporation on the island of Amaknak, Alaska and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant circumstances involving the history of the Aleut people, and the role of the Aleut people and the Aleutian Islands in the defense of the United States in World War II.

(c) **BOUNDARIES.**—The Aleutian World War II National Historic Area shall be comprised of areas on Amaknak Island depicted on the map entitled “Aleutian World War II National Historic Area”.

(d) **TERMS AND CONDITIONS.**—Nothing in this section shall—
(1) authorize the conveyance of lands between the Ounalaska Corporation and the United States Department of the Interior, nor remove land or structures appurtenant to the land from the exclusive control of the Ounalaska Corporation; or

(2) provide authority for the Department of the Interior to assume the duties associated with the daily operation for the historic area or any of its facilities or structures.

(e) **TECHNICAL ASSISTANCE.**—The Secretary of the Interior may award grants and provide technical assistance to the Ounalaska Corporation and the City of Unalaska to assist with the planning, development, and historic preservation from any program funds

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4165

authorized by law for technical assistance, land use planning or
historic preservation.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



3. Arlington National Cemetery Land Transfer

110 STAT. 2422

PUBLIC LAW 104–201—SEPT. 23, 1996

Public Law 104–201
104th Congress

An Act

Sept. 23, 1996
[H.R. 3230]

To authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

National Defense
Authorization
Act for Fiscal
Year 1997.

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 Defense Authorization Act for Fiscal Year 1997”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

* * * * *

110 STAT. 2763
Military
Construction
Authorization
Act for Fiscal
Year 1997.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

* * * * *

110 STAT. 2786

TITLE XXVIII—GENERAL PROVISIONS

* * * * *

110 STAT. 2791

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2821. TRANSFER OF LANDS, ARLINGTON NATIONAL CEMETERY, ARLINGTON, VIRGINIA.

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that

PUBLIC LAW 104–201—SEPT. 23, 1996

110 STAT. 2791

the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled “Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial”;

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(iii) an accounting of the effect of the transfer that satisfies the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

(iv) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

(b) REQUIREMENT FOR ADDITIONAL TRANSFERS.—(1) The Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 2.43 acres, located in the Memorial Drive entrance area to Arlington National Cemetery.

(2)(A) The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 0.17 acres, located at Arlington National Cemetery, and known as the Old Administrative Building site. The site is part of the original reservation of Arlington National Cemetery.

110 STAT. 2792

(B) In connection with the transfer under subparagraph (A), the Secretary of the Army shall grant to the Secretary of the Interior a perpetual right of ingress and egress to the parcel transferred under that subparagraph.

(3) The exact acreage and legal descriptions of the lands to be transferred pursuant to this subsection shall be determined by surveys satisfactory to the Secretary of the Interior and the

110 STAT. 2792

PUBLIC LAW 104–201—SEPT. 23, 1996

Secretary of the Army. The costs of such surveys shall be borne by the Secretary of the Army.

* * * * *

110 STAT. 2870

Approved September 23, 1996.

LEGISLATIVE HISTORY—H.R. 3230 (S. 1745):

HOUSE REPORTS: Nos. 104–563 (Comm. on National Security) and 104–724 (Comm. of Conference).

SENATE REPORTS: Nos. 104–267 (Comm. on Armed Services) and 104–278 (Select Comm. on Intelligence) both accompanying S. 1745.

CONGRESSIONAL RECORD, Vol. 142 (1996):

May 14, 15, considered and passed House.

June 18–20, 24–28, July 10, S. 1745 considered and passed Senate; H.R. 3230, amended, passed in lieu.

Aug. 1, House agreed to conference report.

Sept. 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 23, Presidential remarks and statement.



4. Calumet Ecological Park

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 816. CALUMET ECOLOGICAL PARK.110 STAT. 4200
State listing.**(a) FEASIBILITY STUDY.—**(1) **IN GENERAL.**—Not later than 6 months after the date
of enactment of this Act, the Secretary of the Interior shall
conduct a study of the feasibility of establishing an urban
ecological park to be known as “Calumet Ecological Park”,
in the Lake Calumet area situated between the Illinois and
Michigan Canal National Heritage Corridor and the Indiana
Dunes National Lakeshore.(2) **PARTICULARS OF STUDY.**—The study under paragraph
(1) shall include consideration of the following:(A) The suitability of establishing a park in the Lake
Calumet area that—(i) conserves and protects the wealth of natural
resources threatened by development and pollution in
the Lake Calumet area; and(ii) consists of a number of nonadjacent sites
forming green corridors between the Illinois and Michi-
gan Canal National Heritage Corridor and the Indiana
Dunes National Lakeshore, that are based on the lakes
and waterways in the area.(B) The long-term future use of the Lake Calumet
area.(C) Ways in which a Calumet Ecological Park would—
(i) benefit and enhance the cultural, historical,
and natural resources of the Lake Calumet area; and
(ii) preserve natural lands and habitats in the
Lake Calumet area and northwest Indiana.(3) **REPORT.**—Not later than 1 year after the date of enact-
ment of this Act, the Secretary shall submit to the Congress

110 STAT. 4200

PUBLIC LAW 104-333—NOV. 12, 1996

a report containing findings and recommendations of a study
under this section.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



5. Carl Garner Federal Lands Cleanup Day

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND
MANAGEMENT PROVISIONS**

110 STAT. 4186

* * * * *

SEC. 806. CARL GARNER FEDERAL LANDS CLEANUP DAY.

110 STAT. 4188

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169i–
169–1) is amended by striking the terms “Federal Lands Cleanup
Day” each place it appears and inserting “Carl Garner Federal
Lands Cleanup Day”.36 USC 169i,
169i–1.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



6. Casa Malpais National Historic Landmark

112 STAT. 3395

PUBLIC LAW 105-378—NOV. 12, 1998

Public Law 105-378
105th Congress

An Act

Nov. 12, 1998
[S. 1408]

To establish the Lower East Side Tenement National Historic Site, and for other purposes.

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

* * * * *

112 STAT. 3397

TITLE II—OTHER MATTERS**SEC. 201. CASA MALPAIS NATIONAL HISTORIC LANDMARK, ARIZONA.**

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

(1) the Casa Malpais National Historic Landmark was occupied by one of the largest and most sophisticated Mogollon communities in the United States;

(2) the landmark includes a 58-room masonry pueblo, including stairways, Great Kiva complex, and fortification walls, a prehistoric trail, and catacomb chambers where the deceased were placed;

(3) the Casa Malpais was designated as a national historic landmark by the Secretary of the Interior in 1964; and

(4) the State of Arizona and the community of Springerville are undertaking a program of interpretation and preservation of the landmark.

(b) PURPOSE.—It is the purpose of this section to assist in the preservation and interpretation of the Casa Malpais National Historic Landmark for the benefit of the public.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In furtherance of the purpose of this section, the Secretary of the Interior is authorized to enter into cooperative agreements with the State of Arizona and the town of Springerville, Arizona, pursuant to which the Secretary may provide technical assistance to interpret, operate, and maintain the Casa Malpais National Historic Landmark and may also provide financial assistance for planning, staff training, and development of the Casa Malpais National Historic Landmark, but not including other routine operations.

112 STAT. 3398

(2) ADDITIONAL PROVISIONS.—Any such agreement may also contain provisions that—

(A) the Secretary, acting through the Director of the National Park Service, shall have right to access at all reasonable times to all public portions of the property covered by such agreement for the purpose of interpreting the landmark; and

(B) no changes or alterations shall be made in the landmark except by mutual agreement between the Secretary and the other parties to all such agreements.

PUBLIC LAW 105-378—NOV. 12, 1998

112 STAT. 3398

(d) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide financial assistance in accordance with this section.

* * * * *

Approved November 12, 1998.

112 STAT. 3398

LEGISLATIVE HISTORY—S. 1408:

SENATE REPORTS: No. 105-303 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.
Oct. 10, considered and passed House, amended.
Oct. 14, Senate concurred in House amendment.



7. Centennial of Flight Commission

112 STAT. 3486

PUBLIC LAW 105–389—NOV. 13, 1998

Public Law 105–389 105th Congress

An Act

Nov. 13, 1998
[S. 1397]

To establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

Centennial of
Flight
Commemoration
Act.
36 USC 143 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 “Centennial of Flight Commemoration Act”.

36 USC 143 note.

SEC. 2. FINDINGS.

Congress finds that—

(1) December 17, 2003, is the 100th anniversary of the first successful manned, free, controlled, and sustained flight by a power-driven, heavier-than-air machine;

(2) the first flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying;

(3) the airplane has dramatically changed the course of transportation, commerce, communication, and warfare throughout the world;

(4) the achievement by the Wright brothers stands as a triumph of American ingenuity, inventiveness, and diligence in developing new technologies, and remains an inspiration for all Americans;

(5) it is appropriate to remember and renew the legacy of the Wright brothers at a time when the values of creativity and daring represented by the Wright brothers are critical to the future of the Nation; and

(6) as the Nation approaches the 100th anniversary of powered flight, it is appropriate to celebrate and commemorate the centennial year through local, national, and international observances and activities.

36 USC 143 note.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Centennial of Flight Commission.

36 USC 143 note.

SEC. 4. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 6 members, as follows:

(1) The Director of the National Air and Space Museum of the Smithsonian Institution or his designee.

(2) The Administrator of the National Aeronautics and Space Administration or his designee.

(3) The chairman of the First Flight Centennial Foundation of North Carolina, or his designee.

PUBLIC LAW 105-389—NOV. 13, 1998

112 STAT. 3487

(4) The chairman of the 2003 Committee of Ohio, or his designee.

(5) As chosen by the Commission, the president or head of a United States aeronautical society, foundation, or organization of national stature or prominence who will be a person from a State other than Ohio or North Carolina.

(6) The Administrator of the Federal Aviation Administration, or his designee.

(b) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original designation was made.

(c) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay or compensation.

(2) TRAVEL EXPENSES.—The Commission may adopt a policy, only by unanimous vote, for members of the Commission and related advisory panels to receive travel expenses, including per diem in lieu of subsistence. The policy may not exceed the levels established under sections 5702 and 5703 of title 5, United States Code. Members who are Federal employees shall not receive travel expenses if otherwise reimbursed by the Federal Government.

(d) QUORUM.—Three members of the Commission shall constitute a quorum.

(e) CHAIRPERSON.—The Commission shall select a Chairperson of the Commission from the members designated under subsection (a) (1), (2), or (5). The Chairperson may not vote on matters before the Commission except in the case of a tie vote. The Chairperson may be removed by a vote of a majority of the Commission's members.

(f) ORGANIZATION.—No later than 90 days after the date of enactment of this Act, the Commission shall meet and select a Chairperson, Vice Chairperson, and Executive Director. Deadline.

SEC. 5. DUTIES.

36 USC 143 note.

(a) IN GENERAL.—The Commission shall—

(1) represent the United States and take a leadership role with other nations in recognizing the importance of aviation history in general and the centennial of powered flight in particular, and promote participation by the United States in such activities;

(2) encourage and promote national and international participation and sponsorships in commemoration of the centennial of powered flight by persons and entities such as—

- (A) aerospace manufacturing companies;
- (B) aerospace-related military organizations;
- (C) workers employed in aerospace-related industries;
- (D) commercial aviation companies;
- (E) general aviation owners and pilots;
- (F) aerospace researchers, instructors, and enthusiasts;
- (G) elementary, secondary, and higher educational institutions;
- (H) civil, patriotic, educational, sporting, arts, cultural, and historical organizations and technical societies;
- (I) aerospace-related museums; and
- (J) State and local governments;

112 STAT. 3488

PUBLIC LAW 105-389—NOV. 13, 1998

Publication.
Records.

(3) plan and develop, in coordination with the First Flight Centennial Commission, the First Flight Centennial Foundation of North Carolina, and the 2003 Committee of Ohio, programs and activities that are appropriate to commemorate the 100th anniversary of powered flight;

(4) maintain, publish, and distribute a calendar or register of national and international programs and projects concerning, and provide a central clearinghouse for, information and coordination regarding, dates, events, and places of historical and commemorative significance regarding aviation history in general and the centennial of powered flight in particular;

(5) provide national coordination for celebration dates to take place throughout the United States during the centennial year;

(6) assist in conducting educational, civic, and commemorative activities relating to the centennial of powered flight throughout the United States, especially activities that occur in the States of North Carolina and Ohio and that highlight the activities of the Wright brothers in such States; and

(7) encourage the publication of popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.

(b) NONDUPLICATION OF ACTIVITIES.—The Commission shall attempt to plan and conduct its activities in such a manner that activities conducted pursuant to this Act enhance, but do not duplicate, traditional and established activities of Ohio's 2003 Committee, North Carolina's First Flight Centennial Commission, the First Flight Centennial Foundation, or any other organization of national stature or prominence.

SEC. 6. POWERS.

(a) ADVISORY COMMITTEES AND TASK FORCES.—

(1) IN GENERAL.—The Commission may appoint any advisory committee or task force from among the membership of the Advisory Board in section 12.

(2) FEDERAL COOPERATION.—To ensure the overall success of the Commission's efforts, the Commission may call upon various Federal departments and agencies to assist in and give support to the programs of the Commission. The head of the Federal department or agency, where appropriate, shall furnish the information or assistance requested by the Commission, unless prohibited by law.

(3) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee or task force authorized under paragraph (1) shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 4(c)(2).

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(c) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision in this Act, only the Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements in order to carry out this Act.

PUBLIC LAW 105-389—NOV. 13, 1998

112 STAT. 3489

(2) RESTRICTION.—

(A) IN GENERAL.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.

(B) FEDERAL SUPPORT.—The Commission shall obtain property, equipment, and office space from the General Services Administration or the Smithsonian Institution, unless other office space, property, or equipment is less costly.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this Act and remain in the possession of the Commission on the date of the termination of the Commission shall become the property of the General Services Administration upon the date of termination.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

SEC. 7. STAFF AND SUPPORT SERVICES.

36 USC 143 note.

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission and chosen from among detailees from the agencies and organizations represented on the Commission. The Executive Director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.

(b) STAFF.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS-14 of the General Schedule.

(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the 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 as provided under subsections (a) and (b) of this section.

(d) MERIT SYSTEM PRINCIPLES.—The appointment of the Executive Director or any personnel of the Commission under subsection (a) or (b) shall be made consistent with the merit system principles under section 2301 of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the head of any Federal department or agency may detail, on either a nonreimbursable or reimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this Act.

(f) ADMINISTRATIVE SUPPORT SERVICES.—

(1) REIMBURSABLE SERVICES.—The Secretary of the Smithsonian Institution may provide to the Commission on a reimbursable basis any administrative support services that are necessary to enable the Commission to carry out this Act.

112 STAT. 3490

PUBLIC LAW 105-389—NOV. 13, 1998

(2) **NONREIMBURSABLE SERVICES.**—The Secretary may provide administrative support services to the Commission on a nonreimbursable basis when, in the opinion of the Secretary, the value of such services is insignificant or not practical to determine.

(g) **COOPERATIVE AGREEMENTS.**—The Commission may enter into cooperative agreements with other Federal agencies, State and local governments, and private interests and organizations that will contribute to public awareness of and interest in the centennial of powered flight and toward furthering the goals and purposes of this Act.

(h) **PROGRAM SUPPORT.**—The Commission may receive program support from the nonprofit sector.

36 USC 143 note.

SEC. 8. CONTRIBUTIONS.

(a) **DONATIONS.**—The Commission may accept donations of personal services and historic materials relating to the implementation of its responsibilities under the provisions of this Act.

(b) **VOLUNTEER SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(c) **REMAINING FUNDS.**—Any funds (including funds received from licensing royalties) remaining with the Commission on the date of the termination of the Commission may be used to ensure proper disposition, as specified in the final report required under section 10(b), of historically significant property which was donated to or acquired by the Commission. Any funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.

36 USC 143 note.

SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.

(a) **IN GENERAL.**—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties or that it determines is appropriate for use in connection with the commemoration of the centennial of powered flight.

(b) **LICENSING.**—The Commission shall have the sole and exclusive right to use, or to allow or refuse the use of, the name “Centennial of Flight Commission” on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.

(c) **EFFECT ON OTHER RIGHTS.**—No provision of this section may be construed to conflict or interfere with established or vested rights.

(d) **USE OF FUNDS.**—Funds from licensing royalties received pursuant to this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

(e) **LICENSING RIGHTS.**—All exclusive licensing rights, unless otherwise specified, shall revert to the Air and Space Museum of the Smithsonian Institution upon termination of the Commission.

SEC. 10. REPORTS.

(a) **ANNUAL REPORT.**—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

PUBLIC LAW 105-389—NOV. 13, 1998

112 STAT. 3491

(1) recommendations regarding appropriate activities to commemorate the centennial of powered flight, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of exhibits for libraries, museums, and other appropriate institutions;

(E) ceremonies and celebrations commemorating specific events that relate to the history of aviation;

(F) programs focusing on the history of aviation and its benefits to the United States and humankind; and

(G) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of powered flight;

(2) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the centennial of powered flight;

(3) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the centennial of powered flight;

(4) an accounting of funds received and expended by the Commission in the fiscal year that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year; and

(5) an accounting of any cooperative agreements and contract agreements entered into by the Commission.

(b) FINAL REPORT.—Not later than June 30, 2004, the Commission shall submit to the President and Congress a final report. The final report shall contain—

Deadline.
President.

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) any findings and conclusions of the Commission; and

(4) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission under section 8(a)(1).

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

36 USC 143 note.

(a) IN GENERAL.—

(1) AUDIT.—The Comptroller General of the United States shall audit on an annual basis the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards.

(2) ACCESS.—In conducting an audit under this section, the Comptroller General—

(A) shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

112 STAT. 3492

PUBLIC LAW 105-389—NOV. 13, 1998

(B) shall be afforded full facilities for verifying the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

Deadline.
President.

(b) FINAL REPORT.—Not later than September 30, 2004, the Comptroller General of the United States shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted by the Comptroller General.

SEC. 12. ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a First Flight Centennial Federal Advisory Board.

(b) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Board shall be composed of 19 members as follows:

(A) The Secretary of the Interior, or the designee of the Secretary.

(B) The Librarian of Congress, or the designee of the Librarian.

(C) The Secretary of the Air Force, or the designee of the Secretary.

(D) The Secretary of the Navy, or the designee of the Secretary.

(E) The Secretary of Transportation, or the designee of the Secretary.

President.

(F) Six citizens of the United States, appointed by the President, who—

(i) are not officers or employees of any government (except membership on the Board shall not be construed to apply to the limitation under this clause); and

(ii) shall be selected based on their experience in the fields of aerospace history, science, or education, or their ability to represent the entities enumerated under section 5(a)(2).

(G) Four citizens of the United States, appointed by the majority leader of the Senate in consultation with the minority leader of the Senate.

(H) Four citizens of the United States, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives. Of the individuals appointed under this subparagraph—

(i) one shall be selected from among individuals recommended by the representative whose district encompasses the Wright Brothers National Memorial; and

(ii) one shall be selected from among individuals recommended by the representatives whose districts encompass any part of the Dayton Aviation Heritage National Historical Park.

(c) VACANCIES.—Any vacancy in the Advisory Board shall be filled in the same manner in which the original designation was made.

(d) MEETINGS.—Seven members of the Advisory Board shall constitute a quorum for a meeting. All meetings shall be open to the public.

PUBLIC LAW 105–389—NOV. 13, 1998

112 STAT. 3493

(e) CHAIRPERSON.—The President shall designate 1 member appointed under subsection (b)(1)(F) as chairperson of the Advisory Board. President.

(f) MAILS.—The Advisory Board may use the United States mails in the same manner and under the same conditions as a Federal agency.

(g) DUTIES.—The Advisory Board shall advise the Commission on matters related to this Act.

(h) PROHIBITION OF COMPENSATION OTHER THAN TRAVEL EXPENSES.—Members of the Advisory Board shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 4(e).

(i) TERMINATION.—The Advisory Board shall terminate upon the termination of the Commission.

SEC. 13. DEFINITIONS.

36 USC 143 note.

For purposes of this Act:

(1) The term “Advisory Board” means the Centennial of Flight Federal Advisory Board.

(2) The term “centennial of powered flight” means the anniversary year, from December 2002 to December 2003, commemorating the 100-year history of aviation beginning with the First Flight and highlighting the achievements of the Wright brothers in developing the technologies which have led to the development of aviation as it is known today.

(3) The term “Commission” means the Centennial of Flight Commission.

(4) The term “designee” means a person from the respective entity of each entity represented on the Commission or Advisory Board.

(5) The term “First Flight” means the first four successful manned, free, controlled, and sustained flights by a power-driven, heavier-than-air machine, which were accomplished by Orville and Wilbur Wright of Dayton, Ohio on December 17, 1903 at Kitty Hawk, North Carolina.

SEC. 14. TERMINATION.

36 USC 143 note.

The Commission shall terminate not later than 60 days after the submission of the final report required by section 10(b) and shall transfer all documents and material to the National Archives or other appropriate Federal entity.

112 STAT. 3494

PUBLIC LAW 105–389—NOV. 13, 1998

36 USC 143 note. **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this Act \$250,000 for fiscal year 1999, \$600,000 for fiscal year 2000, \$750,000 for fiscal year 2001, \$900,000 for fiscal year 2002, \$900,000 for fiscal year 2003, and \$600,000 for fiscal year 2004.

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1397:

SENATE REPORTS: No. 105–294 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Sept. 22, considered and passed Senate.

Oct. 14, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):
Nov. 13, Presidential statement.



**8. Center for Historically Black Heritage at
Florida A&M University Grant**

PUBLIC LAW 105–138—DEC. 2, 1997

111 STAT. 2642

Public Law 105–138
105th Congress

An Act

To provide for the design, construction, furnishing, and equipping of a Center
for Historically Black Heritage within Florida A&M University.

Dec. 2, 1997
[S. 1559]

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

**SECTION 1. CONSTRUCTION OF A CENTER FOR REGIONAL BLACK CUL-
TURE.**

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

(1) Currently 500,000 historically important artifacts of the Civil War era and the early days of the civil rights movement in the Southeast region of the United States are housed at Florida A&M University.

(2) To preserve this large repository of African-American history and artifacts it is appropriate that the Federal Government share in the cost of construction of this national repository for culture and history.

(b) DEFINITION.—In this section:

(1) CENTER.—The term “Center” means the Center for Historically Black Heritage at Florida A&M University.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior acting through the Director of the National Park Service.

(c) CONSTRUCTION OF CENTER.—The Secretary may award a grant to the State of Florida to pay for the Federal share of the cost, design, construction, furnishing, and equipping of the Center at Florida A&M University.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), Florida A&M University, shall submit to the Secretary a proposal.

(2) FEDERAL SHARE.—The Federal share described in subsection (c) shall be 50 percent.

111 STAT. 2643

PUBLIC LAW 105–138—DEC. 2, 1997

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section a total of \$3,800,000 for fiscal year 1998 and any succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

Approved December 2, 1997.

LEGISLATIVE HISTORY—S. 1559:

CONGRESSIONAL RECORD, Vol. 143 (1997):

Nov. 13, considered and passed Senate and House.



9. Chacoan Outliers Protection Act

PUBLIC LAW 104–11—MAY 18, 1995

109 STAT. 158

Public Law 104–11
104th Congress**An Act**To amend title V of Public Law 96–550, designating the Chaco Culture Archeological
Protection Sites, and for other purposes.

May 18, 1995

[H.R. 517]

*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 “Chacoan Outliers Protection
Act of 1995”.Chacoan Outliers
Protection Act of
1995.
Arizona.
New Mexico.
16 USC 410ii
note.**SEC. 2. CONFORMING AMENDMENT.**Section 501(b) of Public Law 96–550 (16 U.S.C. 410ii(b)) is
amended by striking “San Juan Basin;” and inserting in lieu thereof,
“San Juan Basin and surrounding areas;”.**SEC. 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTEC-
TION SITES.**Subsection 502(b) of Public Law 96–550 (16 U.S.C. 410ii–1(b))
is amended to read as follows:“(b)(1) Thirty-nine outlying sites as generally depicted on a
map entitled ‘Chaco Culture Archeological Protection Sites’, num-
bered 310/80,033–B and dated September 1991, are hereby des-
ignated as ‘Chaco Culture Archeological Protection Sites’. The
thirty-nine archeological protection sites totaling approximately
14,372 acres identified as follows:

“Name:	Acres
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa’ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40

Haystack	565
Hogback	453
Indian Creek	100
Jaquez	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hchoi	116
Morris 41	85
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60.

“(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.”.

SEC. 4. ACQUISITIONS.

Section 504(c)(2) of Public Law 96–550 (16 U.S.C. 410ii–3(c)(2)) is amended to read as follows:

“(2) The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements (pursuant to section 505) to accomplish the purposes of archeological resource protection at those sites described in section 502(b) that remain in private ownership.”.

Contracts.
Grants.

SEC. 5. ASSISTANCE TO THE NAVAJO NATION.

Section 506 of Public Law 96–550 (16 U.S.C. 410ii–5) is amended by adding the following new subsection at the end thereof:

“(f) The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on land under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93–638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions,

PUBLIC LAW 104–11—MAY 18, 1995

109 STAT. 160

and such other purposes as may be identified in such grant, contract, or cooperative agreement. This cooperative assistance shall include assistance with the development of a Navajo facility to serve those who seek to appreciate the Chacoan Outlier Sites.”.

Approved May 18, 1995.

LEGISLATIVE HISTORY—H.R. 517 (S. 226) (S. 719):

HOUSE REPORTS: No. 104–56 (Comm. on Resources).

SENATE REPORTS: No. 104–19 accompanying S. 226 and 104–49 accompanying S. 719 (both from Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 141 (1995):

Mar. 14, considered and passed House.

Apr. 27, considered and passed Senate.



10. Charleston, Arkansas National Commemorative Site

112 STAT. 2681

PUBLIC LAW 105–277—OCT. 21, 1998

***Public Law 105–277**
105th Congress

An Act

Oct. 21, 1998
 [H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Omnibus
 Consolidated and
 Emergency
 Supplemental
 Appropriations
 Act, 1999.

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

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

* * * * *

112 STAT.
 2681–231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
 2681–232
 Department of
 the Interior and
 Related Agencies
 Appropriations
 Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–252

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

* * * * *

112 STAT.
 2681–262
 16 USC 461 note.

SEC. 128. CHARLESTON, ARKANSAS NATIONAL COMMEMORATIVE SITE. (a) The Congress finds that—

(1) the 1954 U.S. Supreme Court decision of *Brown v. Board of Education*, which mandated an end to the segregation of public schools, was one of the most significant Court decisions in the history of the United States;

(2) the Charleston Public School District in Charleston, Arkansas, in September, 1954, became the first previously-segregated public school district in the former Confederacy to integrate following the *Brown* decision;

(3) the orderly and peaceful integration of the public schools in Charleston served as a model and inspiration in the development of the Civil Rights movement in the United States, particularly with respect to public education; and

(4) notwithstanding the important role of the Charleston School District in the successful implementation of integrated

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-262

public schools, the role of the district has not been adequately commemorated and interpreted for the benefit and understanding of the nation.

(b) The Charleston Public School complex in Charleston, Arkansas is hereby designated as the “Charleston National Commemorative Site” in commemoration of the Charleston schools’ role as the first public school district in the South to integrate following the 1954 United States Supreme Court decision, *Brown v. Board of Education*.

(c) The Secretary, after consultation with the Charleston Public School District, shall establish an appropriate commemorative monument and interpretive exhibit at the Charleston National Commemorative Site to commemorate the 1954 integration of Charleston’s public schools.

* * * * *

Approved October 21, 1998.

112 STAT.
2681-919

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105-648 (Comm. on Appropriations) and 105-825 (Comm. of Conference).

SENATE REPORTS: No. 105-249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



11. Chesapeake Bay Gateways and Watertrails Network

112 STAT. 2956

PUBLIC LAW 105–312—OCT. 30, 1998

Public Law 105–312
105th Congress

An Act

Oct. 30, 1998
[H.R. 2807]

To clarify restrictions under the Migratory Bird Treaty Act on baiting and to facilitate acquisition of migratory bird habitat, and for other purposes.

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

* * * * *

112 STAT. 2961
Chesapeake Bay
Initiative Act of
1998.
16 USC 461 note.

TITLE V—CHESAPEAKE BAY INITIATIVE

SEC. 501. SHORT TITLE.

This title may be cited as the “Chesapeake Bay Initiative Act of 1998”.

SEC. 502. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

112 STAT. 2962

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

Establishment.

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways

PUBLIC LAW 105-312—OCT. 30, 1998

112 STAT. 2962

Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 1999 through 2003. 112 STAT. 2963

Approved October 30, 1998.

LEGISLATIVE HISTORY—H.R. 2807 (H.R. 2863) (S. 361):

HOUSE REPORTS: Nos. 105-495 (Comm. on Resources) and 105-542 accompanying H.R. 2863 (Comm. on Resources).

SENATE REPORTS: Nos. 105-366 accompanying H.R. 2863 and 105-282 accompanying S. 361 both from (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Apr. 28, considered and passed House.

Oct. 13, considered and passed Senate, amended, in lieu of H.R. 2863.

Oct. 14, House concurred in Senate amendments with amendments.

Oct. 15, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Oct. 30, Presidential statement.



12. Daughters of the American Colonists

110 STAT. 1321

PUBLIC LAW 104–134—APR. 26, 1996

*** Public Law 104–134
104th Congress****An Act**Apr. 26, 1996
[H.R. 3019]

Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*
SECTION 101.Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.110 STAT.
1321–156

* * * * *

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Department of
the Interior and
Related Agencies
Appropriations
Act, 1996.**AN ACT**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

* * * * *

110 STAT.
1321–196**TITLE III—GENERAL PROVISIONS**

* * * * *

110 STAT.
1321–210
Daughters of the
American
Colonists.**SEC. 337.** Directs the Department of the Interior to transfer to the Daughters of the American Colonists a plaque in the possession of the National Park Service. The Park Service currently has this plaque in storage and this provision provides for its return to the organization that originally placed the plaque on the Great Southern Hotel in Saint Louis, Missouri in 1933 to mark the site of Fort San Carlos.

* * * * *

110 STAT.
1321–381**Approved April 26, 1996.**

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):**HOUSE REPORTS:** No. 104–537 (Comm. of Conference).**SENATE REPORTS:** No. 104–236 accompanying S. 1594 (Comm. on Appropriations).**CONGRESSIONAL RECORD**, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



13. Ferry Farm, Virginia Land Acquisition Authority and Study

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress

An Act

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

Nov. 6, 1998
[H.R. 3910]

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

* * * * *

TITLE V—OTHER MATTERS

112 STAT. 3261

* * * * *

SEC. 509. GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT, VIRGINIA.

112 STAT. 3264
16 USC 442 note.

(a) ACQUISITION OF EASEMENT.—The Secretary of the Interior may acquire no more than a less than fee interest in the property generally known as George Washington's Boyhood Home, Ferry Farm, located in Stafford County, Virginia, across the Rappahannock River from Fredericksburg, Virginia, comprising approximately 85 acres as generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered 322/80,020, and dated April 1998, to ensure the preservation of the important cultural and natural resources associated with Ferry Farm. The Secretary of the Interior shall keep the map on file and available for public inspection in appropriate offices of the National Park Service.

(b) MANAGEMENT OF EASEMENT.—The Secretary shall enter into a cooperative agreement with Kenmore Association, Inc., for the management of Ferry Farm pending completion of the study referred to in subsection (c).

Contracts.

(c) RESOURCE STUDY.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the property described in subsection (a). The study shall—

Deadline.

(1) identify the full range of resources and historic themes associated with Ferry Farm, including those associated with George Washington's tenure at the property and those associated with the Civil War period;

(2) identify alternatives for further National Park Service involvement at the property beyond those that may be provided for in the acquisition authorized under subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

112 STAT. 3265

(d) AGREEMENTS.—Upon completion of the resource study under subsection (c), the Secretary of the Interior may enter into an agreement with the owner of the property described in subsection (a) or other entities for the purpose of providing programs, services,

112 STAT. 3265

PUBLIC LAW 105–355—NOV. 6, 1998

facilities, or technical assistance that further the preservation and public use of the property.

* * * * *

112 STAT. 3267

Approved November 6, 1998.

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



14. Great Falls Historic District, New Jersey

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

110 STAT. 4153

* * * * *

SEC. 510. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.110 STAT. 4158
16 USC 461 note.(a) **PURPOSES.**—The purposes of this section are—(1) to preserve and interpret, for the educational and
inspirational benefit of the public, the contribution of our
national heritage of certain historic and cultural lands and
edifices of the Great Falls Historic District, with emphasis
on harnessing this unique urban environment for its
educational and recreational value; and(2) to enhance economic and cultural redevelopment within
the District.(b) **DEFINITIONS.**—In this section:(1) **DISTRICT.**—The term “District” means the Great Falls
Historic District established by subsection (c).(2) **SECRETARY.**—The term “Secretary” means the Secretary
of the Interior.(3) **HISTORIC INFRASTRUCTURE.**—The term “historic infra-
structure” means the District’s historic raceway system, all
four stories of the original Colt Gun Mill, including belltower,
and any other structure that the Secretary determines to be
eligible for the National Register of Historic Places.(c) **GREAT FALLS HISTORIC DISTRICT.**—(1) **ESTABLISHMENT.**—There is established the Great Falls
Historic District in the city of Paterson, in Passaic County,
New Jersey.(2) **BOUNDARIES.**—The boundaries of the District shall be
the boundaries specified by the Great Falls Historic District
listed on the National Register of Historic Places.(d) **DEVELOPMENT PLAN.**—The Secretary may make grants and
enter into cooperative agreements with the State of New Jersey,
local governments, and private nonprofit entities under which the
Secretary agrees to pay not more than 50 percent of the costs
of—

110 STAT. 4158

PUBLIC LAW 104-333—NOV. 12, 1996

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

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

110 STAT. 4159

(3) a market analysis assessing the economic development potential of the District and recommending steps to be taken to encourage economic development and revitalization in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of New Jersey, local governments and nonprofit entities owning property within the District under which the Secretary may—

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

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

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

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

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant, and that provides for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(3) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Historic Preservation Fund authorized under the National Historic Preservation Act to the Secretary to carry out this section—

(1) \$250,000 for grants and cooperative agreements for the development plan under subsection (d); and

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4159

(2) \$50,000 for the provision of technical assistance and \$3,000,000 for the provision of other assistance under cooperative agreements under subsection (e).

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



15. Hawaiian Islands

112 STAT. 3247

PUBLIC LAW 105–355—NOV. 6, 1998

**Public Law 105–355
105th Congress****An Act**Nov. 6, 1998
[H.R. 3910]To authorize the Automobile National Heritage Area in the State of Michigan,
and for other purposes.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

* * * * *

112 STAT. 3261

TITLE V—OTHER MATTERS

* * * * *

112 STAT. 3265

**SEC. 511. STUDIES OF POTENTIAL NATIONAL PARK SYSTEM UNITS
IN HAWAII.**

112 STAT. 3266

(a) IN GENERAL.—The Secretary of the Interior, acting through
the Director of the National Park Service, shall undertake feasibility
studies regarding the establishment of National Park System units
in the following areas in the State of Hawaii:(1) Island of Maui: The shoreline area known as “North
Beach”, immediately north of the present resort hotels at
Kaanapali Beach, in the Lahaina district in the area extending
from the beach inland to the main highway.(2) Island of Lanai: The mountaintop area known as “Hale”
a the central part of the island.(3) Island of Kauai: The shoreline area from “Anini Beach”
to “Makua Tunnels” on the north coast of this island.(4) Island of Molokai: The “Halawa Valley” on the eastern
end of the island, including its shoreline, cove and lookout/
access roadway.(b) KALAUPAPA SETTLEMENT BOUNDARIES.—The studies con-
ducted under this section shall include a study of the feasibility
of extending the present National Historic Park boundaries at
Kalaupapa Settlement eastward to Halawa Valley along the island’s
north shore.(c) REPORT.—A report containing the results of the studies
under this section shall be submitted to the Congress promptly
upon completion.

* * * * *

112 STAT. 3267

Approved November 6, 1998.**LEGISLATIVE HISTORY—H.R. 3910:**

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



16. Juneau, Alaska Road Easement Transfer

PUBLIC LAW 105-277—OCT. 21, 1998

112 STAT. 2681

*Public Law 105-277
105th Congress

An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Oct. 21, 1998
[H.R. 4328]

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

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

Omnibus
Consolidated and
Emergency
Supplemental
Appropriations
Act, 1999.

* * * * *

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
2681-231

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

112 STAT.
2681-232
Department of
the Interior and
Related Agencies
Appropriations
Act, 1999.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

112 STAT.
2681-252

* * * * *

SEC. 149. Notwithstanding any other provision of law, the Secretary of the Interior shall transfer a road easement, no wider than 50 feet, across lot 1 (USS 3811, First Judicial District, Juneau Recording District, State of Alaska), administered by the National Park Service, identified as road alternative 1 on the map entitled "Traffic and Environmental Feasibility Study for Access to Proposed Auke Cape Facility" in the document for the NOAA/NMFS Juneau Consolidated Facility Preliminary Draft Environmental Impact Statement, dated July 1996, to the City and Borough of Juneau, Alaska. The Secretary of the Interior shall also transfer to the City and Borough of Juneau all right, title and interest of the United States in the right of way described by the plat recorded in Book 54, page 371, of the Juneau Recording District. Such transfers shall occur as soon as practical after the Secretary of Commerce has exchanged all, or a portion, of the right, title and interest in the 28.16 acres known as the Auke Cape property

112 STAT.
2681-267

112 STAT.
2681-268

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

112 STAT. 2681–268 PUBLIC LAW 105–277—OCT. 21, 1998

for the 22.35 acres known as the Lena Point property, near Juneau, Alaska to the City and Borough of Juneau, Alaska. The Secretary of the Interior shall deliver to the City and Borough of Juneau, Alaska a deed or patent establishing the conveyance to the City and Borough of Juneau, Alaska of said easements. The Secretary of the Interior shall retain the right of access and use of such right of way, easement and road.

* * * * *

112 STAT.
2681–919

Approved October 21, 1998.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



17. Lorton Correctional Complex Virginia Land Transfer

PUBLIC LAW 105–33—AUG. 5, 1997

111 STAT. 251

*Public Law 105–33
105th Congress

An Act

To provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

Aug. 5, 1997
[H.R. 2015]

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

Balanced Budget
Act of 1997.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Balanced Budget Act of 1997”.

SEC. 2. TABLE OF TITLES.

* * * * *

TITLE XI—DISTRICT OF COLUMBIA REVITALIZATION

111 STAT. 712
National Capital
Revitalization
and
Self-Government
Improvement Act
of 1997.

SECTION 11000. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “National Capital Revitalization and Self-Government Improvement Act of 1997”.

(b) **TABLE OF CONTENTS.**—The table of contents of this title is as follows:

* * * * *

Subtitle C—Criminal Justice

111 STAT. 734

CHAPTER 1—CORRECTIONS

SEC. 11201. BUREAU OF PRISONS.

* * * * *

(g) **LORTON CORRECTIONAL COMPLEX.**—

111 STAT. 735

(1) **TRANSFER OF FUNCTIONS.**—Notwithstanding any other provision of law, to the extent the Bureau of Prisons assumes functions of the Department of Corrections under this subtitle, the Department is no longer responsible for such functions and the provisions of “An Act to create a Department of Corrections in the District of Columbia”, approved June 27, 1946 (D.C. Code 24–441, 442), that apply with respect to such functions are no longer applicable. Except as provided in paragraph (2), any property on which the Lorton Correctional Complex is located shall be transferred to the Department of the Interior.

*Note: This is a hand enrollment pursuant to Public Law 105–32.

111 STAT. 735

PUBLIC LAW 105-33—AUG. 5, 1997

(2) TRANSFER OF LAND.—

(A) IN GENERAL.—

(i) FAIRFAX COUNTY WATER AUTHORITY.—150 acres of parcel 106-4-001-54 located west of Ox Road (State Route 123) on which the Lorton Correctional Complex is located shall be transferred, without consideration, to the Fairfax County Water Authority of Fairfax, Virginia.

(ii) FAIRFAX COUNTY DEPARTMENT OF PARKS AND RECREATION.—Any acres of parcel 106-4-001-54 located west of Ox Road (State Route 123) on which the Lorton Correctional Complex is located not transferred under clause (i) shall be assigned to the Department of the Interior, National Park Service, for conveyance to the Fairfax County Department of Parks and Recreation for recreational purposes pursuant to the section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)).

(B) CONDITION OF TRANSFER.—

111 STAT. 736

(i) WATER SERVICES.—The United States Government shall not transfer any parcels under this paragraph unless the Fairfax County Water Authority certifies that it will continue to provide water services to the Lorton Correctional Complex at the rate it provided water services prior to the transfer.

(ii) RESTRICTION ON TRANSFER.—No Federal agency may transfer the property under this paragraph until the prospective recipient of the property provides to such agency—

(I) a land description survey suitable for transferring property under Virginia law; and

(II) any necessary surveys to determine the presence of any hazardous substances, contaminants or pollutants.

(iii) LORTON CORRECTIONAL COMPLEX.—The Lorton Correctional Complex shall remain available for the District of Columbia Department of Corrections to house District of Columbia felony inmates until the last inmate at the Complex has been designated by the Bureau of Prisons or until December 31, 2003, whichever is earlier.

(C) AUTHORIZATION.—The General Services Administration and the National Park Service is authorized to expend any funds necessary to ensure that the transfer or conveyance under subparagraph (A) complies with all applicable environmental and historic preservation laws.

(3) WATER MAINS.—Any water mains located on or across the Lorton Correctional Complex on the date of the transfers under paragraph (2), that are owned by the Fairfax County Water Authority and provide water to the public, shall be permitted to remain in place, and shall be operated, maintained, repaired, and replaced by the Fairfax County Water Authority or a successor agency furnishing water to the public in Fairfax

PUBLIC LAW 105–33—AUG. 5, 1997

111 STAT. 736

County or adjacent jurisdictions, but shall not interfere with
operations of the Lorton Correctional Complex.

* * * * *

Approved August 5, 1997.

111 STAT. 787

LEGISLATIVE HISTORY—H.R. 2015 (S. 947):

HOUSE REPORTS: Nos. 105–149 (Comm. on the Budget) and 105–217 (Comm. of
Conference).

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 25, considered and passed House; considered and passed Senate,
amended, in lieu of S. 947.

July 30, House agreed to conference report. Senate considered conference
report.

July 31, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Aug. 5, Presidential remarks and statement.

Aug. 11, Presidential remarks and special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Aug. 12, Cancellation of item pursuant to Line Item Veto Act.



18. Merced County, California Land Transfer

112 STAT. 3247

PUBLIC LAW 105–355—NOV. 6, 1998

Public Law 105–355
105th Congress

An Act

Nov. 6, 1998
[H.R. 3910]

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

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

* * * * *

112 STAT. 3261

TITLE V—OTHER MATTERS

* * * * *

112 STAT. 3262

SEC. 504. AUTHORIZATION TO USE LAND IN MERCED COUNTY, CALIFORNIA, FOR ELEMENTARY SCHOOL.

(a) **REMOVAL OF RESTRICTIONS.**—Notwithstanding the restrictions otherwise applicable under the terms of conveyance by the United States of any of the land described in subsection (b) to Merced County, California, or under any agreement concerning any part of such land between such county and the Secretary of the Interior or any other officer or agent of the United States, the land described in subsection (b) may be used for the purpose specified in subsection (c).

(b) **LAND AFFECTED.**—The land referred to in subsection (a) is the north 25 acres of the 40 acres located in the northwest quarter of the southwest quarter of section 20, township 7 south, range 13 east, Mount Diablo base line and Meridian in Merced County, California, conveyed to such county by deed recorded in volume 1941 at page 441 of the official records in Merced County, California.

(c) **AUTHORIZED USES.**—Merced County, California, may authorize the use of the land described in subsection (b) for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California. If Merced County permits such lands to be used for such purposes, the county shall include information concerning such use in the periodic reports to the Secretary of the Interior required under the terms of the conveyance of such lands to the county by the United States. Any violation of the provisions of this subsection shall be deemed to be a breach of the conditions and covenants under which such lands were conveyed to Merced County by the United States, and shall have the same effect as provided by deed whereby the United States conveyed the lands to the county. Except as specified in this subsection,

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3262

nothing in this section shall increase or diminish the authority
or responsibility of the county with respect to the land.

* * * * *

Approved November 6, 1998.

112 STAT. 3267

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



19. National Children's Island Act of 1995

110 STAT. 1416

PUBLIC LAW 104–163—JULY 19, 1996

**Public Law 104–163
104th Congress****An Act**

July 19, 1996
[H.R. 1508]

To require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park.

National
Children's Island
Act of 1995.

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 Children's Island Act of 1995”.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term “plat” means the plat filed in the Office of the Surveyor of the District of Columbia under S.O. 92–252.

(2) The term “District” means the District of Columbia.

(3) The term “Islands” means Heritage Island and all of that portion of Kingman Island located south of Benning Road and within the District of Columbia and the Anacostia River, being a portion of United States Reservation 343, Section F, as specified and legally described on the Survey.

(4) The term “National Children's Island” means a cultural, educational, and family-oriented recreation park, together with a children's playground, to be developed and operated in accordance with the Children's Island Development Plan Act of 1993, D.C. Act 10–110.

(5) The term “playground” means the children's playground that is part of National Children's Island and includes all lands on the Islands located south of East Capitol Street.

(6) The term “recreation park” means the cultural, educational, and family-oriented recreation park that is part of National Children's Island.

(7) The term “Secretary” means the Secretary of the Interior.

(8) The term “Survey” means the ALTA/ACSM Land Title Survey prepared by Dewberry & Davis and dated February 12, 1994.

SEC. 3. PROPERTY TRANSFER.

(a) TRANSFER OF TITLE.—In order to facilitate the construction, development, and operation of National Children's Island, the Secretary shall, not later than six months after the date of enactment of this Act and subject to this Act, transfer by quitclaim deed, without consideration, to the District all right, title, and interest

PUBLIC LAW 104-163—JULY 19, 1996

110 STAT. 1417

of the United States in and to the Islands. Unbudgeted actual costs incurred by the Secretary for such transfer shall be borne by the District. The District may seek reimbursement from any third party for such costs.

(b) GRANT OF EASEMENTS.—(1) The Secretary shall, not later than six months after the date of enactment of this Act, grant, without consideration, to the District, permanent easements across the waterways and bed of the Anacostia River as described in the Survey as Leased Riverbed Areas A, B, C, and D, and across the shoreline of the Anacostia River as depicted on the plat map recorded in the Office of the Surveyor of the District as S.O. 92-252.

(2) Easements granted under paragraph (1) shall run with the land and shall be for the purposes of—

(A) constructing, reconstructing, maintaining, operating, and otherwise using only such bridges, roads, and other improvements as are necessary or desirable for vehicular and pedestrian egress and ingress to and from the Islands and which satisfy the District Building Code and applicable safety requirements;

(B) installing, reinstalling, maintaining, and operating utility transmission corridors, including (but not limited to) all necessary electricity, water, sewer, gas, necessary or desirable for the construction, reconstruction, maintenance, and operation of the Islands and any and all improvements located thereon from time to time; and

(C) constructing, reconstructing, maintaining, operating, and otherwise providing necessary informational kiosk, ticketing booth, and security for the Islands.

(3) Easements granted under paragraph (1) shall be assignable by the District to any lessee, sublessee, or operator, or any combination thereof, of the Islands.

(c) DEVELOPMENT.—The development of National Children's Island shall proceed as specified in paragraph 3 of the legend on the plat or as otherwise authorized by the District by agreement, lease, resolution, appropriate executive action, or otherwise.

(d) REVERSION.—(1) The transfer under subsection (a) and the grant of easements under subsection (b) shall be subject to the condition that the Islands only be used for the purposes of National Children's Island. Title in the property transferred under subsection (a) and the easements granted under subsection (b), shall revert to the United States 60 days after the date on which the Secretary provides written notice of the reversion to the District based on the Secretary's determination, which shall be made in accordance with chapter 5 of title 5, United States Code (relating to administrative procedures), that one of the following has occurred:

(A) Failure to commence improvements in the recreational park within the earlier of—

(i) three years after building permits are obtained for construction of such improvements; or

(ii) four years after title has been transferred, as provided in subsection (a).

(B) Failure to commence operation of the recreation park within the earlier of—

(i) five years after building permits are obtained for construction of such improvements; or

110 STAT. 1418

PUBLIC LAW 104-163—JULY 19, 1996

(ii) seven years after title has been transferred, as provided in subsection (a).

(C) After completion of construction and commencement of operation, the abandonment or non-use of the recreation park for a period of two years.

(D) After completion of construction and commencement of operation, conversion of the Islands to a use other than that specified in this Act or conversion to a parking use not in accordance with section 4(b).

(2) The periods referred to in paragraph (1) shall be extended during the pendency of any lawsuit which seeks to enjoin the development or operation of National Children's Island or the administrative process leading to such development or operation.

(3) Following any reconveyance or reversion to the National Park Service, any and all claims and judgments arising during the period the District holds title to the Islands, the playground, and premises shall remain the responsibility of the District, and such reconveyance or reversion shall extinguish any and all leases, rights or privileges to the Islands and the playground granted by the District.

(4) The District shall require any nongovernmental entity authorized to construct, develop, and operate National Children's Island to establish an escrow fund, post a surety bond, provide a letter of credit or otherwise provide such security for the benefit of the National Park Service, substantially equivalent to that specified in paragraph 11 of the legend on the plat, to serve as the sole source of funding for restoration of the recreation park to a condition suitable for National Park Service purposes (namely, the removal of all buildings and grading, seeding and landscaping of the recreation park) upon reversion of the property. If, on the date which is two years from the date of reversion of the property, the National Park Service has not commenced restoration or is not diligently proceeding with such restoration, any amount in the escrow fund shall be distributed to such nongovernmental entity.

SEC. 4. PROVISIONS RELATING TO LANDS TRANSFERRED AND EASEMENTS GRANTED.

(a) **PLAYGROUND.**—Operation of the recreation park may only commence simultaneously with or subsequent to improvement and opening of a children's playground at National Children's Island that is available to the public free of charge. The playground shall only include those improvements traditionally or ordinarily included in a publicly maintained children's playground. Operation of the recreation park is at all times dependent on the continued maintenance of the children's playground.

(b) **PUBLIC PARKING.**—Public parking on the Islands is prohibited, except for handicapped parking, emergency and government vehicles, and parking related to constructing, and servicing National Children's Island.

(c) **REQUIRED APPROVALS.**—Before construction commences, the final design plans for the recreation park and playground, and all related structures, including bridges and roads, are subject to the review and approval of the National Capital Planning Commission and of the District of Columbia in accordance with the Children's Island Development Plan Act of 1993 (D.C. Act 10-110). The District of Columbia shall carry out its review of

PUBLIC LAW 104-163—JULY 19, 1996

110 STAT. 1419

this project in full compliance with all applicable provisions of the National Environmental Policy Act of 1969.

SEC. 5. EFFECT OF PROPERTY TRANSFER.

(a) **EFFECT OF PROPERTY TRANSFER.**—Upon the transfer of the Islands to the District pursuant to this Act:

(1) The Transfer of Jurisdiction concerning the Islands from the National Park Service to the District dated February 1993, as set out on the plat map recorded in the Office of the Surveyor of the District as S.O. 92-252 and as approved by the Council of the District by Resolution 10-91, shall become null and void and of no further force and effect, except for the references in this Act to paragraphs 3 and 11 of the legend on the plat.

(2) The Islands shall no longer be considered to be part of Anacostia Park and shall not be considered to be within the park system of the District; therefore, the provisions of section 2 of the Act entitled “An Act to vest in the Commissioners of the District of Columbia control of street parking in said District”, approved July 1, 1898 (ch. 543, 30 Stat. 570; D.C. Code 8-104), shall not apply to the Islands, and the District shall have exclusive charge and control over the Islands and easements transferred.

(3) The Islands shall cease to be a reservation, park, or public grounds of the United States for the purposes of the Act of August 24, 1912 (ch. 355, 37 Stat. 444; 40 U.S.C. 68; 8-128 D.C. Code).

(b) **USE OF CERTAIN LANDS FOR PARKING AND OTHER PURPOSES.**—Notwithstanding any other provision of law, the District is hereby authorized to grant via appropriate instrument to a non-governmental individual or entity any and all of its rights to use the lands currently being leased by the United States to the District pursuant to the District of Columbia Stadium Act of 1957 (Public Law 85-300, September 7, 1957, 71 Stat. 619) for parking facilities (and necessary informational kiosk, ticketing booth, and security) as the Mayor of the District in his discretion may determine necessary or appropriate in connection with or in support of National Children’s Island.

110 STAT. 1420

PUBLIC LAW 104-163—JULY 19, 1996

SEC. 6. SAVINGS PROVISIONS.

No provision of this Act shall be construed—

(1) as an express or implied endorsement or approval by the Congress of any such construction, development, or operation of National Children's Island;

(2) except as provided in section 5, to exempt the recreational park and playground from the laws of the United States or the District, including laws relating to the environment, health, and safety; or

(3) to prevent additional conditions on the National Children's Island development or operation to mitigate adverse impacts on adjacent residential neighborhoods and park lands and the Anacostia River.

Approved July 19, 1996.

LEGISLATIVE HISTORY—H.R. 1508:

HOUSE REPORTS: No. 104-277, Pt. 1 (Comm. on Resources).

CONGRESSIONAL RECORD:

Vol. 141 (1995): Oct. 30, considered and passed House.

Vol. 142 (1996): June 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
July 19, Presidential statement.



20. New Castle, New Hampshire Land Exchange

PUBLIC LAW 105–277—OCT. 21, 1998

112 STAT. 2681

*Public Law 105–277
105th Congress

An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Oct. 21, 1998
[H.R. 4328]

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

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:
SEC. 101.

Omnibus
Consolidated and
Emergency
Supplemental
Appropriations
Act, 1999.

* * * * *

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 1999”.

112 STAT.
2681–337

* * * * *

(g) For programs, projects or activities in the Department of Transportation and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.
2681–439

AN ACT Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

* * * * *

Department of
Transportation
and Related
Agencies
Appropriations
Act, 1999.
112 STAT.
2681–464

TITLE III**GENERAL PROVISIONS**

* * * * *

SEC. 371. (a) The Commandant of the Coast Guard shall convey, without consideration, to the Town of New Castle, New Hampshire (in this section referred to as the “Town”), all right, title, and interest of the United States in and to a parcel of real property comprising approximately 2 acres and having approximately 100 feet of ocean front that is located in New Castle, New Hampshire. The property is bordered to the west by property owned by the Town and to the east by Coast Guard Station Portsmouth Harbor, New Hampshire.

112 STAT.
2681–478

(b)(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the Town such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

112 STAT. 2681–478 PUBLIC LAW 105–277—OCT. 21, 1998

(2) The Commandant may, in connection with the conveyance required by subsection (a), reserve in favor of the United States such easements and rights-of-way as the Commandant considers necessary to protect the interests of the United States.

(c)(1) The conveyance of property under subsection (a) shall be subject to the following conditions:

112 STAT.
2681–479

(A) That the property, or any portion thereof, shall revert to the United States if the Commandant determines that such property is required by the United States for purposes of the national security of the United States.

(B) That the property, or any portion thereof, shall revert to the United States if the Commandant determines that such property is required by the United States for purposes of a site for an aid to navigation.

(2)(A) At least 30 days before the date of the reversion of property under paragraph (1)(A), the Commandant shall provide the Town written notice that the property is required for purposes of the national security of the United States.

(B) At least 30 days before the date of the reversion of property under paragraph (1)(B), the Commandant shall provide the Town written notice that the property is required for purposes of a site for an aid to navigation.

(d)(1) Notwithstanding any other provision of the Land and Water Conservation Fund Act of 1965, Public Law 88–578, as amended, or other law, the Coast Guard property conveyed to New Castle, New Hampshire pursuant to subsection (a) may be used to replace a portion of Land and Water Conservation Fund-assisted land in New Castle, New Hampshire under project number 33–00077: *Provided*, That the replacement property satisfactorily meets the conversion criteria regarding reasonably equivalent recreation usefulness and location.

(2) The Town may not use the property referred to in paragraph (1) for the purpose specified in that paragraph unless the property conveyed under subsection (a) provides opportunities for recreational activities that are reasonably similar to the opportunities for recreational activities provided by the property referred to in paragraph (1).

(e) The Commandant may require such additional terms and conditions in connection with the conveyance under subsection (a), and the grants of any easements or rights-of-way under subsection (b), as the Commandant considers appropriate to protect the interests of the United States.

* * * * *

112 STAT.
2681–919

Approved October 21, 1998.

LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



21. New Mexico Hispanic Cultural Center

PUBLIC LAW 105–127—DEC. 1, 1997

111 STAT. 2543

Public Law 105–127
105th Congress

An Act

To provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

Dec. 1, 1997
[S. 1417]

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

Hispanic
Cultural Center
Act of 1997.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hispanic Cultural Center Act of 1997”.

SEC. 2. CONSTRUCTION OF A CENTER FOR PERFORMING ARTS.

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

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development, and cultural expression.

(2) The Hispanic culture in what is now the United States can be traced to 1528 when a Spanish expedition from Cuba to Florida was shipwrecked on the Texas coast.

(3) The Hispanic culture in New Mexico can be traced to 1539 when a Spanish Franciscan Friar, Marcos de Niza, and his guide, Estevanico, traveled into present day New Mexico in search of the fabled city of Cibola and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Oñate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(5) Based on the 1990 census, there are approximately 650,000 Hispanics in New Mexico, the majority having roots reaching back ten or more generations.

(6) There are an additional 200,000 Hispanics living outside of New Mexico with roots in New Mexico.

(7) The New Mexico Hispanic Cultural Center is a living tribute to the Hispanic experience and will provide all citizens of New Mexico, the Southwestern United States, the entire United States, and around the world, an opportunity to learn about, partake in, and enjoy the unique Hispanic culture, and the New Mexico Hispanic Cultural Center will assure that this 400-year old culture is preserved.

(8) The New Mexico Hispanic Cultural Center will teach, showcase, and share all facets of Hispanic culture, including literature, performing arts, visual arts, culinary arts, and language arts.

(9) The New Mexico Hispanic Cultural Center will promote a better cross-cultural understanding of the Hispanic culture and the contributions of individuals to the society in which we all live.

(10) In 1993, the legislature and Governor of New Mexico created the Hispanic Cultural Division as a division within the Office of Cultural Affairs. One of the principal responsibilities of the Hispanic Cultural Division is to oversee the planning, construction, and operation of the New Mexico Hispanic Cultural Center.

(11) The mission of the New Mexico Hispanic Cultural Center is to create a greater appreciation and understanding of Hispanic culture.

(12) The New Mexico Hispanic Cultural Center will serve as a local, regional, national, and international site for the study and advancement of Hispanic culture, expressing both the rich history and the forward-looking aspirations of Hispanics throughout the world.

(13) The New Mexico Hispanic Cultural Center will be a Hispanic arts and humanities showcase to display the works of national and international artists, and to provide a venue for educators, scholars, artists, children, elders, and the general public.

(14) The New Mexico Hispanic Cultural Center will provide a venue for presenting the historic and contemporary representations and achievements of the Hispanic culture.

(15) The New Mexico Hispanic Cultural Center will sponsor arts and humanities programs, including programs related to visual arts of all forms (including drama, dance, and traditional and contemporary music), research, literary arts, genealogy, oral history, publications, and special events such as, fiestas, culinary arts demonstrations, film video productions, storytelling presentations and education programs.

(16) Phase I of the New Mexico Hispanic Cultural Center complex is scheduled to be completed by August of 1998 and is planned to consist of an art gallery with exhibition space and a museum, administrative offices, a restaurant, a ballroom, a gift shop, an amphitheater, a research and literary arts center, and other components.

(17) Phase II of the New Mexico Hispanic Cultural Center complex is planned to include a performing arts center (containing a 700-seat theater, a stage house, and a 300-seat film/video theater), a 150-seat black box theater, an art studio building, a culinary arts building, and a research and literary arts building.

PUBLIC LAW 105-127—DEC. 1, 1997

111 STAT. 2545

(18) It is appropriate for the Federal Government to share in the cost of constructing the New Mexico Hispanic Cultural Center because Congress recognizes that the New Mexico Hispanic Cultural Center has the potential to be a premier facility for performing arts and a national repository for Hispanic arts and culture.

(b) DEFINITIONS.—In this section:

(1) CENTER.—The term “Center” means the Center for Performing Arts, within the complex known as the New Mexico Hispanic Cultural Center, which Center for the Performing Arts is a central facility in Phase II of the New Mexico Hispanic Cultural Center complex.

(2) HISPANIC CULTURAL DIVISION.—The term “Hispanic Cultural Division” means the Hispanic Cultural Division of the Office of Cultural Affairs of the State of New Mexico.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(c) CONSTRUCTION OF CENTER.—The Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the design, construction, furnishing, and equipping of the Center for Performing Arts that will be located at a site to be determined by the Hispanic Cultural Division, within the complex known as the New Mexico Hispanic Cultural Center.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(B) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (2) recognizing that time is of the essence for the construction of the Center because 1998 marks the 400th anniversary of the first permanent Spanish settlement in New Mexico.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Center;

(B) that Antoine Predock, an internationally recognized architect, shall be the supervising architect for the construction of the Center or any other architect subsequently named by the State;

(C) that the Director of the Hispanic Cultural Division shall award the contract for architectural engineering and design services in accordance with the New Mexico Procurement Code; and

(D) that the contract for the construction of the Center—

(i) shall be awarded pursuant to a competitive bidding process; and

(ii) shall be awarded not later than 3 months after the solicitation for bids for the construction of the Center.

111 STAT. 2546

PUBLIC LAW 105-127—DEC. 1, 1997

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c) shall be in cash or in kind fairly evaluated, including plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, construction, furnishing, or equipping of Phase I or Phase II of the New Mexico Hispanic Cultural Center complex prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) \$16,410,000 that was appropriated by the New Mexico legislature since January 1, 1993, for the planning, property acquisition, design, construction, furnishing, and equipping of the New Mexico Hispanic Cultural Center complex.

(B) \$116,000 that was appropriated by the New Mexico legislature for fiscal year 1995 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(C) \$226,000 that was appropriated by the New Mexico legislature for fiscal year 1996 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(D) \$442,000 that was appropriated by the New Mexico legislature for fiscal year 1997 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(E) \$551,000 that was appropriated by the New Mexico legislature for fiscal year 1998 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(F) A 10.9-acre lot with a historic 22,000 square foot building donated by the Mayor and City Council of Albuquerque, New Mexico, to New Mexico for the New Mexico Hispanic Cultural Center.

(G) 12 acres of “Bosque” land adjacent to the New Mexico Hispanic Cultural Center complex for use by the New Mexico Hispanic Cultural Center.

(H) The \$30,000 donation by the Sandia National Laboratories and Lockheed Martin Corporation to support the New Mexico Hispanic Cultural Center and the program activities of the New Mexico Hispanic Cultural Center.

(e) USE OF FUNDS FOR DESIGN, CONSTRUCTION, FURNISHING, AND EQUIPMENT.—The funds received under a grant awarded under subsection (c) shall be used only for the design, construction, management, inspection, furnishing, and equipment of the Center.

PUBLIC LAW 105–127—DEC. 1, 1997

111 STAT. 2547

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section a total of \$17,800,000 for fiscal year 1998 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

Approved December 1, 1997.

LEGISLATIVE HISTORY—S. 1417:

CONGRESSIONAL RECORD, Vol. 143 (1997):

Nov. 7, considered and passed Senate.

Nov. 13, considered and passed House.



22. Outdoor Recreational Opportunities for the Disabled

112 STAT. 3275

PUBLIC LAW 105–359—NOV. 10, 1998

Public Law 105–359
105th Congress

An Act

Nov. 10, 1998
[H.R. 4501]

To require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

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

16 USC 460l–1
note.

SECTION 1. STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES.

(a) **STUDY REQUIRED.**—The Secretary of Agriculture and the Secretary of the Interior shall jointly conduct a study regarding ways to improve the access for persons with disabilities to outdoor recreational opportunities (such as fishing, hunting, trapping, wildlife viewing, hiking, boating, and camping) made available to the public on the Federal lands described in subsection (b).

(b) **COVERED FEDERAL LANDS.**—The Federal lands referred to in subsection (a) are the following:

- (1) National Forest System lands.
- (2) Units of the National Park System.
- (3) Areas in the National Wildlife Refuge System.
- (4) Lands administered by the Bureau of Land Management.

Deadline.

(c) **REPORT ON STUDY.**—Not later than 18 months after the date of the enactment of this Act, the Secretaries shall submit to Congress a report containing the results of the study.

Approved November 10, 1998.

LEGISLATIVE HISTORY—H.R. 4501:

CONGRESSIONAL RECORD, Vol. 144 (1998):
Oct. 14, considered and passed House.
Oct. 20, considered and passed Senate.



23. Pennsylvania Avenue Development Corporation

PUBLIC LAW 104–134—APR. 26, 1996

110 STAT. 1321

* Public Law 104–134
104th Congress

An Act

Making appropriations for fiscal year 1996 to make a further downpayment toward
a balanced budget, and for other purposes.

Apr. 26, 1996
[H.R. 3019]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*
SECTION 101.

Omnibus
Consolidated
Rescissions and
Appropriations
Act of 1996.

* * * * *

(c) For programs, projects or activities in the Department of
the Interior and Related Agencies Appropriations Act, 1996, pro-
vided as follows, to be effective as if it had been enacted into
law as the regular appropriations Act:

110 STAT.
1321–156

AN ACT

Making appropriations for the Department of the Interior and
related agencies for the fiscal year ending September 30, 1996,
and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1996.

* * * * *

TITLE III—GENERAL PROVISIONS

110 STAT.
1321–196

* * * * *

SEC. 313. (a) On or before April 1, 1996, the Pennsylvania
Avenue Development Corporation shall—

110 STAT.
1321–198
Pennsylvania
Avenue
Development
Corporation.
Effective date.
40 USC 872 note.

(1) transfer and assign in accordance with this section
all of its rights, title, and interest in and to all of the leases,
covenants, agreements, and easements it has executed or will
execute by March 31, 1996, in carrying out its powers and
duties under the Pennsylvania Avenue Development Corpora-
tion Act (40 U.S.C. 871–885) and the Federal Triangle Develop-
ment Act (40 U.S.C. 1101–1109) to the General Services
Administration, National Capital Planning Commission, or the
National Park Service; and

(2) except as provided by subsection (d), transfer all rights,
title, and interest in and to all property, both real and personal,
held in the name of the Pennsylvania Avenue Development
Corporation to the General Services Administration.

(b) The responsibilities of the Pennsylvania Avenue Develop-
ment Corporation transferred to the General Services Administra-
tion under subsection (a) include, but are not limited to, the
following:

40 USC 872 note.

(1) Collection of revenue owed the Federal Government
as a result of real estate sales or lease agreements entered

*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

110 STAT. 1321–198 PUBLIC LAW 104–134—APR. 26, 1996

into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

- (A) The Willard Hotel property on Square 225.
- (B) The Gallery Row project on Square 457.
- (C) The Lansburgh's project on Square 431.
- (D) The Market Square North project on Square 407.

(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

110 STAT.
1321–199
40 USC 872 note.

PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-199

(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101-1109).

(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

Effective date.
40 USC 872 note.

(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled “Pennsylvania Avenue National Historic Park”, dated June 1, 1995, and numbered 840-82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

110 STAT.
1321-200

(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

40 USC 872 note.

(f) SAVINGS PROVISIONS.—

40 USC 872 note.

(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting

110 STAT. 1321–200 PUBLIC LAW 104–134—APR. 26, 1996

the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

Termination.
Effective date.

“(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.”.

* * * * *

110 STAT.
1321–381

Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104–537 (Comm. of Conference).

SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



24. Presidio Trust

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

TITLE I—THE PRESIDIO OF SAN FRANCISCO**SEC. 101. FINDINGS.**

16 USC 460bb
note.

The Congress finds that—

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

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

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

(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92–589;

(5) as part of the Golden Gate National Recreation Area, the Presidio’s significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

(6) removal and/or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

(7) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

SEC. 102. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR.

16 USC 460bb
note.

(a) **INTERIM AUTHORITY.**—The Secretary of the Interior (hereinafter in this title referred to as the “Secretary”) is authorized to manage leases in existence on the date of this Act for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than

110 STAT. 4097

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4098

6 months after the first meeting of the Presidio Trust. The Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this title, however, the Secretary is authorized to enter into agreements for use and occupancy of the Presidio properties which are assignable to the Trust and are terminable with 30 days notice. Prior to the transfer of administrative jurisdiction over any property to the Presidio Trust, and notwithstanding section 1341 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. The Secretary may adjust the rental charge on any such lease for any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties and infrastructure within the Presidio.

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

(c) OTHER.—Those lands and facilities within the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all portions of the Presidio. Any infrastructure and building improvement projects that were funded prior to the enactment of this Act shall be completed by the National Park Service.

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

(2) Any career employee of the National Park Service employed at the Presidio on the date of enactment of this title shall be given priority placement for any available position within the National Park System notwithstanding any priority reemployment lists, directives, rules, regulations or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.

16 USC 460bb
note.

SEC. 103. ESTABLISHMENT OF THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this title referred to as the “Trust”).

(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as Area B on the map entitled “Presidio Trust Number 1”, dated December 7, 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Secretary shall transfer to the Trust administrative jurisdiction over all remaining parcels within Area B. Such map shall be on file and available for public inspection in the offices of the Trust

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4098

and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. The Secretary shall retain jurisdiction over those portions of the building identified as number 102 as the Secretary deems essential for use as a visitor center. The Building shall be named the “William Penn Mott Visitor Center”. Any parcel of land, the jurisdiction over which is transferred pursuant to this subsection, shall remain within the boundary of the Golden Gate National Recreation Area. With the consent of the Secretary, the Trust may at any time transfer to the administrative jurisdiction of the Secretary any other properties within the Presidio which are surplus to the needs of the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary open space areas which have high public use potential and are contiguous to other lands administrated by the Secretary.

Federal buildings
and facilities.

110 STAT. 4099

(2) Within 60 days after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively which records, equipment, and other personal property are deemed to be necessary for the immediate administration of the properties to be transferred, and the Secretary shall immediately transfer such personal property to the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively what, if any, additional records, equipment, and other personal property used by the Secretary in the administration of the properties to be transferred should be transferred to the Trust.

(3) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, the unobligated balance of all funds appropriated to the Secretary, all leases, concessions, licenses, permits, and other agreements affecting such property.

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

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the “Board”) consisting of the following 7 members:

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

(B) 6 individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate development, and resource conservation. At least one of these individuals shall be a veteran of the Armed Services. At least 3 of these individuals shall reside in the San Francisco Bay Area. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act and shall ensure that the fields of city planning, finance, real estate development, and resource conservation are adequately represented. Upon establishment of the Trust, the Chairman of the Board of Directors of the Trust shall meet with the Chairman of the Energy and Natural

President.

110 STAT. 4099

PUBLIC LAW 104-333—NOV. 12, 1996

Resources Committee of the United States Senate and the Chairman of the Resources Committee of the United States House of Representatives.

110 STAT. 4100

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 3 shall serve for a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

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

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

Procedures.
Public
information.

(6) MEETINGS.—The Board shall meet at least three times per year in San Francisco and at least two of those meetings shall be open to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues. The Board may establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

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

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

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of California, and its political subdivisions, including the City and County of San Francisco.

(10) GOVERNMENT CORPORATION.—(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4100

to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

Reports.

110 STAT. 4101

SEC. 104. DUTIES AND AUTHORITIES OF THE TRUST.16 USC 460bb
note.

(a) **OVERALL REQUIREMENTS OF THE TRUST.**—The Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with the purposes set forth in section 1 of the Act entitled “An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes”, approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), and in accordance with the general objectives of the General Management Plan (hereinafter referred to as the “management plan”) approved for the Presidio.

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

Procedures.
Contracts.Procedures.
Contracts.

(c) **MANAGEMENT PROGRAM.**—The Trust shall develop a comprehensive program for management of those lands and facilities within the Presidio which are transferred to the administrative jurisdiction of the Trust. Such program shall be designed to reduce expenditures by the National Park Service and increase revenues to the Federal Government to the maximum extent possible. In

110 STAT. 4101

PUBLIC LAW 104-333—NOV. 12, 1996

carrying out this program, the Trust shall be treated as a successor in interest to the National Park Service with respect to compliance with the National Environmental Policy Act and other environmental compliance statutes. Such program shall consist of—

(1) demolition of structures which in the opinion of the Trust, cannot be cost-effectively rehabilitated, and which are identified in the management plan for demolition,

110 STAT. 4102

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

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

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

The Trust shall consult with the Secretary in the preparation of this program.

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

(1) The authority to guarantee any lender against loss of principal or interest on any loan: *Provided, That—*

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

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

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

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

(3) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established and only to the extent authorized in advance in appropriations acts. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. Obligations issued under this subparagraph shall be in such forms

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4102

and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

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

110 STAT. 4103

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

(f) PUBLIC AGENCY.—The Trust shall be deemed to be a public agency for purposes of entering into joint exercise of powers agreements pursuant to California government code section 6500 and related provisions of that Code.

(g) PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

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

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

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

Federal Register
publication.

110 STAT. 4103

PUBLIC LAW 104-333—NOV. 12, 1996

(k) **DIRECT NEGOTIATIONS.**—For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

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

110 STAT. 4104

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

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

(o) **REVERSION.**—If, at the expiration of 15 years, the Trust has not accomplished the goals and objectives of the plan required in section 105(b) of this title, then all property under the administrative jurisdiction of the Trust pursuant to section 103(b) of this title shall be transferred to the Administrator of the General Services Administration to be disposed of in accordance with the procedures outlined in the Defense Authorization Act of 1990 (104 Stat. 1809), and any real property so transferred shall be deleted from the boundary of the Golden Gate National Recreation Area. In the event of such transfer, the terms and conditions of all agreements and loans regarding such lands and facilities entered into by the Trust shall be binding on any successor in interest.

16 USC 460bb
note.

SEC. 105. LIMITATIONS ON FUNDING.

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

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

(b) Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing federally appropriated funding that will achieve, at a minimum, self-sufficiency for the Trust within 15 complete fiscal years after such meeting of the Trust. No further funds shall be authorized for the Trust 15 years after the first meeting of the Board of Directors of the Trust.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4104

(c) The Administrator of the General Services Administration shall provide necessary assistance, including detailees as necessary, to the Trust in the formulation and submission of the annual budget request for the administration, operation, and maintenance of the Presidio.

SEC. 106. GENERAL ACCOUNTING OFFICE STUDY.16 USC 460bb
note.

(a) Three years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this title.

110 STAT. 4105

(b) In consultation with the Trust, the General Accounting Office shall develop an interim schedule and plan to reduce and replace the Federal appropriations to the extent practicable for interpretive services conducted by the National Park Service, and law enforcement activities and services, fire and public safety programs conducted by the Trust.

(c) Seven years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct a comprehensive study of the activities of the Trust, including the Trust's progress in meeting its obligations under this title, taking into consideration the results of the study described in subsection (a) and the implementation of plan and schedule required in subsection (b). The General Accounting Office shall report the results of the study, including any adjustments to the plan and schedule, to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



111 STAT. 1

PUBLIC LAW 105–83—NOV. 14, 1997

Public Law 105–83
105th Congress

An Act

Nov. 14, 1997
[H.R. 2107]

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 1998.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,* That the
following sums are appropriated, out of any money in the Treasury
not otherwise appropriated, for the fiscal year ending September
30, 1998, and for other purposes, namely:

* * * * *

111 STAT. 47

TITLE III—GENERAL PROVISIONS

* * * * *

111 STAT. 65
16 USC 460bb
note.

SEC. 351. Strike section 103(c)(7) of Public Law 104–333 and
insert the following:

“(7) STAFF.—Notwithstanding any other provisions of law,
the Trust is authorized to appoint and fix the compensation
and duties and terminate the services of an executive director
and such other officers and employees as it deems necessary
without regard to the provisions of title 5, United States Code,
or other laws related to the appointment, compensation or
termination of Federal employees.”.

* * * * *

111 STAT. 85

Approved November 14, 1997.

LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105–163 (Comm. on Appropriations) and 105–337 (Comm.
of Conference).

SENATE REPORTS: No. 105–56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15–18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President’s special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



25. Recreation Lakes

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress**An Act**To provide for the administration of certain Presidio properties at minimal cost
to the Federal taxpayer, and for other purposes.Nov. 12, 1996
[H.R. 4236]*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 “Omnibus Parks and Public
Lands Management Act of 1996”.Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

* * * * *

DIVISION I

110 STAT. 4097

* * * * *

TITLE X—MISCELLANEOUS

110 STAT. 4204

* * * * *

Subtitle C—Additional Provisions

110 STAT. 4210

SEC. 1021. RECREATION LAKES.

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

16 USC 460l–10e
note.

(b) **COMMISSION.**—The Land and Water Conservation Fund Act of 1965 (Public Law 88–578, 78 Stat. 897) is amended by adding at the end the following new section:

“SEC. 13. (a) The President shall appoint an advisory commission to review the opportunities for enhanced opportunities for water-based recreation which shall submit a report to the President and to the Committee on Energy and Natural Resources of the Senate and to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives within one year from the date of enactment of this section.

President.
Reports.
16 USC 460l–10e.

“(b) The members of the Commission shall include—
“(1) the Secretary of the Interior, or his designee;

110 STAT. 4210

PUBLIC LAW 104-333—NOV. 12, 1996

“(2) the Secretary of the Army, or his designee;

“(3) the Chairman of the Tennessee Valley Authority, or his designee;

“(4) the Secretary of Agriculture, or his designee;

“(5) a person nominated by the National Governor’s Association; and

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

110 STAT. 4211

“(c) The President shall appoint one member to serve as Chairman. Any vacancy on the Commission shall be filled in the same manner as the original appointment. Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. The Secretary of the Interior shall provide all financial, administrative, and staffing requirements for the Commission, including office space, furnishings, and equipment. The heads of other Federal agencies are authorized, at the request of the Commission, to provide such information or personnel, to the extent permitted by law and within the limits of available funds, to the Commission as may be useful to accomplish the purposes of this section.

“(d) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable: *Provided*, That, to the maximum extent possible, the Commission shall use existing data and research. The Commission is authorized to use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States.

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

“(1) review the extent to which recreation components identified in specific authorizations associated with individual Federal manmade lakes and reservoirs have been accomplished;

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

“(3) consider legislative changes that would enhance recreation opportunities consistent with and subject to the achievement of the authorized purposes of Federal water projects; and

“(4) make recommendations on alternatives for enhanced recreation opportunities including, but not limited to, the establishment of a National Recreation Lake System under which specific lakes would receive national designation and which would be managed through innovative partnership-based agreements between Federal agencies, State and local units of government, and the private sector.

Any such alternatives shall be consistent with and subject to the authorized purposes for any manmade lakes and reservoirs and

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4211

shall emphasize private sector initiatives in concert with State and local units of government.”.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



26. Revolutionary War and War of 1812 Historic Preservation Study

110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4171

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

* * * * *

110 STAT. 4172
Revolutionary
War and War of
1812 Historic
Preservation
Study Act of
1996.
16 USC 1a-5
note.

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

(a) **SHORT TITLE.**—This section may be cited as the “Revolutionary War and War of 1812 Historic Preservation Study Act of 1996”.

(b) **FINDINGS.**—The Congress finds that—

(1) Revolutionary War sites and War of 1812 sites provide a means for Americans to understand and interpret the periods in American history during which the Revolutionary War and War of 1812 were fought;

(2) the historical integrity of many Revolutionary War sites and War of 1812 sites is at risk because many of the sites are located in regions that are undergoing rapid urban or suburban development; and

(3) it is important, for the benefit of the United States, to obtain current information on the significance of, threats to the integrity of, and alternatives of the preservation and interpretation of Revolutionary War sites and War of 1812 sites.

(c) **DEFINITIONS.**—In this section:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Park Service.

(2) **REVOLUTIONARY WAR SITE.**—The term “Revolutionary War site” means a site or structure situated in the United States that is thematically tied with the nationally significant events that occurred during the Revolutionary War.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **WAR OF 1812 SITE.**—The term “War of 1812 site” means a site or structure situated in the United States that is thematically tied with the nationally significant events that occurred during the War of 1812.

(d) **STUDY.**—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4172

(1) PREPARATION.—The Secretary, acting through the Director, shall prepare a study of Revolutionary War sites and War of 1812 sites.

(2) MATTERS TO BE ADDRESSED.—The study under subsection (b) shall—

(A) identify Revolutionary War sites and War of 1812 sites, including sites within units of the National Park System in existence on the date of enactment of this Act;

(B) determine the relative significance of the sites;

110 STAT. 4173

(C) assess short- and long-term threats to the integrity of the sites;

(D) provide alternatives for the preservation and interpretation of the sites by Federal, State, and local governments, or other public or private entities, including designation of the sites as units of the National Park System; and

(E) research and propose land preservation techniques.

(3) CONSULTATION.—During the preparation of the study under paragraph (1), the Director shall consult with—

(A) the Governor of each affected State;

(B) each affected unit of local government;

(C) State and local historic preservation organizations;

(D) scholarly organizations; and

(E) such other interested parties as the Secretary considers advisable.

(4) TRANSMITTAL TO CONGRESS.—Not later than 2 years after the date on which funds are made available to carry out the study under paragraph (1), the Director shall transmit a report describing the results of the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(5) REPORT.—If the Director submits a report on the study to the Director of the Office of Management and Budget, the Secretary shall concurrently transmit copies of the report to the Committee on Resources 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 to carry out this section \$750,000, to remain available until expended.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



27. Rosie the Riveter Study

112 STAT. 3247

PUBLIC LAW 105-355—NOV. 6, 1998

Public Law 105-355
105th Congress

An Act

Nov. 6, 1998
[H.R. 3910]To authorize the Automobile National Heritage Area in the State of Michigan,
and for other purposes.*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

* * * * *

112 STAT. 3261

TITLE V—OTHER MATTERS

* * * * *

112 STAT. 3262
California.**SEC. 505. ROSIE THE RIVETER NATIONAL PARK SERVICE AFFILIATED
SITE.**

(a) FINDINGS.—The Congress finds the following:

(1) The City of Richmond, California, is located on the northeastern shore of San Francisco Bay and consists of several miles of waterfront which have been used for shipping and industry since the beginning of the 20th century. During the years of World War II, the population of Richmond grew from 220 to over 100,000.

(2) An area of Richmond, California, now known as Marina Park and Marina Green, was the location in the 1940's of the Richmond Kaiser Shipyards, which produced Liberty and Victory ships during World War II.

(3) Thousands of women of all ages and ethnicities moved from across the United States to Richmond, California, in search of high paying jobs and skills never before available to women in the shipyards.

112 STAT. 3263

(4) Kaiser Corporation supported women workers by installing child care centers at the shipyards so mothers could work while their children were well cared for nearby.

(5) These women, referred to as “Rosie the Riveter” and “Wendy the Welder”, built hundreds of Liberty and Victory ships in record time for use by the United States Navy. Their labor played a crucial role in increasing American productivity during the war years and in meeting the demand for naval ships.

(6) In part the Japanese plan to defeat the United States Navy was predicated on victory occurring before United States shipyards could build up its fleet of ships.

(7) The City of Richmond, California, has dedicated the former site of Kaiser Shipyard #2 as Rosie the Riveter Memorial Park and will construct a memorial honoring American women's labor during World War II. The memorial will be representative of one of the Liberty ships built on the site during the war effort.

(8) The City of Richmond, California, is committed to collective interpretative oral histories for the public to learn of the stories of the “Rosies” and “Wendys” who worked in the shipyards.

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3263

(9) The Rosie the Riveter Park is a nationally significant site because there tens of thousands of women entered the workforce for the first time, working in heavy industry to support their families and the War effort. This was a turning point for the Richmond, California, area and the Nation as a whole, when women joined the workforce and successfully completed jobs for which previously it was believed they were incapable.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a feasibility study to determine whether—

(A) the Rosie the Riveter Park located in Richmond, California, is suitable for designation as an affiliated site to the National Park Service; and

(B) the Rosie the Riveter Memorial Committee established by the City of Richmond, California, with respect to that park is eligible for technical assistance for interpretative functions relating to the park, including preservation of oral histories from former workers at the Richmond Kaiser Shipyards.

(2) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall complete the study under paragraph (1) and submit a report containing findings, conclusions, and recommendations from the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Environment of the Senate.

Deadline.

* * * * *

Approved November 6, 1998.

112 STAT. 3267

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



28. Sand Creek Massacre Study

112 STAT. 1579

PUBLIC LAW 105–243—OCT. 6, 1998

**Public Law 105–243
105th Congress****An Act**

Oct. 6, 1998
[S. 1695]

To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes.

Sand Creek
Massacre
National Historic
Site Study Act of
1998.

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 “Sand Creek Massacre National Historic Site Study Act of 1998”.

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds that—

John M.
Chivington.
Black Kettle.

(1) on November 29, 1864, Colonel John M. Chivington led a group of 700 armed soldiers to a peaceful Cheyenne village of more than 100 lodges on the Big Sandy, also known as Sand Creek, located within the Territory of Colorado, and in a running fight that ranged several miles upstream along the Big Sandy, slaughtered several hundred Indians in Chief Black Kettle’s village, the majority of whom were women and children;

(2) the incident was quickly recognized as a national disgrace and investigated and condemned by 2 congressional committees and a military commission;

Cheyenne Tribe.
Arapaho Tribe.

(3) although the United States admitted guilt and reparations were provided for in article VI of the Treaty of Little Arkansas of October 14, 1865 (14 Stat. 703) between the United States and the Cheyenne and Arapaho Tribes of Indians, those treaty obligations remain unfulfilled;

(4) land at or near the site of the Sand Creek Massacre may be available for purchase from a willing seller; and

(5) the site is of great significance to the Cheyenne and Arapaho Indian descendants of those who lost their lives at the incident at Sand Creek and to their tribes, and those descendants and tribes deserve the right of open access to visit the site and rights of cultural and historical observance at the site.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior acting through the Director of the National Park Service.

(2) SITE.—The term “site” means the Sand Creek Massacre site described in section 2.

PUBLIC LAW 105-243—OCT. 6, 1998

112 STAT. 1580

- (3) TRIBES.—The term “Tribes” means—
 (A) the Cheyenne and Arapaho Tribe of Oklahoma;
 (B) the Northern Cheyenne Tribe; and
 (C) the Northern Arapaho Tribe.

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available for the purpose, the Secretary, in consultation with the Tribes and the State of Colorado, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the site. Deadline.

(b) CONTENTS.—The study under subsection (a) shall—

(1) identify the location and extent of the massacre area and the suitability and feasibility of designating the site as a unit of the National Park System; and

(2) include cost estimates for any necessary acquisition, development, operation and maintenance, and identification of alternatives for the management, administration, and protection of the area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 6, 1998.

LEGISLATIVE HISTORY—S. 1695:

HOUSE REPORTS: No. 105-697 (Comm. on Resources).

SENATE REPORTS: No. 105-244 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 17, considered and passed Senate.

Sept. 18, considered and passed House.



29. Sterling Forest

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4204

TITLE X—MISCELLANEOUS

* * * * *

110 STAT. 4209

Subtitle B—Sterling Forest**SEC. 1011. PALISADES INTERSTATE PARK COMMISSION.**(a) **FUNDING.**—The Secretary of the Interior is authorized to provide funding to the Palisades Interstate Park Commission to be used for the acquisition of lands and interests in lands within the area generally depicted on the map entitled “Boundary Map, Sterling Forest Reserve”, numbered SFR–60,001 and dated July 1, 1994. There are authorized to be appropriated for purposes of this section not more than \$17,500,000. No funds made available under this section may be used for the acquisition of any lands or interests in lands without the consent of the owner thereof.

110 STAT. 4210

(b) **LAND EXCHANGE.**—The Secretary of the Interior is authorized to exchange unreserved unappropriated Federal lands under the administrative jurisdiction of the Secretary for the lands comprising approximately 2,220 acres depicted on the map entitled “Sterling Forest, Proposed Sale of Sterling Forest Lands” and dated July 25, 1996. The Secretary shall consult with the Governor of any State in which such unreserved unappropriated lands are located prior to carrying out such exchange. The lands acquired by the Secretary under this section shall be transferred to the Palisades Interstate Park Commission to be included within the Sterling Forest Reserve. The lands exchanged under this section shall be of equal value, as determined by the Secretary utilizing nationally recognized appraisal standards. The authority to

Expiration date.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4210

exchange lands under this section shall expire on the date 18
months after the date of enactment of this Act.

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



30. United States Civil War Center

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

**Public Law 104–333
104th Congress****An Act**Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.*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 “Omnibus Parks and Public
Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4171

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES**SEC. 601. UNITED STATES CIVIL WAR CENTER.**

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

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

(c) FLAGSHIP INSTITUTIONS.—The center and the Civil War Institute of Gettysburg College, located at 233 North Washington Street in Gettysburg, Pennsylvania, shall be the flagship institutions for planning the sesquicentennial commemoration of the Civil War.

* * * * *

110 STAT. 4281

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



31. United States Commemorative Coin Act

PUBLIC LAW 104–329—OCT. 20, 1996

110 STAT. 4005

Public Law 104–329
104th Congress**An Act**

To establish United States commemorative coin programs, and for other purposes.

Oct. 20, 1996
[H.R. 1776]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*United States
Commemorative
Coin Act of 1996.**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “United States Commemorative Coin Act of 1996”.31 USC 5101
note.(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

* * * * *

SEC. 2. DEFINITIONS.31 USC 5112
note.

For purposes of this Act—

(1) the term “Fund” means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term “recipient organization” means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term “Secretary” means the Secretary of the Treasury.

TITLE I—COMMEMORATIVE COIN PROGRAMS110 STAT. 4006
31 USC 5112
note.**SEC. 101. COMMEMORATIVE COIN PROGRAMS.**

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

* * * * *

(3) **BLACK REVOLUTIONARY WAR PATRIOTS.**—(A) **IN GENERAL.**—In commemoration of Black Revolutionary War patriots and the 275th anniversary of the birth of the first Black Revolutionary War patriot, Crispus Attucks, who was the first American colonist killed by British troops during the Revolutionary period, the Secretary shall mint and issue not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) **DESIGN OF COINS.**—The design of the coins minted under this paragraph—

(i) on the obverse side of the coins, shall be emblematic of the first Black Revolutionary War patriot, Crispus Attucks; and

110 STAT. 4007

PUBLIC LAW 104-329—OCT. 20, 1996

(ii) on the reverse side of such coins, shall be emblematic of the Black Revolutionary War Patriots Memorial.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on January 1, 1998, and ending on December 31, 1998.

(E) SURCHARGES.—All sales of coins issued under this paragraph shall include a surcharge of \$10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of establishing an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

110 STAT. 4008

(4) FRANKLIN DELANO ROOSEVELT.—

(A) IN GENERAL.—To commemorate the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C., which will honor President Roosevelt's leadership and legacy, during a 1-year period beginning on or after May 15, 1997, the Secretary shall issue not more than 100,000 \$5 coins, each of which shall—

- (i) weigh 8.359 grams;
- (ii) have a diameter of 0.850 inches; and
- (iii) contain 90 percent gold and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of \$35 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Franklin Delano Roosevelt Memorial Commission.

(5) YELLOWSTONE NATIONAL PARK.—

(A) IN GENERAL.—To commemorate the 125th anniversary of the establishment of Yellowstone National Park as the first national park in the United States, and the birth of the national park idea, during a 1-year period beginning in 1999, the Secretary shall issue not more than 500,000 \$1 coins, each of which shall—

- (i) weigh 26.73 grams;
- (ii) have a diameter of 1.500 inches; and
- (iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

PUBLIC LAW 104-329—OCT. 20, 1996

110 STAT. 4008

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the National Park Foundation to be used for the support of national parks.

(ii) Fifty percent of the surcharges received shall be paid to Yellowstone National Park.

(6) NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.—

(A) IN GENERAL.—To recognize the sacrifice of law enforcement officers and their families in preserving public safety, during a 1-year period beginning on or after December 15, 1997, the Secretary shall issue not more than 500,000 \$1 coins, each of which shall—

110 STAT. 4009

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), after receiving surcharges from the sale of the coins issued under this paragraph, the Secretary shall transfer to the Secretary of the Interior an amount equal to the surcharges received from the sale of the coins issued under this paragraph, which amount shall be deposited in the Fund established under section 201.

* * * * *

SEC. 102. DESIGN.

101 STAT. 4010

(a) SELECTION.—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin issued under this paragraph there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

SEC. 103. LEGAL TENDER.

(a) LEGAL TENDER.—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

110 STAT. 4010

PUBLIC LAW 104-329—OCT. 20, 1996

SEC. 104. SOURCES OF BULLION.

(a) **GOLD.**—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) **SILVER.**—The Secretary shall obtain silver for minting coins under this title from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

SEC. 106. SALE OF COINS.

(a) **SALE PRICE.**—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 101 with respect to the coin; and

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

110 STAT. 4011

(b) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

SEC. 108. FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) **PAYMENT FOR COINS.**—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

**TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS
MEMORIAL MAINTENANCE FUND**

16 USC 431 note.

**SEC. 201. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL
MAINTENANCE FUND.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the National Law Enforcement Officers Memorial Maintenance Fund, which shall be a revolving fund administered by the Secretary of the Interior (or the designee of the Secretary of the Interior).

PUBLIC LAW 104-329—OCT. 20, 1996

110 STAT. 4011

(2) FUNDING.—Amounts in the Fund shall include—

(A) amounts deposited in the Fund under section 101(6); and

(B) any donations received under paragraph (3).

(3) DONATIONS.—The Secretary of the Interior may accept donations to the Fund.

(4) INTEREST-BEARING ACCOUNT.—The Fund shall be maintained in an interest-bearing account within the Treasury of the United States.

(b) PURPOSES.—The Fund shall be used—

(1) for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;

(2) to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;

(3) for the security of the National Law Enforcement Officers Memorial site, including the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;

(5) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the annual income of the Fund; or

(B) \$200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than \$200,000 of the principal of the Fund may be used to carry out this paragraph.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code.

* * * * *

Approved October 20, 1996.

110 STAT. 4015

LEGISLATIVE HISTORY—H.R. 1776:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 17, considered and passed House.

Oct. 3, considered and passed Senate, amended.

Oct. 4, House concurred in Senate amendments.



32. Utah Land Exchange

112 STAT. 3139

PUBLIC LAW 105–335—OCT. 31, 1998

**Public Law 105–335
105th Congress****An Act**

Oct. 31, 1998

[H.R. 3830]

Utah Schools and
Lands Exchange
Act of 1998.
16 USC 431 note
[table].

To provide for the exchange of certain lands within the State of Utah.

*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 “Utah Schools and Lands Exchange Act of 1998”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The State of Utah owns approximately 176,600 acres of land, as well as approximately 24,165 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of the Grand Staircase-Escalante National Monument, established by Presidential proclamation on September 18, 1996, pursuant to section 2 of the Antiquities Act of 1906 (16 U.S.C. 431). The State of Utah also owns approximately 200,000 acres of land, and 76,000 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of several units of the National Park System and the National Forest System, and within certain Indian reservations in Utah. These lands were granted by Congress to the State of Utah pursuant to the Utah Enabling Act (chap. 138, 28 Stat. 107 (1894)), to be held in trust for the benefit of the State’s public school system and other public institutions.

(2) Many of the State school trust lands within the monument may contain significant economic quantities of mineral resources, including coal, oil, and gas, tar sands, coalbed methane, titanium, uranium, and other energy and metalliferous minerals. Certain State school trust lands within the Monument, like the Federal lands comprising the Monument, have substantial noneconomic scientific, historic, cultural, scenic, recreational, and natural resources, including ancient Native American archeological sites and rare plant and animal communities.

(3) Development of surface and mineral resources on State school trust lands within the Monument could be incompatible with the preservation of these scientific and historic resources for which the Monument was established. Federal acquisition of State school trust lands within the Monument would eliminate this potential incompatibility, and would enhance management of the Grand Staircase-Escalante National Monument.

PUBLIC LAW 105-335—OCT. 31, 1998

112 STAT. 3140

(4) The United States owns lands and interest in lands outside of the Monument that can be transferred to the State of Utah in exchange for the Monument inholdings without jeopardizing Federal management objectives or needs.

(5) In 1993, Congress passed and the President signed Public Law 103-93, which contained a process for exchanging State of Utah school trust inholdings in the National Park System, the National Forest System, and certain Indian reservations in Utah. Among other things, it identified various Federal lands and interests in land that were available to exchange for these State inholdings.

(6) Although Public Law 103-93 offered the hope of a prompt, orderly exchange of State inholdings for Federal lands elsewhere, implementation of the legislation has been very slow. Completion of this process is realistically estimated to be many years away, at great expense to both the State and the United States in the form of expert witnesses, lawyers, appraisers, and other litigation costs.

(7) The State also owns approximately 2,560 acres of land in or near the Alton coal field which has been declared an area unsuitable for coal mining under the terms of the Surface Mining Control and Reclamation Act. This land is also administered by the Utah School and Institutional Trust Lands Administration, but its use is limited given this declaration.

(8) The large presence of State school trust land inholdings in the Monument, national parks, national forests, and Indian reservations make land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(9) It is in the public interest to reach agreement on exchange of inholdings, on terms fair to both the State and the United States. Agreement saves much time and delay in meeting the expectations of the State school and institutional trusts, in simplifying management of Federal and Indian lands and resources, and in avoiding expensive, protracted litigation under Public Law 103-93.

(10) The State of Utah and the United States have reached an agreement under which the State would exchange all its State school trust lands within the Monument, and specified inholdings in national parks, forests, and Indian reservations that are subject to Public Law 103-93, for various Federal lands and interests in lands located outside the Monument, including Federal lands and interests identified as available for exchange in Public Law 103-93 and additional Federal lands and interests in lands.

(11) The State school trust lands to be conveyed to the Federal Government include properties within units of the National Park System, the National Forest System, and the Grand Staircase-Escalante National Monument. The Federal assets made available for exchange with the State were selected with a great sensitivity to environmental concerns and a belief and expectation by both parties that Federal assets to be conveyed to the State would be unlikely to trigger significant environmental controversy.

(12) The parties agreed at the outset of negotiations to avoid identifying Federal assets for conveyance to the State where any of the following was known to exist or likely to

112 STAT. 3141

PUBLIC LAW 105-335—OCT. 31, 1998

be an issue as a result of foreseeable future uses of the land: significant wildlife resources, endangered species habitat, significant archaeological resources, areas of critical environmental concern, coal resources requiring surface mining to extract the mineral deposits, wilderness study areas, significant recreational areas, or any other lands known to raise significant environmental concerns of any kind.

(13) The parties further agreed that the use of any mineral interests obtained by the State of Utah where the Federal Government retains surface and other interest, will not conflict with established Federal land and environmental management objectives, and shall be fully subject to all environmental regulations applicable to development of non-Federal mineral interest on Federal lands.

(14) Because the inholdings to be acquired by the Federal Government include properties within the boundaries of some of the most renowned conservation land units in the United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve many longstanding environmental conflicts and further the interest of the State trust lands, the school children of Utah, and these conservation resources.

(15) The Congress finds that, under this Agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests and payments to be conveyed to the State of Utah by the United States, are approximately equal in value.

(16) The purpose of this legislation is to enact into law and direct prompt implementation of this historic agreement.

SEC. 3. RATIFICATION OF AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands, Federal mineral interests, and payment of money for lands and mineral interests managed by the Utah School and Institutional Trust Lands Administration, lands and mineral interests of approximately equal value inheld within the Grand Staircase-Escalante National Monument the Goshute and Navajo Indian Reservations, units of the National Park System, the National Forest System, and the Alton coal fields.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America" (herein referred to as "the Agreement") are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, the State of Utah, and Utah School and Institutional Trust Lands Administration (herein referred to as "SITLA"), as a matter of Federal law.

SEC. 4. LEGAL DESCRIPTIONS.

(a) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances.

PUBLIC LAW 105–335—OCT. 31, 1998

112 STAT. 3142

(b) **PUBLIC AVAILABILITY.**—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(c) **CONFLICT.**—In case of conflict between the maps and the legal descriptions, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

SEC. 6. REPEAL OF PUBLIC LAW 103–93 AND PUBLIC LAW 104–211.

The provisions of Public Law 103–93 (107 Stat. 995), other than section 7(b)(1), section 7(b)(3), and section 10(b) thereof, are hereby repealed. Public Law 104–211 (110 Stat. 3013) is hereby repealed.

SEC. 7. CASH PAYMENT PREVIOUSLY AUTHORIZED.

As previously authorized and made available by section 7(b)(1) and (b)(3) of Public Law 103–93, upon completion of all conveyances described in the Agreement, the United States shall pay \$50,000,000 to the State of Utah from funds not otherwise appropriated from the Treasury.

SEC. 8. SCHEDULE FOR CONVEYANCES.

All conveyances under sections 2 and 3 of the agreement shall be completed within 70 days after the enactment of this Act.

Approved October 31, 1998.

LEGISLATIVE HISTORY—H.R. 3830:

HOUSE REPORTS: No. 105–598 (Comm. on Resources).

SENATE REPORTS: No. 105–331 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 24, considered and passed House.

Oct. 9, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Oct. 31, Presidential statement.



33. Vancouver National Historic Reserve

110 STAT. 4093

PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333
104th Congress

An Act

Nov. 12, 1996
[H.R. 4236]

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

Omnibus Parks and Public Lands Management Act of 1996.
16 USC 1 note.

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 “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

110 STAT. 4097

DIVISION I

* * * * *

110 STAT. 4153

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

* * * * *

110 STAT. 4154
16 USC 461 note.

SEC. 502. VANCOUVER NATIONAL HISTORIC RESERVE.

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

(b) **ADMINISTRATION.**—(1) The Reserve shall be administered through a general management plan developed in accordance with this section, and approved by the Secretary of the Interior and the Secretary of the Army.

(2) Not later than three years after the date of enactment of this Act, the National Park Service shall submit to the Secretaries a general management plan for the administration of the Reserve.

(3) The general management plan shall be developed by a Partnership comprised of a representative from the National Park Service, a representative of the Historic Preservation Office of the State of Washington, a representative of the Department of the Army, and a representative of the City of Vancouver, Washington.

(4) The general management plan shall be developed in accordance with the specific findings and recommendations of the Vancouver Historic Reserve Report, along with any other considerations not otherwise in conflict with the Report, and shall include at a minimum a statement of purpose, an interpretive plan, and an economic plan for Pearson Field.

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

(c) **NO LIMITATION ON FAA AUTHORITY.**—The establishment of the Reserve shall not limit—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4154

(1) the authority of the Federal Aviation Administration over air traffic control, or aviation activities at Pearson Airpark; or

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

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

* * * * *

Approved November 12, 1996.

110 STAT. 4281

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



34. Women's Rights Anniversary Commission

112 STAT. 3196

PUBLIC LAW 105–341—OCT. 31, 1998

Public Law 105–341
105th Congress

An Act

Oct. 31, 1998
[S. 2285]

To establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.

Women's
Progress
Commemoration
Act.
16 USC 470a
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 “Women’s Progress Commemoration Act”.

16 USC 470a
note.

SEC. 2. DECLARATION.

Congress declares that—

(1) the original Seneca Falls Convention, held in upstate New York in July 1848, convened to consider the social conditions and civil rights of women at that time;

(2) the convention marked the beginning of an admirable and courageous struggle for equal rights for women;

(3) the 150th Anniversary of the convention provides an excellent opportunity to examine the history of the women’s movement; and

(4) a Federal Commission should be established for the important task of ensuring the historic preservation of sites that have been instrumental in American women’s history, creating a living legacy for generations to come.

16 USC 470a
note.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Women’s Progress Commemoration Commission” (referred to in this Act as the “Commission”).

(b) MEMBERSHIP.—

President.
Congress.

(1) IN GENERAL.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the Speaker of the House of Representatives;

(C) 3 shall be appointed by the minority leader of the House of Representatives;

(D) 3 shall be appointed by the majority leader of the Senate; and

(E) 3 shall be appointed by the minority leader of the Senate.

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—The members of the Commission shall be individuals who have knowledge or expertise,

PUBLIC LAW 105-341—OCT. 31, 1998

112 STAT. 3197

whether by experience or training, in matters to be studied by the Commission. The members may be from the public or private sector, and may include Federal, State, or local employees, members of academia, nonprofit organizations, or industry, or other interested individuals.

(B) DIVERSITY.—It is the intent of Congress that persons appointed to the Commission under paragraph (1) be persons who represent diverse economic, professional, and cultural backgrounds.

(3) CONSULTATION AND APPOINTMENT.—

President.
Congress.

(A) IN GENERAL.—The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall consult among themselves before appointing the members of the Commission in order to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(B) COMPLETION OF APPOINTMENTS; VACANCIES.—The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall conduct the consultation under subparagraph (3) and make their respective appointments not later than 60 days after the date of enactment of this Act.

(4) VACANCIES.—A vacancy in the membership of the Commission shall not affect the powers of the Commission and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

Not later than 1 year after the initial meeting of the Commission, the Commission, in cooperation with the Secretary of the Interior and other appropriate Federal, State, and local public and private entities, shall prepare and submit to the Secretary of the Interior a report that—

Deadline.
Reports.
16 USC 470a
note.

(1) identifies sites of historical significance to the women's movement; and

(2) recommends actions, under the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other law, to rehabilitate and preserve the sites and provide to the public interpretive and educational materials and activities at the sites.

112 STAT. 3198

PUBLIC LAW 105-341—OCT. 31, 1998

16 USC 470a
note.**SEC. 5. POWERS OF THE COMMISSION.**

(a) **HEARINGS.**—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 advisable to carry out its duties of this Act.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. At the request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

16 USC 470a
note.**SEC. 6. COMMISSION PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—A member of the Commission who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. A member of the Commission who is otherwise an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(b) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of service for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) **COMPENSATION.**—The executive director shall be compensated at a rate not to exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairperson may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of that title.

(3) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United

PUBLIC LAW 105-341—OCT. 31, 1998

112 STAT. 3199

States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for a position at level V of the Executive Schedule under section 5316 of that title.

SEC. 7. FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this Act.

(b) **DONATIONS.**—The Commission may accept donations from non-Federal sources to defray the costs of the operations of the Commission.

16 USC 470a
note.

SEC. 8. TERMINATION.

The Commission shall terminate on the date that is 30 days after the date on which the Commission submits to the Secretary of the Interior the report under section 4(b).

16 USC 470a
note.

SEC. 9. REPORTS TO CONGRESS.

Not later than 2 years and not later than 5 years after the date on which the Commission submits to the Secretary of the Interior the report under section 4, the Secretary of the Interior shall submit to Congress a report describing the actions that have been taken to preserve the sites identified in the Commission report as being of historical significance.

Deadline.
16 USC 470a
note.

Approved October 31, 1998.

LEGISLATIVE HISTORY—S. 2285:

SENATE REPORTS: No. 105-396 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 7, considered and passed Senate.
Oct. 10, considered and passed House.



XX. APPENDIX A

1. Automobile Heritage Area Act

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress

An Act

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

Nov. 6, 1998

[H.R. 3910]

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

**TITLE I—AUTOMOBILE NATIONAL
HERITAGE AREA OF MICHIGAN**

Automobile
National
Heritage Area
Act.
16 USC 461 note
[table].

SEC. 101. SHORT TITLE.

This title may be cited as the “Automobile National Heritage
Area Act”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the industrial, cultural, and natural heritage legacies
of Michigan’s automobile industry are nationally significant;

(2) in the areas of Michigan including and in proximity
to Detroit, Dearborn, Pontiac, Flint, and Lansing, the design
and manufacture of the automobile helped establish and expand
the United States industrial power;

(3) the industrial strength of automobile manufacturing
was vital to defending freedom and democracy in 2 world wars
and played a defining role in American victories;

(4) the economic strength of our Nation is connected
integrally to the vitality of the automobile industry, which
employs millions of workers and upon which 1 out of 7 United
States jobs depends;

(5) the industrial and cultural heritage of the automobile
industry in Michigan includes the social history and living
cultural traditions of several generations;

(6) the United Auto Workers and other unions played a
significant role in the history and progress of the labor move-
ment and the automobile industry;

(7) the Department of the Interior is responsible for protect-
ing and interpreting the Nation’s cultural and historic
resources, and there are significant examples of these resources
within Michigan to merit the involvement of the Federal
Government to develop programs and projects in cooperation
with the Automobile National Heritage Area Partnership, Incor-
porated, the State of Michigan, and other local and govern-
mental bodies, to adequately conserve, protect, and interpret

this heritage for the educational and recreational benefit of this and future generations of Americans;

(8) the Automobile National Heritage Area Partnership, Incorporated would be an appropriate entity to oversee the development of the Automobile National Heritage Area; and

(9) 2 local studies, “A Shared Vision for Metropolitan Detroit” and “The Machine That Changed the World”, and a National Park Service study, “Labor History Theme Study: Phase III; Suitability-Feasibility”, demonstrated that sufficient historical resources exist to establish the Automobile National Heritage Area.

(b) PURPOSE.—The purpose of this title is to establish the Automobile National Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Michigan and empower communities in Michigan to conserve their automotive heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Automobile National Heritage Area.

SEC. 103. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term “Board” means the Board of Directors of the Partnership.

(2) HERITAGE AREA.—The term “Heritage Area” means the Automobile National Heritage Area established by section 104.

(3) PARTNERSHIP.—The term “Partnership” means the Automobile National Heritage Area Partnership, Incorporated (a nonprofit corporation established under the laws of the State of Michigan).

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

SEC. 104. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Michigan the Automobile National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in Michigan that are related to the following corridors:

(A) The Rouge River Corridor.

(B) The Detroit River Corridor.

(C) The Woodward Avenue Corridor.

(D) The Lansing Corridor.

(E) The Flint Corridor.

(F) The Sauk Trail/Chicago Road Corridor.

(2) SPECIFIC BOUNDARIES.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 106.

(3) MAP.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) NOTICE TO LOCAL GOVERNMENTS.—The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3249

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

SEC. 105. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Partnership shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this title.

(2) DISQUALIFICATION.—If a management plan for the Heritage Area is not submitted to the Secretary as required under section 106 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this title until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this title—

(1) to make grants to the State of Michigan, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State of Michigan, its political subdivisions, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) 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; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 106. MANAGEMENT DUTIES OF THE AUTOMOBILE NATIONAL HERITAGE AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of the enactment of this title, develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) PLAN REQUIREMENTS, GENERALLY.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan also shall include the following, as appropriate:

112 STAT. 3250

PUBLIC LAW 105-355—NOV. 6, 1998

Records.

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the Heritage Area.

Deadlines.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 180 days, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the plan and revisions shall be considered approved.

(b) PRIORITIES.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the natural and cultural resources in the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3251

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) PUBLIC MEETINGS.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) ANNUAL REPORTS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) DELEGATION.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 104(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the assistance effectively fulfills the objectives contained in the Heritage Area

112 STAT. 3252

PUBLIC LAW 105–355—NOV. 6, 1998

management plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) **PROVISION OF INFORMATION.**—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) **OTHER ASSISTANCE.**—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 108. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) **LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.**—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) **LACK OF ZONING OR LAND USE POWERS.**—Nothing in this title shall be construed to grant powers of zoning or land use control to the Partnership.

(c) **LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.**—Nothing in this title shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Michigan or a political subdivision thereof.

SEC. 109. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2014.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

(b) **50 PERCENT MATCH.**—Federal funding provided under this title, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any activity carried out with any financial assistance or grant provided under this title.

TITLE II—GRAND STAIRCASE- ESCALANTE NATIONAL MONUMENT

16 USC 431 note
[table].

SEC. 201. BOUNDARY ADJUSTMENTS AND CONVEYANCES, GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT, UTAH.

(a) **EXCLUSION OF CERTAIN LANDS.**—The boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the following lands:

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3253

(1) The parcel known as Henrieville Town, Utah, as generally depicted on the map entitled “Henrieville Town Exclusion, Garfield County, Utah”, dated March 25, 1998.

(2) The parcel known as Cannonville Town, Utah, as generally depicted on the map entitled “Cannonville Town Exclusion, Garfield County, Utah”, dated March 25, 1998.

(3) The parcel known as Tropic Town, Utah, as generally depicted on the map entitled “Tropic Town Parcel”, dated July 21, 1998.

(4) The parcel known as Boulder Town, Utah, as generally depicted on the map entitled “Boulder Town Exclusion, Garfield County, Utah”, dated March 25, 1998.

(b) INCLUSION OF CERTAIN ADDITIONAL LANDS.—The boundaries of the Grand Staircase-Escalante National Monument are hereby modified to include the parcel known as East Clark Bench, as generally depicted on the map entitled “East Clark Bench Inclusion, Kane County, Utah”, dated March 25, 1998.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for public inspection in the office of the Grand Staircase-Escalante National Monument in the State of Utah and in the office of the Director of the Bureau of Land Management.

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

(e) LAND CONVEYANCE, KODACHROME BASIN STATE PARK, UTAH.—The Secretary shall transfer to the State of Utah all right, title, and interest of the United States in and to the lands shown on the map entitled “Kodachrome Basin Conveyance No. 1 and No. 2” and dated July 21, 1998, in accordance with section 1 of the Act of June 14, 1926 (43 U.S.C. 869; commonly known as the Recreation and Public Purposes Act), for inclusion of the lands in Kodachrome Basin State Park.

SEC. 202. UTILITY CORRIDOR DESIGNATION, U.S. ROUTE 89, KANE COUNTY, UTAH.

There is hereby designated a utility corridor with regard to U.S. Route 89, in Kane County, Utah. The utility corridor shall run from the boundary of Glen Canyon Recreation Area westerly to Mount Carmel Jct. and shall consist of the following:

(1) Bureau of Land Management lands located on the north side of U.S. Route 89 within 240 feet of the center line of the highway.

(2) Bureau of Land Management lands located on the south side of U.S. Route 89 within 500 feet of the center line of the highway.

112 STAT. 3254

PUBLIC LAW 105-355—NOV. 6, 1998

16 USC 461 note
[table].

TITLE III—TUSKEGEE AIRMEN NATIONAL HISTORIC SITE, ALABAMA

SEC. 301. DEFINITIONS.

As used in this title:

(1) **HISTORIC SITE.**—The term “historic site” means the Tuskegee Airmen National Historic Site as established by section 303.

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

(3) **TUSKEGEE AIRMEN.**—The term “Tuskegee Airmen” means the thousands of men and women who were trained at Tuskegee University’s Moton Field to serve in America’s African-American Air Force units during World War II and those men and women who participate in the Tuskegee Experience today, who are represented by Tuskegee Airmen, Inc.

(4) **TUSKEGEE UNIVERSITY.**—The term “Tuskegee University” means the institution of higher education by that name located in the State of Alabama and founded by Booker T. Washington in 1881, formerly named Tuskegee Institute.

SEC. 302. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds the following:

(1) The struggle of African-Americans for greater roles in North American military conflicts spans the 17th, 18th, 19th, and 20th centuries. Opportunities for African-American participation in the United States military were always very limited and controversial. Quotas, exclusion, and racial discrimination were based on the prevailing attitude in the United States, particularly on the part of the United States military, that African-Americans did not possess the intellectual capacity, aptitude, and skills to be successful fighters.

(2) As late as the 1940’s these perceptions continued within the United States military. Key leaders within the United States Army Air Corps did not believe that African-Americans possessed the capacity to become successful military pilots. After succumbing to pressure exerted by civil rights groups and the black press, the Army decided to train a small number of African-American pilot cadets under special conditions. Although prejudice and discrimination against African-Americans was a national phenomenon, not just a southern trait, it was more intense in the South where it had hardened into rigidly enforced patterns of segregation. Such was the environment where the military chose to locate the training of the Tuskegee Airmen.

(3) The military selected Tuskegee Institute (now known as Tuskegee University) as a civilian contractor for a variety of reasons. These included the school’s existing facilities, engineering and technical instructors, and a climate with ideal flying conditions year round. Tuskegee Institute’s strong interest in providing aeronautical training for African-American youths was also an important factor. Students from the school’s civilian pilot training program had some of the best test scores when compared to other students from programs across the Southeast.

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3255

(4) In 1941 the United States Army Air Corps awarded a contract to Tuskegee Institute to operate a primary flight school at Moton Field. Tuskegee Institute (now known as Tuskegee University) chose an African-American contractor who designed and constructed Moton Field, with the assistance of its faculty and students, as the site for its military pilot training program. The field was named for the school's second president, Robert Russa Moton. Consequently, Tuskegee Institute was one of a very few American institutions (and the only African-American institution) to own, develop, and control facilities for military flight instruction.

Robert Russa
Moton.

(5) Moton Field, also known as the Primary Flying Field or Airport Number 2, was the only primary flight training facility for African-American pilot candidates in the United States Army Air Corps during World War II. The facility symbolizes the entrance of African-American pilots into the United States Army Air Corps, although on the basis of a policy of segregation that was mandated by the military and institutionalized in the South. The facility also symbolizes the singular role of Tuskegee Institute (Tuskegee University) in providing leadership as well as economic and educational resources to make that entry possible.

(6) The Tuskegee Airmen were the first African-American soldiers to complete their training successfully and to enter the United States Army Air Corps. Almost 1,000 aviators were trained as America's first African-American military pilots. In addition, more than 10,000 military and civilian African-American men and women served as flight instructors, officers, bombardiers, navigators, radio technicians, mechanics, air traffic controllers, parachute riggers, electrical and communications specialists, medical professionals, laboratory assistants, cooks, musicians, supply, firefighting, and transportation personnel.

(7) Although military leaders were hesitant to use the Tuskegee Airmen in combat, the Airmen eventually saw considerable action in North Africa and Europe. Acceptance from United States Army Air Corps units came slowly, but their courageous and, in many cases, heroic performance earned them increased combat opportunities and respect.

(8) The successes of the Tuskegee Airmen proved to the American public that African-Americans, when given the opportunity, could become effective military leaders and pilots. This helped pave the way for desegregation of the military, beginning with President Harry S. Truman's Executive Order 9981 in 1948. The Tuskegee Airmen's success also helped set the stage for civil rights advocates to continue the struggle to end racial discrimination during the civil rights movement of the 1950's and 1960's.

Harry S.
Truman.

(9) The story of the Tuskegee Airmen also reflects the struggle of African-Americans to achieve equal rights, not only through legal attacks on the system of segregation, but also through the techniques of nonviolent direct action. The members of the 477th Bombardment Group, who staged a nonviolent demonstration to desegregate the officer's club at Freeman Field, Indiana, helped set the pattern for direct action protests popularized by civil rights activists in later decades.

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

112 STAT. 3256

PUBLIC LAW 105-355—NOV. 6, 1998

(1) To inspire present and future generations to strive for excellence by understanding and appreciating the heroic legacy of the Tuskegee Airmen, through interpretation and education, and the preservation of cultural resources at Moton Field, which was the site of primary flight training.

(2) To commemorate and interpret—

(A) the impact of the Tuskegee Airmen during World War II;

(B) the training process for the Tuskegee Airmen, including the roles played by Moton Field, other training facilities, and related sites;

(C) the African-American struggle for greater participation in the United States Armed Forces and more significant roles in defending their country;

(D) the significance of successes of the Tuskegee Airmen in leading to desegregation of the United States Armed Forces shortly after World War II; and

(E) the impacts of Tuskegee Airmen accomplishments on subsequent civil rights advances of the 1950's and 1960's.

(3) To recognize the strategic role of Tuskegee Institute (now Tuskegee University) in training the airmen and commemorating them at this historic site.

SEC. 303. ESTABLISHMENT OF TUSKEGEE AIRMEN NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—In order to commemorate and interpret, in association with Tuskegee University, the heroic actions of the Tuskegee Airmen during World War II, there is hereby established as a unit of the National Park System the Tuskegee Airmen National Historic Site in the State of Alabama.

(b) **DESCRIPTION OF HISTORIC SITE.**—

(1) **INITIAL PARCEL.**—The historic site shall consist of approximately 44 acres, including approximately 35 acres owned by Tuskegee University and approximately 9 acres owned by the City of Tuskegee, known as Moton Field, in Macon County, Alabama, as generally depicted on a map entitled “Tuskegee Airmen National Historic Site Boundary Map”, numbered NHS-TA-80,000, and dated September 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) **SUBSEQUENT EXPANSION.**—Upon completion of agreements regarding the development and operation of the Tuskegee Airmen National Center as described in subsection 304, the Secretary is authorized to acquire approximately 46 additional acres owned by Tuskegee University as generally depicted on the map referenced in paragraph (1). Lands acquired by the Secretary pursuant to this paragraph shall be administered by the Secretary as part of the historic site.

(c) **PROPERTY ACQUISITION.**—The Secretary may acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in subsection (b), except that any property owned by the State of Alabama, any political subdivision thereof, or Tuskegee University may be acquired only by donation. Property donated by Tuskegee University shall be used only for purposes consistent with the purposes of this title. The Secretary

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3257

may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site.

(d) ADMINISTRATION OF HISTORIC SITE.—

(1) IN GENERAL.—The Secretary shall administer the historic site in accordance with this title and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

(2) ROLE OF TUSKEGEE UNIVERSITY.—The Secretary shall consult with Tuskegee University as its principal partner in determining the organizational structure, developing the ongoing interpretive themes, and establishing policies for the wise management, use and development of the historic site. With the agreement of Tuskegee University, the Secretary shall engage appropriate departments, and individual members of the University's staff, faculty, and students in the continuing work of helping to identify, research, explicate, interpret, and format materials for the historic site. Through the President of the University, or with the approval of the President of the University, the Secretary shall seek to engage Tuskegee alumni in the task of providing artifacts and historical information for the historic site.

(3) ROLE OF TUSKEGEE AIRMEN.—The Secretary, in cooperation with Tuskegee University, shall work with the Tuskegee Airmen to facilitate the acquisition of artifacts, memorabilia, and historical research for interpretive exhibits, and to support their efforts to raise funds for the development of visitor facilities and programs at the historic site.

(4) DEVELOPMENT.—Operation and development of the historic site shall reflect Alternative C, Living History: The Tuskegee Airmen Experience, as expressed in the final special resource study entitled "Moton Field/Tuskegee Airmen Special Resource Study", dated September 1998. Subsequent development of the historic site shall reflect Alternative D after an agreement is reached with Tuskegee University on the development of the Tuskegee Airmen National Center as described in section 304.

(e) COOPERATIVE AGREEMENTS GENERALLY.—The Secretary may enter into cooperative agreements with Tuskegee University, other educational institutions, the Tuskegee Airmen, individuals, private and public organizations, and other Federal agencies in furtherance of the purposes of this title. The Secretary shall consult with Tuskegee University in the formulation of any major cooperative agreements with other universities or Federal agencies that may affect Tuskegee University's interests in the historic site. To every extent possible, the Secretary shall seek to complete cooperative agreements requiring the use of higher educational institutions with and through Tuskegee University.

SEC. 304. TUSKEGEE AIRMEN NATIONAL CENTER.

(a) COOPERATIVE AGREEMENT FOR DEVELOPMENT.—The Secretary shall enter into a cooperative agreement with Tuskegee University to define the partnership needed to develop the Tuskegee Airmen National Center on the grounds of the historic site.

112 STAT. 3258

PUBLIC LAW 105-355—NOV. 6, 1998

(b) **PURPOSE OF CENTER.**—The purpose of the Tuskegee Airmen National Center shall be to extend the ability to relate more fully the story of the Tuskegee Airmen at Moton Field. The center shall provide for a Tuskegee Airmen Memorial, shall provide large exhibit space for the display of period aircraft and equipment used by the Tuskegee Airmen, and shall house a Tuskegee University Department of Aviation Science. The Secretary shall insure that interpretive programs for visitors benefit from the University's active pilot training instruction program, and the historical continuum of flight training in the tradition of the Tuskegee Airmen. The Secretary is authorized to permit the Tuskegee University Department of Aviation Science to occupy historic buildings within the Moton Field complex until the Tuskegee Airmen National Center has been completed.

Deadline.

(c) **REPORT.**—Within 1 year after the date of the enactment of this Act, the Secretary, in consultation with Tuskegee University and the Tuskegee Airmen, shall prepare a report on the partnership needed to develop the Tuskegee Airmen National Center, and submit the report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) **TIME FOR AGREEMENT.**—Sixty days after the report required by subsection (c) is submitted to Congress, the Secretary may enter into the cooperative agreement under this section with Tuskegee University, and other interested partners, to implement the development and operation of the Tuskegee Airmen National Center.

Deadline.

SEC. 305. GENERAL MANAGEMENT PLAN.

Within 2 complete fiscal years after funds are first made available to carry out this title, the Secretary shall prepare, in consultation with Tuskegee University, a general management plan for the historic site and shall submit the plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title, \$29,114,000.

16 USC 461 note
[table].

TITLE IV—DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR OF PENNSYLVANIA

SEC. 401. CHANGE IN NAME OF HERITAGE CORRIDOR.

The Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (Public Law 100-692; 102 Stat. 4552; 16 U.S.C. 461 note) is amended by striking “Delaware and Lehigh Navigation Canal National Heritage Corridor” each place it appears (except section 4(a)) and inserting “Delaware and Lehigh National Heritage Corridor”.

SEC. 402. PURPOSE.

Section 3(b) of such Act (102 Stat. 4552) is amended as follows:

(1) By inserting after “subdivisions” the following: “in enhancing economic development within the context of preservation and”.

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3259

(2) By striking “and surrounding the Delaware and Lehigh Navigation Canal in the Commonwealth” and inserting “the Corridor”.

SEC. 403. CORRIDOR COMMISSION.

(a) MEMBERSHIP.—Section 5(b) of such Act (102 Stat. 4553) is amended as follows:

(1) In the matter preceding paragraph (1), by striking “appointed not later than 6 months after the date of the enactment of this Act”.

(2) By striking paragraph (2) and inserting the following: “(2) three individuals appointed by the Secretary upon consideration of individuals recommended by the Governor, of whom—

“(A) one shall represent the Pennsylvania Department of Conservation and Natural Resources;

“(B) one shall represent the Pennsylvania Department of Community and Economic Development; and

“(C) one shall represent the Pennsylvania Historical and Museum Commission.”.

(3) In paragraph (3), by striking “the Secretary, after receiving recommendations from the Governor, of whom” and all that follows through “Delaware Canal region” and inserting the following: “the Secretary upon consideration of individuals recommended by the Governor, of whom—

“(A) one shall represent a city, one shall represent a borough, and one shall represent a township; and

“(B) one shall represent each of the 5 counties of Luzerne, Carbon, Lehigh, Northampton, and Bucks in Pennsylvania”.

(4) In paragraph (4)—

(A) By striking “8 individuals” and inserting “nine individuals”.

(B) By striking “the Secretary, after receiving recommendations from the Governor, who shall have” and all that follows through “Canal region. A vacancy” and inserting the following: “the Secretary upon consideration of individuals recommended by the Governor, of whom—

“(A) three shall represent the northern region of the Corridor;

“(B) three shall represent the middle region of the Corridor; and

“(C) three shall represent the southern region of the Corridor.

A vacancy”.

(b) TERMS.—Section 5 of such Act (102 Stat. 4553) is amended by striking subsection (c) and inserting the following:

“(c) TERMS.—The following provisions shall apply to a member of the Commission appointed under paragraph (3) or (4) of subsection (b):

“(1) LENGTH OF TERM.—The member shall be appointed for a term of 3 years.

“(2) CARRYOVER.—The member shall serve until a successor is appointed by the Secretary.

“(3) REPLACEMENT.—If the member resigns or is unable to serve due to incapacity or death, the Secretary shall appoint, not later than 60 days after receiving a nomination of the

Deadline.

112 STAT. 3260

PUBLIC LAW 105-355—NOV. 6, 1998

appointment from the Governor, a new member to serve for the remainder of the term.

“(4) TERM LIMITS.—A member may serve for not more than 6 years.”.

SEC. 404. POWERS OF CORRIDOR COMMISSION.

(a) CONVEYANCE OF REAL ESTATE.—Section 7(g)(3) of such Act (102 Stat. 4555) is amended in the first sentence by inserting “or nonprofit organization” after “appropriate public agency”.

(b) COOPERATIVE AGREEMENTS.—Section 7(h) of such Act (102 Stat. 4555) is amended as follows:

(1) In the first sentence, by inserting “any nonprofit organization,” after “subdivision of the Commonwealth,”.

(2) In the second sentence, by inserting “such nonprofit organization,” after “such political subdivision,”.

SEC. 405. DUTIES OF CORRIDOR COMMISSION.

Section 8(b) of such Act (102 Stat. 4556) is amended in the matter preceding paragraph (1) by inserting “, cultural, natural, recreational, and scenic” after “interpret the historic”.

SEC. 406. TERMINATION OF CORRIDOR COMMISSION.

Section 9(a) of such Act (102 Stat. 4556) is amended by striking “on the day occurring 5 years after the date of the enactment of this Act” and inserting “on November 18, 2003”.

SEC. 407. DUTIES OF OTHER FEDERAL ENTITIES.

Section 11 of such Act (102 Stat. 4557) is amended in the matter preceding paragraph (1) by striking “the flow of the Canal or the natural” and inserting “directly affecting the purposes of the Corridor”.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—Section 12(a) of such Act (102 Stat. 4558) is amended by striking “\$350,000” and inserting “\$1,000,000”.

(b) MANAGEMENT ACTION PLAN.—Section 12 of such Act (102 Stat. 4558) is amended by adding at the end the following:

“(c) MANAGEMENT ACTION PLAN.—

“(1) IN GENERAL.—To implement the management action plan created by the Commission, there is authorized to be appropriated \$1,000,000 for each of fiscal years 2000 through 2007.

“(2) LIMITATION ON EXPENDITURES.—Amounts made available under paragraph (1) shall not exceed 50 percent of the costs of implementing the management action plan.”.

SEC. 409. LOCAL AUTHORITY AND PRIVATE PROPERTY.

Such Act is further amended—

(1) by redesignating section 13 (102 Stat. 4558) as section 14; and

(2) by inserting after section 12 the following:

“SEC. 13. LOCAL AUTHORITY AND PRIVATE PROPERTY.

“The Commission shall not interfere with—

“(1) the private property rights of any person; or

“(2) any local zoning ordinance or land use plan of the Commonwealth of Pennsylvania or any political subdivision of Pennsylvania.”.

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3261

SEC. 410. DUTIES OF THE SECRETARY.

Section 10 of such Act (102 Stat. 4557) is amended by striking subsection (d) and inserting the following:

“(d) TECHNICAL ASSISTANCE AND GRANTS.—The Secretary, upon request of the Commission, is authorized to provide grants and technical assistance to the Commission or units of government, nonprofit organizations, and other persons, for development and implementation of the Plan.”.

TITLE V—OTHER MATTERS**SEC. 501. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR, MASSACHUSETTS AND RHODE ISLAND.**

Section 10(b) of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by striking “For fiscal year 1996, 1997, and 1998,” and inserting “For fiscal years 1998, 1999, and 2000,”.

SEC. 502. ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR, ILLINOIS.

(a) EXTENSION OF COMMISSION.—Section 111(a) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 98 Stat. 1456; 16 U.S.C. 461 note) is amended by striking “ten” and inserting “20”.

(b) REPEAL OF EXTENSION AUTHORITY.—Section 111 of such Act (16 U.S.C. 461 note) is further amended—

- (1) by striking “(a) TERMINATION.—”; and
- (2) by striking subsection (b).

SEC. 503. WASATCH-CACHE NATIONAL FOREST AND MOUNT NAOMI WILDERNESS, UTAH.

16 USC 1132
note [table].

(a) BOUNDARY ADJUSTMENT.—To correct a faulty land survey, the boundaries of the Wasatch-Cache National Forest in the State of Utah and the boundaries of the Mount Naomi Wilderness, which is located within the Wasatch-Cache National Forest and was established as a component of the National Wilderness Preservation System in section 102(a)(1) of the Utah Wilderness Act of 1984 (Public Law 98-428; 98 Stat. 1657), are hereby modified to exclude the parcel of land known as the D. Hyde property, which encompasses an area of cultivation and private use, as generally depicted on the map entitled “D. Hyde Property Section 7 Township 12 North Range 2 East SLB & M”, dated July 23, 1998.

(b) LAND CONVEYANCE.—The Secretary of Agriculture shall convey to Darrell Edward Hyde of Cache County, Utah, all right, title, and interest of the United States in and to the parcel of land identified in subsection (a). As part of the conveyance, the Secretary shall release, on behalf of the United States, any claims of the United States against Darrell Edward Hyde for trespass or unauthorized use of the parcel before its conveyance.

Darrell Edward
Hyde.

(c) WILDERNESS ADDITION.—To prevent any net loss of wilderness within the State of Utah, the boundaries of the Mount Naomi Wilderness are hereby modified to include a parcel of land comprising approximately 7.25 acres, identified as the “Mount Naomi

112 STAT. 3262

PUBLIC LAW 105-355—NOV. 6, 1998

Wilderness Boundary Realignment Consideration” on the map entitled “Mount Naomi Wilderness Addition”, dated September 25, 1998.

SEC. 504. AUTHORIZATION TO USE LAND IN MERCED COUNTY, CALIFORNIA, FOR ELEMENTARY SCHOOL.

(a) **REMOVAL OF RESTRICTIONS.**—Notwithstanding the restrictions otherwise applicable under the terms of conveyance by the United States of any of the land described in subsection (b) to Merced County, California, or under any agreement concerning any part of such land between such county and the Secretary of the Interior or any other officer or agent of the United States, the land described in subsection (b) may be used for the purpose specified in subsection (c).

(b) **LAND AFFECTED.**—The land referred to in subsection (a) is the north 25 acres of the 40 acres located in the northwest quarter of the southwest quarter of section 20, township 7 south, range 13 east, Mount Diablo base line and Meridian in Merced County, California, conveyed to such county by deed recorded in volume 1941 at page 441 of the official records in Merced County, California.

(c) **AUTHORIZED USES.**—Merced County, California, may authorize the use of the land described in subsection (b) for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California. If Merced County permits such lands to be used for such purposes, the county shall include information concerning such use in the periodic reports to the Secretary of the Interior required under the terms of the conveyance of such lands to the county by the United States. Any violation of the provisions of this subsection shall be deemed to be a breach of the conditions and covenants under which such lands were conveyed to Merced County by the United States, and shall have the same effect as provided by deed whereby the United States conveyed the lands to the county. Except as specified in this subsection, nothing in this section shall increase or diminish the authority or responsibility of the county with respect to the land.

California.

SEC. 505. ROSIE THE RIVETER NATIONAL PARK SERVICE AFFILIATED SITE.

(a) **FINDINGS.**—The Congress finds the following:

(1) The City of Richmond, California, is located on the northeastern shore of San Francisco Bay and consists of several miles of waterfront which have been used for shipping and industry since the beginning of the 20th century. During the years of World War II, the population of Richmond grew from 220 to over 100,000.

(2) An area of Richmond, California, now known as Marina Park and Marina Green, was the location in the 1940's of the Richmond Kaiser Shipyards, which produced Liberty and Victory ships during World War II.

(3) Thousands of women of all ages and ethnicities moved from across the United States to Richmond, California, in search of high paying jobs and skills never before available to women in the shipyards.

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3263

(4) Kaiser Corporation supported women workers by installing child care centers at the shipyards so mothers could work while their children were well cared for nearby.

(5) These women, referred to as “Rosie the Riveter” and “Wendy the Welder”, built hundreds of Liberty and Victory ships in record time for use by the United States Navy. Their labor played a crucial role in increasing American productivity during the war years and in meeting the demand for naval ships.

(6) In part the Japanese plan to defeat the United States Navy was predicated on victory occurring before United States shipyards could build up its fleet of ships.

(7) The City of Richmond, California, has dedicated the former site of Kaiser Shipyard #2 as Rosie the Riveter Memorial Park and will construct a memorial honoring American women’s labor during World War II. The memorial will be representative of one of the Liberty ships built on the site during the war effort.

(8) The City of Richmond, California, is committed to collective interpretative oral histories for the public to learn of the stories of the “Rosies” and “Wendys” who worked in the shipyards.

(9) The Rosie the Riveter Park is a nationally significant site because there tens of thousands of women entered the workforce for the first time, working in heavy industry to support their families and the War effort. This was a turning point for the Richmond, California, area and the Nation as a whole, when women joined the workforce and successfully completed jobs for which previously it was believed they were incapable.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a feasibility study to determine whether—

(A) the Rosie the Riveter Park located in Richmond, California, is suitable for designation as an affiliated site to the National Park Service; and

(B) the Rosie the Riveter Memorial Committee established by the City of Richmond, California, with respect to that park is eligible for technical assistance for interpretative functions relating to the park, including preservation of oral histories from former workers at the Richmond Kaiser Shipyards.

(2) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall complete the study under paragraph (1) and submit a report containing findings, conclusions, and recommendations from the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Environment of the Senate. Deadline.

SEC. 506. FORT DAVIS HISTORIC SITE, FORT DAVIS, TEXAS.

The Act entitled “An Act Authorizing the establishment of a national historic site at Fort Davis, Jeff Davis County, Texas”, approved September 8, 1961 (75 Stat. 488; 16 U.S.C. 461 note), is amended in the first section by striking “not to exceed four hundred and sixty acres” and inserting “not to exceed 476 acres”.

112 STAT. 3264

PUBLIC LAW 105-355—NOV. 6, 1998

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

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

New Jersey.

SEC. 508. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN NATIONAL HISTORICAL PARK.

The Act entitled “An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes”, approved March 2, 1933 (chapter 182; 16 U.S.C. 409 et seq.), is amended by adding at the end the following new section:

16 USC 409i.

“SEC. 8. (a) In addition to any other lands or interest authorized to be acquired for inclusion in Morristown National Historical Park, and notwithstanding the first proviso of the first section of this Act, the Secretary of the Interior may acquire by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 15 acres of land and interests therein comprising the property known as the Warren Property or Mount Kimble. The Secretary may expend such sums as may be necessary for such acquisition.

“(b) Any lands or interests acquired under this section shall be included in and administered as part of the Morristown National Historical Park.”.

16 USC 442 note.

SEC. 509. GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT, VIRGINIA.

(a) ACQUISITION OF EASEMENT.—The Secretary of the Interior may acquire no more than a less than fee interest in the property generally known as George Washington’s Boyhood Home, Ferry Farm, located in Stafford County, Virginia, across the Rappahannock River from Fredericksburg, Virginia, comprising approximately 85 acres as generally depicted on the map entitled “George Washington Birthplace National Monument Boundary Map”, numbered 322/80,020, and dated April 1998, to ensure the preservation of the important cultural and natural resources associated with Ferry Farm. The Secretary of the Interior shall keep the map on file and available for public inspection in appropriate offices of the National Park Service.

Contracts.

(b) MANAGEMENT OF EASEMENT.—The Secretary shall enter into a cooperative agreement with Kenmore Association, Inc., for the management of Ferry Farm pending completion of the study referred to in subsection (c).

Deadline.

(c) RESOURCE STUDY.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the property described in subsection (a). The study shall—

(1) identify the full range of resources and historic themes associated with Ferry Farm, including those associated with George Washington’s tenure at the property and those associated with the Civil War period;

(2) identify alternatives for further National Park Service involvement at the property beyond those that may be provided for in the acquisition authorized under subsection (a); and

PUBLIC LAW 105-355—NOV. 6, 1998

112 STAT. 3265

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

(d) AGREEMENTS.—Upon completion of the resource study under subsection (c), the Secretary of the Interior may enter into an agreement with the owner of the property described in subsection (a) or other entities for the purpose of providing programs, services, facilities, or technical assistance that further the preservation and public use of the property.

SEC. 510. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE, KENTUCKY. 16 USC 218a.

(a) IN GENERAL.—Upon acquisition of the land known as Knob Creek Farm pursuant to subsection (b), the boundary of the Abraham Lincoln Birthplace National Historic Site, established by the Act of July 17, 1916 (39 Stat. 385, chapter 247; 16 U.S.C. 211 et seq.), is revised to include such land. Lands acquired pursuant to this section shall be administered by the Secretary of the Interior as part of the historic site.

(b) ACQUISITION OF KNOB CREEK FARM.—The Secretary of the Interior may acquire, by donation only, the approximately 228 acres of land known as Knob Creek Farm in Larue County, Kentucky, as generally depicted on a map entitled “Knob Creek Farm Unit, Abraham Lincoln National Historic Site”, numbered 338/80,077, and dated October 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) STUDY AND REPORT.—The Secretary of the Interior shall study the Knob Creek Farm in Larue County, Kentucky, and not later than 1 year after the date of the enactment of this Act, submit a report to the Congress containing the results of the study. The purpose of the study shall be to: Deadline.

(1) Identify significant resources associated with the Knob Creek Farm and the early boyhood of Abraham Lincoln.

(2) Evaluate the threats to the long-term protection of the Knob Creek Farm’s cultural, recreational, and natural resources.

(3) Examine the incorporation of the Knob Creek Farm into the operations of the Abraham Lincoln Birthplace National Historic Site and establish a strategic management plan for implementing such incorporation. In developing the plan, the Secretary shall—

(A) determine infrastructure requirements and property improvements needed at Knob Creek Farm to meet National Park Service standards;

(B) identify current and potential uses of Knob Creek Farm for recreational, interpretive, and educational opportunities; and

(C) project costs and potential revenues associated with acquisition, development, and operation of Knob Creek Farm.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (c).

SEC. 511. STUDIES OF POTENTIAL NATIONAL PARK SYSTEM UNITS IN HAWAII.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake feasibility

112 STAT. 3266

PUBLIC LAW 105–355—NOV. 6, 1998

studies regarding the establishment of National Park System units in the following areas in the State of Hawaii:

(1) Island of Maui: The shoreline area known as “North Beach”, immediately north of the present resort hotels at Kaanapali Beach, in the Lahaina district in the area extending from the beach inland to the main highway.

(2) Island of Lanai: The mountaintop area known as “Hale” a the central part of the island.

(3) Island of Kauai: The shoreline area from “Anini Beach” to “Makua Tunnels” on the north coast of this island.

(4) Island of Molokai: The “Halawa Valley” on the eastern end of the island, including its shoreline, cove and lookout/ access roadway.

(b) KALAUPAPA SETTLEMENT BOUNDARIES.—The studies conducted under this section shall include a study of the feasibility of extending the present National Historic Park boundaries at Kalaupapa Settlement eastward to Halawa Valley along the island’s north shore.

(c) REPORT.—A report containing the results of the studies under this section shall be submitted to the Congress promptly upon completion.

40 USC 1003
note [table].

SEC. 512. MEMORIAL TO MR. BENJAMIN BANNEKER IN THE DISTRICT OF COLUMBIA.

(a) MEMORIAL AUTHORIZED.—The Washington Interdependence Council of the District of Columbia is authorized to establish a memorial in the District of Columbia to honor and commemorate the accomplishments of Mr. Benjamin Banneker.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The Washington Interdependence Council shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial, the Washington Interdependence Council shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

SEC. 513. LAND ACQUISITION, BOSTON HARBOR ISLANDS RECREATION AREA.

Section 1029(c) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4233; 16 U.S.C. 460kkk(c)) is amended by adding at the end the following new paragraph:

PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3267

“(3) LAND ACQUISITION.—Notwithstanding subsection (h), the Secretary is authorized to acquire, in partnership with other entities, a less than fee interest in lands at Thompson Island within the recreation area. The Secretary may acquire the lands only by donation, purchase with donated or appropriated funds, or by exchange.”.

Approved November 6, 1998.

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.



2. Lower East Side Tenement Act

112 STAT. 3395

PUBLIC LAW 105–378—NOV. 12, 1998

Public Law 105–378
105th Congress

An Act

Nov. 12, 1998
[S. 1408]

To establish the Lower East Side Tenement National Historic Site, 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
[table].

TITLE I—LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE, NEW YORK.

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

PUBLIC LAW 105-378—NOV. 12, 1998

112 STAT. 3396

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

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 102. DEFINITIONS.

As used in this title:

(1) **HISTORIC SITE.**—The term “historic site” means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in the City of New York, State of New York, and designated as a national historic site by section 103.

(2) **MUSEUM.**—The term “Museum” means the Lower East Side Tenement Museum, a nonprofit organization established in the City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF HISTORIC SITE.

(a) **IN GENERAL.**—To further the purposes of this title 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.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) **COORDINATION WITH NATIONAL PARK SYSTEM.**—

(1) **AFFILIATED SITE.**—The historic site shall be an affiliated site of the National Park System.

(2) **COORDINATION.**—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) **OWNERSHIP.**—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 104. MANAGEMENT OF THE HISTORIC SITE.

(a) **COOPERATIVE AGREEMENT.**—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 103(a).

112 STAT. 3397

PUBLIC LAW 105-378—NOV. 12, 1998

(b) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) **GENERAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) **INTEGRATION WITH NATIONAL MONUMENTS.**—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) **COMPLETION.**—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) **LIMITED ROLE OF SECRETARY.**—Nothing in this title authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—OTHER MATTERS

SEC. 201. CASA MALPAIS NATIONAL HISTORIC LANDMARK, ARIZONA.

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

(1) the Casa Malpais National Historic Landmark was occupied by one of the largest and most sophisticated Mogollon communities in the United States;

(2) the landmark includes a 58-room masonry pueblo, including stairways, Great Kiva complex, and fortification walls, a prehistoric trail, and catacomb chambers where the deceased were placed;

(3) the Casa Malpais was designated as a national historic landmark by the Secretary of the Interior in 1964; and

(4) the State of Arizona and the community of Springerville are undertaking a program of interpretation and preservation of the landmark.

(b) **PURPOSE.**—It is the purpose of this section to assist in the preservation and interpretation of the Casa Malpais National Historic Landmark for the benefit of the public.

(c) **COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—In furtherance of the purpose of this section, the Secretary of the Interior is authorized to enter into cooperative agreements with the State of Arizona and the town of Springerville, Arizona, pursuant to which the Secretary may provide technical assistance to interpret, operate, and maintain the Casa Malpais National Historic Landmark and may also provide financial assistance for planning, staff training, and development of the Casa Malpais National Historic Landmark, but not including other routine operations.

PUBLIC LAW 105-378—NOV. 12, 1998

112 STAT. 3398

(2) **ADDITIONAL PROVISIONS.**—Any such agreement may also contain provisions that—

(A) the Secretary, acting through the Director of the National Park Service, shall have right to access at all reasonable times to all public portions of the property covered by such agreement for the purpose of interpreting the landmark; and

(B) no changes or alterations shall be made in the landmark except by mutual agreement between the Secretary and the other parties to all such agreements.

(d) **APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to provide financial assistance in accordance with this section.

SEC. 202. PROVISION FOR ROADS IN PICTURED ROCKS NATIONAL LAKESHORE.

Section 6 of the Act of October 15, 1966, entitled “An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes” (16 U.S.C. 460s-5), is amended as follows:

(1) In subsection (b)(1) by striking “including a scenic shoreline drive” and inserting “including appropriate improvements to Alger County Road H-58”.

(2) By adding at the end the following new subsection:

“(c) **PROHIBITION OF CERTAIN CONSTRUCTION.**—A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.”.

Approved November 12, 1998.

LEGISLATIVE HISTORY—S. 1408:

SENATE REPORTS: No. 105-303 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.

Oct. 10, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.



3. National Parks Omnibus Management Act

112 STAT. 3497

PUBLIC LAW 105–391—NOV. 13, 1998

Public Law 105–391 105th Congress

An Act

Nov. 13, 1998
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks
Omnibus
Management Act
of 1998.
16 USC 5901
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition.

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

Sec. 101. Protection, interpretation, and research in the National Park System.

Sec. 102. National Park Service employee training.

Sec. 103. Management development and training.

Sec. 104. Park budgets and accountability.

TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT

Sec. 201. Purposes.

Sec. 202. Research mandate.

Sec. 203. Cooperative agreements.

Sec. 204. Inventory and monitoring program.

Sec. 205. Availability for scientific study.

Sec. 206. Integration of study results into management decisions.

Sec. 207. Confidentiality of information.

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

Sec. 301. Short title.

Sec. 302. Purpose.

Sec. 303. Study of addition of new National Park System areas.

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

Sec. 401. Short title.

Sec. 402. Congressional findings and statement of policy.

Sec. 403. Award of concessions contracts.

Sec. 404. Term of concessions contracts.

Sec. 405. Protection of concessioner investment.

Sec. 406. Reasonableness of rates.

Sec. 407. Franchise fees.

Sec. 408. Transfer of concessions contracts.

Sec. 409. National Park Service Concessions Management Advisory Board.

Sec. 410. Contracting for services.

Sec. 411. Multiple contracts within a park.

Sec. 412. Special rule for transportation contracting services.

PUBLIC LAW 105–391—NOV. 13, 1998

112 STAT. 3498

- Sec. 413. Use of nonmonetary consideration in concessions contracts.
- Sec. 414. Recordkeeping requirements.
- Sec. 415. Repeal of National Park Service Concessions Policy Act.
- Sec. 416. Promotion of the sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts.
- Sec. 417. Regulations.
- Sec. 418. Commercial use authorizations.
- Sec. 419. Savings provision.

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

- Sec. 501. Fees.
- Sec. 502. Distribution of golden eagle passport sales.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

- Sec. 601. Purposes.
- Sec. 602. National Park passport program.
- Sec. 603. Administration.
- Sec. 604. Foreign sales of Golden Eagle Passports.
- Sec. 605. Effect on other laws and programs.

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

- Sec. 701. Promotion of local fundraising support.

TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. United States Park Police.
- Sec. 802. Leases and cooperative management agreements.

SEC. 2. DEFINITION.

16 USC 5901.

As used in this Act, the term “Secretary” means the Secretary of the Interior, except as otherwise specifically provided.

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

SEC. 101. PROTECTION, INTERPRETATION, AND RESEARCH IN THE NATIONAL PARK SYSTEM. 16 USC 5911.

Recognizing the ever increasing societal pressures being placed upon America’s unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System.

SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING. 16 USC 5912.

The Secretary shall develop a comprehensive training program for employees in all professional careers in the work force of the National Park Service for the purpose of assuring that the work force has available the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park System.

SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING. 16 USC 5913.

Within 2 years after the enactment of this Act, the Secretary shall develop a clear plan for management training and development, whereby career, professional National Park Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including explicitly the position of superintendent of a unit of the National Park System.

112 STAT. 3499

PUBLIC LAW 105-391—NOV. 13, 1998

16 USC 5914.

SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.Public
information.

(a) STRATEGIC AND PERFORMANCE PLANS FOR EACH UNIT.—Each unit of the National Park System shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. Such plans shall reflect the National Park Service policies, goals, and outcomes represented in the Service-wide Strategic Plan, prepared pursuant to the provisions of the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285).

(b) ANNUAL BUDGET FOR EACH UNIT.—As a part of the annual performance plan for a unit of the National Park System prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but no later than January 1 of each year), the superintendent of the unit shall develop and make available to the public the budget for the current fiscal year for that unit. The budget shall include, at a minimum, funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue) and administration. The budget shall also include allocations into each of the above categories of all funds retained from fees collected for that year, including (but not limited to) special use permits, concession franchise fees, and recreation use and entrance fees.

TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT

16 USC 5931.

SEC. 201. PURPOSES.

The purposes of this title are—

(1) to more effectively achieve the mission of the National Park Service;

(2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;

(3) to ensure appropriate documentation of resource conditions in the National Park System;

(4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.); and

(5) to encourage the publication and dissemination of information derived from studies in the National Park System.

16 USC 5932.

SEC. 202. RESEARCH MANDATE.

The Secretary is authorized and directed to assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information.

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3500

SEC. 203. COOPERATIVE AGREEMENTS.

16 USC 5933.

(a) **COOPERATIVE STUDY UNITS.**—The Secretary is authorized and directed to enter into cooperative agreements with colleges and universities, including but not limited to land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the National Park System, or the larger region of which parks are a part.

(b) **REPORT.**—Within one year of the date of enactment of this title, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives on progress in the establishment of a comprehensive network of such college and university based cooperative study units as will provide full geographic and topical coverage for research on the resources contained in units of the National Park System and their larger regions.

Deadline.

SEC. 204. INVENTORY AND MONITORING PROGRAM.

16 USC 5934.

The Secretary shall undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.

16 USC 5935.

(a) **IN GENERAL.**—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any unit of the National Park System for purposes of scientific study.

(b) **CRITERIA.**—A request for use of a unit of the National Park System under subsection (a) may only be approved if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and National Park Service management policies; and

(2) will be conducted in a manner as to pose no threat to park resources or public enjoyment derived from those resources.

(c) **FEE WAIVER.**—The Secretary may waive any park admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) **NEGOTIATIONS.**—The Secretary may enter into negotiations with the research community and private industry for equitable, efficient benefits-sharing arrangements.

SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGEMENT DECISIONS.

16 USC 5936.

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which an action undertaken by the National Park Service may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered. The trend in the condition of resources of the National Park System shall be a significant factor in the annual performance

112 STAT. 3501

PUBLIC LAW 105-391—NOV. 13, 1998

evaluation of each superintendent of a unit of the National Park System.

16 USC 5937.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

Information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units of the National Park System, may be withheld from the public in response to a request under section 552 of title 5, United States Code, unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the unit of the National Park System in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other applicable laws protecting the resource or object.

National Park
System New
Areas Studies
Act.

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

16 USC 1 note.

SEC. 301. SHORT TITLE.

This title may be cited as the “National Park System New Areas Studies Act”.

16 USC 1a-5 note.

SEC. 302. PURPOSE.

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM AREAS.

Section 8 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-5) is amended as follows:

(1) By inserting “GENERAL AUTHORITY.—” after “(a)”.

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words “For the purposes of carrying” the following: “(f) AUTHORIZATION OF APPROPRIATIONS.—”.

(4) By inserting the following after subsection (a):

Records.

“(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

“(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3502

“(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

“(B) themes, sites, and resources not already adequately represented in the National Park System; and

“(C) public petition and Congressional resolutions.

“(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

“(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

“(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

“(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

“(2) In conducting the study, the Secretary shall consider whether the area under study—

“(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

“(B) is a suitable and feasible addition to the system.

“(3) Each study—

“(A) shall consider the following factors with regard to the area being studied—

“(i) the rarity and integrity of the resources;

“(ii) the threats to those resources;

“(iii) similar resources are already protected in the National Park System or in other public or private ownership;

“(iv) the public use potential;

“(v) the interpretive and educational potential;

“(vi) costs associated with acquisition, development and operation;

“(vii) the socioeconomic impacts of any designation;

“(viii) the level of local and general public support;

and

“(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

“(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

112 STAT. 3503

PUBLIC LAW 105-391—NOV. 13, 1998

“(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

“(D) may include any other information which the Secretary deems to be relevant.

“(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

“(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary’s preferred management option for the area.

“(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

“(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.”.

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: “For carrying out subsections (b) through (d) there are authorized to be appropriated \$2,000,000 for each fiscal year.”.

National Park
Service
Concessions
Management
Improvement Act
of 1998.
Contracts.
16 USC 5901
note.

16 USC 5951.

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “National Park Service Concessions Management Improvement Act of 1998”.

SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as have to be provided within such units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair these resources and values; and

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3504

(2) development of public accommodations, facilities, and services within such units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of such units.

(b) **POLICY.**—It is the policy of the Congress that the development of public accommodations, facilities, and services in units of the National Park System shall be limited to those accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

SEC. 403. AWARD OF CONCESSIONS CONTRACTS.

16 USC 5952.

In furtherance of the findings and policy stated in section 402, and except as provided by this title or otherwise authorized by law, the Secretary shall utilize concessions contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to units of the National Park System. Such concessions contracts shall be awarded as follows:

(1) **COMPETITIVE SELECTION PROCESS.**—Except as otherwise provided in this section, all proposed concessions contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concessions contracts.

(2) **SOLICITATION OF PROPOSALS.**—Except as otherwise provided in this section, prior to awarding a new concessions contract (including renewals or extensions of existing concessions contracts) the Secretary shall publicly solicit proposals for the concessions contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish notice of its availability at least once in local or national newspapers or trade publications, and/or the Commerce Business Daily, as appropriate, and shall make the prospectus available upon request to all interested parties.

(3) **PROSPECTUS.**—The prospectus shall include the following information:

(A) The minimum requirements for such contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concessions contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services which may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, if any, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concessions contract.

112 STAT. 3505

PUBLIC LAW 105-391—NOV. 13, 1998

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of such factors in the selection process.

(G) Such other information related to the proposed concessions operation as is provided to the Secretary pursuant to a concessions contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concessions contract held by an existing concessioner as set forth in paragraph (7).

(4) MINIMUM REQUIREMENTS.—(A) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the unit of the National Park System.

(B) The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is not likely to provide satisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) The Secretary may not execute a concessions contract which materially amends or does not incorporate the proposed terms and conditions of the concessions contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concessions contract incorporating such material amendments or changes.

(5) SELECTION OF THE BEST PROPOSAL.—(A) In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services.

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3506

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(C) In developing regulations to implement this title, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession, contracts should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of \$5,000,000 or a duration of more than 10 years to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—(A) Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concessions contract, or any other form of preference to a concessions contract.

(B) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concessions contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) As used in this title, the term “preferential right of renewal” means that the Secretary, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 402, shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal for a proposed new concessions contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(D) A concessioner which successfully exercises a preferential right of renewal in accordance with the requirements of this title shall be entitled to award of the proposed new concessions contract to which such preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—(A) The provisions of paragraph (7) shall apply only to the following:

Applicability.

(i) Subject to subparagraph (B), outfitting and guide concessions contracts.

(ii) Subject to subparagraph (C), concessions contracts with anticipated annual gross receipts under \$500,000.

(B) For the purposes of this title, an “outfitting and guide concessions contract” means a concessions contract which solely

authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. Outfitting and guide concessioners, where otherwise qualified, include concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. An outfitting and guide concessioner is entitled to a preferential right of renewal under this title only if—

(i) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on lands owned by the United States within a unit of the National Park System, other than a capital improvement constructed by a concessioner pursuant to the terms of a concessions contract prior to the date of the enactment of this title or constructed or owned by a concessioner or his or her predecessor before the subject land was incorporated into the National Park System;

(ii) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(iii) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) A concessioner that holds a concessions contract that the Secretary estimates will result in gross annual receipts of less than \$500,000 if renewed shall be entitled to a preferential right of renewal under this title if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concessions contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a unit of the National Park System.

(10) SECRETARIAL AUTHORITY.—Nothing in this title shall be construed as limiting the authority of the Secretary to determine whether to issue a concessions contract or to establish its terms and conditions in furtherance of the policies expressed in this title.

(11) EXCEPTIONS.—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation, the following:

(A) A temporary concessions contract or an extension of an existing concessions contract for a term not to exceed 3 years in order to avoid interruption of services to the public at a unit of the National Park System, except that prior to making such an award, the Secretary shall take

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3508

all reasonable and appropriate steps to consider alternatives to avoid such interruption.

(B) A concessions contract in extraordinary circumstances where compelling and equitable considerations require the award of a concessions contract to a particular party in the public interest. Such award of a concessions contract shall not be made by the Secretary until at least 30 days after publication in the Federal Register of notice of the Secretary's intention to do so and the reasons for such action, and submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

Federal Register,
publication.

SEC. 404. TERM OF CONCESSIONS CONTRACTS.

16 USC 5953.

A concessions contract entered into pursuant to this title shall generally be awarded for a term of 10 years or less. However, the Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.

16 USC 5954.

(a) **LEASEHOLD SURRENDER INTEREST UNDER NEW CONCESSIONS CONTRACTS.**—On or after the date of the enactment of this title, a concessioner that constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concessions contract shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

(1) A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concessions contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) A leasehold surrender interest—

(A) may be pledged as security for financing of a capital improvement or the acquisition of a concessions contract when approved by the Secretary pursuant to this title;

(B) shall be transferred by the concessioner in connection with any transfer of the concessions contract and may be relinquished or waived by the concessioner; and

(C) shall not be extinguished by the expiration or other termination of a concessions contract and may not be taken for public use except on payment of just compensation.

(3) The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(4) Effective 9 years after the date of the enactment of this Act, the Secretary may provide, in any particular new

Effective date.

Federal Register,
publication.

concession contract the Secretary estimates will have a leasehold surrender interest of more than \$10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on either (A) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on the day before the date of the enactment of this Act or (B) such alternative formula that is consistent with the objectives of this title. The Secretary may only use such an alternative formula if the Secretary determines, after scrutiny of the financial and other circumstances involved in this particular concession contract (including providing notice in the Federal Register and opportunity for comment), that such alternative formula is, compared to the standard method of determining value provided for in paragraph (3), necessary in order to provide a fair return to the Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes such an alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described in paragraph (3).

(5) Where a concessioner, pursuant to the terms of a concessions contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement shall be added to the then current value of the concessioner's leasehold surrender interest.

(b) SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—

(1) A concessioner which has obtained a possessory interest as defined pursuant to Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.), as in effect on the day before the date of the enactment of this Act, under the terms of a concessions contract entered into before that date shall, upon the expiration or termination of such contract, be entitled to receive compensation for such possessory interest improvements in the amount and manner as described by such concessions contract. Where such a possessory interest is not described in the existing contract, compensation of possessory interest shall be determined in accordance with the laws in effect on the day before the date of enactment of this Act.

(2) In the event such prior concessioner is awarded a new concessions contract after the effective date of this title replacing an existing concessions contract, the existing concessioner shall, instead of directly receiving such possessory interest compensation, have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and shall carry over as the initial value of such leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter shall be resolved through binding arbitration.

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3510

(3) In the event that a new concessioner is awarded a concessions contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner shall have a leasehold surrender interest in such prior improvements and the initial value in such leasehold surrender interest (instead of construction cost), shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous contract.

(c) **TRANSITION TO SUCCESSOR CONCESSIONER.**—Upon expiration or termination of a concessions contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concessions contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. A successor concessioner shall have a leasehold surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concessions contract.

(d) **TITLE TO IMPROVEMENTS.**—Title to any capital improvement constructed by a concessioner on lands owned by the United States in a unit of the National Park System shall be vested in the United States.

(e) **DEFINITIONS.**—For purposes of this section:

(1) **CONSUMER PRICE INDEX.**—The term “Consumer Price Index” means the “Consumer Price Index—All Urban Consumers” published by the Bureau of Labor Statistics of the Department of Labor, unless such index is not published, in which case another regularly published cost-of-living index approximating the Consumer Price Index shall be utilized by the Secretary; and

(2) **CAPITAL IMPROVEMENT.**—The term “capital improvement” means a structure, fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concessions contract and located on lands of the United States within a unit of the National Park System.

(f) **SPECIAL REPORTING REQUIREMENT.**— Not later than 7 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives containing a complete analysis of the concession program as well as—

Deadline.

(1) an assessment of competition in the solicitation of prospectuses, fair and/or increased return to the Government, and improvement of concession facilities and infrastructure; and

(2) an assessment of any problems with the management and administration of the concession program that are a direct result of the implementation of the provisions of this title.

SEC. 406. REASONABLENESS OF RATES.

16 USC 5955.

(a) **IN GENERAL.**—Each concessions contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

112 STAT. 3511

PUBLIC LAW 105-391—NOV. 13, 1998

(b) **APPROVAL BY SECRETARY REQUIRED.**—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary: length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, and type of patronage. Such rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in the preceding sentence.

Deadline.

(c) **IMPLEMENTATION OF RECOMMENDATIONS.**—Not later than 6 months after receiving recommendations from the Advisory Board established under section 409(a) regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to the Congress the reasons for not implementing the recommendations.

16 USC 5956.

SEC. 407. FRANCHISE FEES.

(a) **IN GENERAL.**—A concessions contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value shall be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing necessary and appropriate services for visitors at reasonable rates.

(b) **AMOUNT OF FRANCHISE FEE.**—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concessions contract shall be specified in the concessions contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. The Secretary shall include in concessions contracts with a term of more than 5 years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of such extraordinary unanticipated changes. Such provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

(c) **SPECIAL ACCOUNT.**—All franchise fees (and other monetary consideration) paid to the United States pursuant to concessions contracts shall be deposited into a special account established in the Treasury of the United States. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the National Park System regardless of the unit of

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3512

the National Park System in which the funds were collected. The funds deposited into the special account shall remain available until expended.

(d) **SUBACCOUNT FOR EACH UNIT.**—There shall be established within the special account required under subsection (c) a subaccount for each unit of the National Park System. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single unit of the National Park System under concessions contracts. The funds credited to the subaccount for a unit of the National Park System shall be available for expenditure by the Secretary, without further appropriation, for use at the unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

SEC. 408. TRANSFER OF CONCESSIONS CONTRACTS.

16 USC 5957.

(a) **APPROVAL OF THE SECRETARY.**—No concessions contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) **CONDITIONS.**—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation or entity seeking to acquire a concessions contract is not qualified or able to satisfy the terms and conditions of the concessions contract;

(2) such transfer or conveyance would have an adverse impact on (A) the protection, conservation, or preservation of the resources of the unit of the National Park System or (B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such transfer or conveyance are likely, directly or indirectly, to reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract, adversely affect the quality of facilities and services provided by the concessioner, or result in a need for increased rates and charges to the public to maintain the quality of such facilities and services.

(c) **TRANSFER TERMS.**—The terms and conditions of any contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a), unless such transfer or conveyance would have an adverse impact as described in paragraph (2) of subsection (b).

SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

16 USC 5958.

(a) **ESTABLISHMENT.**—There is hereby established a National Park Service Concessions Management Advisory Board (in this title referred to as the "Advisory Board") whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in the National Park System.

(b) **DUTIES.**—

(1) **ADVICE.**—The Advisory Board shall advise on each of the following:

112 STAT. 3513

PUBLIC LAW 105-391—NOV. 13, 1998

(A) Policies and procedures intended to assure that services and facilities provided by concessioners are necessary and appropriate, meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make National Park Service concessions programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) RECOMMENDATIONS.—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient, less burdensome, and timelier the review or approval of concessioner rates and charges to the public.

(B) The nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title.

(C) The allocation of concession fees.

The initial recommendations under subparagraph (A) relating to rates and charges shall be submitted to the Secretary not later than one year after the first meeting of the Board.

(3) ANNUAL REPORT.—The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concessions business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3514

(d) **TERMINATION.**—The Advisory Board shall continue to exist until December 31, 2008. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(e) **SERVICE ON ADVISORY BOARD.**—Service of an individual as a member of the Advisory Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or other comparable provisions of Federal law.

SEC. 410. CONTRACTING FOR SERVICES.

16 USC 5959.

(a) **CONTRACTING AUTHORIZED.**—(1) To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in those elements of the management of the National Park Service concessions program considered by the Secretary to be suitable for non-Federal performance. Such management elements include each of the following:

- (A) Health and safety inspections.
- (B) Quality control of concessions operations and facilities.
- (C) Strategic capital planning for concessions facilities.
- (D) Analysis of rates and charges to the public.

(2) The Secretary may also contract with private entities to assist the Secretary with each of the following:

- (A) Preparation of the financial aspects of prospectuses for National Park Service concessions contracts.
- (B) Development of guidelines for a national park system capital improvement and maintenance program for all concession occupied facilities.
- (C) Making recommendations to the Director of the National Park Service regarding the conduct of annual audits of concession fee expenditures.

(b) **OTHER MANAGEMENT ELEMENTS.**—The Secretary shall also consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) **CONDITION.**—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concessions contracts and activities pursuant to this title and the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.). The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the National Park Service concessions program under this section.

SEC. 411. MULTIPLE CONTRACTS WITHIN A PARK.

16 USC 5960.

If multiple concessions contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a specific national park, the Secretary shall establish a comparable franchise fee structure for all such same or similar contracts, except that the terms and conditions

112 STAT. 3515

PUBLIC LAW 105-391—NOV. 13, 1998

of any existing concessions contract shall not be subject to modification or open to renegotiation by the Secretary because of an award of a new contract at the same approximate location or resource.

16 USC 5961.

SEC. 412. SPECIAL RULE FOR TRANSPORTATION CONTRACTING SERVICES.

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a unit of the National Park System shall be no more than 10 years in length, including a base period of 5 years and annual extensions for an additional 5-year period based on satisfactory performance and approval by the Secretary.

16 USC 5962.

SEC. 413. USE OF NONMONETARY CONSIDERATION IN CONCESSIONS CONTRACTS.

Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this title.

16 USC 5963.

SEC. 414. RECORDKEEPING REQUIREMENTS.

(a) **IN GENERAL.**—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessions contract have been and are being faithfully performed, and the Secretary and any duly authorized representative of the Secretary shall, for the purpose of audit and examination, have access to such records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

(b) **ACCESS TO RECORDS.**—The Comptroller General or any duly authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

SEC. 415. REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT.

16 USC 20 note.

(a) **REPEAL.**—Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority.

(b) **CONFORMING AMENDMENTS.**—(1) The fourth sentence of section 3 of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 3), is amended—

(A) by striking all through “no natural” and inserting “No natural,”; and

(B) by striking the last proviso in its entirety.

(2) Section 12 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-7) is amended by striking subsection (c).

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3516

(3) The second paragraph under the heading “NATIONAL PARK SERVICE” in the Act of July 31, 1953 (67 Stat. 261, 271), is repealed.

16 USC 17b-1.

(c) ANILCA.—Nothing in this title amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.

16 USC 5951
note.

SEC. 416. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, NATIVE SAMOAN, AND NATIVE HAWAIIAN HANDICRAFTS.

16 USC 5964.

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where such trade currently does not exist.

(b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of these purposes, the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

SEC. 417. REGULATIONS.

16 USC 5965.

As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in a unit of the National Park System are not segmented or otherwise split into separate concessions contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concessions contract below \$500,000. The Secretary shall also promulgate regulations which further define the term “United States Indian, Alaskan Native, and Native Hawaiian handicrafts” for the purposes of this title.

SEC. 418. COMMERCIAL USE AUTHORIZATIONS.

16 USC 5966.

(a) IN GENERAL.—To the extent specified in this section, the Secretary, upon request, may authorize a private person, corporation, or other entity to provide services to visitors to units of the National Park System through a commercial use authorization. Such authorizations shall not be considered as concessions contracts pursuant to this title nor shall other sections of this title be applicable to such authorizations except where expressly so stated.

(b) CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations.

(2) ELEMENTS OF AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

112 STAT. 3517

PUBLIC LAW 105-391—NOV. 13, 1998

(B) require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(c) **LIMITATIONS.**—Any authorization issued under this section shall be limited to—

(1) commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely within a unit of the National Park System pursuant to such authorization;

(2) the incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit; or

(3) such uses by organized children's camps, outdoor clubs and nonprofit institutions (including back country use) and such other uses as the Secretary determines appropriate.

Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(d) **PROHIBITION ON CONSTRUCTION.**—An authorization issued under this section shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of a unit of the National Park System.

(e) **DURATION.**—The term of any authorization issued under this section shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(f) **OTHER CONTRACTS.**—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concessions contracts.

16 USC 5951
note.

SEC. 419. SAVINGS PROVISION.

(a) **TREATMENT OF GLACIER BAY CONCESSION PERMITS PROSPECTUS.**—Nothing contained in this title shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the "1998 Glacier Bay Prospectus"). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

(b) **PREFERENTIAL RIGHT OF RENEWAL.**—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective

PUBLIC LAW 105–391—NOV. 13, 1998

112 STAT. 3518

date of this title, shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7). Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009.

Expiration date.

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

SEC. 501. FEES.

16 USC 5981.

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

SEC. 502. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.

Contracts
16 USC 5982.

Not later than 6 months after the date of enactment of this title, the Secretary of the Interior and the Secretary of Agriculture shall enter into an agreement providing for an apportionment among each agency of all proceeds derived from the sale of Golden Eagle Passports by private vendors. Such proceeds shall be apportioned to each agency on the basis of the ratio of each agency's total revenue from admission fees collected during the previous fiscal year to the sum of all revenue from admission fees collected during the previous fiscal year for all agencies participating in the Golden Eagle Passport Program.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

SEC. 601. PURPOSES.

16 USC 5991.

The purposes of this title are—

(1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and

(2) to generate revenue for support of the National Park System.

112 STAT. 3519

PUBLIC LAW 105-391—NOV. 13, 1998

16 USC 5992.

SEC. 602. NATIONAL PARK PASSPORT PROGRAM.

(a) PROGRAM.—The Secretary shall establish a national park passport program. A national park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

(b) EFFECTIVE PERIOD.—A national park passport stamp shall be effective for a period of 12 months from the date of purchase.

(c) TRANSFERABILITY.—A national park passport and stamp shall not be transferable.

16 USC 5993.

SEC. 603. ADMINISTRATION.

(a) STAMP DESIGN COMPETITION.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

(2) Each competition shall be open to the public and shall be a means to educate the American people about the National Park System.

(b) SALE OF PASSPORTS AND STAMPS.—(1) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(2) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

(3) The Secretary may limit the number of private vendors of national park passports (including stamps).

(c) USE OF PROCEEDS.—

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

(2) Net proceeds from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) AGREEMENTS.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

(e) FEE.—The fee for a national park passport and stamp shall be \$50.

16 USC 5994.

SEC. 604. FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.

The Secretary of Interior shall—

(1) make Golden Eagle Passports issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(a)(1)(A)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 460l-6a note), available to foreign visitors to the United States; and

PUBLIC LAW 105–391—NOV. 13, 1998

112 STAT. 3520

(2) make such Golden Eagle Passports available for purchase outside the United States, through commercial tourism channels and consulates or other offices of the United States.

SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.

16 USC 5995.

(a) **PARK PASSPORT NOT REQUIRED.**—A national park passport shall not be required for—

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(a)(2)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104–134; 16 U.S.C. 4601–6a note); or

(2) an individual who has obtained a Golden Age or Golden Access Passport under paragraph (4) or (5) of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(a)).

(b) **GOLDEN EAGLE PASSPORTS.**—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(a)(1)(A)) or such Recreational Fee Demonstration Program (16 U.S.C. 4601–6a note) shall be honored for admission to each unit of the National Park System.

(c) **ACCESS.**—A national park passport shall provide access to each unit of the National Park System under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

(d) **LIMITATIONS.**—A national park passport may not be used to obtain access to other Federal recreation fee areas outside of the National Park System.

(e) **EXEMPTIONS AND FEES.**—A national park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(b)) or such Recreational Fee Demonstration Program (16 U.S.C. 4601–6a note).

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

Public Law 90–209 (commonly known as the National Park Foundation Act; 16 U.S.C. 19 et seq.) is amended by adding at the end the following new section:

“SEC. 11. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

16 USC 19o.

“(a) **ESTABLISHMENT.**—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

“(b) **IMPLEMENTATION.**—The program under subsection (a) shall be implemented to—

“(1) assist in the creation of local nonprofit support organizations; and

“(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

112 STAT. 3521

PUBLIC LAW 105-391—NOV. 13, 1998

“(c) PROGRAM.—The program under subsection (a) shall include the greatest number of national park units as is practicable.

“(d) REQUIREMENTS.—The program under subsection (a) shall include, at a minimum—

“(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

“(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

“(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

“(e) ANNUAL REPORT.—The Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

“(f) AFFILIATIONS.—

“(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

“(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the Foundation; or

“(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

“(2) ESTABLISHMENT.—An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization.”.

TITLE VIII—MISCELLANEOUS PROVISIONS

16 USC 6011.

SEC. 801. UNITED STATES PARK POLICE.

(a) APPOINTMENT OF TASK FORCE.—Not later than 60 days after the date of enactment of this title, the Secretary shall appoint a multidisciplinary task force to fully evaluate the shortfalls, needs, and requirements of law enforcement programs in the National Park Service, including a separate analysis for the United States Park Police, which shall include a review of facility repair, rehabilitation, equipment, and communication needs.

Deadline.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of enactment of this title, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives a report that includes—

(1) the findings and recommendations of the task force;

(2) complete justifications for any recommendations made;

and

(3) a complete description of any adverse impacts that would occur if any need identified in the report is not met.

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3522

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) IN GENERAL.—Section 3 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-2) is amended by adding at the end the following:

“(k) LEASES.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), the Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

“(2) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under paragraph (1) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concessions contract, commercial use authorization, or similar instrument.

“(3) USE.—Buildings and associated property leased under paragraph (1)—

“(A) shall be used for an activity that is consistent with the purposes established by law for the unit in which the building is located;

“(B) shall not result in degradation of the purposes and values of the unit; and

“(C) shall be compatible with National Park Service programs.

“(4) RENTAL AMOUNTS.—

“(A) IN GENERAL.—With respect to a lease under paragraph (1)—

“(i) payment of fair market value rental shall be required; and

“(ii) section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b) shall not apply.

“(B) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

“(C) REGULATION.—The Secretary shall promulgate regulations implementing this subsection that includes provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

“(5) SPECIAL ACCOUNT.—

“(A) DEPOSITS.—Rental payments under a lease under paragraph (1) shall be deposited in a special account in the Treasury of the United States.

“(B) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

“(i) facility refurbishment;

“(ii) repair and replacement;

“(iii) infrastructure projects associated with park resource protection; and

“(iv) direct maintenance of the leased buildings and associated properties.

“(C) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account

Procedures.

112 STAT. 3523

PUBLIC LAW 105-391—NOV. 13, 1998

that ensure accountability and demonstrated results consistent with this Act.

“(1) COOPERATIVE MANAGEMENT AGREEMENTS.—

“(1) IN GENERAL.—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas. The Secretary may not transfer administration responsibilities for any unit of the National Park System under this paragraph.

“(2) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

“(3) ASSIGNMENT.—An assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.”.

16 USC 470h-3
note.

(b) HISTORIC LEASE PROCESS SIMPLIFICATION.—The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.

Approved November 13, 1998.

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



4. Omnibus Parks and Public Lands Management Act of 1996

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4093

Public Law 104–333
104th Congress

An Act

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

Nov. 12, 1996
[H.R. 4236]

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 “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks
and Public Lands
Management Act
of 1996.
16 USC 1 note.

Sec. 1. Short title and table of contents.

DIVISION I

TITLE I—THE PRESIDIO OF SAN FRANCISCO

- Sec. 101. Findings.
- Sec. 102. Authority and responsibility of the Secretary of the Interior.
- Sec. 103. Establishment of the Presidio Trust.
- Sec. 104. Duties and authorities of the Trust.
- Sec. 105. Limitations on funding.
- Sec. 106. General Accounting Office study.

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

- Sec. 201. Yucca House National Monument boundary adjustment.
- Sec. 202. Zion National Park boundary adjustment.
- Sec. 203. Pictured Rocks National Lakeshore boundary adjustment.
- Sec. 204. Independence National Historical Park boundary adjustment.
- Sec. 205. Craters of the Moon National Monument boundary adjustment.
- Sec. 206. Hagerman Fossil Beds National Monument boundary adjustment.
- Sec. 207. Wupatki National Monument boundary adjustment.
- Sec. 208. Walnut Canyon National Monument boundary modification.
- Sec. 209. Butte County, California land conveyance.
- Sec. 210. Taos Pueblo land transfer.
- Sec. 211. Colonial National Historical Park.
- Sec. 212. Cuprum, Idaho relief.
- Sec. 213. Relinquishment of interest.
- Sec. 214. Modoc National Forest.
- Sec. 215. Conveyance to City of Sumpter, Oregon.
- Sec. 216. Cumberland Gap National Historical Park.
- Sec. 217. Alpine School District.
- Sec. 218. Merced Irrigation District land exchange.
- Sec. 219. Father Aull site transfer.
- Sec. 220. Coastal Barrier Resources System.
- Sec. 221. Conveyance to Del Norte County Unified School District.

TITLE III—EXCHANGES

- Sec. 301. Targhee National Forest land exchange.
- Sec. 302. Anaktuvuk Pass land exchange.
- Sec. 303. Alaska Peninsula subsurface consolidation.
- Sec. 304. Snowbasin Land Exchange Act.
- Sec. 305. Arkansas and Oklahoma land exchange.
- Sec. 306. Big Thicket National Preserve.
- Sec. 307. Lost Creek land exchange.
- Sec. 308. Cleveland National Forest land exchange.

110 STAT. 4094

PUBLIC LAW 104-333—NOV. 12, 1996

- Sec. 309. Sand Hollow land exchange.
- Sec. 310. Bureau of Land Management authorization for fiscal years 1997 through 2002.
- Sec. 311. Kenai Natives Association land exchange.

TITLE IV—RIVERS AND TRAILS

- Sec. 401. Rio Puerco watershed.
- Sec. 402. Old Spanish Trail.
- Sec. 403. Great Western Scenic Trail.
- Sec. 404. Hanford Reach Preservation.
- Sec. 405. Lamprey Wild and Scenic River.
- Sec. 406. West Virginia National Rivers Amendments of 1996.
- Sec. 407. Technical amendment to the Wild and Scenic Rivers Act.
- Sec. 408. Protection of North St. Vrain Creek, Colorado.

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

- Sec. 501. The Selma to Montgomery National Historic Trail.
- Sec. 502. Vancouver National Historic Reserve.
- Sec. 503. Extension of Kaloko-Honokohau Advisory Commission.
- Sec. 504. Amendment to Boston National Historic Park Act.
- Sec. 505. Women's Rights National Historic Park.
- Sec. 506. Black Patriots Memorial Extension.
- Sec. 507. Historically black colleges and universities historic building restoration and preservation.
- Sec. 508. Memorial to Martin Luther King, Jr.
- Sec. 509. Advisory Council on Historic Preservation reauthorization.
- Sec. 510. Great Falls Historic District, New Jersey.
- Sec. 511. New Bedford National Historic Landmark District.
- Sec. 512. Nicodemus National Historic Site.
- Sec. 513. Unalaska.
- Sec. 514. Japanese American Patriotism Memorial.
- Sec. 515. Manzanar National Historic Site.
- Sec. 516. Recognition and designation of the AIDS Memorial Grove as national memorial.

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

- Sec. 601. United States Civil War Center.
- Sec. 602. Corinth, Mississippi, Battlefield Act.
- Sec. 603. Revolutionary War and War of 1812 Historic Preservation Study.
- Sec. 604. American battlefield protection program.
- Sec. 605. Chickamauga and Chattanooga National Military Parks.
- Sec. 606. Shenandoah Valley battlefields.
- Sec. 607. Washita Battlefield.

TITLE VII—FEES

- Sec. 701. Ski area permit rental charge.
- Sec. 702. Delaware Water Gap.
- Sec. 703. Glacier Bay National Park.

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

- Sec. 801. Limitation on park buildings.
- Sec. 802. Appropriations for transportation of children.
- Sec. 803. Feral burros and horses.
- Sec. 804. Authorities of the Secretary of the Interior relating to museums.
- Sec. 805. Volunteers in parks increase.
- Sec. 806. Carl Garner Federal Lands Cleanup Day.
- Sec. 807. Fort Pulaski National Monument, Georgia.
- Sec. 808. Laura C. Hudson Visitor Center.
- Sec. 809. Robert J. Lagomarsino Visitor Center.
- Sec. 810. Expenditure of funds outside authorized boundary of Rocky Mountain National Park.
- Sec. 811. Dayton aviation.
- Sec. 812. Prohibition on certain transfers of national forest lands.
- Sec. 813. Grand Lake Cemetery.
- Sec. 814. National Park Service administrative reform.
- Sec. 815. William B. Smullin Visitor Center.
- Sec. 816. Calumet Ecological Park.
- Sec. 817. Acquisition of certain property on Santa Cruz Island.
- Sec. 818. National Park Agreements.

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4095

TITLE IX—HERITAGE AREAS

- Sec. 901. Blackstone River Valley National Heritage Corridor.
- Sec. 902. Illinois and Michigan Canal National Heritage Corridor.

TITLE X—MISCELLANEOUS

Subtitle A—Tallgrass Prairie National Preserve

- Sec. 1001. Short title.
- Sec. 1002. Findings and purposes.
- Sec. 1003. Definitions.
- Sec. 1004. Establishment of Tallgrass Prairie National Preserve.
- Sec. 1005. Administration of National Preserve.
- Sec. 1006. Limited authority to acquire.
- Sec. 1007. Advisory Committee.
- Sec. 1008. Restriction on authority.
- Sec. 1009. Authorization of appropriations.

Subtitle B—Sterling Forest

- Sec. 1011. Palisades Interstate Park Commission.

Subtitle C—Additional Provisions

- Sec. 1021. Recreation lakes.
- Sec. 1022. Bisti/De-Na-Zin Wilderness expansion and fossil forest protection.
- Sec. 1023. Opal Creek Wilderness and Scenic Recreation Area.
- Sec. 1024. Upper Klamath Basin ecological restoration projects.
- Sec. 1025. Deschutes Basin ecosystem restoration projects.
- Sec. 1026. Bull Run protection.
- Sec. 1027. Oregon Islands Wilderness, additions.
- Sec. 1028. Umpqua River land exchange study: policy and direction.
- Sec. 1029. Boston Harbor Islands Recreation Area.
- Sec. 1030. Natchez National Historical Park.
- Sec. 1031. Substitution of timber for canceled timber sale.
- Sec. 1032. Rural electric and telephone facilities.
- Sec. 1033. Federal borough recognition.
- Sec. 1034. Extension of statute of limitations.
- Sec. 1035. Regulation of fishing in certain waters of Alaska.
- Sec. 1036. Credit for reconveyance.
- Sec. 1037. Radio site report.

TITLE XI—CALIFORNIA BAY DELTA ENVIRONMENTAL ENHANCEMENT

- Sec. 1101. Program funding.

DIVISION II

TITLE I—NATIONAL COAL HERITAGE AREA

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Establishment.
- Sec. 104. Contractual agreement.
- Sec. 105. Eligible resources.
- Sec. 106. Coal heritage management plan.
- Sec. 107. Sunset.
- Sec. 108. Authorization of appropriations.

TITLE II—TENNESSEE CIVIL WAR HERITAGE AREA

- Sec. 201. Findings and purposes.
- Sec. 202. Definitions.
- Sec. 203. Tennessee Civil War Heritage Area.
- Sec. 204. Compact.
- Sec. 205. Management.
- Sec. 206. Duties and authorities of Secretary.
- Sec. 207. Savings provisions.
- Sec. 208. Sunset.
- Sec. 209. Authorization of appropriations.

TITLE III—AUGUSTA CANAL NATIONAL HERITAGE AREA

- Sec. 301. Findings.
- Sec. 302. Purpose.
- Sec. 303. Designation of Augusta Canal National Heritage Area.
- Sec. 304. Management.

110 STAT. 4096

PUBLIC LAW 104-333—NOV. 12, 1996

- Sec. 305. Management plan.
- Sec. 306. Grants and technical assistance.
- Sec. 307. Acquisition of real property.
- Sec. 308. Occupational, safety, conservation, and environmental regulation.
- Sec. 309. Land use regulation.
- Sec. 310. Sunset.
- Sec. 311. Authorization of appropriations.

TITLE IV—STEEL INDUSTRY HERITAGE PROJECT

- Sec. 401. Short title.
- Sec. 402. Findings and purpose.
- Sec. 403. Steel Industry American Heritage Area.
- Sec. 404. Compact.
- Sec. 405. Management plan.
- Sec. 406. Authorities and duties of management entity.
- Sec. 407. Duties and authorities of Federal agencies.
- Sec. 408. Sunset.
- Sec. 409. Authorization of appropriations.

TITLE V—ESSEX NATIONAL HERITAGE AREA

- Sec. 501. Findings and purpose.
- Sec. 502. Definitions.
- Sec. 503. Designation of National Heritage Area.
- Sec. 504. Management entity.
- Sec. 505. Duties of the Secretary.
- Sec. 506. Private property.
- Sec. 507. Sunset.
- Sec. 508. Authorization of appropriations.

TITLE VI—SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR

- Sec. 601. Short title.
- Sec. 602. Findings and purpose.
- Sec. 603. Definitions.
- Sec. 604. South Carolina National Heritage Corridor.
- Sec. 605. Management entity.
- Sec. 606. Duties of the Secretary.
- Sec. 607. Sunset.
- Sec. 608. Authorization of appropriations.

TITLE VII—AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP

- Sec. 701. Findings and purposes.
- Sec. 702. Definitions.
- Sec. 703. Establishment of the America's Agricultural Heritage Partnership.
- Sec. 704. Establishment of the America's Agricultural Heritage Partnership management entity.
- Sec. 705. Partnership management plan.
- Sec. 706. Land use regulation and private property protection.
- Sec. 707. Sunset.
- Sec. 708. Authorization of appropriations.

TITLE VIII—OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR

- Sec. 801. Short title.
- Sec. 802. Findings and purpose.
- Sec. 803. Definitions.
- Sec. 804. Ohio & Erie Canal National Heritage Corridor.
- Sec. 805. The Ohio & Erie National Canal Heritage Corridor Committee.
- Sec. 806. Powers and duties of the National Heritage Corridor Committee.
- Sec. 807. Management entity.
- Sec. 808. Duties of the management entity.
- Sec. 809. Duties and authorities of Federal agencies.
- Sec. 810. Lack of effect on land use regulation and private property.
- Sec. 811. Sunset.
- Sec. 812. Authorization of appropriations.

TITLE IX—HUDSON RIVER VALLEY NATIONAL HERITAGE AREA

- Sec. 901. Short title.
- Sec. 902. Findings.
- Sec. 903. Purposes.
- Sec. 904. Hudson River Valley American Heritage Area.
- Sec. 905. Compact.

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4097

Sec. 906. Management plan.
Sec. 907. Authorities and duties of management entities.
Sec. 908. Duties and authorities of Federal agencies.
Sec. 909. Authorization of appropriations.
Sec. 910. Sunset.

DIVISION I

TITLE I—THE PRESIDIO OF SAN FRANCISCO

SEC. 101. FINDINGS.

16 USC 460bb
note.

The Congress finds that—

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

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

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

(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92–589;

(5) as part of the Golden Gate National Recreation Area, the Presidio's significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

(6) removal and/or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

(7) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

SEC. 102. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR.

16 USC 460bb
note.

(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this title referred to as the “Secretary”) is authorized to manage leases in existence on the date of this Act for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than 6 months after the first meeting of the Presidio Trust. The Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this title, however, the Secretary is authorized to enter into agreements for use and occupancy of the Presidio properties which are assignable to the Trust and are terminable with 30 days notice. Prior to the transfer of administrative jurisdiction over any property to the Presidio Trust, and notwithstanding section 1341 of title 31 of the United

110 STAT. 4098

PUBLIC LAW 104-333—NOV. 12, 1996

States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. The Secretary may adjust the rental charge on any such lease for any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties and infrastructure within the Presidio.

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

(c) OTHER.—Those lands and facilities within the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all portions of the Presidio. Any infrastructure and building improvement projects that were funded prior to the enactment of this Act shall be completed by the National Park Service.

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

(2) Any career employee of the National Park Service employed at the Presidio on the date of enactment of this title shall be given priority placement for any available position within the National Park System notwithstanding any priority reemployment lists, directives, rules, regulations or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.

16 USC 460bb
note.

SEC. 103. ESTABLISHMENT OF THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this title referred to as the “Trust”).

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

Federal buildings
and facilities.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4099

within the boundary of the Golden Gate National Recreation Area. With the consent of the Secretary, the Trust may at any time transfer to the administrative jurisdiction of the Secretary any other properties within the Presidio which are surplus to the needs of the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary open space areas which have high public use potential and are contiguous to other lands administrated by the Secretary.

(2) Within 60 days after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively which records, equipment, and other personal property are deemed to be necessary for the immediate administration of the properties to be transferred, and the Secretary shall immediately transfer such personal property to the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively what, if any, additional records, equipment, and other personal property used by the Secretary in the administration of the properties to be transferred should be transferred to the Trust.

(3) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, the unobligated balance of all funds appropriated to the Secretary, all leases, concessions, licenses, permits, and other agreements affecting such property.

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

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the “Board”) consisting of the following 7 members:

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

(B) 6 individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate development, and resource conservation. At least one of these individuals shall be a veteran of the Armed Services. At least 3 of these individuals shall reside in the San Francisco Bay Area. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act and shall ensure that the fields of city planning, finance, real estate development, and resource conservation are adequately represented. Upon establishment of the Trust, the Chairman of the Board of Directors of the Trust shall meet with the Chairman of the Energy and Natural Resources Committee of the United States Senate and the Chairman of the Resources Committee of the United States House of Representatives.

President.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 3 shall serve for a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made,

110 STAT. 4100

PUBLIC LAW 104-333—NOV. 12, 1996

and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

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

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

(6) MEETINGS.—The Board shall meet at least three times per year in San Francisco and at least two of those meetings shall be open to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues. The Board may establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

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

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

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of California, and its political subdivisions, including the City and County of San Francisco.

(10) GOVERNMENT CORPORATION.—(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section

Procedures.
Public
information.

Reports.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4101

that describes in general terms the Trust's goals for the current fiscal year.

SEC. 104. DUTIES AND AUTHORITIES OF THE TRUST.16 USC 460bb
note.

(a) **OVERALL REQUIREMENTS OF THE TRUST.**—The Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with the purposes set forth in section 1 of the Act entitled “An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes”, approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), and in accordance with the general objectives of the General Management Plan (hereinafter referred to as the “management plan”) approved for the Presidio.

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

Procedures.
Contracts.Procedures.
Contracts.

(c) **MANAGEMENT PROGRAM.**—The Trust shall develop a comprehensive program for management of those lands and facilities within the Presidio which are transferred to the administrative jurisdiction of the Trust. Such program shall be designed to reduce expenditures by the National Park Service and increase revenues to the Federal Government to the maximum extent possible. In carrying out this program, the Trust shall be treated as a successor in interest to the National Park Service with respect to compliance with the National Environmental Policy Act and other environmental compliance statutes. Such program shall consist of—

(1) demolition of structures which in the opinion of the Trust, cannot be cost-effectively rehabilitated, and which are identified in the management plan for demolition,

(2) evaluation for possible demolition or replacement those buildings identified as categories 2 through 5 in the Presidio

110 STAT. 4102

PUBLIC LAW 104-333—NOV. 12, 1996

of San Francisco Historic Landmark District Historic American Buildings Survey Report, dated 1985,

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

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

The Trust shall consult with the Secretary in the preparation of this program.

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

(1) The authority to guarantee any lender against loss of principal or interest on any loan: *Provided, That*—

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

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

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

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

(3) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established and only to the extent authorized in advance in appropriations acts. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4103

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

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

(f) PUBLIC AGENCY.—The Trust shall be deemed to be a public agency for purposes of entering into joint exercise of powers agreements pursuant to California government code section 6500 and related provisions of that Code.

(g) PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

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

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

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

Federal Register
publication.

(k) DIRECT NEGOTIATIONS.—For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

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

110 STAT. 4104

PUBLIC LAW 104-333—NOV. 12, 1996

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

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

(o) **REVERSION.**—If, at the expiration of 15 years, the Trust has not accomplished the goals and objectives of the plan required in section 105(b) of this title, then all property under the administrative jurisdiction of the Trust pursuant to section 103(b) of this title shall be transferred to the Administrator of the General Services Administration to be disposed of in accordance with the procedures outlined in the Defense Authorization Act of 1990 (104 Stat. 1809), and any real property so transferred shall be deleted from the boundary of the Golden Gate National Recreation Area. In the event of such transfer, the terms and conditions of all agreements and loans regarding such lands and facilities entered into by the Trust shall be binding on any successor in interest.

16 USC 460bb
note.

SEC. 105. LIMITATIONS ON FUNDING.

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

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

(b) Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing federally appropriated funding that will achieve, at a minimum, self-sufficiency for the Trust within 15 complete fiscal years after such meeting of the Trust. No further funds shall be authorized for the Trust 15 years after the first meeting of the Board of Directors of the Trust.

(c) The Administrator of the General Services Administration shall provide necessary assistance, including detailees as necessary, to the Trust in the formulation and submission of the annual budget request for the administration, operation, and maintenance of the Presidio.

16 USC 460bb
note.

SEC. 106. GENERAL ACCOUNTING OFFICE STUDY.

(a) Three years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4105

of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this title.

(b) In consultation with the Trust, the General Accounting Office shall develop an interim schedule and plan to reduce and replace the Federal appropriations to the extent practicable for interpretive services conducted by the National Park Service, and law enforcement activities and services, fire and public safety programs conducted by the Trust.

(c) Seven years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct a comprehensive study of the activities of the Trust, including the Trust's progress in meeting its obligations under this title, taking into consideration the results of the study described in subsection (a) and the implementation of plan and schedule required in subsection (b). The General Accounting Office shall report the results of the study, including any adjustments to the plan and schedule, to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives.

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

SEC. 201. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT. 16 USC 431 note.

(a) **IN GENERAL.**—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled “Boundary—Yucca House National Monument, Colorado”, numbered 318/80,001-B, and dated February 1990.

(b) **MAP.**—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) **ACQUISITION.**—

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

(2) The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

SEC. 202. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

16 USC 346a-5.

(a) **ACQUISITION AND BOUNDARY CHANGE.**—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both parcels of land being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary

110 STAT. 4106

PUBLIC LAW 104-333—NOV. 12, 1996

of Zion National Park to add the 5.48 acres in section 28 to the park and to exclude the 5.51 acres in section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire 2 years after the date of the enactment of this Act.

16 USC 460s-14.

SEC. 203. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

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

16 USC 407m-8.

SEC. 204. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled “Exhibit 1, Independence National Historical Park, Boundary Adjustment”, and dated May 1987, which 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 Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

16 USC 431 note.

SEC. 205. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

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

(b) ADMINISTRATION AND ACQUISITION.—Federal lands and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

SEC. 206. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

16 USC 431 note.

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4107

“(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a non-contiguous parcel.”.

SEC. 207. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT. 16 USC 431 note.

The boundaries of the Wupatki National Monument, Arizona, are hereby revised to include the lands and interests in lands within the area generally depicted as “Proposed Addition 168.89 Acres” on the map entitled “Boundary—Wupatki and Sunset Crater National Monuments, Arizona”, numbered 322-80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

SEC. 208. WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION. 16 USC 431 note.

(a) PURPOSE.—The purpose of this section is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this section referred to as the “national monument”) to improve management of the national monument and associated resources.

(b) BOUNDARY MODIFICATION.—Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled “Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona”, numbered 360/80,010, and dated September 1994. Such 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. The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map.

(c) ACQUISITION AND TRANSFER OF PROPERTY.—The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this section) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under subsection (b) is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

(d) ADMINISTRATION.—The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this title and the provisions of law generally applicable to units of the National Park Service, including “An Act to establish a National Park Service,

110 STAT. 4108

PUBLIC LAW 104-333—NOV. 12, 1996

and for other purposes” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

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

SEC. 209. BUTTE COUNTY, CALIFORNIA LAND CONVEYANCE.

(a) **PURPOSE.**—It is the purpose of this section to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons claiming to have been deprived of title to such lands.

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

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

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

(3) The terms “Secretary” means the Secretary of Agriculture.

(c) **CONVEYANCE OF LANDS.**—Notwithstanding any other provision of law, the Secretary is authorized and directed to convey, without consideration, all right, title, and interest of the United States in and to affected lands as described in subsection (b)(1), to any claimant or claimants, upon proper application from such claimant or claimants, as provided in subsection (d).

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

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

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

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

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated November 11, 1989;

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4109

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

(3) The Federal Government shall be responsible for all surveys and property line markings necessary to implement this subsection.

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

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

SEC. 210. TAOS PUEBLO LAND TRANSFER.16 USC 1132
note.

(a) TRANSFER.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled “Lands transferred to the Pueblo of Taos—proposed” and dated September 1994, comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) CONFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

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

SEC. 211. COLONIAL NATIONAL HISTORICAL PARK.

16 USC 81p.

(a) TRANSFER AND RIGHTS-OF-WAY.—The Secretary of the Interior (hereinafter in this section referred to as the “Secretary”) is authorized to transfer, without reimbursement, to York County, Virginia, that portion of the existing sewage disposal system, including related improvements and structures, owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as are determined by the Secretary to be necessary to maintain and operate such system.

(b) REPAIR AND REHABILITATION OF SYSTEM.—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed \$110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) FEES AND CHARGES.—In consideration for the rights-of-way granted under subsection (a), and in recognition of the National Park Service’s contribution authorized under subsection (b), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal. The cooperative agreement shall also provide for minimizing the impact of the

110 STAT. 4110

PUBLIC LAW 104-333—NOV. 12, 1996

sewage disposal system on the park and its resources. Such system may not be enlarged or substantially altered without National Park Service concurrence.

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

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

SEC. 212. CUPRUM, IDAHO RELIEF.

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

(1) In 1899, the citizens of Cuprum, Idaho, commissioned E.S. Hesse to conduct a survey describing these lands occupied by their community. The purpose of this survey was to provide a basis for the application for a townsite patent.

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

(3) Since the day of the patent, the Hesse survey has been used continuously by the community of Cuprum and by Adams County, Idaho, as the official townsite plat and basis for conveyance of title within the townsite.

(4) Recent boundary surveys conducted by the United States Department of Agriculture, Forest Service, and the United States Department of the Interior, Bureau of Land Management, discovered inconsistencies between the official aliquot parts description of the patented Cuprum Townsite and the Hesse survey. Many lots along the south and east boundaries of the townsite are now known to extend onto National Forest System lands outside the townsite.

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

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

(c) AMENDMENT OF PATENT.—The 1909 Cuprum Townsite patent is hereby amended to include parcels 1 and 2, identified on the plat, marked as “Township 20 North, Range 3 West, Boise Meridian, Idaho, Section 10: Proposed Patent Adjustment Cuprum Townsite, Idaho” prepared by Payette N.F.—Land Survey Unit, drawn and approved by Tom Betzold, Forest Land Surveyor, on April 25, 1995. Such additional lands are hereby conveyed to the original patentee, Pitts Ellis, trustee, and Probate Judge of

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4111

Washington County, Idaho, or any successors or assigns in interest in accordance with State law. The Secretary of Agriculture may correct clerical and typographical errors in such plat.

(d) SURVEY.—The Federal Government shall survey the Federal property lines and mark and post the boundaries necessary to implement this section.

SEC. 213. RELINQUISHMENT OF INTEREST.

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

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

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

as determined by the Secretary of the Interior in consultation with the appropriate officials of the city of Douglas, Wyoming.

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

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

SEC. 214. MODOC NATIONAL FOREST.

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

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundary of the Modoc National Forest, as modified by this title, shall be considered to the boundary of the National Forest as of January 1, 1995.

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

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the city of Sumpter, Oregon (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property of approximately 1.43 acres consisting of all of block 8 of the REVISED

110 STAT. 4112

PUBLIC LAW 104-333—NOV. 12, 1996

PLAN OF SUMPTER TOWNSITE in the City, as shown in plat recorded March 6, 1897, in Plat Book 3, page 26; including the alley running through such block, vacated by Ordinance No. 1966-3, recorded December 14, 1966, in Deed 66-50-014.

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

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

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

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

(c) **CONDITION OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the condition that the City use the conveyed property only for public purposes, such as a city park, information center, or interpretive area.

(d) **RELEASE.**—Upon making the conveyance required by subsection (a), the United States is relieved from liability for any and all claims arising from the presence of materials on the conveyed property.

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

(f) **AUTHORIZED SALE OF PROPERTY.**—Notwithstanding subsections (c) and (e), the Secretary of Agriculture may authorize the City to dispose of the real property conveyed under subsection (a) if the proceeds from such disposal are at least equal to the fair market value of the property and are paid to the United States. The Secretary shall deposit amounts received under this subsection into the special fund in the Treasury into which funds are deposited pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), commonly known as the Sisk Act. The disposal of the conveyed property under this subsection shall be subject to such terms and conditions as the Secretary may prescribe.

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

16 USC 268.

SEC. 216. CUMBERLAND GAP NATIONAL HISTORICAL PARK.

(a) **AUTHORITY.**—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4113

funds, or exchange not to exceed 10 acres of land or interests in land, which shall consist of those necessary lands for the establishment of trailheads to be located at White Rocks and Chadwell Gap.

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

SEC. 217. ALPINE SCHOOL DISTRICT.

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

(2) The exact acreage and legal description of the real property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the School District.

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

(c) RIGHT OF REENTRY.—The United States shall retain a right of reentry in the property to be conveyed. If the Secretary determines that the conveyed property is not being used in accordance with the condition in subsection (b), the United States shall have the right to reenter the conveyed property without consideration.

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

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

SEC. 218. MERCED IRRIGATION DISTRICT LAND EXCHANGE.

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

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

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

(d) LANDS TO BE EXCHANGED.—

(1) **FEDERAL LANDS TO BE EXCHANGED.**—The Federal lands referred to in this section to be exchanged consist of approximately 179.4 acres in Mariposa County, California as generally depicted on the map entitled “Merced Irrigation District Exchange—Proposed, Federal Land”, dated March 15, 1995, more particularly described as follows:

T. 3 S., R. 15 E., MDM (Mount Diablo Meridian):
Sec. 35, SW $\frac{1}{4}$ SE $\frac{1}{4}$, containing approximately 40 acres.

T. 4 S., R. 15 E., MDM (Mount Diablo Meridian):
Sec. 14: E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, containing approximately 20 acres.

Sec. 23: NE $\frac{1}{4}$ SE $\frac{1}{4}$, containing approximately 40 acres.

T. 5 S., R. 15 E., MDM (Mount Diablo Meridian):
Sec. 2: Lot 1, containing approximately 57.9 acres.
Sec. 3: Lots 7 thru 15, containing approximately 21.5 acres.

(2) **NON-FEDERAL LANDS TO BE EXCHANGED.**—The non-Federal lands referred to in this section to be exchanged consist of approximately 160 acres in Mariposa County, California as generally depicted on the map entitled “Merced Irrigation District Exchange—Proposed, Non-Federal Land”, dated March 15, 1995, more particularly described as T. 4 S., R17E MDM (Mount Diablo Meridian): sec. 2, SE $\frac{1}{4}$.

(3) **MAPS.**—The maps referred to in this subsection shall be on file and available for inspection in the office of the Director of the Bureau of Land Management.

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

Father Aull Site
Transfer Act of
1996.

SEC. 219. FATHER AULL SITE TRANSFER.

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

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

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

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4115

(1) the State of New Mexico Office of the Bureau of Land Management, Santa Fe, New Mexico; and

(2) the Las Cruces District Office of the Bureau of Land Management, Las Cruces, New Mexico.

SEC. 220. COASTAL BARRIER RESOURCES SYSTEM.

16 USC 3503
note.

(a) **IN GENERAL.**—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the maps described in subsection (b) as are necessary to ensure that depictions of areas on those maps are consistent with the depictions of areas appearing on the maps entitled “Amendments to Coastal Barrier Resources System”, dated November 1, 1995, and June 1, 1996, and on file with the Secretary.

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

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

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

SEC. 221. CONVEYANCE TO DEL NORTE COUNTY UNIFIED SCHOOL DISTRICT.

(a) **CONVEYANCE.**—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall convey to the Del Norte County Unified School District of Del Norte County, California, in accordance with this section, all right, title, and interest of the United States in and to the property described in subsection (b).

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

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

thence on the line between Angle Points No. 3 and No. 4 of Tract 41, North 89 degrees, 24 minutes, 20 seconds East, a distance of 345.44 feet to Angle Point No. 4 of Tract 41;

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

thence West, a distance of 135.79 feet;

thence North 88 degrees, 23 minutes, 01 second West, a distance of 61.00 feet;

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

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

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

(d) **CONDITIONS OF CONVEYANCE.**—The conveyance provided for in subsection (a) shall be subject to the following conditions:

110 STAT. 4116

PUBLIC LAW 104-333—NOV. 12, 1996

(1) Del Norte County shall be provided, for no consideration, an easement for County Road No. 318 which crosses the North-east corner of the property conveyed.

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

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

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

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

(2) RE-ENTRY RIGHT.—The United States shall retain a right of re-entry in the land described for conveyance in subsection (b). If the Secretary determines that the conveyed property is not being used for public educational or related recreational purposes, the United States shall have a right to re-enter the property conveyed therein without consideration.

(f) ADDITIONAL TERMS AND CONDITIONS.—The conveyance provided for in subsection (a) shall be subject to such additional terms and conditions as the Secretary of Agriculture and the Del Norte County Unified School District agree are necessary to protect the interests of the United States.

TITLE III—EXCHANGES

SEC. 301. TARGHEE NATIONAL FOREST LAND EXCHANGE.

(a) CONVEYANCE.—Notwithstanding the requirements in the Act entitled “An Act to Consolidate National Forest Lands”, approved March 20, 1922 (16 U.S.C. 485), and section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) that Federal and non-Federal lands exchanged for each other must be located within the same State, the Secretary of Agriculture may convey the Federal lands described in subsection (d) in exchange for the non-Federal lands described in subsection (e) in accordance with the provisions of this section.

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

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary shall not carry out the exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

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

(e) NON-FEDERAL LANDS.—The non-Federal lands referred to in this section are located in the Targhee National Forest in

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4117

Wyoming, are generally depicted on the map entitled “Non-Federal land, Targhee Exchange, Idaho-Wyoming—Proposed”, dated September 1994, and are known as the Squirrel Meadows Tract.

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

(g) EQUALIZATION OF VALUES.—Prior to the exchange authorized by this section, the values of the Federal and non-Federal lands to be so exchanged shall be established by appraisals of fair market value that shall be subject to approval by the Secretary. The values either shall be equal or shall be equalized using the following methods:

(1) ADJUSTMENT OF LANDS.—

(A) PORTION OF FEDERAL LANDS.—If the Federal lands are greater in value than the non-Federal lands, the Secretary shall reduce the acreage of the Federal lands until the values of the Federal lands closely approximate the values of the non-Federal lands.

(B) ADDITIONAL FEDERALLY OWNED LANDS.—If the non-Federal lands are greater in value than the Federal lands, the Secretary may convey additional federally owned lands within the Targhee National Forest up to an amount necessary to equalize the values of the non-Federal lands and the lands to be transferred out of Federal ownership. However, such additional federally owned lands shall be limited to those meeting the criteria for land exchanges specified in the Targhee National Forest Land and Resource Management Plan.

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

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

(1) The term “Federal lands” means the Federal lands described in subsection (d).

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

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

SEC. 302. ANAKTUVUK PASS LAND EXCHANGE.

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

(1) The Alaska National Interest Lands Conservation Act (94 Stat. 2371), enacted on December 2, 1980, established Gates of the Arctic National Park and Preserve and Gates of the Arctic Wilderness. The Village of Anaktuvuk Pass, located in the highlands of the central Brooks Range is virtually surrounded by these national park and wilderness lands and is the only Native village located within the boundary of a National Park System unit in Alaska.

(2) Unlike most other Alaskan Native communities, the village of Anaktuvuk Pass is not located on a major river, lake, or coastline that can be used as a means of access. The residents of Anaktuvuk pass have relied increasingly on snow machines in winter and all-terrain vehicles in summer

16 USC 410hh
note.

as their primary means of access to pursue caribou and other subsistence resources.

(3) In a 1983 land exchange agreement, linear easements were reserved by the Inupiat Eskimo people for use of all-terrain vehicles across certain national park lands, mostly along stream and river banks. These linear easements proved unsatisfactory, because they provided inadequate access to subsistence resources while causing excessive environmental impact from concentrated use.

(4) The National Park Service and the Nunamiut Corporation initiated discussions in 1985 to address concerns over the use of all-terrain vehicles on park and wilderness land. These discussions resulted in an agreement, originally executed in 1992 and thereafter amended in 1993 and 1994, among the National Park Service, Nunamiut Corporation, the City of Anaktuvuk Pass, and Arctic Slope Regional Corporation. Full effectuation of this agreement, as amended, by its terms requires ratification by the Congress.

(b) RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled “Donation, Exchange of Lands and Interests in Lands and Wilderness Redesignation Agreement Among Arctic Slope Regional Corporation, Nunamiut Corporation, City of Anaktuvuk Pass and the United States of America” (hereinafter referred to in this section as “the Agreement”), executed by the parties on December 17, 1992, as amended, are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, Arctic Slope Regional Corporation, Nunamiut Corporation and the City of Anaktuvuk Pass, as a matter of Federal law.

(B) LAND ACQUISITION.—Lands acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the “Secretary”) as part of Gates of the Arctic National Park and Preserve, subject to the laws and regulations applicable thereto.

(2) MAPS.—The maps set forth as Exhibits C1, C2, and D through I to the Agreement depict the lands subject to the conveyances, retention of surface access rights, access easements and all-terrain vehicle easements. These lands are depicted in greater detail on a map entitled “Land Exchange Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve”, Map No. 185/80,039, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the offices of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska. Written legal descriptions of these lands shall be prepared and made available in the above offices. In case of any discrepancies, Map No. 185/80,039 shall be controlling.

(c) NATIONAL PARK SYSTEM WILDERNESS.—

(1) GATES OF THE ARCTIC WILDERNESS.—

(A) REDESIGNATION.—Section 701(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2371,

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4119

2417) establishing the Gates of the Arctic Wilderness is hereby amended with the addition of approximately 56,825 acres of wilderness and the rescission of approximately 73,993 acres as wilderness, thus revising the Gates of the Arctic Wilderness to approximately 7,034,832 acres.

16 USC 1132
note.

(B) MAP.—The lands redesignated by subparagraph (A) are depicted on a map entitled “Wilderness Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve”, Map No. 185/80,040, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the office of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska.

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

16 USC 410hh.

(A) striking “approximately six million four hundred and sixty thousand acres” and inserting in lieu thereof “approximately 6,477,168 acres”; and

(B) inserting “and the map entitled ‘Noatak National Preserve and Noatak Wilderness Addition’ dated September 1994” after “July 1980”.

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

16 USC 1132
note.

(d) CONFORMANCE WITH OTHER LAW.—

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

(2) ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—Except to the extent specifically set forth in this section or the Agreement, nothing in this section or in the Agreement shall be construed to enlarge or diminish the rights, privileges, or obligations of any person, including specifically the preference for subsistence uses and access to subsistence resources provided under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

SEC. 303. ALASKA PENINSULA SUBSURFACE CONSOLIDATION.

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

(1) AGENCY.—The term agency—

(A) means any instrumentality of the United States, and any Government corporation (as defined in section 9101(1) of title 31, United States Code); and

(B) includes any element of an agency.

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

110 STAT. 4120

PUBLIC LAW 104-333—NOV. 12, 1996

(3) FEDERAL LANDS OR INTEREST THEREIN.—The term “Federal lands or interests therein” means any lands or properties owned by the United States (A) which are administered by the Secretary, or (B) which are subject to a lease to third parties, or (C) which have been made available to the Secretary for exchange under this section through the concurrence of the director of the agency administering such lands or properties: *Provided however*, That excluded from such lands shall be those lands which are within an existing conservation system unit as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)), and those lands the mineral interest for which are currently under mineral lease.

(4) KONIAG.—The term “Koniag” means Koniag, Incorporated, which is a regional Corporation.

(5) REGIONAL CORPORATION.—The term “Regional Corporation” has the same meaning as is provided in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(6) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of the Interior.

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

(b) VALUATION OF KONIAG SELECTION RIGHTS.—

(1) IN GENERAL.—Pursuant to paragraph (2) of this subsection, the Secretary shall value the Selection Rights which Koniag possesses within the boundaries of Aniakchak National Monument and Preserve, Alaska Peninsula National Wildlife Refuge, and Becharof National Wildlife Refuge.

(2) VALUE.—

(A) IN GENERAL.—The value of the selection rights shall be equal to the fair market value of—

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

(ii) in the case of the lands or interests in lands for which Koniag is to receive the entire subsurface estate, the subsurface estate of the lands or interests in lands that are the subject of the selection rights.

(B) APPRAISAL.—

(i) SELECTION OF APPRAISER.—

(I) IN GENERAL.—Not later than 90 days after the date of enactment of this section the Secretary and Koniag shall meet to select a qualified appraiser to conduct an appraisal of the selection rights. Subject to subclause (II), the appraiser shall be selected by the mutual agreement of the Secretary and Koniag.

(II) FAILURE TO AGREE.—If the Secretary and Koniag fail to agree on an appraiser by the date

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4121

that is 60 days after the date of the initial meeting referred to in subclause (I), the Secretary and Koniag shall, by the date that is not later than 90 days after the date of the initial meeting, each designate an appraiser who is qualified to perform the appraisal. The 2 appraisers so identified shall select a third qualified appraiser who shall perform the appraisal.

(ii) STANDARDS AND METHODOLOGY.—The appraisal shall be conducted in conformity with the standards of the Appraisal Foundation (as defined in section 1121(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(9))).

(iii) SUBMISSION OF APPRAISAL REPORT.—Not later than 180 days after the selection of an appraiser pursuant to clause (i), the appraiser shall submit to the Secretary and to Koniag a written appraisal report specifying the value of the selection rights and the methodology used to arrive at the value.

(C) DETERMINATION OF VALUE.—

(i) DETERMINATION BY THE SECRETARY.—Not later than 60 days after the date of the receipt of the appraisal report under subparagraph (B)(iii), the Secretary shall determine the value of the selection rights and shall notify Koniag of the determination.

(ii) ALTERNATIVE DETERMINATION OF VALUE.—

(I) IN GENERAL.—Subject to subclause (II), if Koniag does not agree with the value determined by the Secretary under clause (i), the procedures specified in section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)) shall be used to establish the value.

(II) AVERAGE VALUE LIMITATION.—The average value per acre of the selection rights shall not be less than the value utilizing the risk adjusted discount cash flow methodology, but in no event may exceed \$300.

(c) KONIAG ACCOUNT.—

(1) IN GENERAL.—(A) The Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein which are in the State of Alaska for the Selection Rights.

(B) If the value of the Federal property to be exchanged is less than the value of the Selection Rights established in subsection (b), and if such Federal property to be exchanged is not generating receipts to the Federal Government in excess of \$1,000,000 per year, then the Secretary may exchange the Federal property for that portion of the Selection Rights having a value equal to that of the Federal property. The remaining selection rights shall remain available for additional exchanges.

(C) For the purposes of any exchange to be consummated under this section, if less than all the selection rights are being exchanged, then the value of the selection rights being exchanged shall be equal to the number of acres of selection rights being exchanged multiplied by a fraction, the numerator of which is the value of all the selection rights as determined

pursuant to subsection (b) hereof and the denominator of which is the total number of acres of selection rights.

(2) **ADDITIONAL EXCHANGES.**—If, after 10 years from the date of the enactment of this section, the Secretary was unable to conclude such exchanges as may be required to acquire all of the selection rights, he shall conclude exchanges for the remaining selection rights for such Federal property as may be identified by Koniag, which property is available for transfer to the administrative jurisdiction of the Secretary under any provision of law and which property, at the time of the proposed transfer to Koniag is not generating receipts of the Federal Government in excess of \$1,000,000 per year. The Secretary shall keep Koniag advised in a timely manner as to which properties may be available for such transfer. Upon receipt of such identification by Koniag, the Secretary shall request in a timely manner the transfer of such identified property to the administrative jurisdiction of the Department of the Interior. Such property shall not be subject to the geographic limitations of section 206(b) of the Federal Land Policy and Management Act and may be retained by the Secretary solely for purposes of transferring it to Koniag to complete the exchange. Should the value of the property so identified by Koniag be in excess of the value of the remaining selection rights, then Koniag shall have the option of (A) declining to proceed with the exchange and identifying other property, or (B) paying the difference in value between the property rights.

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

(d) **AUTHORITY TO APPOINT AND REMOVE TRUSTEE.**—In establishing a Settlement Trust under section 39 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629c), Koniag may delegate, in whole or in part, the authority granted to Koniag under subsection (b)(2) of such section to any entity that Koniag may select without affecting the status of the trust as a Settlement Trust under such section.

SEC. 304. SNOWBASIN LAND EXCHANGE ACT.

(a) **PURPOSE AND INTENT.**—The purpose of this section is to authorize and direct the Secretary to exchange 1,320 acres of federally-owned land within the Cache National Forest in the State of Utah for lands approximately equal value owned by the Sun Valley Company. It is the intent of Congress that this exchange be completed without delay within the period specified by subsection (d).

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

(1) The term “Sun Valley Company” means the Sun Valley Company, a division of Sinclair Oil Corporation, a Wyoming Corporation, or its successors or assigns.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4123

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

(c) EXCHANGE.—

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

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

(2) NON-FEDERAL OFFERED LANDS.—Upon transfer of the Federal selected lands under paragraph (1), and in exchange for those lands, the Sun Valley Company shall simultaneously convey to the Secretary all right, title and interest of the Sun Valley Company in and to so much of the following offered lands which have been previously identified by the United States Forest Service as desirable by the United States, or which are identified pursuant to subparagraph (E) prior to the transfer of lands under paragraph (1), as are of approximate equal value to the Federal selected lands:

(A) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 640 acres and are generally depicted on a map entitled “Lightning Ridge Offered Lands”, dated October 1995.

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

(C) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, and lying immediately adjacent to the outskirts of the City of Ogden, Utah, which comprise approximately 800 acres and are generally depicted on a map entitled “Taylor Canyon Offered Lands”, dated October 1995.

(D) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 2,040 acres and are generally depicted on a map entitled “North Fork Ogden River—Devil’s Gate Valley”, dated October 1995.

(E) Such additional offered lands in the State of Utah as may be necessary to make the values of the lands exchanged pursuant to this section approximately equal, and which are acceptable to the Secretary.

(3) SUBSTITUTION OF OFFERED LANDS.—If one or more of the precise offered land parcels identified in subparagraphs (A) through (D) of paragraph (2) is unable to be conveyed to the United States due to appraisal or other reasons, or if the Secretary and the Sun Valley Company mutually agree and the Secretary determines that an alternative offered land package would better serve long-term public needs and objectives, the Sun Valley Company may simultaneously convey

to the United States alternative offered lands in the State of Utah acceptable to the Secretary in lieu of any or all of the lands identified in subparagraphs (A) through (D) of paragraph (2).

(4) VALUATION AND APPRAISALS.—(A) Values of the lands to be exchanged pursuant to this section shall be equal as determined by the Secretary utilizing nationally recognized appraisal standards and in accordance with section 206 of the Federal Land Policy and Management Act of 1976. The appraisal reports shall be written to Federal standards as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. If, due to size, location, or use of lands exchanged under this section, the values are not exactly equal, they shall be equalized by the payment of cash equalization money to the Secretary or the Sun Valley Company as appropriate in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)). In order to expedite the consummation of the exchange directed by this section, the Sun Valley Company shall arrange and pay for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and who is mutually acceptable to the Sun Valley Company and the Secretary. The appraisal of the Federal selected lands shall be completed and submitted to the Secretary for technical review and approval no later than 120 days after the date of enactment of this Act, and the Secretary shall make a determination of value not later than 30 days after receipt of the appraisal. In the event the Secretary and the Sun Valley Company are unable to agree to the appraised value of a certain tract or tracts of land, the appraisal, appraisals, or appraisal issues in dispute and a final determination of value shall be resolved through a process of bargaining or submission to arbitration in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

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

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

(ii) consider the Federal lands as an independent property as though in the private marketplace and suitable for development to its highest and best use;

(iii) consider in the appraisal any encumbrance on the title anticipated to be in the conveyance to Sun Valley Company and reflect its effect on the fair market value of the property; and

(iv) not reflect any enhancement in value to the Federal selected lands based on the existence of private lands owned by the Sun Valley Company in the vicinity of the Snowbasin Ski Resort, and shall assume that private lands owned by the Sun Valley Company are not available for use in conjunction with the Federal selected lands.

(d) GENERAL PROVISIONS RELATING TO THE EXCHANGE.—

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

(A) RESERVED RIGHTS-OF-WAY.—In any deed issued pursuant to subsection (c)(1), the Secretary shall reserve

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4125

in the United States a right of reasonable access across the conveyed property for public access and for administrative purposes of the United States necessary to manage adjacent federally-owned lands. The terms of such reservation shall be prescribed by the Secretary within 30 days after the date of the enactment of this Act.

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

(2) WITHDRAWAL.—Subject to valid existing rights, effective on the date of enactment of this Act, the Federal selected lands described in subsection (c)(1) and all National Forest System lands currently under special use permit to the Sun Valley Company at the Snowbasin Ski Resort are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) and from disposition under all laws pertaining to mineral and geothermal leasing.

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

(4) STATUS OF LANDS.—Upon acceptance of title by the Secretary, the land conveyed to the United States pursuant to this section shall become part of the Wasatch or Cache National Forests as appropriate, and the boundaries of such National Forests shall be adjusted to encompass such lands. Once conveyed, such lands shall be managed in accordance with the Act of March 1, 1911, as amended (commonly known as the “Weeks Act”), and in accordance with the other laws, rules and regulations applicable to National Forest System lands. This paragraph does not limit the Secretary’s authority to adjust the boundaries pursuant to section 11 of the Act of March 1, 1911 (“Weeks Act”). For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Wasatch and Cache National Forests, as adjusted by this section, shall be considered to be boundaries of the forests as of January 1, 1965.

(e) PHASE FACILITY CONSTRUCTION AND OPERATION.—

(1) PHASE I FACILITY FINDING AND REVIEW.—(A) The Congress has reviewed the Snowbasin Ski Area Master Development Plan dated October 1995 (hereafter in this subsection referred to as the “Master Plan”). On the basis of such review, and review of previously completed environmental and other resource studies for the Snowbasin Ski Area, Congress hereby finds that the “Phase I” facilities referred to in the Master Plan to be located on National Forest System land after consummation of the land exchange directed by this section are limited in size and scope, are reasonable and necessary to accommodate the 2002 Olympics, and in some cases are required to provide for the safety of skiing competitors and spectators.

(B) Within 60 days after the date of enactment of this Act, the Secretary and the Sun Valley Company shall review the Master Plan insofar as such plan pertains to Phase I facilities which are to be constructed and operated wholly or partially on National Forest System lands retained by the Secretary after consummation of the land exchange directed by this section. The Secretary may modify such Phase I facilities upon mutual agreement with the Sun Valley Company or by imposing conditions pursuant to paragraph (2) of this subsection.

(C) Within 90 days after the date of enactment of this Act, the Secretary shall submit the reviewed Master Plan on the Phase I facilities, including any modifications made thereto pursuant to subparagraph (B), to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives for a 30-day review period. At the end of the 30-day period, unless otherwise directed by Act of Congress, the Secretary may issue all necessary authorizations for construction and operation of such facilities or modifications thereof in accordance with the procedures and provisions of paragraph (2) of this subsection.

(2) PHASE I FACILITY APPROVAL, CONDITIONS, AND TIMETABLE.—Within 120 days of receipt of an application by the Sun Valley Company to authorize construction and operation of any particular Phase I facility, facilities, or group of facilities, the Secretary, in consultation with the Sun Valley Company, shall authorize construction and operation of such facility, facilities, or group of facilities, subject to the general policies of the Forest Service pertaining to the construction and operation of ski area facilities on National Forest System lands and subject to reasonable conditions to protect National Forest System resources. In providing authorization to construct and operate a facility, facilities, or group of facilities, the Secretary may not impose any condition that would significantly change the location, size, or scope of the applied for Phase I facility unless—

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

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

Nothing in this subsection shall be construed to affect the Secretary's responsibility to monitor and assure compliance with the conditions set forth in the construction and operation authorization.

(3) CONGRESSIONAL DIRECTIONS.—Notwithstanding any other provision of law, Congress finds that consummation of the land exchange directed by this section and all determinations, authorizations, and actions taken by the Secretary pursuant to this section pertaining to Phase I facilities on National Forest System lands, or any modifications thereof, to be non-discretionary actions authorized and directed by Congress and hence to comply with all procedural and other requirements of the laws of the United States. Such determinations, authorizations, and actions shall not be subject to administrative or judicial review.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4127

(f) NO PRECEDENT.—Nothing in subsection (c)(4)(B) of this section relating to conditions or limitations on the appraisal of the Federal lands, or any provision of subsection (e), relating to the approval by the Congress or the Forest Service of facilities on National Forest System lands, shall be construed as a precedent for subsequent legislation.

SEC. 305. ARKANSAS AND OKLAHOMA LAND EXCHANGE.

(a) FINDINGS.—Congress finds that:

(1) The Weyerhaeuser Company has offered to the United States Government an exchange of lands under which Weyerhaeuser would receive approximately 48,000 acres of Federal land in Arkansas and Oklahoma and all mineral interests and oil and gas interests pertaining to these exchanged lands in which the United States Government has an interest in return for conveying to the United States lands owned by Weyerhaeuser consisting of approximately 181,000 acres of forested wetlands and other forest land of public interest in Arkansas and Oklahoma and all mineral interests and all oil and gas interests pertaining to 48,000 acres of these 181,000 acres of exchanged lands in which Weyerhaeuser has an interest, consisting of—

(A) certain lands in Arkansas (Arkansas Ouachita lands) located near Poteau Mountain, Caney Creek Wilderness, Lake Ouachita, Little Missouri Wild and Scenic River, Flatside Wilderness and the Ouachita National Forest;

(B) certain lands in Oklahoma (Oklahoma lands) located near the McCurtain County Wilderness, the Broken Bow Reservoir, the Glover River, and the Ouachita National Forest; and

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

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

(3) the acquisition of the Arkansas Ouachita lands and the Oklahoma lands by the United States for administration by the Forest Service will provide an opportunity for enhancement of ecosystem management of the National Forest System lands and resources;

(4) the Arkansas Ouachita lands and the Oklahoma lands have outstanding wildlife habitat and important recreational values and should continue to be made available for activities such as public hunting, fishing, trapping, nature observation, enjoyment, education, and timber management whenever these activities are consistent with applicable Federal laws and land and resource management plans; these lands, especially in the riparian zones, also harbor endangered, threatened and sensitive plants and animals and the conservation and restoration of these areas are important to the recreational and educational public uses and will represent a valuable ecological resource which should be conserved;

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

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

(7) the values of all lands, mineral interests, and oil and gas interests to be exchanged between the United States and Weyerhaeuser are approximately equal in value; and

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

(b) PURPOSE.—The purpose of this section is to authorize and direct the Secretary of the Interior and the Secretary of Agriculture, subject to the terms of this title, to complete, as expeditiously as possible, an exchange of lands, mineral interests, and oil and gas interests with Weyerhaeuser that will provide environmental, land management, recreational, and economic benefits to the States of Arkansas and Oklahoma and to the United States.

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

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

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

(3) OIL AND GAS INTERESTS.—The term “oil and gas interests” means all oil and gas of any nature, including carbon dioxide, helium, and gas taken from coal seams (collectively “oil and gas”).

(4) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture.

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

(d) EXCHANGE OF LANDS AND MINERAL INTEREST.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, within 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall convey to Weyerhaeuser, subject to any valid existing rights, approximately 20,000 acres of Federal lands and mineral interests in the State of Arkansas and approximately 28,000 acres of Federal lands and mineral interests in the State of Oklahoma as depicted on maps entitled “Arkansas-Oklahoma Land Exchange—Federal Arkansas and Oklahoma Lands,” dated February 1996 and available for public inspection in appropriate offices of the Secretaries.

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

(A) approximately 115,000 acres of lands and mineral interests in the State of Oklahoma, as depicted on a map

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4129

entitled “Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oklahoma Lands,” dated February 1996 and available for public inspection in appropriate offices of the Secretaries;

(B) approximately 41,000 acres of lands and mineral interests in the State of Arkansas, as depicted on a map entitled “Arkansas-Oklahoma Land Exchange—Weyerhaeuser Arkansas Ouachita Lands,” dated February 1996 and available for public inspection in appropriate offices of the Secretaries; and

(C) approximately 25,000 acres of lands and mineral interests in the State of Arkansas, as depicted on a map entitled “Arkansas-Oklahoma Land Exchange—Weyerhaeuser Arkansas Cossatot Lands,” dated February 1996 and available for public inspection in appropriate offices of the Secretaries.

(e) EXCHANGE OF OIL AND GAS INTERESTS.—

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

(2) RESERVATION.—In addition to the exchange of oil and gas interests pursuant to paragraph (1), Weyerhaeuser shall reserve oil and gas interests in and under the lands depicted for reservation upon a map entitled Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oil and Gas Interest Reservation Lands, dated February 1996 and available for public inspection in appropriate offices of the Secretaries. Such reservation shall be subject to the provisions of this title and the form of such reservation shall comply with the jointly agreed to Memorandum of Understanding between the Forest Service and Weyerhaeuser dated March 27, 1996 and on file with the Office of the Chief of the Forest Service in Washington, D.C. and with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

(f) GENERAL PROVISIONS.—

(1) MAPS CONTROLLING.—The acreage cited in this section is approximate. In the case of a discrepancy between the description of lands, mineral interests, or oil and gas interests to be exchanged pursuant to subsections (d) and (e) and the lands, mineral interests, or oil and gas interests depicted on a map referred to in such subsection, the map shall control. The maps referenced in this section shall be subject to such minor corrections as may be agreed upon by the Secretaries and Weyerhaeuser so long as the Secretary of Agriculture notifies the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives of any such minor corrections.

(2) FINAL MAPS.—Not later than 180 days after the conclusion of the exchange required by subsections (d) and (e), the

Secretaries shall transmit maps accurately depicting the lands, mineral interests, and oil and gas interests conveyed and transferred pursuant to this section and the acreage and boundary descriptions of such lands, mineral interests, and oil and gas interests to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(3) CANCELLATION.—If, before the exchange has been carried out pursuant to subsections (d) and (e), Weyerhaeuser provides written notification to the Secretaries that Weyerhaeuser no longer intends to complete the exchange, with respect to the lands, mineral interests, and oil and gas interests that would otherwise be subject to exchange, the status of such lands, mineral interests, and oil and gas interests shall revert to the status of such lands, mineral interests, and oil and gas interests as of the day before the date of enactment of this Act and shall be managed in accordance with applicable law and management plans.

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

(g) NATIONAL FOREST SYSTEM.—

(1) ADDITION TO THE SYSTEM.—Upon approval and acceptance of title by the Secretary of Agriculture, the 156,000 acres of land conveyed to the United States pursuant to subsection (d)(2) (A) and (B) of this section shall be subject to the Act of March 1, 1911 (commonly known as the Weeks Law) (36 Stat. 961, as amended), and shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(2) PLAN AMENDMENTS.—No later than 12 months after the completion of the exchange required by this section, the Secretary of Agriculture shall begin the process to amend applicable land and resource management plans with public involvement pursuant to section 6 of the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended by the National Forest Management Act of 1976 (16 U.S.C. 1604): *Provided*, That no amendment or revision of applicable land and resource management plans shall be required prior to completion of the amendment process required by this paragraph for the Secretary of Agriculture to authorize or undertake activities consistent with forest wide standards and guidelines and all other applicable laws and regulations on lands conveyed to the United States pursuant to subsection (d)(2) (A) and (B).

(h) OTHER.—

(1) ADDITION TO THE NATIONAL WILDLIFE REFUGE SYSTEM.—Once acquired by the United States, the 25,000 acres of land identified in subsection (d)(2)(C), the Arkansas Cossatot lands, shall be managed by the Secretary of the Interior as a component of the Cossatot National Wildlife Refuge in accord-

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4131

ance with the National Wildlife Refuge System Administration Act of 1996 (16 U.S.C. 668dd–668ee).

(2) PLAN PREPARATION.—Within 24 months after the completion of the exchange required by this section, the Secretary of the Interior shall prepare and implement a single refuge management plan for the Cossatot National Wildlife Refuge, as expanded by this title. Such plans shall recognize the important public purposes served by the nonconsumptive activities, other recreational activities, and wildlife-related public use, including hunting, fishing, and trapping. The plan shall permit, to the maximum extent practicable, compatible uses to the extent that they are consistent with sound wildlife management and in accordance with the National Wildlife Refuge System Administration Act of 1996 (16 U.S.C. 668dd–668ee) and other applicable laws. Any regulations promulgated by the Secretary of the Interior with respect to hunting, fishing, and trapping on those lands shall, to the extent practicable, be consistent with State fish and wildlife laws and regulations. In preparing the management plan and regulations, the Secretary of the Interior shall consult with the Arkansas Game and Fish Commission.

(3) INTERIM USE OF LANDS.—

(A) IN GENERAL.—Except as provided in paragraph (2) during the period beginning on the date of the completion of the exchange of lands required by this section and ending on the first date of the implementation of the plan prepared under paragraph (2), the Secretary of the Interior shall administer all lands added to the Cossatot National Wildlife Refuge pursuant to this title in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable laws.

(B) HUNTING SEASONS.—During the period described in subparagraph (A), the duration of any hunting season on the lands described in paragraph (1) shall comport with the applicable State law.

(i) OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT.—Upon acceptance of title by the Secretary of Agriculture of the lands conveyed to the United States pursuant to subsection (d)(2) (A) and (B), the boundaries of the Ouachita National Forest shall be adjusted to encompass those lands conveyed to the United States generally depicted on the appropriate maps referred to in subsection (d). Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911. For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Ouachita National Forest, as adjusted by this section, shall be considered to be the boundaries of the Forest as of January 1, 1965.

(j) MAPS AND BOUNDARY DESCRIPTIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Agriculture shall prepare a boundary description of the lands depicted on the map(s) referred to in subsection (d)(2) (A) and (B). Such map(s) and boundary description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors.

110 STAT. 4132

PUBLIC LAW 104-333—NOV. 12, 1996

SEC. 306. BIG THICKET NATIONAL PRESERVE.

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

(b) INDEPENDENT APPRAISAL.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)) is further amended by adding at the end the following: “The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands.”

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

16 USC 698 note.

(d) REPORTING REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter until the earlier of the consummation of the exchange of July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments made by the Big Thicket National Preserve Addition Act of 1993 (Public Law 103-46).

16 USC 698 note.

(e) LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.—If, within one year after the date of the enactment of this Act—

(1) the owners of the private lands described in subsection (f)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

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

16 USC 698 note.

(f) LANDS DESCRIBED.—

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

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

16 USC 698 note.

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

SEC. 307. LOST CREEK LAND EXCHANGE.

(a) LAND EXCHANGE.—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4133

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall—

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

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

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

(2) OFFER AND ACCEPTANCE OF LAND.—

(A) NON-FEDERAL LAND.—If the Corporation offers to convey to the United States fee title that is acceptable to the Secretary to approximately 17,567 acres of land owned by the Corporation and available for exchange, as depicted on the map entitled “R-Y/Forest Service Land Exchange Proposal”, dated June 1996, and described in the document under paragraph (4), the Secretary shall accept a warranty deed to the land.

(B) FEDERAL LAND.—

(i) CONVEYANCE.—On acceptance of title to the Corporation’s land under subparagraph (A) and on the effective date of the document under paragraph (4), the Secretary shall—

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

(II) grant to the Corporation the right to harvest approximately 6,200,000 board feet of timber on certain land in the Beaverhead-Deerlodge National Forest and approximately 4,000,000 board feet of timber on certain land in the Gallatin National Forest, collectively referred to as the harvest volume, as depicted on the map described in subparagraph (A) and subject to the terms and conditions stated in the document under paragraph (4).

(3) TIMBER HARVESTING.—

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

(B) SBA SHARE.—The Forest Service shall not reduce its Small Business Administration share of timber sale set-aside offerings in the Beaverhead-Deerlodge National

Forest or the Gallatin National Forest by reason of the land exchange under this subsection.

(C) MINIMUM AND MAXIMUM ANNUAL HARVESTS.—

(i) IN GENERAL.— Subject to clause (ii)—

(I) not less than 20 nor more than 30 percent of the timber described in paragraph (2)(B)(i)(II) shall be made available by the end of each fiscal year over a 4- or 5-year period beginning with the first fiscal year that begins after the date of enactment of this Act; and

(II) the Corporation shall be allowed at least 3 years after the end of each fiscal year in which to complete the harvest of timber made available for that fiscal year.

(ii) EXCEPTIONAL CIRCUMSTANCES.—The timber harvest volumes specified in clause (i) shall not be required in the case of the occurrence of exceptional circumstances identified in the agreement under paragraph (4). In the case of such an occurrence that results in the making available of less than 20 percent of the timber for any fiscal year, the Secretary shall provide compensation of equal value to the Corporation in a form provided for in the agreement under paragraph (4).

(4) LAND EXCHANGE SPECIFICATION AGREEMENT.—

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

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

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

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

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

(D) DESIGN AND LAYOUT.—

(i) IN GENERAL.—The Forest Service shall determine the timber sale design and layout in consultation with the Corporation.

(ii) HARVEST VOLUME.—Identification of the timber harvest volume shall be determined in accordance with Department of Agriculture standards.

(iii) MONITORING.—The Forest Service shall monitor harvest and post-harvest activities to ensure

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4135

compliance with the terms and conditions of the document under subparagraph (A).

(5) CONFLICT.—In case of conflict between the map described in paragraph (2)(A) and the document under paragraph (4), the map shall control.

(b) TITLE.—

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

(A) title standards of the Department of Justice applicable to Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(B) all draft conveyances and closing documents have been received and approved;

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

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

(2) UNACCEPTABLE QUALITY OF TITLE.—If the quality of title does not meet Federal standards and is not otherwise acceptable to the Secretary, the Secretary shall advise the Corporation regarding corrective actions necessary to make an affirmative determination.

(3) CONVEYANCE OF TITLE.—The Secretary shall accept the conveyance of land described in subsection (a)(2)(A) not later than 60 days after the Secretary has made an affirmative determination of quality of title.

(c) GENERAL PROVISIONS.—

(1) MAPS AND DOCUMENTS.—

(A) IN GENERAL.—The map described in subsection (a)(2)(A) and the document under subsection (a)(4) shall be subject to such minor corrections may be agreed upon by the Secretary and the Corporation.

(B) PUBLIC AVAILABILITY.—The map described in subsection (a)(2)(A) and the document under subsection (a)(4) shall be on file and available for public inspection in the appropriate offices for the Forest Service.

110 STAT. 4136

PUBLIC LAW 104-333—NOV. 12, 1996

(2) NATIONAL FOREST SYSTEM LAND.—

(A) IN GENERAL.—All land conveyed to the United States under this section shall be added to and administered as part of the Beaverhead-Deerlodge National Forest and shall be administered by the Secretary in accordance with the laws (including regulations) pertaining to the National Forest System.

(B) WILDERNESS STUDY AREA ACQUISITIONS.—Land acquired under this section that is located within the boundary of a wilderness area in existence on the date of enactment of this Act shall be included within the National Wilderness Preservation System.

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

(4) LIABILITY FOR HAZARDOUS SUBSTANCES.—The United States (including the departments, agencies, and employees of the United States) shall not be liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), or any other Federal, State, or local law solely as a result of the acquisition of an interest in the land described in subsection (a)(2)(A) or because of circumstances or events occurring before the acquisition, including any release or threat of release of a hazardous substance.

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

SEC. 308. CLEVELAND NATIONAL FOREST LAND EXCHANGE.

(a) CONVEYANCE BY THE SECRETARY OF AGRICULTURE.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (b), the Secretary of Agriculture (hereinafter referred to as the “Secretary”) shall convey to the Orange County Council of the Boy Scouts of America all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) located in the Cleveland National Forest. The parcel conveyed by the Secretary shall be subject to valid existing rights and to any easements that the Secretary considers necessary for public and administrative access.

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

(b) CONVEYANCE BY THE BOY SCOUTS OF AMERICA.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (a), the Orange County Council of the Boy Scouts of America shall convey to the United States all right, title, and interest to the parcel of land described in paragraph (2). The parcel conveyed under this subsection shall

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4137

be subject to such valid existing rights of record as may be acceptable to the Secretary, and the title to the parcel shall conform with the title approval standards applicable to Federal land acquisitions.

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

(c) BOUNDARY ADJUSTMENT.—Upon the completion of the land exchange authorized under this section, the Secretary shall adjust the boundaries of the Cleveland National Forest to exclude the parcel conveyed by the Secretary under subsection (a) and to include the parcel obtained by the Secretary under subsection (b). For purposes of section 7 of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601-9), the boundary of the Cleveland National Forest, as modified by this title, shall be considered the boundary of the forest as of January 1, 1965.

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

SEC. 309. SAND HOLLOW LAND EXCHANGE.

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

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

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

(3) BULLOCH SITE.—The term “Bulloch Site” means the lands located in Kane County, Utah, adjacent to Zion National Park, comprised of approximately 550 acres, as generally depicted on a map entitled “Washington County Water Conservancy District Exchange Proposal” and dated May 30, 1996.

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

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

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

(7) SMITH PROPERTY.—The term “Smith Property” means the lands located in Washington County, Utah, comprised of approximately 1,550 acres as generally depicted on a map entitled “Washington County Water Conservancy District Exchange Proposal” and dated May 30, 1996.

(b) EXCHANGE.—

110 STAT. 4138

PUBLIC LAW 104-333—NOV. 12, 1996

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

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

(3) WITHDRAWAL OF MINERAL INTERESTS.—Subject to valid existing rights, the mineral interests underlying the Sand Hollow Site, the Quail Creek Reservoir, and the Quail Creek Pipeline are hereby withdrawn from disposition under the public land laws and 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, from the operation of the Geothermal Steam Act of 1970, and from the operation of the Act of July 31, 1947, commonly known as the “Materials Act of 1947” (30 U.S.C. 601 et seq.).

(4) GRAZING.—The exchange of lands under paragraph (1) shall be subject to agreement by the District to continue to permit the grazing of domestic livestock on the Sand Hollow Site under the terms and conditions of existing Federal grazing leases or permits, except that the District, upon terminating any such lease or permit, shall fully compensate the holder of the terminated lease or permit.

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

(1) to the extent possible, transfer of all right, title, and interest of the District in and to lands in Washington County, Utah, and water rights of the District associated thereto, which are within the area providing habitat for the desert tortoise, as determined by the Director of the Bureau of Land Management;

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

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

(d) MANAGEMENT OF LANDS ACQUIRED BY THE UNITED STATES.—Lands acquired by the Secretary under this section shall be administered by the Secretary, acting through the Director of the Bureau of Land Management, in accordance with the provisions of law generally applicable to the public lands, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

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

(f) VALUATION OF LANDS TO BE ACQUIRED BY THE UNITED STATES IN WASHINGTON COUNTY, UTAH.—In acquiring any lands

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4139

and any interests in lands in Washington County, Utah, by purchase, exchange, donation or other transfers of interest, the Secretary of the Interior shall appraise, value, and offer to acquire such lands and interests without regard to the presence of a species listed as threatened or endangered or any proposed or actual designation of such property as critical habitat for a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 310. BUREAU OF LAND MANAGEMENT AUTHORIZATION FOR FISCAL YEARS 1997 THROUGH 2002.

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

SEC. 311. KENAI NATIVES ASSOCIATION LAND EXCHANGE.

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

(b) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—The Congress finds the following:

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

(B) The lands to be acquired by the Service are within the area impacted by the Exxon Valdez oil spill of 1989, and these lands included important habitat for various species of fish and wildlife for which significant injury resulting from the spill has been documented through the EVOS Trustee Council restoration process. This analysis has indicated that these lands generally have value for the restoration of such injured natural resources as pink salmon, dolly varden, bald eagles, river otters, and cultural and archaeological resources. This analysis has also indicated that these lands generally have high value for the restoration of injured species that rely on these natural resources, including wilderness quality, recreation, tourism, and subsistence.

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

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

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

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

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

(2) “ANILCA” means the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371 et seq.);

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

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

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

Kenai Natives
Association
Equity Act
Amendments of
1996.
43 USC 1784
note.

Exxon Valdez.

110 STAT. 4140

PUBLIC LAW 104-333—NOV. 12, 1996

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

(7) “lands” means any lands, waters, or interests therein;

(8) “Refuge” means the Kenai National Wildlife Refuge;

(9) “Secretary” means the Secretary of the Interior;

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

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

(d) ACQUISITION OF LANDS.—

(1) OFFER TO KNA.—

(A) IN GENERAL.—Subject to the availability of the funds identified in paragraph (2)(C), no later than 90 days after the date of enactment of this section, the Secretary shall offer to convey to KNA the interests in land and rights set forth in paragraph (2)(B), subject to valid existing rights, in return for the conveyance by KNA to the United States of the interests in land or relinquishment of ANCSA selections set forth in paragraph (2)(A). Payment for the lands conveyed to the United States by KNA is contingent upon KNA’s acceptance of the entire conveyance outlined herein.

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

(2) ACQUISITION LANDS.—

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

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

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

(iii) The relinquishment of KNA’s selection known as the Moose River Selected Tract, containing approximately 753 acres located along the Moose River.

(iv) The relinquishment of KNA’s remaining ANCSA entitlement of approximately 454 acres.

(v) The relinquishment of all KNA’s remaining overselections. Upon completion of all relinquishments outlined above, all KNA’s entitlement shall be deemed to be extinguished and the completion of this acquisition will satisfy all of KNA’s ANCSA entitlement.

(vi) The conveyance of an access easement providing the United States and its assigns access across KNA’s surface estate in the SW¹/₄ of section 21, T. 6 N., R. 9 W., Seward Meridian, Alaska.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4141

(vii) The conveyance of approximately 100 acres within the Beaver Creek Patented Tract, which is contiguous to lands being retained by the United States contiguous to the Beaver Creek Patented Tract, in exchange for 280 acres of Service lands currently situated within the Beaver Creek Selected Tract.

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

(i) The surface and subsurface estate to approximately 5 acres, subject to reservations of easements for existing roads and utilities, located within the city of Kenai, Alaska, identified as United States Survey 1435, withdrawn by Executive Order 2943 and known as the old Fish and Wildlife Service Headquarters site.

(ii) The remaining subsurface estate held by the United States to approximately 13,651 acres, including portions of the Beaver Creek Patented Tract, the Beaver Creek Selected Tract, and portions of the Swanson River Road West Tract and the Swanson River Road East Tract, where the surface was previously or will be conveyed to KNA pursuant to this Act but excluding the SW $\frac{1}{4}$ of section 21, T. 6 N., R. 9 W, Seward Meridian, Alaska, which will be retained by the United States. The conveyance of these subsurface interests will be subject to the rights of CIRI to the coal, oil, gas, and to all rights CIRI, its successors, and assigns would have under paragraph 1(B) of the Terms and Conditions, including the right to sand and gravel, to construct facilities, to have rights-of-way, and to otherwise develop its subsurface interests.

(iii)(I) The nonexclusive right to use sand and gravel which is reasonably necessary for on-site development without compensation or permit on those portions of the Swanson River Road East Tract, comprising approximately 1,738.04 acres; where the entire subsurface of the land is presently owned by the United States. The United States shall retain the ownership of all other sand and gravel located within the subsurface and KNA shall not sell or dispose of such sand and gravel.

(II) The right to excavate within the subsurface estate as reasonably necessary for structures, utilities, transportation systems, and other development of the surface estate.

(iv) The nonexclusive right to excavate within the subsurface estate as reasonably necessary for structures, utilities, transportation systems, and other development of the surface estate on the SW $\frac{1}{4}$, section 21, T. 6 N., R. 9 W., Seward Meridian, Alaska, where the entire subsurface of the land is owned by the United States and which public lands shall continue to be withdrawn from mining following their removal from the Refuge boundary under paragraph (3)(A)(ii). The United States shall retain the ownership of all other sand and gravel located within the subsurface of this parcel.

(v) The surface estate of approximately 280 acres known as the Beaver Creek Selected Tract. This tract shall be conveyed to KNA in exchange for lands conveyed to the United States as described in paragraph (2)(A)(ii).

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

(D) NATIONAL REGISTER OF HISTORIC PLACES.—Upon completion of the acquisition authorized in paragraph (1), the Secretary shall, at no cost to KNA, in coordination with KNA, promptly undertake to nominate the Stephanka Tract to the National Register of Historic Places, in recognition of the archaeological artifacts from the original Dena'ina Settlement. If the Department of the Interior establishes a historical, cultural, or archaeological interpretive site, KNA shall have the exclusive right to operate a Dena'ina interpretive site on the Stephanka Tract under the regulations and policies of the department. If KNA declines to operate such a site, the department may do so under its existing authorities. Prior to the department undertaking any archaeological activities whatsoever on the Stephanka Tract, KNA shall be consulted.

(3) GENERAL PROVISIONS.—

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

(i) Effective on the date of closing for the Acquisition Lands identified in paragraph (2)(B), all lands retained by or conveyed to KNA pursuant to this section, and the subsurface interests of CIRI underlying such lands shall be automatically removed from the National Wildlife Refuge System and shall neither be considered as part of the Refuge nor subject to any laws pertaining solely to lands within the boundaries of the Refuge. The conveyance restrictions imposed by section 22(g) of ANCSA (i) shall then be ineffective and cease to apply to such interests of KNA and CIRI, and (ii) shall not be applicable to the interests received by KNA in accordance with paragraph (2)(B) or to the CIRI interests underlying them. The Secretary shall adjust the boundaries of the Refuge so as to exclude all interests in lands retained or received in exchange by KNA in accordance with this section, including both surface and subsurface, and shall also exclude all interests currently held by CIRI. On lands within the Swanson River Road East Tract, the boundary adjustment shall only include the surface estate where the subsurface estate is retained by the United States.

(ii)(I) The Secretary, KNA, and CIRI shall execute an agreement within 45 days of the date of enactment of this section which preserves CIRI's rights under paragraph 1(B)(1) of the Terms and Conditions, addresses CIRI's obligations under such paragraph,

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4143

and adequately addresses management issues associated with the boundary adjustment set forth in this section and with the differing interests in land resulting from enactment of this section.

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

(iii) The Secretary is authorized to acquire by purchase or exchange, on a willing seller basis only, any lands retained by or conveyed to KNA. In the event that any lands owned by KNA are subsequently acquired by the United States, they shall be automatically included in the Refuge System. The laws and regulations applicable to Refuge lands shall then apply to these lands and the Secretary shall then adjust the boundaries accordingly.

(iv) Nothing in this section is intended to enlarge or diminish the authorities, rights, duties, obligations, or the property rights held by CIRI under the Terms and Conditions, or otherwise except as set forth in this section. In the event of the purchase by the United States of any lands from KNA in accordance with subparagraph (A)(ii), the United States shall reassume from KNA the rights it previously held under the Terms and Conditions and the provisions in any patent implementing section 22(g) of ANCSA will again apply.

(v) By virtue of implementation of this section, CIRI is deemed entitled to 1,207 acres of in-lieu subsurface entitlement under section 12(a)(1) of ANCSA. Such entitlement shall be fulfilled in accordance with paragraph 1(B)(2)(A) of the Terms and Conditions.

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

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

110 STAT. 4144

PUBLIC LAW 104-333—NOV. 12, 1996

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

(D) FINAL MAPS.—Not later than 120 days after the conclusion of the acquisition authorized by paragraph (1), the Secretary shall transmit a final report and maps accurately depicting the lands transferred and conveyed pursuant to this section and the acreage and legal descriptions of such lands to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

16 USC 1132
note.

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

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

(1) PURPOSE.—To balance the potential effects on fish, wildlife, and habitat of the removal of KNA lands from the Refuge System, the Secretary is hereby directed to withdraw, subject to valid existing rights, from location, entry, and patent under the mining laws and to create as a special management unit for the protection of fish, wildlife, and habitat, certain unappropriated and unreserved public lands, totaling approximately 37,000 acres adjacent to the west boundary of the Kanuti National Wildlife Refuge to be known as the “Lake Todatonten Special Management Area”, as depicted on the map entitled “Proposed: Lake Todatonten Special Management Area”, dated June 13, 1996, and to be managed by the Bureau of Land Management.

(2) MANAGEMENT.—

(A) Such designation is subject to all valid existing rights as well as the subsistence preferences provided under title VIII of ANILCA. Any lands conveyed to the State of Alaska shall be removed from the Lake Todatonten Special Management Area.

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

(C)(i) The BLM shall establish the Lake Todatonten Special Management Area Committee. The membership of the Committee shall consist of 11 members as follows:

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

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

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

(iii) The BLM shall hold meetings of the Lake Todatonten Special Management Area Committee at least

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4145

once per year to discuss management issues within the Special Management Area. The BLM shall not allow any new type of activity in the Special Management Area without first conferring with the Committee in a timely manner.

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

(A) Private access for any purpose, including economic development, to lands within the boundaries of the Special Management Area which are owned by third parties or are held in trust by the Secretary for third parties pursuant to the Alaska Native Allotment Act (25 U.S.C. 336). Such rights may be subject to restrictions issued by the BLM to protect subsistence uses of the Special Management Area.

(B) Existing public access across the Special Management Area. Section 1110(a) of ANILCA shall apply to the Special Management Area.

(4) SECRETARIAL ORDER AND MAPS.—The Secretary shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate, the Secretarial Order and maps setting forth the boundaries of the Area within 90 days of the completion of the acquisition authorized by this section. Once established, this Order may only be amended or revoked by Act of Congress.

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

TITLE IV—RIVERS AND TRAILS

SEC. 401. RIO PUERCO WATERSHED.

(a) MANAGEMENT PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management shall—

(A) in consultation with the Rio Puerco Management Committee established by subsection (b)—

(i) establish a clearinghouse for research and information on management within the area identified as the Rio Puerco Drainage Basin, as depicted on the map entitled “the Rio Puerco Watershed” dated June 1994, including—

(I) current and historical natural resource conditions; and

(II) data concerning the extent and causes of watershed impairment; and

(ii) establish an inventory of best management practices and related monitoring activities that have been or may be implemented within the area identified as the Rio Puerco Watershed Project, as depicted on the map entitled “the Rio Puerco Watershed” dated June 1994; and

(B) provide support to the Rio Puerco Management Committee to identify objectives, monitor results of ongoing projects, and develop alternative watershed management

110 STAT. 4146

PUBLIC LAW 104-333—NOV. 12, 1996

plans for the Rio Puerco Drainage Basin, based on best management practices.

(2) RIO PUERCO MANAGEMENT REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall prepare a report for the improvement of watershed conditions in the Rio Puerco Drainage Basin described in paragraph (1)(A).

(B) CONTENTS.—The report under subparagraph (A) shall—

(i) identify reasonable and appropriate goals and objectives for landowners and managers in the Rio Puerco Watershed;

(ii) describe potential alternative actions to meet the goals and objectives, including proven best management practices and costs associated with implementing the actions;

(iii) recommend voluntary implementation of appropriate best management practices on public and private lands;

(iv) provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on public and private lands;

(v) provide for the development of public participation and community outreach programs that would include proposals for—

(I) cooperative efforts with private landowners to encourage implementation of best management practices within the watershed; and

(II) involvement of private citizens in restoring the watershed;

(vi) provide for the development of proposals for voluntary cooperative programs among the members of the Rio Puerco Management Committee to implement best management practices in a coordinated, consistent, and cost-effective manner;

(vii) provide for the encouragement of, and support implementation of, best management practices on private lands; and

(viii) provide for the development of proposals for a monitoring system that—

(I) builds on existing data available from private, Federal, and State sources;

(II) provides for the coordinated collection, evaluation, and interpretation of additional data as needed or collected; and

(III) will provide information to assess existing resource and socioeconomic conditions; identify priority implementation actions; and assess the effectiveness of actions taken.

(b) RIO PUERCO MANAGEMENT COMMITTEE.—

(1) ESTABLISHMENT.—There is established the Rio Puerco Management Committee (referred to in this section as the “Committee”).

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4147

(2) MEMBERSHIP.—The Committee shall be convened by a representative of the Bureau of Land Management and shall include representatives from—

- (A) the Rio Puerco Watershed Committee;
- (B) affected tribes and pueblos;
- (C) the National Forest Service of the Department of Agriculture;
- (D) the Bureau of Reclamation;
- (E) the United States Geological Survey;
- (F) the Bureau of Indian Affairs;
- (G) the United States Fish and Wildlife Service;
- (H) the Army Corps of Engineers;
- (I) the Natural Resources Conservation Service of the Department of Agriculture;
- (J) the State of New Mexico, including the New Mexico Environment Department of the State Engineer;
- (K) affected local soil and water conservation districts;
- (L) the Elephant Butte Irrigation District;
- (M) private landowners; and
- (N) other interested citizens.

(3) DUTIES.—The Rio Puerco Management Committee shall—

- (A) advise the Secretary of the Interior, acting through the Director of the Bureau of Land Management, on the development and implementation of the Rio Puerco Management Program described in subsection (a); and
- (B) serve as a forum for information about activities that may affect or further the development and implementation of the best management practices described in subsection (a)

(4) TERMINATION.—The Committee shall terminate on the date that is 10 years after the date of enactment of this Act.

(c) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report containing—

- (1) a summary of activities of the management program under subsection (a); and
- (2) proposals for joint implementation efforts, including funding recommendations.

(d) LOWER RIO GRANDE HABITAT STUDY.—

(1) IN GENERAL.—The Secretary of the Interior, in cooperation with appropriate State agencies, shall conduct a study of the Rio Grande that—

- (A) shall cover the distance from Caballo Lake to Sunland Park, New Mexico; and
- (B) may cover a greater distance.

(2) CONTENTS.—The study under paragraph (1) shall include—

- (A) a survey of the current habitat conditions of the river and its riparian environment;
- (B) identification of the changes in vegetation and habitat over the past 400 years and the effect of the changes on the river and riparian area; and

110 STAT. 4148

PUBLIC LAW 104-333—NOV. 12, 1996

(C) an assessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and to restore habitat through reintroduction or establishment of appropriate native plant species.

(3) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall transmit the study under paragraph (1) to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of \$7,500,000 for the 10 fiscal years beginning after the date of enactment of this Act.

SEC. 402. OLD SPANISH TRAIL.

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

“() The Old Spanish Trail, beginning in Santa Fe, New Mexico, proceeding through Colorado and Utah, and ending in Los Angeles, California, and the Northern Branch of the Old Spanish Trail, beginning near Espanola, New Mexico, proceeding through Colorado, and ending near Crescent Junction, Utah.”.

SEC. 403. GREAT WESTERN SCENIC TRAIL.

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

“() The Great Western Scenic Trail, a system of trails to accommodate a variety of travel users in a corridor of approximately 3,100 miles in length extending from the Arizona-Mexico border to the Idaho-Montana-Canada border, following the approximate route depicted on the map identified as ‘Great Western Trail Corridor, 1988’, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture. The trail study shall be conducted by the Secretary of Agriculture, in consultation with the Secretary of the Interior, in accordance with subsection (b) and shall include—

“(A) the current status of land ownership and current and potential use along the designated route;

“(B) the estimated cost of acquisition of lands or interests in lands, if any; and

“(C) an examination of the appropriateness of motorized trail use along the trail.”.

SEC. 404. HANFORD REACH PRESERVATION.

Section 2 of Public Law 100-605 is amended as follows:

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

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

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4149

SEC. 405. LAMPREY WILD AND SCENIC 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 thereof:

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

(b) MANAGEMENT.—

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

16 USC 1274
note.

(2) LAND MANAGEMENT.—The zoning ordinances duly adopted by the towns of Durham, Lee, and Newmarket, New Hampshire, including provisions for conservation of shorelands, floodplains, and wetlands associated with the segment, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act, and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segment designated by subsection (a). The authority of the Secretary to acquire lands for the purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Lamprey River Management Plan.

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

SEC. 406. WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996.

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

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

(2) FISH AND WILDLIFE MANAGEMENT.—Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended by adding the following at the end thereof:

110 STAT. 4150

PUBLIC LAW 104-333—NOV. 12, 1996

“The Secretary shall permit the State of West Virginia to undertake fish stocking activities carried out by the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife.”.

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

16 USC
460m-30.

“SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.

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

“(b) REMNANT LANDS.—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such provisions apply to tracts of land only partially within the Gauley River National Recreation Area.”.

16 USC
460m-29a.

(b) VISITOR CENTER.—The Secretary of the Interior is authorized to construct a visitor center and such other related facilities as may be deemed necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New and Gauley Rivers. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

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

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

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

“(4) ACCESS TO RIVER.—(A) In order to facilitate public safety, use, and enjoyment of the recreation area, and to protect, to the maximum extent feasible, the scenic and natural resources of the area, the Secretary is authorized and directed to acquire such lands or interests in lands and to take such actions as are necessary to provide access by noncommercial entities on the north side of the Gauley River at the area known as Woods Ferry utilizing existing roads and rights-of-way. Such actions by the Secretary shall include the construction of parking and related facilities in the vicinity

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4151

of Woods Ferry for noncommercial use on lands acquired pursuant to paragraph (3) or on lands acquired with the consent of the owner thereof within the boundaries of the recreation area.

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

“(C) Nothing in subparagraph (A) shall affect the rights of any person to continue to utilize, pursuant to a lease in effect on April 1, 1993, any right of way acquired pursuant to such lease which authorizes such person to use an existing road referred to in subparagraph (A). Except as provided under paragraph (2) relating to access immediately downstream of the Summersville project, until there is compliance with this paragraph the Secretary is prohibited from acquiring or developing any other river access points within the recreation area.”.

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

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

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

SEC. 407. TECHNICAL AMENDMENT TO THE WILD AND SCENIC RIVERS ACT.

(a) NUMBERING OF PARAGRAPHS.—The unnumbered paragraphs in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), relating to each of the following river segments, are each amended by numbering such paragraphs as follows:

River:	Paragraph Number
East Fork of Jemez, New Mexico	(109)
Pecos River, New Mexico	(110)
Smith River, California	(111)
Middle Fork Smith River, California	(112)
North Fork Smith River, California	(113)
Siskiyou Fork Smith River, California	(114)
South Fork Smith River, California	(115)
Clarks Fork, Wyoming	(116)
Niobrara, Nebraska	(117)
Missouri River, Nebraska and South Dakota	(118)
Bear Creek, Michigan	(119)
Black, Michigan	(120)

110 STAT. 4152

PUBLIC LAW 104-333—NOV. 12, 1996

Carp, Michigan	(121)
Indian, Michigan	(122)
Manistee, Michigan	(123)
Ontonagon, Michigan	(124)
Paint, Michigan	(125)
Pine, Michigan	(126)
Presque Isle, Michigan	(127)
Sturgeon, Hiawatha National Forest, Michigan	(128)
Sturgeon, Ottawa National Forest, Michigan	(129)
East Branch of the Tahquamenon, Michigan	(130)
Whitefish, Michigan	(131)
Yellow Dog, Michigan	(132)
Allegheny, Pennsylvania	(133)
Big Piney Creek, Arkansas	(134)
Buffalo River, Arkansas	(135)
Cossatot River, Arkansas	(136)
Hurricane Creek, Arkansas	(137)
Little Missouri River, Arkansas	(138)
Mulberry River, Arkansas	(139)
North Sylamore Creek, Arkansas	(140)
Richland Creek, Arkansas	(141)
Sespe Creek, California	(142)
Sisquoc River, California	(143)
Big Sur River, California	(144)
Great Egg Harbor River, New Jersey	(145)
The Maurice River, Middle Segment	(146)
The Maurice River, Middle Segment	(147)
The Maurice River, Upper Segment	(148)
The Menantico Creek, Lower Segment	(149)
The Menantico Creek, Upper Segment	(150)
Manumuskin River, Lower Segment	(151)
Manumuskin River, Upper Segment	(152)
Muskee Creek, New Jersey	(153)
Red River, Kentucky	(154)
Rio Grande, New Mexico	(155)
Farmington River, Connecticut	(156)

16 USC 1276.

(b) STUDY RIVERS.—Section 5(a) of such Act is amended as follows:

(1) Paragraph (106), relating to St. Mary's, Florida, is renumbered as paragraph (108).

(2) Paragraph (112), relating to White Clay Creek, Delaware and Pennsylvania, is renumbered as paragraph (113).

(3) The unnumbered paragraphs, relating to each of the following rivers, are amended by numbering such paragraphs as follows:

River:	Paragraph Number
Mills River, North Carolina	(109)
Sudbury, Assabet, and Concord, Massachusetts	(110)
Niobrara, Nebraska	(111)
Lamprey, New Hampshire	(112)
Brule, Michigan and Wisconsin	(114)
Carp, Michigan	(115)
Little Manistee, Michigan	(116)
White, Michigan	(117)
Ontonagon, Michigan	(118)
Paint, Michigan	(119)
Presque Isle, Michigan	(120)
Sturgeon, Ottawa National Forest, Michigan	(121)
Sturgeon, Hiawatha National Forest, Michigan	(122)
Tahquamenon, Michigan	(123)
Whitefish, Michigan	(124)
Clarion, Pennsylvania	(125)
Mill Creek, Jefferson and Clarion Counties, Pennsylvania	(126)
Piru Creek, California	(127)
Little Sur River, California	(128)
Matilija Creek, California	(129)
Lopez Creek, California	(130)
Sespe Creek, California	(131)
North Fork Merced, California	(132)

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4153

Delaware River, Pennsylvania and New Jersey	(133)
New River, West Virginia and Virginia	(134)
Rio Grande, New Mexico	(135)

SEC. 408. PROTECTION OF NORTH ST. VRAIN CREEK, COLORADO.

(a) NORTH ST. VRAIN CREEK AND ADJACENT LANDS.—The Act of January 26, 1915, establishing Rocky Mountain National Park (38 Stat. 798; 16 U.S.C. 191 et seq.), is amended by adding the following new section at the end thereof:

“SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.

16 USC 195a.

“Neither the Secretary of the Interior nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of Rocky Mountain National Park or on the main stem of North St. Vrain Creek downstream to the point at which the creek crosses the elevation 6,550 feet above mean sea level. Nothing in this section shall be construed to prevent the issuance of any permit for the construction of a new water gauging station on North St. Vrain Creek at the point of its confluence with Coulson Gulch.”.

(b) ENCOURAGEMENT OF EXCHANGES.—16 USC 192b-9
note.

(1) LANDS INSIDE ROCKY MOUNTAIN NATIONAL PARK.—Promptly following enactment of this Act, the Secretary of the Interior shall seek to acquire by donation or exchange those lands within the boundaries of Rocky Mountain National Park owned by the city of Longmont, Colorado, that are referred to in section 111(d) of the Act commonly referred to as the “Colorado Wilderness Act of 1980” (Public Law 96-560; 94 Stat. 3272; 16 U.S.C. 192b-9(d)).

(2) OTHER LANDS.—The Secretary of Agriculture shall immediately and actively pursue negotiations with the city of Longmont, Colorado, concerning the city’s proposed exchange of lands owned by the city and located in and near Coulson Gulch for other lands owned by the United States. The Secretary shall report to Congress 2 calendar years after the date of enactment of this Act, and every 2 years thereafter on the progress of such negotiations until negotiations are complete.

Reports.

TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

SEC. 501. THE SELMA TO MONTGOMERY NATIONAL HISTORIC TRAIL.

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

“() The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled “Selma to Montgomery” and dated April 1993. Maps depicting the route shall be on file and available for public inspection

110 STAT. 4154

PUBLIC LAW 104-333—NOV. 12, 1996

in the Office of the National Park Service, Department of the Interior. The trail shall be administered in accordance with this Act, including section 7(h). The Secretary of the Interior, acting through the National Park Service, which shall be the lead Federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.”.

16 USC 461 note.

SEC. 502. VANCOUVER NATIONAL HISTORIC RESERVE.

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

(b) **ADMINISTRATION.**—(1) The Reserve shall be administered through a general management plan developed in accordance with this section, and approved by the Secretary of the Interior and the Secretary of the Army.

(2) Not later than three years after the date of enactment of this Act, the National Park Service shall submit to the Secretaries a general management plan for the administration of the Reserve.

(3) The general management plan shall be developed by a Partnership comprised of a representative from the National Park Service, a representative of the Historic Preservation Office of the State of Washington, a representative of the Department of the Army, and a representative of the City of Vancouver, Washington.

(4) The general management plan shall be developed in accordance with the specific findings and recommendations of the Vancouver Historic Reserve Report, along with any other considerations not otherwise in conflict with the Report, and shall include at a minimum a statement of purpose, an interpretive plan, and an economic plan for Pearson Field.

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

(c) **NO LIMITATION ON FAA AUTHORITY.**—The establishment of the Reserve shall not limit—

(1) the authority of the Federal Aviation Administration over air traffic control, or aviation activities at Pearson Airpark; or

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

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

SEC. 503. EXTENSION OF KALOKO-HONOKOHAU ADVISORY COMMISSION.

16 USC 396d note.

(a) **KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK.**—Notwithstanding section 505(f)(7) of Public Law 95-625 (16 U.S.C. 396d(f)(7)), the Na Hoa Pili O Kaloko-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park,

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4155

is hereby re-established in accordance with section 505(f), as amended by paragraph (2) of this subsection.

(b) CONFORMING AMENDMENT.—Section 505(f)(7) of Public Law 95-625 (16 U.S.C. 396d(7)), is amended by striking “this Act” and inserting in lieu thereof, “the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1996”.

SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORIC PARK ACT.

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

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

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

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

“(c) ESTABLISHMENT.—To carry out the purposes of this section there is hereby established the Women’s Rights National Historical Park (hereinafter in this section referred to as the “park”). The park shall consist of the following designated sites in Seneca Falls and Waterloo, New York:

- “(1) Stanton House, 32 Washington Street, Seneca Falls;
- “(2) dwelling, 30 Washington Street, Seneca Falls;
- “(3) dwelling, 34 Washington Street, Seneca Falls;
- “(4) lot, 26–28 Washington Street, Seneca Falls;
- “(5) former Wesleyan Chapel, 126 Fall Street, Seneca Falls;
- “(6) theater, 128 Fall Street, Seneca Falls;
- “(7) McClintock House, 16 East Williams Street, Waterloo;
- “(8) Hunt House, 401 East Williams Street, Waterloo;
- “(9) not to exceed 1 acre, plus improvements, as determined by the Secretary, in Seneca Falls for development of a maintenance facility;
- “(10) dwelling, 1 Seneca Street, Seneca Falls;
- “(11) dwelling, 10 Seneca Street, Seneca Falls;
- “(12) parcels adjacent to Wesleyan Chapel Block, including Clinton Street, Fall Street, and Mynderse Street, Seneca Falls; and
- “(13) dwelling, 12 East Williams Street, Waterloo.”.

“(b) MISCELLANEOUS AMENDMENTS.—Section 1601 of Public Law 96-607 (16 U.S.C. 410ll) is amended by redesignating subsection (i) as “(i)(1)” and inserting at the end thereof the following new paragraph:

“(2) In addition to those sums appropriated prior to the date of enactment of this paragraph for land acquisition and development, there is hereby authorized to be appropriated an additional \$2,000,000.”.

Appropriation
authorization.

SEC. 506. BLACK PATRIOTS MEMORIAL EXTENSION.

The legislative authority for the Black Revolutionary War Patriots Foundation to establish a commemorative work (as defined by the Commemorative Works Act (40 U.S.C. 1001 et seq.)) shall expire October 27, 1998, notwithstanding the time period limitation specified in section 10(b) of that Act (40 U.S.C. 1010(b)).

40 USC 1003
note.

110 STAT. 4156

PUBLIC LAW 104-333—NOV. 12, 1996

16 USC 470a
note.**SEC. 507. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES
HISTORIC BUILDING RESTORATION AND PRESERVATION.**

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

(b) **GRANT CONDITIONS.**—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

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

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

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

(2) The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(d) **FUNDING PROVISION.**—Pursuant to section 108 of the National Historic Preservation Act, \$29,000,000 shall be made available to carry out the purposes of this section. Of amounts made available pursuant to this section, \$5,000,000 shall be available for grants to Fisk University, \$2,500,000 shall be available for grants to Knoxville College, \$2,000,000 shall be available for grants to Miles College, Alabama, \$1,500,000 shall be available for grants to Talladega College, Alabama, \$1,550,000 shall be available for grants to Selma University, Alabama, \$250,000 shall be available for grants to Stillman College, Alabama, \$200,000 shall be available for grants to Concordia College, Alabama, \$2,900,000 shall be available for grants to Allen University, South Carolina, \$1,000,000 shall be available for grants to Claflin College, South Carolina, \$2,000,000 shall be available for grants to Voorhees College, South Carolina, \$1,000,000 shall be available for grants to Rust College, Mississippi, and \$3,000,000 shall be available for grants to Tougaloo College, Mississippi.

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

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

(1) **HISTORICALLY BLACK COLLEGES.**—The term “historically black colleges and universities” has the same meaning given the term “part B institution” by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) **HISTORIC BUILDING AND STRUCTURES.**—The term “historic building and structures” means a building or structure

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4157

listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.

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

40 USC 1003
note.
Alpha Phi Alpha
Fraternity.

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

(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.).

(c) **PAYMENT OF EXPENSES.**—The Alpha Phi Alpha Fraternity shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) **DEPOSIT OF EXCESS FUNDS.**—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 4401(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance of funds received for the establishment of the memorial, the Alpha Phi Alpha Fraternity shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

SEC. 509. ADVISORY COUNCIL ON HISTORIC PRESERVATION REAUTHORIZATION.

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

16 USC 470t.

(b) **REPORTING REQUIREMENTS.**—Within 18 months after the date of enactment of this Act, the Advisory Council on Historic Preservation shall submit a report to the appropriate congressional committees containing an analysis of alternatives for modifying the regulatory process for addressing impacts of Federal actions on nationally significant historic properties, as well as alternatives for future promulgation and oversight of regulations for implementation of section 106 of the National Historic Preservation Act.

16 USC 470f
note.

(c) **TECHNICAL AMENDMENTS.**—Title II of the National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows:

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

16 USC 470i.

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

(3) By adding the following new section after section 214: “SEC. 215. Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of the purposes of this Act.”

16 USC 470v–1.

110 STAT. 4158

PUBLIC LAW 104-333—NOV. 12, 1996

16 USC 470m.

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

“(g) Any Federal agency may provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the agency, with such funds, personnel, facilities and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for the purpose. Any funds provided to the Council pursuant to this subsection must be expended by the end of the fiscal year following the fiscal year in which the funds are received by the Council. To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise, such additional property facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act.”.

16 USC 461 note.

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

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

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

(2) to enhance economic and cultural redevelopment within the District.

(b) **DEFINITIONS.**—In this section:

(1) **DISTRICT.**—The term “District” means the Great Falls Historic District established by subsection (c).

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

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

(c) **GREAT FALLS HISTORIC DISTRICT.**—

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

(2) **BOUNDARIES.**—The boundaries of the District shall be the boundaries specified by the Great Falls Historic District listed on the National Register of Historic Places.

(d) **DEVELOPMENT PLAN.**—The Secretary may make grants and enter into cooperative agreements with the State of New Jersey, local governments, and private nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4159

(3) a market analysis assessing the economic development potential of the District and recommending steps to be taken to encourage economic development and revitalization in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of New Jersey, local governments and nonprofit entities owning property within the District under which the Secretary may—

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

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

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

(2) PROVISIONS.—A cooperative agreement under paragraph

(1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant, and that provides for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(3) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Historic Preservation Fund authorized under the National Historic Preservation Act to the Secretary to carry out this section—

(1) \$250,000 for grants and cooperative agreements for the development plan under subsection (d); and

(2) \$50,000 for the provision of technical assistance and \$3,000,000 for the provision of other assistance under cooperative agreements under subsection (e).

SEC. 511. NEW BEDFORD NATIONAL HISTORIC LANDMARK DISTRICT. 16 USC 410ddd.

(a) FINDINGS AND PURPOSES.—

110 STAT. 4160

PUBLIC LAW 104-333—NOV. 12, 1996

(1) FINDINGS.—The Congress finds that—

(A) the New Bedford National Historic Landmark District and associated historic sites as described in subsection (c)(2), including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(B) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(C) New Bedford's historic resources provide unique opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(D) during the nineteenth century, over two thousand whaling voyages sailed out of New Bedford to the Arctic region of Alaska, and joined Alaska Natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities; and

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

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

(A) to help preserve, protect, and interpret the resources within the areas described in subsection (c)(2), including architecture, setting, and associated archival and museum collections;

(B) to collaborate with the city of New Bedford and with associated historical, cultural, and preservation organizations to further the purposes of the park established under this section; and

(C) to provide opportunities for the inspirational benefit and education of the American people.

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

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

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

(c) NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.—

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

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4161

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

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

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

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

(B) In addition to the sites, areas, and relics referred to in subparagraph (A), the Secretary may assist in the interpretation and preservation of each of the following:

(i) The southwest corner of the State Pier.

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

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

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

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

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

(1) financial and other assistance to establish links between the New Bedford Whaling National Historical Park and the North Slope Borough Cultural Center, located in Barrow, Alaska; and

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

(e) ADMINISTRATION OF PARK.—

(1) IN GENERAL.—The park shall be administered by the Secretary in accordance with this section and 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, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(2) COOPERATIVE AGREEMENTS.—(A) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(B) Any payment made by the Secretary pursuant to a cooperative agreement under this paragraph shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of

110 STAT. 4162

PUBLIC LAW 104-333—NOV. 12, 1996

the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(3) NON-FEDERAL MATCHING REQUIREMENTS.—(A) Funds authorized to be appropriated to the Secretary for the purposes of—

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

(ii) construction, restoration, and rehabilitation of visitors and interpretive facilities (other than annual operation and maintenance costs) shall be expended in the ratio of one dollar of Federal funds for each one dollar of funds contributed by non-Federal sources.

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

(4) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary may acquire only by donation such lands, interests in lands, and improvements thereon within the park as are needed for essential visitor contact and interpretive facilities.

(5) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept donated funds, property, and services to carry out this section.

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

(f) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(A) not more than \$2,000,000 may be appropriated for construction, restoration, and rehabilitation of visitor and interpretive facilities, and directional and visitor orientation signage;

(B) none of the funds authorized to be appropriated by this section may be used for the operation or maintenance of the Schooner Ernestina; and

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4163

SEC. 512. NICODEMUS NATIONAL HISTORIC SITE.

16 USC 461 note.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

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

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

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

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

(A) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the remaining structures and locations that represent the history (including the settlement and growth) of the town of Nicodemus, Kansas; and

(B) to interpret the historical role of the town of Nicodemus in the Reconstruction period in the context of the experience of westward expansion in the United States.

(b) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term “historic site” means the Nicodemus National Historic Site established by subsection (c).

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

(c) ESTABLISHMENT OF NICODEMUS NATIONAL HISTORIC SITE.—

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

(2) DESCRIPTION.—

(A) IN GENERAL.—The historic site shall consist of the first Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, and the Township Hall located within the approximately 161.35 acres designated as the Nicodemus National Landmark in the Township of Nicodemus, Graham County, Kansas, as registered on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a), and depicted on a map entitled “Nicodemus National Historic Site”, numbered 80,000 and dated August 1994.

(B) MAP AND BOUNDARY DESCRIPTION.—The map referred to in subparagraph (A) and accompanying boundary description shall be on file and available for public inspection in the office of the Director of the National Park Service and any other office of the National Park Service that the Secretary determines to be an appropriate location for filing the map and boundary description.

(d) ADMINISTRATION OF THE HISTORIC SITE.—

(1) IN GENERAL.—The Secretary shall administer the historic site in accordance with this section and the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National

110 STAT. 4164

PUBLIC LAW 104-333—NOV. 12, 1996

Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(2) COOPERATIVE AGREEMENTS.—To further the purposes of this section, the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution.

(3) TECHNICAL AND PRESERVATION ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide to any eligible person described in subparagraph (B) technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, the historic site.

(B) ELIGIBLE PERSONS.—The eligible persons described in this subparagraph are—

(i) an owner of real property within the boundary of the historic site, as described in subsection (c)(2); and

(ii) any interested individual, agency, organization, or institution that has entered into an agreement with the Secretary pursuant to paragraph (2).

(e) ACQUISITION OF REAL PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary is authorized to acquire by donation, exchange, or purchase with funds made available by donation or appropriation, such lands or interests in lands as may be necessary to allow for the interpretation, preservation, or restoration of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, or the Township Hall, as described in subsection (c)(2)(A), or any combination thereof.

(2) LIMITATIONS.—

(A) ACQUISITION OF PROPERTY OWNED BY THE STATE OF KANSAS.—Real property that is owned by the State of Kansas or a political subdivision of the State of Kansas that is acquired pursuant to paragraph (1) may only be acquired by donation.

(B) CONSENT OF OWNER REQUIRED.—No real property may be acquired under this subsection without the consent of the owner of the real property.

(f) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, in consultation with the officials described in paragraph (2), prepare a general management plan for the historic site.

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

(A) The Nicodemus Historical Society.

(B) The Kansas Historical Society.

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

(3) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4165

Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

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

SEC. 513. UNALASKA.

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

(b) PURPOSE.—The purpose of this section is to designate and preserve the Aleutian World War II National Historic Area within lands owned by the Ounalaska Corporation on the island of Amaknak, Alaska and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant circumstances involving the history of the Aleut people, and the role of the Aleut people and the Aleutian Islands in the defense of the United States in World War II.

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

(d) TERMS AND CONDITIONS.—Nothing in this section shall—

(1) authorize the conveyance of lands between the Ounalaska Corporation and the United States Department of the Interior, nor remove land or structures appurtenant to the land from the exclusive control of the Ounalaska Corporation; or

(2) provide authority for the Department of the Interior to assume the duties associated with the daily operation for the historic area or any of its facilities or structures.

(e) TECHNICAL ASSISTANCE.—The Secretary of the Interior may award grants and provide technical assistance to the Ounalaska Corporation and the City of Unalaska to assist with the planning, development, and historic preservation from any program funds authorized by law for technical assistance, land use planning or historic preservation.

SEC. 514. JAPANESE AMERICAN PATRIOTISM MEMORIAL.

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

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

(2) to improve management of certain parcels of Federal real property located within the District of Columbia, by the transferring jurisdiction over such parcels to the Architect of the Capitol, the Secretary of the Interior, and the Government of the District of Columbia.

(b) TRANSFERS OF JURISDICTION.—

(1) IN GENERAL.—Effective on the date of the enactment of this Act and notwithstanding any other provision of law, jurisdiction over the parcels of Federal real property described in paragraph (2) is transferred without additional consideration as provided by paragraph (2).

(2) SPECIFIC TRANSFERS.—

(A) TRANSFERS TO SECRETARY OF THE INTERIOR.—

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

Aleutian World
War II National
Historic Areas
Act of 1996.
16 USC 461 note.

40 USC 193a
note, 1003 note.

Effective date.

(I) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by D Street, N.W., New Jersey Avenue, N.W., and Louisiana Avenue, N.W., in square W632 in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

(II) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by C Street, N.W., First Street, N.W., and Louisiana Avenue, N.W., in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

(ii) LIMITATION.—The parcels transferred by clause (i) shall not include those contiguous sidewalks abutting Louisiana Avenue, N.W., which shall remain part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol.

(iii) CONSIDERATION AS MEMORIAL SITE.—The parcels transferred by subclause (I) of clause (i) may be considered as a site for a national memorial to Japanese American patriotism in World War II.

(B) TRANSFERS TO ARCHITECT OF THE CAPITOL.—Jurisdiction over the following parcels is transferred to the Architect of the Capitol:

(i) That portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

(ii) That irregular area of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, northeast of the real property described in clause (i) bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running to the northeast on the south, and the private property on the west known as lot 7, in square 726.

(iii) The two irregularly shaped medians lying north and east of the property described in clause (i), located between the north and south curbs of Constitution Avenue, N.E., west of its intersection with Second Street, N.E., all as shown in Land Record No. 268, dated November 22, 1957, in the Office of the Surveyor, District of Columbia, in Book 138, Page 58.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4167

(iv) All sidewalks under the jurisdiction of the District of Columbia abutting on and contiguous to the land described in clauses (i), (ii), and (iii).

(C) TRANSFERS TO DISTRICT OF COLUMBIA.—Jurisdiction over the following parcels is transferred to the Government of the District of Columbia:

(i) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property.

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

(c) MISCELLANEOUS.—

(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

(2) LAW ENFORCEMENT RESPONSIBILITY.—Law enforcement responsibility for the parcels of Federal real property for which jurisdiction is transferred by subsection (b) shall be assumed by the person acquiring such jurisdiction.

(3) UNITED STATES CAPITOL GROUNDS.—

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

(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (b)(2)(B) in accordance with section 9 of such Act of July 31, 1946 (40 U.S.C. 212a).

(4) EFFECT OF TRANSFERS.—A person relinquishing jurisdiction over a parcel of Federal real property transferred by subsection (b) shall not retain any interest in the parcel except as specifically provided by this section.

SEC. 515. MANZANAR NATIONAL HISTORIC SITE.

16 USC 461 note.

(a) TERMINATION OF WITHDRAWALS.—

(1) UNAVAILABILITY OF CERTAIN LANDS.—The Congress, by enacting the Act entitled “An Act to establish the Manzanar National Historic Site in the State of California, and for other purposes”, approved March 3, 1992 (106 Stat. 40; Public Law 102-248), (1) provided for the protection and interpretation of the historical, cultural, and natural resources associated with the relocation of Japanese-Americans during World War II and established the Manzanar National Historic Site in the State of California, and (2) authorized the Secretary of the Interior to acquire lands or interests therein within the

110 STAT. 4168

PUBLIC LAW 104-333—NOV. 12, 1996

boundary of the Historic Site by donation, purchase with donated or appropriated funds, or by exchange. The public lands identified for disposal in the Bureau of Land Management's Bishop Resource Area Resource Management Plan that could be made available for exchange in support of acquiring lands within the boundary of the Historic Site are currently unavailable for this purpose because they are withdrawn by an Act of Congress.

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

MOUNT DIABLO MERIDIAN

Township 2 North, Range 26 East

Section 7:

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

Township 4 South, Range 33 East

Section 31:

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

Section 32:

Southeast quarter northwest quarter, northeast quarter southwest quarter, southwest quarter southeast quarter.

Township 5 South, Range 33 East

Section 4:

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

Section 5:

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

Section 9:

Northwest quarter southwest quarter northeast quarter.

Section 17:

Southeast quarter northwest quarter, northwest quarter southeast quarter.

Section 22:

Lot 1 and 2.

Section 27:

Lot 2, west half northeast quarter, southeast quarter northwest quarter, northeast quarter southwest quarter, northwest quarter southeast quarter.

Section 34:

Northeast quarter, northwest quarter, southeast quarter.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4169

Township 6 South, Range 31 East

Section 19:

East half northeast quarter southeast quarter.

Township 6 South, Range 33 East

Section 10:

East half southeast quarter.

Section 11:

Lot 1 and 2, west half northeast quarter, northwest quarter, west half southwest quarter, northeast quarter southwest quarter.

Section 14:

Lots 1 through 4, west half northeast quarter, southeast quarter northwest quarter, northeast quarter southwest quarter, northwest quarter southeast quarter.

Township 7 South, Range 32 East

Section 23:

South half southwest quarter.

Section 25:

Lot 2, northeast quarter northwest quarter.

Township 7 South, Range 33 East

Section 30:

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

Section 31:

North half of lot 2 of northwest quarter, southeast quarter northeast quarter, northeast quarter southeast quarter.

Township 8 South, Range 33 East

Section 5:

Northwest quarter southwest quarter.

Township 13 South, Range 34 East

Section 1:

Lots 43, 46, and 49 through 51.

Section 2:

North half northwest quarter southeast quarter southeast quarter.

Township 11 South, Range 35 East

Section 30:

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

Section 31:

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

110 STAT. 4170

PUBLIC LAW 104-333—NOV. 12, 1996

Township 13 South, Range 35 East

Section 18:

South half of lot 2 of northwest quarter, lot 1 and 2 of southwest quarter, southwest quarter northeast quarter, northwest quarter southeast quarter.

Section 29:

Southeast quarter northeast quarter, northeast quarter southeast quarter.

Township 13 South, Range 36 East

Section 17:

Southwest quarter northwest quarter, southwest quarter.

Section 18:

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

Section 19:

North half of lot 1 of northwest quarter, east half northeast quarter, northwest quarter northeast quarter.

Section 20:

Southwest quarter northeast quarter, northwest quarter, northeast quarter southwest quarter, southeast quarter.

Section 28:

Southwest quarter southwest quarter.

Section 29:

East half northeast quarter.

Section 33:

Northwest quarter northwest quarter, southeast quarter northwest quarter.

Township 14 South, Range 36 East

Section 31:

Lots 1 and 2 of southwest quarter, southwest quarter southeast quarter.

aggregating 5,630 acres, more or less.

Federal Register,
publication.

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

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

16 USC 431 note.

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

(a) RECOGNITION OF SIGNIFICANCE OF THE AIDS MEMORIAL GROVE.—The Congress hereby recognizes the significance of the AIDS Memorial Grove located in Golden Gate Park in San Francisco, California, as a memorial—

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

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4171

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

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

TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

SEC. 601. UNITED STATES CIVIL WAR CENTER.

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

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

(c) FLAGSHIP INSTITUTIONS.—The center and the Civil War Institute of Gettysburg College, located at 233 North Washington Street in Gettysburg, Pennsylvania, shall be the flagship institutions for planning the sesquicentennial commemoration of the Civil War.

SEC. 602. CORINTH, MISSISSIPPI, BATTLEFIELD ACT.

16 USC 430f-5.

(a) PURPOSE.—The purpose of this section is to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the Region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

(b) ACQUISITION OF PROPERTY AT CORINTH, MISSISSIPPI.—The Secretary of the Interior (referred to in this title as the “Secretary”) shall acquire by donation, purchase with donated or appropriated funds, or exchange, such land and interests in land in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.

(c) PUBLICLY OWNED LAND.—Land and interests in land owned by the State of Mississippi or a political subdivision of the State of Mississippi may be acquired only by donation.

(d) INTERPRETIVE CENTER AND MARKING.—

(1) INTERPRETIVE CENTER.—The Secretary shall construct, operate, and maintain on the property acquired under subsection (b) a center for the interpretation of the Siege and Battle of Corinth and associated historical events for the benefit of the public.

(2) MARKING.—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if the sites are determined

110 STAT. 4172

PUBLIC LAW 104-333—NOV. 12, 1996

by the Secretary to be protected by State or local governmental agencies.

(3) ADMINISTRATION.—The land and interests in land acquired, and the facilities constructed and maintained pursuant to this section, shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws (including regulations) applicable to the Park, the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.), 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.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$6,000,000 for development to carry out this section.

Revolutionary
War and War of
1812 Historic
Preservation
Study Act of
1996.
16 USC 1a-5
note.

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

(a) SHORT TITLE.—This section may be cited as the “Revolutionary War and War of 1812 Historic Preservation Study Act of 1996”.

(b) FINDINGS.—The Congress finds that—

(1) Revolutionary War sites and War of 1812 sites provide a means for Americans to understand and interpret the periods in American history during which the Revolutionary War and War of 1812 were fought;

(2) the historical integrity of many Revolutionary War sites and War of 1812 sites is at risk because many of the sites are located in regions that are undergoing rapid urban or suburban development; and

(3) it is important, for the benefit of the United States, to obtain current information on the significance of, threats to the integrity of, and alternatives of the preservation and interpretation of Revolutionary War sites and War of 1812 sites.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the National Park Service.

(2) REVOLUTIONARY WAR SITE.—The term “Revolutionary War site” means a site or structure situated in the United States that is thematically tied with the nationally significant events that occurred during the Revolutionary War.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) WAR OF 1812 SITE.—The term “War of 1812 site” means a site or structure situated in the United States that is thematically tied with the nationally significant events that occurred during the War of 1812.

(d) STUDY.—

(1) PREPARATION.—The Secretary, acting through the Director, shall prepare a study of Revolutionary War sites and War of 1812 sites.

(2) MATTERS TO BE ADDRESSED.—The study under subsection (b) shall—

(A) identify Revolutionary War sites and War of 1812 sites, including sites within units of the National Park System in existence on the date of enactment of this Act;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4173

(B) determine the relative significance of the sites;
(C) assess short- and long-term threats to the integrity of the sites;

(D) provide alternatives for the preservation and interpretation of the sites by Federal, State, and local governments, or other public or private entities, including designation of the sites as units of the National Park System; and

(E) research and propose land preservation techniques.

(3) CONSULTATION.—During the preparation of the study under paragraph (1), the Director shall consult with—

(A) the Governor of each affected State;

(B) each affected unit of local government;

(C) State and local historic preservation organizations;

(D) scholarly organizations; and

(E) such other interested parties as the Secretary considers advisable.

(4) TRANSMITTAL TO CONGRESS.—Not later than 2 years after the date on which funds are made available to carry out the study under paragraph (1), the Director shall transmit a report describing the results of the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(5) REPORT.—If the Director submits a report on the study to the Director of the Office of Management and Budget, the Secretary shall concurrently transmit copies of the report to the Committee on Resources 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 to carry out this section \$750,000, to remain available until expended.

SEC. 604. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “American Battlefield Protection Act of 1996”.

(b) PURPOSE.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(c) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant,

American
Battlefield
Protection Act of
1996.
16 USC 469k.

110 STAT. 4174

PUBLIC LAW 104-333—NOV. 12, 1996

contract, or other generally adopted means of providing financial assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$3,000,000 annually to carry out this section, to remain available until expended.

(e) REPEAL.—

(1) IN GENERAL.—This section is repealed as of the date that is 10 years after the date of enactment of this section.

(2) NO EFFECT ON GENERAL AUTHORITY.—The Secretary may continue to conduct battlefield studies in accordance with other authorities available to the Secretary.

(3) UNOBLIGATED FUNDS.—Any funds made available under this section that remain unobligated shall be credited to the general fund of the Treasury.

SEC. 605. CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARKS.

Section 1(c) of the Act entitled “An Act 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”, approved December 24, 1987 (101 Stat. 1442), is amended by striking “\$30,000,000” and inserting “\$51,900,000”.

SEC. 606. SHENANDOAH VALLEY BATTLEFIELDS.

(a) SHORT TITLE.—This section may be cited as the “Shenandoah Valley Battlefields National Historic District and Commission Act of 1996”.

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1992, the Secretary of the Interior issued a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley, and found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(4) the preservation and interpretation of these sites will make a vital contribution to the understanding of the heritage of the United States;

(5) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(6) partnerships between Federal, State, and local governments, the regional entities of such governments, and the private sector offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

(c) STATEMENT OF PURPOSE.—The purposes of this section are to—

(1) preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) recognize and interpret important events and geographic locations representing key Civil War battles in the

Shenandoah
Valley
Battlefields
National Historic
District and
Commission Act
of 1996.
16 USC 461 note.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4175

Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) create partnerships among Federal, State, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

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

(1) The term “District” means the Shenandoah Valley Battlefields National Historic District established by section 5.

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

(3) The term “plan” means the Shenandoah Valley Battlefields National Historic District Commission plan approved by the Secretary under section 6.

(4) The term “management entity” means a unit of government or nonprofit organization designated by the plan to manage and administer the District.

(5) The term “Secretary” means the Secretary of the Interior.

(6) The term “Shenandoah Valley” means the Shenandoah Valley in the Commonwealth of Virginia.

(e) SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—To carry out the purposes of this section, there is hereby established the Shenandoah Valley Battlefields National Historic District in the Commonwealth of Virginia.

(2) BOUNDARIES.—(A) The corridor shall consist of lands and interests therein as generally depicted on the map entitled “Shenandoah Valley National Battlefields”, numbered SHVA/80,000, and dated April 1994.

(B) The District shall consist of historic transportation routes linking the units depicted on the map referred to in subparagraph (A).

(C) The map referred to in subparagraph (A) shall be on file and available for public inspection in the offices of the Commission, the management entity, and in the appropriate offices of the National Park Service.

(f) SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC DISTRICT PLAN.—

(1) IN GENERAL.—The District shall be managed and administered by the Commission and the management entity in accordance with the purposes of this Act and the Shenandoah Valley Battlefields National Historic District plan developed by the Commission and approved by the Secretary, as provided in this subsection.

(2) SPECIFIC PROVISIONS.—The plan shall include—

(A) an inventory which includes any property in the District which should be preserved, restored, managed,

maintained, or acquired because of its national historic significance;

(B) provisions for the protection and interpretation of the natural, cultural, and historic resources of the District consistent with the purposes of this section;

(C) provisions for the establishment of a management entity which shall be a unit of government or a private nonprofit organization that administers and manages the District consistent with the plan, and possesses the legal ability to—

(i) receive Federal funds and funds from other units of government or other organizations for use in preparing and implementing the management plan;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in preparing and implementing the plan;

(iii) enter into agreements with the Federal, State, or other units of government and nonprofit organizations;

(iv) acquire lands or interests therein by gift or devise, or by purchase from a willing seller using donated or appropriated funds, or by donation and no lands or interests therein may be acquired by condemnation; and

(v) make such reasonable and necessary modifications to the plan which shall be approved by the Secretary;

(D) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) for the management, protection, and interpretation of the natural, cultural, and historical resources of the District;

(E) identification of appropriate partnerships between the Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this section;

(F) locations for visitor contact and major interpretive facilities;

(G) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the District;

(H) provisions for a uniform historical marker and wayside exhibit program in the District, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within the historic core areas and contribute to the understanding of the District;

(I) recommendations for means of ensuring continued local involvement and participation in the management, protection, and development of the District; and

(J) provisions for appropriate living history demonstrations and battlefield reenactments.

(3) PREPARATION OF DRAFT PLAN.—(A) Not later than 3 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of paragraph (2).

(B) Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4177

(i) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(ii) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the District; and

(iii) at least 1 public hearing in the vicinity of the District is conducted by the Commission with respect to the draft plan.

(4) REVIEW OF THE PLAN BY THE SECRETARY.—The Secretary shall review the draft plan submitted under paragraph (3) and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(A) approve the draft plan as the plan if the Secretary finds that the plan, when implemented, would adequately protect the significant historical and cultural resources of the District; or

(B) reject the draft plan and advise the Commission in writing of the reasons therefore and indicate any recommendations for revisions that would make the draft plan acceptable.

(g) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary may award grants, provide technical assistance and enter into cooperative agreements with the Commission, management entity, other units of government, or other persons to provide for the preservation and interpretation of the natural, cultural, and historical resources within the District.

(2) TECHNICAL ASSISTANCE.—The Secretary may make grants, provide technical assistance, and enter into cooperative agreements for—

(A) the preparation and implementation of the plan pursuant to subsection (f);

(B) interpretive and educational programs;

(C) acquiring lands or interests in lands from willing sellers;

(D) capital projects and improvements undertaken pursuant to the plan; and

(E) facilitating public access to historic resources within the District.

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

(4) ACQUISITION OF LAND.—The Secretary may acquire land and interests in lands from a willing seller or donee within the District that have been specifically identified by the Commission for acquisition by the Federal Government. No lands or interests therein may be acquired by condemnation.

(5) DETAIL.—Each fiscal year during the existence of the Commission and upon request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section

110 STAT. 4178

PUBLIC LAW 104-333—NOV. 12, 1996

9. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(6) REPORT.—Not later than 2 years after approval of the plan, the Secretary shall submit to Congress a report recommending whether the District or components thereof meet the criteria for designation as a unit of the National Park Service.

(7) OTHER ASSISTANCE.—Nothing in this section shall be deemed to prohibit the Secretary or units of government from providing technical or financial assistance under any other provision of law.

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

(1) ESTABLISHMENT.—There is hereby established the Shenandoah Valley Battlefields National Historic District Commission.

(2) MEMBERSHIP.—The Commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(A) 5 members representing local governments of communities in the vicinity of the District, appointed after the Secretary considers recommendations made by appropriate local governing bodies.

(B) 10 members representing property owners within the District (1 member within each unit of the battlefields).

(C) 1 member with demonstrated expertise in historic preservation.

(D) 1 member who is a recognized historian with expertise in Civil War history.

(E) The Governor of Virginia, or a designee of the Governor, ex officio.

(F) The Director of the National Park Service, or a designee of the Director, ex officio.

(3) APPOINTMENTS.—Members of the Commission shall be appointed for terms of 3 years. Any member of the Commission appointed for a definite term may serve after the expiration of the term until the successor of the member is appointed.

(4) ELECTION OF OFFICERS.—The Commission shall elect 1 of its members as Chairperson and 1 as Vice Chairperson. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(5) VACANCY.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(6) QUORUM.—Any majority of the Commission shall constitute a quorum.

(7) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission, but not less than quarterly. Notice of the Commission meetings and agendas for the meetings shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(8) STAFF OF THE COMMISSION.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4179

(9) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, without reimbursement, such administrative support services as the Commission may request.

(10) FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail to the Commission or management entity, without reimbursement, personnel of the agency to assist the commission or management entity in carrying out its duties and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(11) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

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

(13) 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.

(14) GIFTS.—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal or real property, or services received from any source.

(15) TERMINATION.—The Commission shall terminate at the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under subsection (f)(4).

(i) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) develop the plan and draft plan referred to in subsection (f), in consultation with the Secretary;

(B) assist the Commonwealth of Virginia, and any political subdivision thereof, in the management, protection, and interpretation of the natural, cultural, and historical resources within the District, except that the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision; and

(C) take appropriate action to encourage protection of the natural, cultural, and historic resources within the District by landowners, local governments, organizations, and businesses.

(j) AUTHORIZATION OF APPROPRIATION.—

(1) IN GENERAL.—From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated to the Commission not more than \$250,000 annually to remain available until expended.

(2) ASSISTANCE.—(A) From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated to the Secretary for grants and technical assistance pursuant to subsections (g) (1), (2), and (3) not more than \$2,000,000 annually to remain available until expended.

(B) The Federal share of any funds awarded under subsection (g)(2) may not exceed the amount of non-Federal funds provided for the preservation, interpretation, planning, development, or implementation with respect to which the grant is awarded.

110 STAT. 4180

PUBLIC LAW 104-333—NOV. 12, 1996

(3) LAND ACQUISITION.—From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated for land acquisition pursuant to subsection (g)(4) not more than \$2,000,000 annually to remain available until expended.

(4) MANAGEMENT ENTITY.—From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated to the management entity not more than \$500,000 annually to remain available until expended.

16 USC 461 note. **SEC. 607. WASHITA BATTLEFIELD.**

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) the Battle of the Washita, November 27, 1868, was one of the largest engagements between Plains tribes and the United States Army on the Southern Great Plains. The site is a registered National Historic Landmark;

(B) Lt. Colonel George A. Custer, leading the 7th United States Cavalry, attacked the sleeping Cheyenne village of peace chief Black Kettle. Custer's attack resulted in more than 150 Indian casualties, many of them women and children;

(C) the Battle of the Washita symbolizes the struggle of the Southern Great Plains tribes to maintain their traditional lifeways and not to submit to reservation confinement; and

(D) the Washita battle site possesses a high degree of integrity and the cultural landscape is essentially intact. The Cheyenne village site has not been altered substantially except by periodic flooding of the Washita River.

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

(A) recognize the importance of the Battle of the Washita as a nationally significant element of frontier military history and as a symbol of the struggles of the Southern Great Plains tribes to maintain control of their traditional use areas; and

(B) establish the site of the Battle of the Washita as a national historic site and provide opportunities for American Indian groups including the Cheyenne-Arapaho Tribe to be involved in the formulation of plans and educational programs for the national historic site.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—In order to provide for the preservation and interpretation of the Battle of the Washita, there is hereby established the Washita Battlefield National Historic Site in the State of Oklahoma (hereafter in this section referred to as the “national historic site”).

(2) BOUNDARY.—

(A) IN GENERAL.—The national historic site shall consist of—

(i) approximately 326 acres, as generally depicted on the map entitled “Washita Battlefield National Historic Site”, numbered 22,000A and dated 12/95; and

(ii) the private lands subject to conservation easements referred to in subsection (d)(2).

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4181

(B) MAP.—The map referred to in subparagraph (A)(i) shall be on file in the offices of the Director of the National Park Service, Department of the Interior, and other appropriate offices of the National Park Service. The Secretary of the Interior (hereafter in this section referred to as the “Secretary”) may, from time to time, make minor revisions in the boundary of the national historic site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–4 et seq.).

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall manage the national historic site in accordance with this section and the provisions of law generally applicable to units of the National Park System, including “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; U.S.C. 461–467).

(2) MANAGEMENT PURPOSES.—The Secretary shall manage the national historic site for the following purposes, among others:

(A) To protect and preserve the national historic site, including the topographic features important to the battle site, artifacts and other physical remains of the battle, and the visual scene as closely as possible as it was at the time of the battle.

(B) To interpret the cultural and natural resources of the historic site, providing for public understanding and appreciation of the area in such manner as to perpetuate these qualities and values for future generations.

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

Contracts.

(d) ACQUISITION OF PROPERTY.—

(1) PARK BOUNDARIES.—Within the boundaries of the national historic site, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that—

(A) no lands or interests in lands within the historic site may be acquired without the consent of the owner thereof, and

(B) lands and interests in lands owned by the State of Oklahoma or any political subdivision thereof may be acquired only by donation.

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

110 STAT. 4182

PUBLIC LAW 104-333—NOV. 12, 1996

will be to keep occupancy of the land in private ownership and use of the land in general agriculture.

(e) MANAGEMENT PLAN.—Within 5 years after the date funds are made available for purposes of this section, the Secretary, acting through the Director of the National Park Service, shall prepare a general management plan for the national historic site. The plan shall address, but not be limited to, each of the following:

- (1) A resource protection program.
- (2) A visitor use plan including programs and facilities that will be provided for public use, including the location and cost of public facilities.
- (3) A research and curation plan.
- (4) A highway signing program.
- (5) Involvement by the Cheyenne-Arapaho Tribe in the formulation of educational programs for the national historic site.

(6) Involvement by the State of Oklahoma and other local and national entities willing to share in the responsibilities of developing and supporting the national historic site.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for land acquisition and development not more than \$5,000,000.

TITLE VII—FEES

16 USC 497c.

SEC. 701. SKI AREA PERMIT RENTAL CHARGE.

(a) The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), or the 9th through 20th paragraphs under the heading “SURVEYING THE PUBLIC LANDS” under the heading “UNDER THE DEPARTMENT OF THE INTERIOR” in the Act of June 4, 1897 (30 Stat. 34, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Ski Area Permit Act of 1986 shall be calculated as set forth in subsection (b). Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, shall be calculated in accordance with those existing permits: *Provided*, That a permittee may, at the permittee’s option, use the calculation method set forth in subsection (b).

(b)(1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee’s gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. The final rental charge shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

- (A) 1.5 percent of all adjusted gross revenue below \$3,000,000;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4183

(B) 2.5 percent for adjusted gross revenue between \$3,000,000 and \$15,000,000;

(C) 2.75 percent for adjusted gross revenue between \$15,000,000 and \$50,000,000; and

(D) 4.0 percent for the amount of adjusted gross revenue that exceeds \$50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

$$\text{SAPF} = ((\text{LT} + \text{SS}) \times \text{STFP}) + \text{GRAF} = \text{AGR}; \text{AGR} \times \% \text{ BRACKETS}$$

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from Nordic ski operations shall be included or excluded from the rental charge calculation according to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and the ski area permittees, the adjusted gross revenue figures for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 3 years after the date of enactment of this Act and every 5 years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge legislated by this Act is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

Reports.

(c) The rental charge set forth in subsection (b) shall be due on June 1 of each year and shall be paid or prepaid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To reduce costs to the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual rental charge calculation brackets and rates) to be used for rental charge calculation and submitted with the rental charge payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, United States Forest Service.

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

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

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

(3) for the 1997–1998 permit year, either the rental charge for the 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher.

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

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation.

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

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for rental charge payment pursuant to subsection (a), the permittee shall pay an annual minimum rental charge of \$2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

(h) Where the new rental charge provided for in subsection (b)(1) results in an increase in permit rental charge greater than one-half of 1 percent of the permittee's adjusted gross revenue as determined under subsection (b)(1), the new rental charge shall be phased in over a five-year period in a manner providing for increases of approximately equal increments.

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

(j) Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4185

termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

SEC. 702. DELAWARE WATER GAP.

(a) **IN GENERAL.**—Effective at noon on September 30, 2005, the use of Highway 209 within Delaware Water Gap National Recreation Area by commercial vehicles, when such use is not connected with the operation of the recreation area, is prohibited, except as provided in subsection (b).

Effective date.

(b) **LOCAL BUSINESS USE PROTECTED.**—Subsection (a) does not apply with respect to the use of commercial vehicles to serve businesses located within or in the vicinity of the recreation area, as determined by the Secretary.

(c) **CONFORMING PROVISIONS.**—

(1) Paragraphs (1) through (3) of the third undesignated paragraph under the heading “ADMINISTRATIVE PROVISIONS” in chapter VII of title I of Public Law 98-63 (97 Stat. 329) are repealed, effective September 30, 2005.

(2) Prior to noon on September 30, 2005, the Secretary shall collect and utilize a commercial use fee from commercial vehicles in accordance with paragraphs (1) through (3) of such third undesignated paragraph. Such fee shall not exceed \$25 per trip.

SEC. 703. GLACIER BAY NATIONAL PARK.

Section 3(g) of Public Law 91-383 (16 U.S.C. 1a-2(g)) is amended by: striking “and park programs” and inserting the following at the end: “Sixty percent of the fees paid by permittees for the privilege of entering into Glacier Bay for the period beginning on the first full fiscal year following the date of enactment of this sentence shall be deposited into a special account and that such funds shall be available—

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

“(2) to conduct investigations to quantify any effect of permittees’ activity on wildlife and other natural resource values of Glacier Bay National Park. The investigations provided for in this subsection shall be designed to provide information of value to the Secretary, in determining any appropriate limitations on permittees’ activity in Glacier Bay. The Secretary may not impose any additional permittee operating conditions in the areas of air, water, and oil pollution beyond those determined and enforced by other appropriate agencies. When competitively awarding permits to enter Glacier Bay, the Secretary may take into account the relative impact particular permittees will have on park values and resources, provided that no operating conditions or limitations relating to noise abatement shall be imposed unless the Secretary determines, based on the weight of the evidence from all available studies including verifiable scientific information from the investigations provided for in this subsection, that such limitations or conditions are necessary to protect park values and resources. Fees paid by certain permittees for the privilege of entering into Glacier Bay shall not exceed \$5 per passenger. For the purposes of this subsection, ‘certain permittee’ shall

110 STAT. 4186

PUBLIC LAW 104-333—NOV. 12, 1996

mean a permittee which provides overnight accommodations for at least 500 passengers for an itinerary of at least 3 nights, and ‘permittee’ shall mean a concessionaire providing visitor services within Glacier Bay. Nothing in this subsection authorizes the Secretary to require additional categories of permits in, or otherwise increase the number of permits to enter Glacier Bay National Park.”.

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

SEC. 801. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading “MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR”, which appears under the heading “UNDER THE DEPARTMENT OF THE INTERIOR”, as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

SEC. 802. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j-2), is amended by adding at the end the following:

“(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.”.

SEC. 803. FERAL BURROS AND HORSES.

(a) **VEHICLES AND AIRCRAFT.**—Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end thereof the following: “Nothing in this title shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this title, or the provisions of section 47(a) of title 18, United States Code, use motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18, United States Code, shall be applicable to such use.”.

(b) **OZARK NATIONAL SCENIC RIVERWAYS.**—Section 7 of the Act entitled “An Act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes”, approved August 27, 1964 (16 U.S.C. 460m-6), is amended to read as follows:

“SEC. 7. (a) The Secretary, in accordance with this section, shall allow free-roaming horses in the Ozark National Scenic Riverways. Within 180 days after enactment of this section, the Secretary shall enter into an agreement with the Missouri Wild Horse League or another qualified nonprofit entity to provide for management of free-roaming horses. The agreement shall provide for cost-effective management of the horses and limit Federal expenditures to the costs of monitoring the agreement. The Secretary shall issue permits for adequate pastures to accommodate

Contracts.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4187

the historic population level of the free-roaming horse herd, which shall be not less than the number of horses in existence on the date of the enactment of this section nor more than 50.

“(b) The Secretary may not remove, or assist in, or permit the removal of any free-roaming horses from Federal lands within the boundary of the Ozark National Scenic Riverways unless—

“(1) the entity with whom the Secretary has entered into the agreement under subsection (a), following notice and a 90-day response period, substantially fails to meet the terms and conditions of the agreement;

“(2) the number of free-roaming horses exceeds 50; or

“(3) in the case of an emergency or to protect public health and safety, as defined in the agreement.

“(c) Nothing in this section shall be construed as creating liability for the United States for any damages caused by the free-roaming horses to property located inside or outside the boundaries of the Ozark National Scenic Riverways.”.

SEC. 804. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.

(a) **FUNCTIONS.**—The Act entitled “An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes” approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in subsection (b) of the first section, by striking out “from such donations and bequests of money”; and

(2) by adding at the end thereof the following:

“SEC. 2. ADDITIONAL FUNCTIONS.

16 USC 18f-2.

“(a) **MUSEUM OBJECTS AND COLLECTIONS.**—In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

“(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies, including the Smithsonian Institution, that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purpose of this Act.

“(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

“(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

110 STAT. 4188

PUBLIC LAW 104-333—NOV. 12, 1996

“(b) REVIEW AND APPROVAL.—The Secretary shall ensure that museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under this section.”.

(b) APPLICATION AND DEFINITIONS.—The Act entitled “An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes” approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding the following after section 2:

16 USC 18f-3.

“SEC. 3. APPLICATION AND DEFINITIONS.

“(a) APPLICATION.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for the purposes of the National Park System before the date of enactment of this section as well as those museum objects and museum collections that may be acquired on or after such date.

“(b) DEFINITION.—For the purposes of this Act, the terms ‘museum objects’ and ‘museum collections’ mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.”.

SEC. 805. VOLUNTEERS IN PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking out “\$1,000,000” and inserting in lieu thereof “\$3,500,000”.

SEC. 806. CARL GARNER FEDERAL LANDS CLEANUP DAY.

36 USC 169i,
169i-1.

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169i-169j) is amended by striking the terms “Federal Lands Cleanup Day” each place it appears and inserting “Carl Garner Federal Lands Cleanup Day”.

SEC. 807. FORT PULASKI NATIONAL MONUMENT, GEORGIA.

16 USC 431 note.

Section 4 of the Act of June 26, 1936 (ch. 844; 49 Stat. 1979), is amended by striking “: *Provided, That*” and all that follows and inserting a period.

16 USC 230 note.

SEC. 808. LAURA C. HUDSON VISITOR CENTER.

(a) DESIGNATION.—The visitor center at Jean Lafitte National Historical Park, located at 419 Rue Decatur in New Orleans, Louisiana, is hereby designated as the “Laura C. Hudson Visitor Center”.

(b) LEGAL REFERENCES.—Any reference in any law, regulation, paper, record, map, or any other document of the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the “Laura C. Hudson Visitor Center”.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4189

SEC. 809. ROBERT J. LAGOMARSINO VISITOR CENTER.16 USC 410ff
note.

(a) DESIGNATION.—The visitor center at the Channel Islands National Park, California, is designated as the “Robert J. Lagomarsino Visitor Center”.

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

SEC. 810. EXPENDITURE OF FUNDS OUTSIDE AUTHORIZED BOUNDARY OF ROCKY MOUNTAIN NATIONAL PARK.

16 USC 195 note.

The Secretary of the Interior is authorized to collect and expend donated funds and expend appropriated funds for the operation and maintenance of a visitor center to be constructed for visitors to and administration of Rocky Mountain National Park with private funds on privately owned lands located outside the boundary of the park.

SEC. 811. DAYTON AVIATION.16 USC
410ww-21.

Section 201(b) of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419, approved October 16, 1992), is amended as follows:

(1) In paragraph (2), by striking “from recommendations” and inserting “after consideration of recommendations”.

(2) In paragraph (4), by striking “from recommendations” and inserting “after consideration of recommendations”.

(3) In paragraph (5), by striking “from recommendations” and inserting “after consideration of recommendations”.

(4) In paragraph (6), by striking “from recommendations” and inserting “after consideration of recommendations”.

(5) In paragraph (7), by striking “from recommendations” and inserting “after consideration of recommendations”.

SEC. 812. PROHIBITION ON CERTAIN TRANSFERS OF NATIONAL FOREST LANDS.

After the date of the enactment of this Act the Secretary of Agriculture shall not transfer (by exchange or otherwise) any lands owned by the United States and managed by the Secretary as part of the Angeles National Forest to any person unless the instrument of conveyance contains a restriction, enforceable by the Secretary, on the future use of such land prohibiting the use of any portion of such land as a solid waste landfill. Such restriction shall be promptly enforced by the Secretary when and if a violation of the restriction occurs.

SEC. 813. GRAND LAKE CEMETERY.

(a) AGREEMENT.—Notwithstanding any other law, not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall enter into an appropriate form of agreement with the town of Grand Lake, Colorado, authorizing the town to maintain permanently, under appropriate terms and conditions, a cemetery within the boundaries of the Rocky Mountain National Park.

(b) CEMETERY BOUNDARIES.—The cemetery shall be comprised of approximately 5 acres of land, as generally depicted on the map entitled “Grand Lake Cemetery” and dated February 1995.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—The Secretary of the Interior shall place the map described in subsection (b) on

110 STAT. 4190

PUBLIC LAW 104-333—NOV. 12, 1996

file, and make the map available for public inspection, in the headquarters office of the Rocky Mountain National Park.

(d) LIMITATION.—The cemetery shall not be extended beyond the boundaries of the cemetery shown on the map described in subsection (b).

SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

16 USC 17o.
note.

(a) NATIONAL PARK SERVICE HOUSING IMPROVEMENT.—

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

(A) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;

(B) to expand the alternatives available for construction and repair of essential Government housing;

(C) to rely on the private sector to finance or supply housing in carrying out this section, to the maximum extent possible, in order to reduce the need for Federal appropriations;

(D) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and

(E) to eliminate unnecessary Government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

(2) GENERAL AUTHORITY.—To enhance the ability of the Secretary of the Interior (hereafter in this subsection referred to as “the Secretary”), acting through the Director of the National Park Service, to effectively manage units of the National Park System, the Secretary is authorized where necessary and justified to make available employee housing, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

(3) REVIEW AND REVISION OF HOUSING CRITERIA.—Upon the enactment of this Act, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. Specifically, the Secretary shall examine the existing criteria with respect to what circumstances the National Park Service requires an employee to occupy Government quarters to provide necessary services, protect Government property, or because of a lack of availability of non-Federal housing in the geographic area.

(4) SUBMISSION OF REPORT.—A report detailing the results of the revisions required by paragraph (3) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

(5) REVIEW OF CONDITION OF AND COSTS RELATING TO HOUSING.—Using the revised criteria developed under paragraph (3), the Secretary shall undertake a review, for each

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4191

unit of the National Park System, of existing government-owned housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

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

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

(A) **LEASE TO BUILD PROGRAM.**—Subject to the appropriation of necessary funds in advance, the Secretary may—

(i) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(ii) lease developed and undeveloped non-Federal land for providing field employee quarters.

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

(C) **TERMS AND CONDITIONS.**—Each lease under subparagraph (A)(i)—

(i) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(ii) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(iii) shall contain such additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(iv) may be granted at less than fair market value if the Secretary determines that such lease will

110 STAT. 4192

PUBLIC LAW 104-333—NOV. 12, 1996

improve the quality and availability of field employee quarters available.

(D) CONTRIBUTIONS BY UNITED STATES.—The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this paragraph.

(8) RENTAL GUARANTEE PROGRAM.—

(A) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease to build arrangement as set forth in paragraph (7) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this paragraph shall be in writing.

(B) LIMITATIONS.—The Secretary may not guarantee—

(i) the occupancy of more than 75 percent of the units constructed or rehabilitated under such lease; and

(ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

In no event shall outstanding guarantees be in excess of \$3,000,000,

(C) RENTAL TO GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made

(D) FAILURE TO MAINTAIN A SATISFACTORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

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

(10) CONTRACTS FOR THE MANAGEMENT OF FIELD EMPLOYEE QUARTERS.—

(A) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

(B) TERMS AND CONDITIONS.—Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

(11) LEASING OF SEASONAL EMPLOYEE QUARTERS.—

(A) GENERAL AUTHORITY.—Subject to subparagraph (B), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4193

applicable under section 5911 of title 5, United States Code.

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

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

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

(C) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this paragraph from annual appropriations for the year in which such lease is made.

(12) SURVEY OF EXISTING FACILITIES.—The Secretary shall—

(A) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for carrying out the agency mission, using existing information; and

(B) develop an agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

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

(14) ANNUAL BUDGET SUBMITTAL.—The President's proposed budget to Congress for the first fiscal year beginning after enactment of this Act, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

(15) STUDY OF HOUSING ALLOWANCES.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to determine the feasibility of providing eligible employees of the National Park Service with housing allowances rather than Government housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(16) STUDY OF SALE OF EMPLOYEE HOUSING.—Within 18 months of the date of the enactment of the Act, the Secretary shall complete a study of the sale of Government quarters to a cooperative consisting of field employees. The Secretary shall examine the potential benefits to the Government as well as the employees and any risks associated with such a program.

(17) GENERAL PROVISIONS.—

110 STAT. 4194

PUBLIC LAW 104-333—NOV. 12, 1996

(A) CONSTRUCTION LIMITATIONS ON FEDERAL LANDS.—The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which will impact primary resource values of the area or adversely affect the mission of the agency.

(B) RENTAL RATES.—To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(C) EXEMPTION FROM LEASING REQUIREMENTS.—The provisions of section 5 of the Act of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 4601-22), and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall not apply to leases issued by the Secretary under this section.

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

(19) DEFINITIONS.—For purposes of this subsection:

(A) The term “field employee” means—

(i) an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and

(ii) other individuals who are authorized to occupy Government quarters under section 5911 of title 5, United States Code, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

(B) The term “land management agency” means the National Park Service, Department of the Interior.

(C) The term “primary resource values” means resources which are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(D) The term “quarters” means quarters owned or leased by the Government.

(E) The term “seasonal quarters” means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

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

(1) In the first sentence, by striking “Committee on Natural” and inserting “Committee on”.

(2)(A) By striking “: *Provided, however,*” and all that follows through “1965”; and

(B) by inserting “(1)” after “(c)” and by inserting at the end the following:

“(2) For the purposes of clause (i) of paragraph (1), in all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments),

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4195

the authority of the Secretary under such clause (i) shall apply only if each of the following conditions is met:

“(A) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

“(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

“(C) The sum of the total appraised value of the lands, water, and interest therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed \$750,000.

“(D) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

“(E) The proposed boundary has been subject to a public review and comment period.

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

“(G) The lands are adjacent to other Federal lands administered by the Director of the National Park Service.

“Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.”.

(c) AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF ZION NATIONAL PARK.—In order to facilitate the administration of Zion National Park, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to expend donated or appropriated funds for the establishment of essential facilities for park administration and visitor use outside the boundaries, but within the vicinity, of the park. Such facilities and the use thereof shall be in conformity with approved plans for the park. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon a finding that the location of such facilities would—

- (1) avoid undue degradation of natural or cultural resources within the park;
- (2) enhance service to the public; or
- (3) provide a cost saving to the Federal Government.

The Secretary is authorized to enter into cooperative agreements with State or local governments or private entities to undertake the authority granted under this subsection. The Secretary is encouraged to identify and utilize funding sources to supplement any Federal funding used for these facilities.

(d) ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS.—

(1) REPEALS.—The following provisions are hereby repealed:

(A) Section 302(c) of the Act entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes (Public Law 95-344; 92 Stat. 478; 16 U.S.C. 2302(c)).

110 STAT. 4196

PUBLIC LAW 104-333—NOV. 12, 1996

(B) Section 503 of the Act of December 19, 1980 (Public Law 96-550; 94 Stat. 3228; 16 U.S.C. 410ii-2).

(C) Subsections (b) and (c) of section 4 of the Act of October 15, 1982 (Public Law 97-335; 96 Stat. 1628; 16 U.S.C. 341 note).

(D) Section 7 of Public Law 89-671 (96 Stat. 1457; 16 U.S.C. 284f).

(E) Section 3(c) of the National Trails System Act (Public Law 90-543; 82 Stat. 919; 16 U.S.C. 1242(c)).

(F) Section 4(b) of the Act of October 24, 1984 (Public Law 98-540; 98 Stat. 2720; 16 U.S.C. 1a-8).

(G) Section 106(b) of the National Visitor Center Facilities Act of 1968 (Public Law 90-264; 82 Stat. 44; 40 U.S.C. 805(b)).

(H) Section 6(f)(7) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 900; 16 U.S.C. 460l-8(f)(7)).

(I) Subsection (b) of section 8 of the Act of August 18, 1970 (Public Law 91-383; 90 Stat. 1940; 16 U.S.C. 1a-5(b)).

(J) The last sentence of section 10(a)(2) of the National Trails System Act (Public Law 90-543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

(K) Section 4 of the Act of October 31, 1988 (Public Law 100-573; Stat. 2891; 16 U.S.C. 460o note).

16 USC 461 note.

(L) Section 104(b) of the Act of November 19, 1988 (Public Law 100-698; 102 Stat. 4621).

(M) Section 1015(b) of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95-625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

(N) Section 105 of the Act of August 13, 1970 (Public Law 91-378; 16 U.S.C. 1705).

(O) Section 307(b) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470w-6(b)).

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

(A) Section 10 of the Archaeological Resources Protection Act of 1979, by striking the last sentence of subsection (c) (Public Law 96-95; 16 U.S.C. 470ii(c)).

(B) Section 5(c) of the Act of June 27, 1960 (Public Law 86-523; 16 U.S.C. 469a-3(c); 74 Stat. 220), by inserting a period after “Act” and striking “and shall submit” and all that follows.

(C) Section 7(a)(3) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 903; 16 U.S.C. 460l-9(a)(3)), by striking the last sentence.

16 USC 431 note.

(D) Section 111 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 104 Stat. 278), by striking the second sentence.

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

(F) Section 101(a)(1)(B) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470a) by inserting a period after “Register” the last place such term appears and by striking “and submitted” and all that follows.

(e) SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL PARK SERVICE.—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4197

(1) IN GENERAL.—The first section of 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; commonly referred to as the “National Park Service Organic Act”), is amended in the first sentence by striking “who shall be appointed by the Secretary” and all that follows and inserting “who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.”.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.

(f) NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION.—

16 USC 1 note.

(1) NATIONAL PARK SYSTEM ADVISORY BOARD.—Section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463) is amended as follows:

(A) In subsection (a) by striking the first 3 sentences and inserting in lieu thereof: “There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members

110 STAT. 4198

PUBLIC LAW 104-333—NOV. 12, 1996

of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.”.

(B) By redesignating subsections (b) and (c) as (f) and (g) and by striking from the first sentence of subsection (f), as so redesignated “1995” and inserting in lieu thereof “2006”.

(C) By adding the following new subsections after subsection (a):

“(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

“(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

“(c)(1) Upon request of the Director, the Board is authorized to—

“(A) hold such hearings and sit and act at such times,

“(B) take such testimony,

“(C) have such printing and binding done,

“(D) enter into such contracts and other arrangements.

“(E) make such expenditures, and

“(F) take such other actions, as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

“(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

“(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

“(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, sugges-

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4199

tions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

“(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

“(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Park System Advisory Board \$200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463). 16 USC 463 note.

(3) EFFECTIVE DATE.—This subsection shall take effect on December 7, 1997. 16 USC 463 note.

(g) CHALLENGE COST-SHARE AGREEMENT AUTHORITY.— 16 USC 1f.

(1) DEFINITIONS.—For purposes of this subsection:

(A) The term “challenge cost-share agreement” means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))), any affiliated area, or any designated National Scenic or Historic Trail.

(B) The term “cooperator” means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(2) CHALLENGE COST-SHARE AGREEMENTS.—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(3) USE OF FEDERAL FUNDS.—In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

(h) COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.—Public Law 101-337 is amended as follows:

(1) In section 1 (16 U.S.C. 19jj), by amending subsection

(d) to read as follows:

“(d) ‘Park system resource’ means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.”.

(2) In section 1 (16 U.S.C. 19jj) by adding at the end thereof the following:

“(g) ‘Marine or aquatic park system resource’ means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.”.

(3) In section 2(b) (16 U.S.C. 19jj-1(b)), by inserting “any marine or aquatic park resource” after “any park system resource”.

110 STAT. 4200

PUBLIC LAW 104-333—NOV. 12, 1996

Oregon.

SEC. 815. WILLIAM B. SMULLIN VISITOR CENTER.

(a) DESIGNATION.—The Bureau of Land Management's visitors center in Rand, Oregon is hereby designated as the "William B. Smullin Visitor Center".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other document of the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the "William B. Smullin Visitor Center".

State listing.

SEC. 816. CALUMET ECOLOGICAL PARK.

(a) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall conduct a study of the feasibility of establishing an urban ecological park to be known as "Calumet Ecological Park", in the Lake Calumet area situated between the Illinois and Michigan Canal National Heritage Corridor and the Indiana Dunes National Lakeshore.

(2) PARTICULARS OF STUDY.—The study under paragraph (1) shall include consideration of the following:

(A) The suitability of establishing a park in the Lake Calumet area that—

(i) conserves and protects the wealth of natural resources threatened by development and pollution in the Lake Calumet area; and

(ii) consists of a number of nonadjacent sites forming green corridors between the Illinois and Michigan Canal National Heritage Corridor and the Indiana Dunes National Lakeshore, that are based on the lakes and waterways in the area.

(B) The long-term future use of the Lake Calumet area.

(C) Ways in which a Calumet Ecological Park would—

(i) benefit and enhance the cultural, historical, and natural resources of the Lake Calumet area; and

(ii) preserve natural lands and habitats in the Lake Calumet area and northwest Indiana.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report containing findings and recommendations of a study under this section.

California.

SEC. 817. ACQUISITION OF CERTAIN PROPERTY ON SANTA CRUZ ISLAND.

Section 202 of Public Law 96-199 (16 U.S.C. 410ff-1) is amended by adding the following new subsection at the end thereof:

Effective date.

"(e)(1) Notwithstanding any other provision of law, effective 90 days after the date of enactment of this subsection, all right, title, and interest in and to, and the right to immediate possession of, the real property on the eastern end of Santa Cruz Island which is known as the Gherini Ranch is hereby vested in the United States, except for the reserved rights of use and occupancy set forth in Instrument No. 90-027494 recorded in the Official Records of the County of Santa Barbara, California.

"(2) The United States shall pay just compensation to the owners of any real property taken pursuant to this subsection, determined as of the date of taking. The full faith and credit

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4201

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 real property plus interest or the valuation of such real property awarded by judgment plus interest. Interest shall accrue from the date of taking to the date of payment. Interest 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 this subsection to the last day of the month preceding the date on which payment is made.

“(3) In the absence of a negotiated settlement, or an action by the owner, within 1 year after the date of enactment of this subsection, the Secretary shall initiate a proceeding, seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

“(4) The Secretary shall not allow any unauthorized use of the lands to be acquired under this subsection, except that the Secretary shall permit the orderly termination of all current activities and the removal of any equipment, facilities, or personal property.”.

SEC. 818. NATIONAL PARK AGREEMENTS.

Section 3 of the Act entitled “An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes” approved August 18, 1970 (16 U.S.C. 1a-2), is amended—

(1) in paragraph (i), by striking the period at the end thereof and inserting in lieu thereof “; and”; and

(2) by adding at the end thereof the following:

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

TITLE IX—HERITAGE AREAS**SEC. 901. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.**

Massachusetts.
Rhode Island.

(a) BOUNDARY CHANGES.—Section 2 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by striking the first sentence and inserting the following new sentence: “The boundaries shall include the lands and water generally

110 STAT. 4202

PUBLIC LAW 104-333—NOV. 12, 1996

depicted on the map entitled 'Blackstone River Valley National Heritage Corridor Boundary Map', numbered BRV-80-80,011, and dated May 2, 1993."

(b) TERMS.—Section 3(c) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by inserting before the period at the end the following: "; but may continue to serve after the expiration of this term until a successor has been appointed".

(c) REVISION OF PLAN.—Section 6 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by adding at the end the following new subsection:

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

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

(d) EXTENSION OF COMMISSION.—Section 7 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended to read as follows:

"SEC. 7. TERMINATION OF COMMISSION.

"The Commission shall terminate on the date that is 10 years after the date of enactment of this section."

(e) IMPLEMENTATION OF PLAN.—Subsection (c) of section 8 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended to read as follows:

"(c) IMPLEMENTATION.—(1) To assist in the implementation of the Cultural Heritage and Land Management Plan in a manner consistent with purposes of this Act, the Secretary is authorized to undertake a limited program of financial assistance for the purpose of providing funds for the preservation and restoration of structures on or eligible for inclusion on the National Register of Historic Places within the Corridor which exhibit national significance or provide a wide spectrum of historic, recreational, or environmental education opportunities to the general public.

"(2) To be eligible for funds under this section, the Commission shall submit an application to the Secretary that includes—

"(A) a 10-year development plan including those resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor; and

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4203

“(B) specific descriptions of annual work programs that have been assembled, the participating parties, roles, cost estimates, cost-sharing, or cooperative agreements necessary to carry out the development plan.

“(3) Funds made available pursuant to this subsection shall not exceed 50 percent of the total cost of the work programs.

“(4) In making the funds available, the Secretary shall give priority to projects that attract greater non-Federal funding sources.

“(5) Any payment made for the purposes of conservation or restoration of real property or structures shall be subject to an agreement either—

“(A) to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission, as appropriate, of the State in which the real property or structure is located; or

“(B) that conversion, use, or disposal of the resources so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States for reimbursement of all funds expended upon such resources or the proportion of the increased value of the resources attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

“(6) The authority to determine that a conversion, use, or disposal of resources has been carried out contrary to the purposes of this Act in violation of an agreement entered into under paragraph (5)(A) shall be solely at the discretion of the Secretary.”.

(f) LOCAL AUTHORITY.—Section 5 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by adding at the end the following new subsection:

“(j) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this Act shall be construed to affect or to authorize the Commission to interfere with—

“(1) the rights of any person with respect to private property; or

“(2) any local zoning ordinance or land use plan of the Commonwealth of Massachusetts or any political subdivision of the Commonwealth.”.

(g) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provisions of law regarding limitations on funding for heritage areas, section 10 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), as amended, is further amended:

(1) in subsection (a), by striking “\$350,000” and inserting “\$650,000”; and

(2) by amending subsection (b) to read as follows:

“(b) DEVELOPMENT FUNDS.—For fiscal year 1996, 1997, and 1998, there is authorized to be appropriated to carry out section 8(c) not to exceed \$5,000,000.”.

Appropriation
authorization.

110 STAT. 4204

PUBLIC LAW 104-333—NOV. 12, 1996

SEC. 902. ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended by inserting after section 117 the following new section:

“SEC. 118. STUDY OF POSSIBLE ADDITIONS TO CORRIDOR.

Notification.

“The Commission shall undertake a study to determine whether the Joliet Army Ammunition Plant and the Calumet-Sag and Chicago Sanitary and Ship Canals should be added to the corridor. The study shall specifically examine the relationship between the purposes of this Act and the areas proposed for study and shall identify any specific resources which are related to the purposes for which the corridor was established. The study shall propose boundaries which provide for the inclusion of any related resources within the corridor. The Commission shall submit the study to the Secretary and the appropriate congressional committees. Upon receipt of the study, the Secretary shall determine which lands (if any) should be added to the corridor and shall so notify the appropriate congressional committees.”.

TITLE X—MISCELLANEOUS**Subtitle A—Tallgrass Prairie National Preserve**

Tallgrass Prairie
National
Preserve Act of
1996.
Kansas.
16 USC 698u
note.

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the “Tallgrass Prairie National Preserve Act of 1996”.

16 USC 698u.

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas;

(2) in 1991, the National Park Service conducted a special resource study of the Spring Hill Ranch, located in the Flint Hills of Kansas;

(3) the study concludes that the Spring Hill Ranch—

(A) is a nationally significant example of the once vast tallgrass ecosystem, and includes buildings listed on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a) that represent outstanding examples of Second Empire and other 19th Century architectural styles; and

(B) is suitable and feasible as a potential addition to the National Park System; and

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

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

(B) to manage the ranch in order to—

(i) conserve the scenery, natural and historic objects, and wildlife of the ranch; and

(ii) provide for the enjoyment of the ranch in such a manner and by such means as will leave the scenery,

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4205

natural and historic objects, and wildlife unimpaired for the enjoyment of future generations.

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

(1) to preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas; and

(2) to preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

SEC. 1003. DEFINITIONS.

16 USC 698u-1.

In this subtitle:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Advisory Committee established under section 1007.

(2) PRESERVE.—The term “Preserve” means the Tallgrass Prairie National Preserve established by section 1004.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRUST.—The term “Trust” means the National Park Trust, Inc., a District of Columbia nonprofit corporation, or any successor-in-interest.

SEC. 1004. ESTABLISHMENT OF TALLGRASS PRAIRIE NATIONAL PRESERVE.

16 USC 698u-2.

(a) IN GENERAL.—In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is established the Tallgrass Prairie National Preserve.

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

SEC. 1005. ADMINISTRATION OF NATIONAL PRESERVE.

16 USC 698u-3.

(a) IN GENERAL.—The Secretary shall administer the Preserve in accordance with this subtitle, the cooperative agreements described in subsection (f)(1), and 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, 2 through 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) APPLICATION OF REGULATIONS.—With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park

110 STAT. 4206

PUBLIC LAW 104-333—NOV. 12, 1996

Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.

(c) FACILITIES.—For purposes of carrying out the duties of the Secretary under this subtitle relating to the Preserve, the Secretary may, with the consent of a landowner, directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve.

(d) LIABILITY.—

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

(2) LIABILITY OF LANDOWNERS.—

(A) The Secretary of the Interior is authorized, under such terms and conditions as he deems appropriate, to include in any cooperative agreement entered into in accordance with subsection (f)(1) an indemnification provision by which the United States agrees to hold harmless, defend and indemnify the landowner in full from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim of personal injury or property damage that occurs in connection with the operation of the Preserve under the agreement: *Provided however*, That indemnification shall not exceed \$3 million per claimant per occurrence.

(B) The indemnification provision authorized by subparagraph (A) shall not include claims for personal injury or property damage proximately caused by the wanton or willful misconduct of the landowner.

(e) UNIT OF THE NATIONAL PARK SYSTEM.—The Preserve shall be a unit of the National Park System for all purposes, including the purpose of exercising authority to charge entrance and admission fees under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a).

(f) AGREEMENT AND DONATIONS.—

(1) AGREEMENTS.—The Secretary may expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use.

(2) DONATIONS.—The Secretary may accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this subtitle.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the end of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4207

on Resources of the House of Representatives a general management plan for the Preserve.

(2) CONSULTATION.—In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

- (A)(i) appropriate officials of the Trust; and
- (ii) the Advisory Committee; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, the Kansas Historical Society, and other interested parties.

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

(A) Maintaining and enhancing the tall grass prairie within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable State water laws and Federal and State waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 1004(b)) that is in effect on the date of enactment of this Act.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of the date of enactment of this Act, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 1004(b)).

(4) HUNTING AND FISHING.—The Secretary may allow hunting and fishing on Federal lands within the Preserve.

(5) FINANCIAL ANALYSIS.—As part of the development of the general management plan, the Secretary shall prepare a financial analysis indicating how the management of the Preserve may be fully supported through fees, private donations, and other forms of non-Federal funding.

110 STAT. 4208

PUBLIC LAW 104-333—NOV. 12, 1996

16 USC 698u-4. **SEC. 1006. LIMITED AUTHORITY TO ACQUIRE.**

(a) **IN GENERAL.**—The Secretary shall acquire, by donation, not more than 180 acres of real property within the boundaries of the Preserve (as described in section 1004(b)) and the improvements on the real property.

(b) **PAYMENTS IN LIEU OF TAXES.**—For the purposes of payments made under chapter 69 of title 31, United States Code, the real property described in subsection (a)(1) shall be deemed to have been acquired for the purposes specified in section 6904(a) of that title.

(c) **PROHIBITIONS.**—No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

16 USC 698u-5. **SEC. 1007. ADVISORY COMMITTEE.**

(a) **ESTABLISHMENT.**—There is established an advisory committee to be known as the “Tallgrass Prairie National Preserve Advisory Committee”.

(b) **DUTIES.**—The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out those duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan under section 1005(g).

(c) **MEMBERSHIP.**—The Advisory Committee shall consist of 13 members, who shall be appointed by the Secretary as follows:

(1) Three members shall be representatives of the Trust.

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

(3) Three members shall be representatives of conservation or historic preservation interests.

(4)(A) One member shall be selected from a list of persons recommended by the Chase County Commission in the State of Kansas.

(B) One member shall be selected from a list of persons recommended by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.

(C) One member shall be selected from a list of persons recommended by the Governor of the State of Kansas.

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the State of Kansas.

(d) **TERMS.**—

(1) **IN GENERAL.**—Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

(A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 3 years.

(B) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 4 years.

(C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4209

(2) REAPPOINTMENT.—Each member may be reappointed to serve a subsequent term.

(3) EXPIRATION.—Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.

(4) VACANCIES.—A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.

(e) CHAIRPERSON.—The members of the Advisory Committee shall select 1 of the members to serve as Chairperson.

(f) MEETINGS.—Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such a manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate means of providing interested members of the public advance notice of scheduled meetings.

(g) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum.

(h) COMPENSATION.—Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(i) CHARTER.—The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (15 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 1008. RESTRICTION ON AUTHORITY.

16 USC 698u-6.

Nothing in this subtitle shall give the Secretary authority to regulate lands outside the land area acquired by the Secretary under section 1006(a).

SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

16 USC 698u-7.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this subtitle.

Subtitle B—Sterling Forest

SEC. 1011. PALISADES INTERSTATE PARK COMMISSION.

(a) FUNDING.—The Secretary of the Interior is authorized to provide funding to the Palisades Interstate Park Commission to be used for the acquisition of lands and interests in lands within the area generally depicted on the map entitled “Boundary Map, Sterling Forest Reserve”, numbered SFR-60,001 and dated July 1, 1994. There are authorized to be appropriated for purposes of this section not more than \$17,500,000. No funds made available under this section may be used for the acquisition of any lands or interests in lands without the consent of the owner thereof.

(b) LAND EXCHANGE.—The Secretary of the Interior is authorized to exchange unreserved unappropriated Federal lands under the administrative jurisdiction of the Secretary for the lands comprising approximately 2,220 acres depicted on the map entitled “Sterling Forest, Proposed Sale of Sterling Forest Lands” and dated

110 STAT. 4210

PUBLIC LAW 104-333—NOV. 12, 1996

Expiration date.

July 25, 1996. The Secretary shall consult with the Governor of any State in which such unreserved unappropriated lands are located prior to carrying out such exchange. The lands acquired by the Secretary under this section shall be transferred to the Palisades Interstate Park Commission to be included within the Sterling Forest Reserve. The lands exchanged under this section shall be of equal value, as determined by the Secretary utilizing nationally recognized appraisal standards. The authority to exchange lands under this section shall expire on the date 18 months after the date of enactment of this Act.

Subtitle C—Additional Provisions

SEC. 1021. RECREATION LAKES.

16 USC 460l-10e
note.

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

(b) COMMISSION.—The Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 78 Stat. 897) is amended by adding at the end the following new section:

President.
Reports.
16 USC 460l-10e.

“SEC. 13. (a) The President shall appoint an advisory commission to review the opportunities for enhanced opportunities for water-based recreation which shall submit a report to the President and to the Committee on Energy and Natural Resources of the Senate and to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives within one year from the date of enactment of this section.

“(b) The members of the Commission shall include—

“(1) the Secretary of the Interior, or his designee;

“(2) the Secretary of the Army, or his designee;

“(3) the Chairman of the Tennessee Valley Authority, or his designee;

“(4) the Secretary of Agriculture, or his designee;

“(5) a person nominated by the National Governor’s Association; and

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

“(c) The President shall appoint one member to serve as Chairman. Any vacancy on the Commission shall be filled in the same manner as the original appointment. Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4211

them in the performance of their duties. The Secretary of the Interior shall provide all financial, administrative, and staffing requirements for the Commission, including office space, furnishings, and equipment. The heads of other Federal agencies are authorized, at the request of the Commission, to provide such information or personnel, to the extent permitted by law and within the limits of available funds, to the Commission as may be useful to accomplish the purposes of this section.

“(d) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable: *Provided*, That, to the maximum extent possible, the Commission shall use existing data and research. The Commission is authorized to use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States.

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

“(1) review the extent to which recreation components identified in specific authorizations associated with individual Federal manmade lakes and reservoirs have been accomplished;

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

“(3) consider legislative changes that would enhance recreation opportunities consistent with and subject to the achievement of the authorized purposes of Federal water projects; and

“(4) make recommendations on alternatives for enhanced recreation opportunities including, but not limited to, the establishment of a National Recreation Lake System under which specific lakes would receive national designation and which would be managed through innovative partnership-based agreements between Federal agencies, State and local units of government, and the private sector.

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

SEC. 1022. BISTI/DE-NA-ZIN WILDERNESS EXPANSION AND FOSSIL FOREST PROTECTION.

(a) **SHORT TITLE.**—This section may be cited as the “Bisti/De-Na-Zin Wilderness Expansion and Fossil Forest Protection Act”.

(b) **WILDERNESS DESIGNATION.**—Section 102 of the San Juan Basin Wilderness Protection Act of 1984 (98 Stat. 3155) is amended—

(1) in subsection (a)—

(A) by striking “wilderness, and, therefore,” and all that follows through “System—” and inserting “wilderness areas, and as one component of the National Wilderness Preservation System, to be known as the ‘Bisti/De-Na-Zin Wilderness’—”;

Bisti/De-Na-Zin
Wilderness
Expansion and
Fossil Forest
Protection Act.
New Mexico.

16 USC 1132
note.

110 STAT. 4212

PUBLIC LAW 104-333—NOV. 12, 1996

(B) in paragraph (1), by striking “, and which shall be known as the Bisti Wilderness; and” and inserting a semicolon;

(C) in paragraph (2), by striking “, and which shall be known as the De-Na-Zin Wilderness.” and inserting “; and”; and

(D) by adding at the end the following new paragraph:
“(3) certain lands in the Farmington District of the Bureau of Land Management, New Mexico, which comprise approximately 16,525 acres, as generally depicted on a map entitled ‘Bisti/De-Na-Zin Wilderness Amendment Proposal’, dated May 1992.”;

(2) in the first sentence of subsection (c), by inserting after “of this Act” the following: “with regard to the areas described in paragraphs (1) and (2) of subsection (a), and as soon as practicable after the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)”;

(3) in subsection (d), by inserting after “of this Act” the following: “with regard to the areas described in paragraphs (1) and (2) of subsection (a), and where established prior to the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)”;

(4) by adding at the end the following new subsection:
“(e)(1) Subject to valid existing rights, the lands described in subsection (a)(3) are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, geothermal leasing, and mineral material sales.

“(2) The Secretary of the Interior may issue coal leases in New Mexico in exchange for any preference right coal lease application within the area described in subsection (a)(3). Such exchanges shall be made in accordance with applicable existing laws and regulations relating to coal leases after a determination has been made by the Secretary that the applicant is entitled to a preference right lease and that the exchange is in the public interest.

“(3) Operations on oil and gas leases issued prior to the date of enactment of subsection (a)(3) shall be subject to the applicable provisions of Group 3100 of title 43, Code of Federal Regulations (including section 3162.5-1), and such other terms, stipulations, and conditions as the Secretary of the Interior considers necessary to avoid significant disturbance of the land surface or impairment of the ecological, educational, scientific, recreational, scenic, and other wilderness values of the lands described in subsection (a)(3) in existence on the date of enactment of subsection (a)(3). In order to satisfy valid existing rights on the lands described in subsection (a)(3), the Secretary of the Interior may exchange any oil and gas lease within this area for an unleased parcel outside this area of like mineral estate and with similar appraised mineral values.”.

(c) EXCHANGES FOR STATE LANDS.—Section 104 of the San Juan Basin Wilderness Protection Act of 1984 (98 Stat. 3156) is amended—

(1) in the first sentence of subsection (b), by inserting after “of this Act” the following: “with regard to the areas described in paragraphs (1) and (2) of subsection (a), and not later than 120 days after the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)”;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4213

(2) in subsection (c), by inserting before the period the following: “with regard to the areas described in paragraphs (1) and (2) of subsection (a), and as of the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)”;

(3) in the last sentence of subsection (d), by inserting before the period the following: “with regard to the areas described in paragraphs (1) and (2) of subsection (a), and not later than 2 years after the date of enactment of subsection (a)(3) with regard to the area described in subsection (a)(3)”.

(d) EXCHANGES FOR INDIAN LANDS.—Section 105 of the San Juan Basin Wilderness Protection Act of 1984 (98 Stat. 3157) is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of the Interior shall exchange any lands held in trust for the Navajo Tribe by the Bureau of Indian Affairs that are within the boundary of the area described in subsection (a)(3).

“(2) The lands shall be exchanged for lands within New Mexico approximately equal in value that are selected by the Navajo Tribe.

“(3) After the exchange, the lands selected by the Navajo Tribe shall be held in trust by the Secretary of the Interior in the same manner as the lands described in paragraph (1).”.

(e) FOSSIL FOREST RESEARCH NATURAL AREA.—Section 103 of the San Juan Basin Wilderness Protection Act of 1984 (98 Stat. 3156) is amended to read as follows:

“SEC. 103. FOSSIL FOREST RESEARCH NATURAL AREA.

43 USC 178.

“(a) ESTABLISHMENT.—To conserve and protect natural values and to provide scientific knowledge, education, and interpretation for the benefit of future generations, there is established the Fossil Forest Research Natural Area (referred to in this section as the ‘Area’), consisting of the approximately 2,770 acres in the Farmington District of the Bureau of Land Management, New Mexico, as generally depicted on a map entitled ‘Fossil Forest’, dated June 1983.

“(b) MAP AND LEGAL DESCRIPTION.—

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

“(2) FORCE AND EFFECT.—The map and legal description described in paragraph (1) shall have the same force and effect as if included in this Act.

“(3) TECHNICAL CORRECTIONS.—The Secretary of the Interior may correct clerical, typographical, and cartographical errors in the map and legal description subsequent to filing the map pursuant to paragraph (1).

“(4) PUBLIC INSPECTION.—The map and legal description 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.

“(c) MANAGEMENT.—

“(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the Area—

110 STAT. 4214

PUBLIC LAW 104-333—NOV. 12, 1996

“(A) to protect the resources within the Area; and

“(B) in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

“(2) MINING.—

“(A) WITHDRAWAL.—Subject to valid existing rights, the lands within the Area are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, geothermal leasing, and mineral material sales.

“(B) COAL PREFERENCE RIGHTS.—The Secretary of the Interior is authorized to issue coal leases in New Mexico in exchange for any preference right coal lease application within the Area. Such exchanges shall be made in accordance with applicable existing laws and regulations relating to coal leases after a determination has been made by the Secretary that the applicant is entitled to a preference right lease and that the exchange is in the public interest.

“(C) OIL AND GAS LEASES.—Operations on oil and gas leases issued prior to the date of enactment of this paragraph shall be subject to the applicable provisions of Group 3100 of title 43, Code of Federal Regulations (including section 3162.5-1), and such other terms, stipulations, and conditions as the Secretary of the Interior considers necessary to avoid significant disturbance of the land surface or impairment of the natural, educational, and scientific research values of the Area in existence on the date of enactment of this paragraph.

“(3) GRAZING.—Livestock grazing on lands within the Area may not be permitted.

“(d) INVENTORY.—Not later than 3 full fiscal years after the date of enactment of this subsection, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall develop a baseline inventory of all categories of fossil resources within the Area. After the inventory is developed, the Secretary shall conduct monitoring surveys at intervals specified in the management plan developed for the Area in accordance with subsection (e).

“(e) MANAGEMENT PLAN.—

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

“(2) CONTENTS.—The management plan shall include—

“(A) a plan for the implementation of a continuing cooperative program with other agencies and groups for—

“(i) laboratory and field interpretation; and

“(ii) public education about the resources and values of the Area (including vertebrate fossils);

“(B) provisions for vehicle management that are consistent with the purpose of the Area and that provide for the use of vehicles to the minimum extent necessary to accomplish an individual scientific project;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4215

“(C) procedures for the excavation and collection of fossil remains, including botanical fossils, and the use of motorized and mechanical equipment to the minimum extent necessary to accomplish an individual scientific project; and

“(D) mitigation and reclamation standards for activities that disturb the surface to the detriment of scenic and environmental values.”.

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

Oregon.
16 USC 545b.

(a) DEFINITIONS.—In this section:

(1) BULL OF THE WOODS WILDERNESS.—The term “Bull of the Woods Wilderness” means the land designated as wilderness by section 3(4) of the Oregon Wilderness Act of 1984 (Public Law 98-328; 16 U.S.C. 1132 note).

(2) OPAL CREEK WILDERNESS.—The term “Opal Creek Wilderness” means certain land in the Willamette National Forest in the State of Oregon comprising approximately 12,800 acres, as generally depicted on the map entitled “Proposed Opal Creek Wilderness and Scenic Recreation Area”, dated July 1996.

(3) SCENIC RECREATION AREA.—The term “Scenic Recreation Area” means the Opal Creek Scenic Recreation Area, comprising approximately 13,000 acres, as generally depicted on the map entitled “Proposed Opal Creek Wilderness and Scenic Recreation Area”, dated July 1996 and established under subsection (c)(1)(C).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

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

(1) to establish a wilderness and scenic recreation area to protect and provide for the enhancement of the natural, scenic, recreational, historic and cultural resources of the area in the vicinity of Opal Creek;

(2) to protect and support the economy of the communities of the Santiam Canyon; and

(3) to provide increased protection for an important drinking water source for communities served by the North Santiam River.

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

16 USC 1132
note.

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

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

(B) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wilderness; and

(C) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,000 acres,

110 STAT. 4216

PUBLIC LAW 104-333—NOV. 12, 1996

as generally depicted on the map described in subsection (a)(3).

(2) CONDITIONS.—The designations in paragraph (1) shall not take effect unless the Secretary makes a determination, not later than 2 years after the date of enactment of this title, that the following conditions have been met:

(A) the following have been donated to the United States in an acceptable condition and without encumbrances:

(i) all right, title, and interest in the following patented parcels of land—

(I) Santiam Number 1, mineral survey number 992, as described in patent number 39-92-0002, dated December 11, 1991;

(II) Ruth Quartz Mine Number 2, mineral survey number 994, as described in patent number 39-91-0012, dated February 12, 1991;

(III) Morning Star Lode, mineral survey number 993, as described in patent number 36-91-0011, dated February 12, 1991;

(ii) all right, title, and interest held by any entity other than the Times Mirror Land and Timber Company, its successors and assigns, in and to lands located in section 18, township 8 south, range 5 east, Marion County, Oregon, Eureka numbers 6, 7, 8, and 13 mining claims; and

(iii) an easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36-91-0017, dated May 9, 1991. In the sole discretion of the Secretary, such easement may be limited to administrative use if an alternative access route, adequate and appropriate for public use, is provided.

(B) a binding agreement has been executed by the Secretary and the owners of record as of March 29, 1996, of the following interests, specifying the terms and conditions for the disposition of such interests to the United States Government—

(i) The lode mining claims known as Princess Lode, Black Prince Lode, and King Number 4 Lode, embracing portions of sections 29 and 32, township 8 south, range 5 east, Willamette Meridian, Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of mineral survey number 887, Oregon; and

(ii) Ruth Quartz Mine Number 1, mineral survey number 994, as described in patent number 39-91-0012, dated February 12, 1991.

(3) ADDITIONS TO THE WILDERNESS AND SCENIC RECREATION AREAS.—

(A) Lands or interests in lands conveyed to the United States under this subsection shall be included in and become part of, as appropriate, Opal Creek Wilderness or the Opal Creek Scenic Recreation Area.

(B) On acquiring all or substantially all of the land located in section 36, township 8 south, range 4 east, of the Willamette Meridian, Marion County, Oregon, commonly known as the Rosboro section by exchange, pur-

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4217

chase from a willing seller, or by donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include such land.

(C) On acquiring all or substantially all of the land located in section 18, township 8 south, range 5 east, Marion County, Oregon, commonly known as the Time Mirror property, by exchange, purchase from a willing seller, or by donation, such land shall be included in and become a part of the Opal Creek Wilderness.

(d) ADMINISTRATION OF THE SCENIC RECREATION AREA.—

(1) IN GENERAL.—The Secretary shall administer the Scenic Recreation Area in accordance with this section and the laws (including regulations) applicable to the National Forest System.

(2) OPAL CREEK MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 2 years after the date of establishment of the Scenic Recreation Area, the Secretary, in consultation with the advisory committee established under subsection (e)(1), shall prepare a comprehensive Opal Creek Management Plan (Management Plan) for the Scenic Recreation Area.

(B) INCORPORATION IN LAND AND RESOURCE MANAGEMENT.—Upon its completion, the Opal Creek Management Plan shall become part of the land and resource management plan for the Willamette National Forest and supersede any conflicting provision in such land and resource management plan. Nothing in this paragraph shall be construed to supersede the requirements of the Endangered Species Act or the National Forest Management Act or regulations promulgated under those Acts, or any other law.

(C) REQUIREMENTS.—The Opal Creek Management Plan shall provide for a broad range of land uses, including—

- (i) recreation;
- (ii) harvesting of nontraditional forest products, such as gathering mushrooms and material to make baskets; and
- (iii) educational and research opportunities.

(D) PLAN AMENDMENTS.—The Secretary may amend the Opal Creek Management Plan as the Secretary may determine to be necessary, consistent with the procedures and purposes of this section.

(3) CULTURAL AND HISTORIC RESOURCE INVENTORY.—

(A) IN GENERAL.—Not later than 1 year after the date of establishment of the Scenic Recreation Area, the Secretary shall review and revise the inventory of the cultural and historic resources on the public land in the Scenic Recreation Area developed pursuant to the Oregon Wilderness Act of 1984 (Public Law 98-328; 16 U.S.C. 1132).

(B) INTERPRETATION.—Interpretive activities shall be developed under the management plan in consultation with State and local historic preservation organizations and shall include a balanced and factual interpretation of the

cultural, ecological, and industrial history of forestry and mining in the Scenic Recreation Area.

(4) TRANSPORTATION PLANNING.—

(A) IN GENERAL.—Except as provided in this subparagraph, motorized vehicles shall not be permitted in the Scenic Recreation Area. To maintain reasonable motorized and other access to recreation sites and facilities in existence on the date of enactment of this title, the Secretary shall prepare a transportation plan for the Scenic Recreation Area that—

(i) evaluates the road network within the Scenic Recreation Area to determine which roads should be retained and which roads should be closed;

(ii) provides guidelines for transportation and access consistent with this section;

(iii) considers the access needs of persons with disabilities in preparing the transportation plan for the Scenic Recreation Area;

(iv) allows forest road 2209 beyond the gate to the Scenic Recreation Area, as depicted on the map described in subsection (a)(2), to be used by motorized vehicles only for administrative purposes and for access by private inholders, subject to such terms and conditions as the Secretary may determine to be necessary; and

(v) restricts construction or improvement of forest road 2209 beyond the gate to the Scenic Recreation Area to maintaining the character of the road as it existed upon the date of enactment of this Act, which shall not include paving or widening.

In order to comply with subsection (f)(2), the Secretary may make improvements to forest road 2209 and its bridge structures consistent with the character of the road as it existed on the date of enactment of this Act.

(5) HUNTING AND FISHING.—

(A) IN GENERAL.—Subject to applicable Federal and State law, the Secretary shall permit hunting and fishing in the Scenic Recreation Area.

(B) LIMITATION.—The Secretary may designate zones in which, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment of the Scenic Recreation Area.

(C) CONSULTATION.—Except during an emergency, as determined by the Secretary, the Secretary shall consult with the Oregon State Department of Fish and Wildlife before issuing any regulation under this subsection.

(6) TIMBER CUTTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall prohibit the cutting and/or selling of trees in the Scenic Reservation Area.

(B) PERMITTED CUTTING.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary may allow the cutting of trees in the Scenic Recreation Area only—

(I) for public safety, such as to control the continued spread of a forest fire in the Scenic

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4219

Recreation Area or on land adjacent to the Scenic Recreation Area;

(II) for activities related to administration of the Scenic Recreation Area, consistent with the Opal Creek Management Plan; or

(III) for removal of hazard trees along trails and roadways.

(ii) SALVAGE SALES.—The Secretary may not allow a salvage sale in the Scenic Recreation Area.

(7) WITHDRAWAL.—

(A) subject to valid existing rights, all lands in the Scenic Recreation Area are withdrawn from—

(i) any form of entry, appropriation, or disposal under the public lands laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposition under the mineral and geothermal leasing laws.

(8) BORNITE PROJECT.—

(A) Nothing in this section shall be construed to interfere with or approve any exploration, mining, or mining-related activity in the Bornite Project Area, depicted on the map described in subsection (a)(3), conducted in accordance with applicable laws.

(B) Nothing in this section shall be construed to interfere with the ability of the Secretary to approve and issue, or deny, special use permits in connection with exploration, mining, and mining-related activities in the Bornite Project Area.

(C) Motorized vehicles, roads, structures, and utilities (including but not limited to power lines and water lines) may be allowed inside the Scenic Recreation Area to serve the activities conducted on land within the Bornite Project.

(D) After the date of enactment of this Act, no patent shall be issued for any mining claim under the general mining laws located within the Bornite Project Area.

(9) WATER IMPOUNDMENTS.—Notwithstanding the Federal Power Act (16 U.S.C. 791a et seq.), the Federal Energy Regulatory Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work in the Scenic Recreation Area, except as may be necessary to comply with the provisions of paragraph (8) with regard to the Bornite Project.

(10) RECREATIONS.—

(A) RECOGNITION.—Congress recognizes recreation as an appropriate use of the Scenic Recreation Area.

(B) MINIMUM LEVELS.—The management plan shall permit recreation activities at not less than the levels in existence on the date of enactment of this Act.

(C) HIGHER LEVELS.—The management plan may provide for levels of recreation use higher than the levels in existence on the date of enactment of this Act if such uses are consistent with the protection of the resource values of the Scenic Recreation Area.

(D) The management plan may include public trail access through section 28, township 8 south, range 5 east, Willamette Meridian, to Battle Ax Creek, Opal Pool and

110 STAT. 4220

PUBLIC LAW 104-333—NOV. 12, 1996

other areas in the Opal Creek Wilderness and the Opal Creek Scenic Recreation Area.

(11) PARTICIPATION.—So that the knowledge, expertise, and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Scenic Recreation Area and its various subareas for the benefit of the public:

(A) ADVISORY COUNCIL.—The Secretary shall consult on a periodic and regular basis with the advisory council established under subsection (e) with respect to matters relating to management of the Scenic Recreation Area.

(B) PUBLIC PARTICIPATION.—The Secretary shall seek the views of private groups, individuals, and the public concerning the Scenic Recreation Area.

(C) OTHER AGENCIES.—The Secretary shall seek the views and assistance of, and cooperate with, any other Federal, State, or local agency with any responsibility for the zoning, planning, or natural resources of the Scenic Recreation Area.

(D) NONPROFIT AGENCIES AND ORGANIZATIONS.—The Secretary shall seek the views of any nonprofit agency or organization that may contribute information or expertise about the resources and the management of the Scenic Recreation Area.

(e) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 90 days after the establishment of the Scenic Recreation Area, the Secretary shall establish an advisory council for the Scenic Recreation Area.

(2) MEMBERSHIP.—The advisory council shall consist of not more than 13 members, of whom—

(A) 1 member shall represent Marion County, Oregon, and shall be designated by the governing body of the county;

(B) 1 member shall represent the State of Oregon and shall be designated by the Governor of Oregon;

(C) 1 member shall represent the City of Salem, and shall be designated by the mayor of Salem, Oregon;

(D) 1 member from a city within a 25-mile radius of the Opal Creek Scenic Recreation Area, to be designated by the Governor of the State of Oregon from a list of candidates provided by the mayors of the cities located within a 25-mile radius of the Opal Creek Scenic Recreation Area; and

(E) not more than 9 members shall be appointed by the Secretary from among persons who, individually or through association with a national or local organization, have an interest in the administration of the Scenic Recreation Area, including, but not limited to, representatives of the timber industry, environmental organizations, the mining industry, inholders in the Opal Creek Wilderness and Scenic Recreation Area, economic development interests and Indian tribes.

(3) STAGGERED TERMS.—Members of the advisory council shall serve for staggered terms of 3 years.

(4) CHAIRMAN.—The Secretary shall designate 1 member of the advisory council as chairman.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4221

(5) VACANCIES.—The Secretary shall fill a vacancy on the advisory council in the same manner as the original appointment.

(6) COMPENSATION.—Members of the advisory council shall receive no compensation for their service on the advisory council.

(f) GENERAL PROVISIONS.—

(1) LAND ACQUISITION.—

(A) IN GENERAL.—Subject to the other provisions of this section, the Secretary may acquire any lands or interests in land in the Scenic Recreation Area or the Opal Creek Wilderness that the Secretary determines are needed to carry out this section.

(B) PUBLIC LAND.—Any lands or interests in land owned by a State or a political subdivision of a State may be acquired only by donation or exchange.

(C) CONDEMNATION.—Within the boundaries of the Opal Creek Wilderness or the Scenic Recreation Area, the Secretary may not acquire any privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

(i) the nature of land use has changed significantly, or the landowner has demonstrated intent to change the land use significantly, from the use that existed on the date of the enactment of this Act; and

(ii) acquisition by the Secretary of the land or interest in land is essential to ensure use of the land or interest in land in accordance with the purposes of this title or the management plan prepared under subsection (d)(2).

(D) Nothing in this section shall be construed to enhance or diminish the condemnation authority available to the Secretary outside the boundaries of the Opal Creek Wilderness or the Scenic Recreation Area.

(2) ENVIRONMENTAL RESPONSE ACTIONS AND COST RECOVERY.—

(A) RESPONSE ACTIONS.—Nothing in this section shall limit the authority of the Secretary or a responsible party to conduct an environmental response action in the Scenic Recreation Area in connection with the release, threatened release, or cleanup of a hazardous substance, pollutant, or contaminant, including a response action conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(B) LIABILITY.—Nothing in this section shall limit the authority of the Secretary or a responsible party to recover costs related to the release, threatened release, or cleanup of any hazardous substance or pollutant or contaminant in the Scenic Recreation Area.

(3) MAPS AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a boundary description for the Opal Creek Wilderness and for the Scenic Recreation Area with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

110 STAT. 4222

PUBLIC LAW 104-333—NOV. 12, 1996

(B) FORCE AND EFFECT.—The boundary description and map shall have the same force and effect as if the description and map were included in this section, except that the Secretary may correct clerical and typographical errors in the boundary description and map.

(C) AVAILABILITY.—The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(4) SAVINGS PROVISION.—Nothing in this section shall interfere with activity for which a special use permit has been issued, has not been revoked, and has not expired, before the date of enactment of this Act, subject to the terms of the permit.

Rosboro Lumber
Company.

(g) ROSBORO LAND EXCHANGE.—

(1) AUTHORIZATION.—Notwithstanding any other law, if the Rosboro Lumber Company (referred to in this subsection as “Rosboro”) offers and conveys marketable title to the United States to the land described in paragraph (2), the Secretary of Agriculture shall convey all right, title and interest held by the United States to sufficient lands described in paragraph (3) to Rosboro, in the order in which they appear in this subsection, as necessary to satisfy the equal value requirements of paragraph (4).

(2) LAND TO BE OFFERED BY ROSBORO.—The land referred to in paragraph (1) as the land to be offered by Rosboro shall comprise Section 36, Township 8 South, Range 4 East, Willamette Meridian.

(3) LAND TO BE CONVEYED BY THE UNITED STATES.—The land referred to in paragraph (1) as the land to be conveyed by the United States shall comprise sufficient land from the following prioritized list to be equal value under paragraph (4):

(A) Section 5, Township 17 South, Range 4 East, Lot 7 (37.63 acres);

(B) Section 2, Township 17 South, Range 4 East, Lot 3 (29.28 acres);

(C) Section 13, Township 17 South, Range 4 East, S $\frac{1}{2}$ SE $\frac{1}{4}$ (80 acres);

(D) Section 2, Township 17 South, Range 4 East, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres);

(E) Section 2, Township 17 South, Range 4 East, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (40 acres);

(F) Section 8, Township 17 South, Range 4 East, SE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres);

(G) Section 11, Township 17 South, Range 4 East, W $\frac{1}{2}$ NW $\frac{1}{4}$ (80 acres);

(4) EQUAL VALUE.—The land and interests in land exchanged under this subsection shall be of equal market value as determined by nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, or shall be equalized by way of payment of cash pursuant to the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law. The appraisal shall consider access costs for the parcels involved.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4223

(5) TIMETABLE.—

(A) The exchange directed by this subsection shall be consummated not later than 120 days after the date Rosboro offers and conveys the property described in paragraph (2) to the United States.

(B) The authority provided by this subsection shall lapse if Rosboro fails to offer the land described in paragraph (2) within 2 years after the date of enactment of this Act.

(6) CHALLENGE.—Rosboro shall have the right to challenge in the United States District Court for the District of Oregon a determination of marketability under paragraph (1) and a determination of value for the lands described in paragraphs (2) and (3) by the Secretary of Agriculture. The court shall have the authority to order the Secretary to complete the transaction contemplated in this subsection.

Courts.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(h) DESIGNATION OF ELKHORN CREEK AS A WILD AND SCENIC RIVER.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(A) ELKHORN CREEK.—The 6.4-mile segment traversing federally administered lands from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to that point where the segment leaves Federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, in the following classes:

“(i) a 5.8-mile wild river area, extending from that point along the Willamette National Forest boundary on the common section line between Sections 12 and 13, Township 9 South, Range 4 East, Willamette Meridian, to its confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered as agreed on by the Secretaries of Agriculture and the Interior, or as directed by the President; and

“(ii) a 0.6-mile scenic river area, extending from the confluence with Buck Creek in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to that point where the segment leaves Federal ownership along the Bureau of Land Management boundary in Section 1, Township 9 South, Range 3 East, Willamette Meridian, to be administered by the Secretary of Interior, or as directed by the President.

“(B) Notwithstanding section 3(b) of this Act, the lateral boundaries of both the wild river area and the scenic river area along Elkhorn Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.”

(i) ECONOMIC DEVELOPMENT.—

(1) ECONOMIC DEVELOPMENT PLAN.—As a condition for receiving funding under paragraph (2), the State of Oregon, in consultation with Marion County, Oregon, and the Secretary of Agriculture, shall develop a plan for economic development projects for which grants under this subsection may be used in a manner consistent with this section and to benefit local

110 STAT. 4224

PUBLIC LAW 104-333—NOV. 12, 1996

communities in the vicinity of the Opal Creek area. Such plan shall be based on an economic opportunity study and other appropriate information.

(2) FUNDS PROVIDED TO THE STATES FOR GRANTS.—Upon completion of the Opal Creek Management Plan, and receipt of the plan referred to in paragraph (1), the Secretary shall provide, subject to appropriations, \$15,000,000 to the State of Oregon. Such funds shall be used to make grants or loans for economic development projects that further the purposes of this section and benefit the local communities in the vicinity of the Opal Creek area.

(3) REPORT.—The State of Oregon shall—

(A) prepare and provide the Secretary and Congress with an annual report on the use of the funds made available under this subsection;

Records.

(B) make available to the Secretary and to Congress, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this subsection; and

(C) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.

SEC. 1024. UPPER KLAMATH BASIN ECOLOGICAL RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM RESTORATION OFFICE.—The term “Ecosystem Restoration Office” means the Klamath Basin Ecosystem Restoration Office operated cooperatively by the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and Forest Service.

(2) WORKING GROUP.—The term “Working Group” means the Upper Klamath Basin Working Group, established before the date of enactment of this title, consisting of members nominated by their represented groups, including—

(A) three tribal members;

(B) one representative of the City of Klamath Falls, Oregon;

(C) one representative of Klamath County, Oregon;

(D) one representative of institutions of higher education in the Upper Klamath Basin;

(E) four representatives of the environmental community, including at least one such representative from the State of California with interests in the Klamath Basin National Wildlife Refuge Complex;

(F) four representatives of local businesses and industries, including at least one representative of the forest products industry and one representative of the ocean commercial fishing industry and/or the recreational fishing industry based in either Oregon or California;

(G) four representatives of the ranching and farming community, including representatives of Federal lease-land farmers and ranchers and of private land farmers and ranchers in the Upper Klamath Basin;

(H) two representatives from State of Oregon agencies with authority and responsibility in the Klamath River Basin, including one from the Oregon Department of Fish

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4225

and Wildlife and one from the Oregon Water Resources Department;

(I) four representatives from the local community;

(J) one representative each from the following Federal resource management agencies in the Upper Klamath Basin: Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Bureau of Indian Affairs, Forest Service, Natural Resources Conservation Service, National Marine Fisheries Service and Ecosystem Restoration Office; and

(K) one representative of the Klamath County Soil and Water Conservation District.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TASK FORCE.—The term “Task Force” means the Klamath River Basin Fisheries Task Force as established by the Klamath River Basin Fishery Resource Restoration Act (Public Law 99-552, 16 U.S.C. 460ss-3 et seq.).

(5) COMPACT COMMISSION.—The term “Compact Commission” means the Klamath River Basin Compact Commission created pursuant to the Klamath River Compact Act of 1954.

(6) CONSENSUS.—The term “consensus” means a unanimous agreement by the Working Group members present and consisting of at least a quorum at a regularly scheduled business meeting.

(7) QUORUM.—The term “quorum” means one more than half of those qualified Working Group members appointed and eligible to serve.

(8) TRINITY TASK FORCE.—The term “Trinity Task Force” means the Trinity River Restoration Task Force created by Public Law 98-541, as amended by Public Law 104-143.

(b) IN GENERAL.—

(1) The Working Group through the Ecosystem Restoration Office, with technical assistance from the Secretary, will propose ecological restoration projects, economic development and stability projects, and projects designed to reduce the impacts of drought conditions to be undertaken in the Upper Klamath Basin based on a consensus of the Working Group membership.

(2) The Secretary shall pay, to the greatest extent feasible, up to 50 percent of the cost of performing any project approved by the Secretary or his designee, up to a total amount of \$1,000,000 during each of fiscal years 1997 through 2001.

(3) Funds made available under this title through the Department of the Interior or the Department of Agriculture shall be distributed through the Ecosystem Restoration Office.

(4) The Ecosystem Restoration Office may utilize not more than 15 percent of all Federal funds administered under this section for administrative costs relating to the implementation of this section.

(5) All funding recommendations developed by the Working Group shall be based on a consensus of Working Group members.

(c) COORDINATION.—(1) The Secretary shall formulate a cooperative agreement among the working group, the Task Force, the Trinity Task Force and the Compact Commission for the purposes of ensuring that projects proposed and funded through the Working Group are consistent with other basin-wide fish and wild-

110 STAT. 4226

PUBLIC LAW 104-333—NOV. 12, 1996

Notification.

life restoration and conservation plans, including but not limited to plans developed by the Task Force and the Compact Commission.

(2) To the greatest extent practicable, the Working Group shall provide notice to, and accept input from, two members each of the Task Force, the Trinity Task Force, and the Compact Commission, so appointed by those entities, for the express purpose of facilitating better communication and coordination regarding additional basin-wide fish and wildlife and ecosystem restoration and planning efforts. The roles and relationships of the entities involved shall be clarified in the cooperative agreement.

(d) PUBLIC MEETINGS.—The Working Group shall conduct all meetings subject to Federal open meeting and public participation laws. The chartering requirements of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby deemed to have been met by this section.

(e) TERMS AND VACANCIES.—Working Group Members shall serve for three-year terms, beginning on the date of enactment of this title. Vacancies which occur for any reason after the date of enactment of this title shall be filled by direct appointment of the Governor of the State of Oregon, in consultation with the Secretary of the Interior and the Secretary of Agriculture, in accordance with nominations from the appropriate groups, interests, and government agencies outlined in subsection (a)(2).

(f) RIGHTS, DUTIES AND AUTHORITIES UNAFFECTED.—The Working Group will supplement, rather than replace, existing efforts to manage the natural resources of the Klamath Basin. Nothing in this section affects any legal right, duty or authority of any person or agency, including any member of the Working Group.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 1997 through 2002.

SEC. 1025. DESCHUTES BASIN ECOSYSTEM RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) WORKING GROUP.—The term “Working Group” means the Deschutes River Basin Working Group established before the date of enactment of this title, consisting of members nominated by their represented groups, including—

(A) five representatives of private interests including one each from hydroelectric production, livestock grazing, timber, land development, and recreation/tourism;

(B) four representatives of private interests including two each from irrigated agriculture and the environmental community;

(C) two representatives from the Confederated Tribes of the Warm Springs Reservation of Oregon;

(D) two representatives from Federal agencies with authority and responsibility in the Deschutes River Basin, including one from the Department of the Interior and one from the Agriculture Department;

(E) two representatives from the State of Oregon agencies with authority and responsibility in the Deschutes River Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department; and

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4227

(F) four representatives from county or city governments within the Deschutes River Basin county and/or city governments.

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

(3) FEDERAL AGENCIES.—The term “Federal agencies” means agencies and departments of the United States, including, but not limited to, the Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, Forest Service, Natural Resources Conservation Service, Farm Services Agency, the National Marine Fisheries Service, and the Bonneville Power Administration.

(4) CONSENSUS.—The term “consensus” means a unanimous agreement by the Working Group members present and constituting at least a quorum at a regularly scheduled business meeting.

(5) QUORUM.—The term “quorum” means one more than half of those qualified Working Group members appointed and eligible to serve.

(b) IN GENERAL.—

(1) The Working Group will propose ecological restoration projects on both Federal and non-Federal lands and waters to be undertaken in the Deschutes River Basin based on a consensus of the Working Group, provided that such projects, when involving Federal land or funds, shall be proposed to the Bureau of Reclamation in the Department of the Interior and any other Federal agency with affected land or funds.

(2) The Working Group will accept donations, grants or other funds and place such funds received into a trust fund, to be expended on ecological restoration projects which, when involving Federal land or funds, are approved by the affected Federal agency.

(3) The Bureau of Reclamation shall pay from funds authorized under subsection (h) of this title up to 50 percent of the cost of performing any project proposed by the Working Group and approved by the Secretary, up to a total amount of \$1,000,000 during each of the fiscal years 1997 through 2001.

(4) Non-Federal contributions to project costs for purposes of computing the Federal matching share under paragraph (3) of this subsection may include in-kind contributions.

(5) Funds authorized in subsection (h) of this section shall be maintained in and distributed by the Bureau of Reclamation in the Department of the Interior. The Bureau of Reclamation shall not expend more than 5 percent of amounts appropriated pursuant to subsection (h) for Federal administration of such appropriations pursuant to this section.

(6) The Bureau of Reclamation is authorized to provide by grant to the Working Group not more than 5 percent of funds appropriated pursuant to subsection (h) of this title for not more than 50 percent of administration costs relating to the implementation of this section.

(7) The Federal agencies with authority and responsibility in the Deschutes River Basin shall provide technical assistance to the Working Group and shall designate representatives to serve as members of the Working Group.

110 STAT. 4228

PUBLIC LAW 104-333—NOV. 12, 1996

(8) All funding recommendations developed by the Working Group shall be based on a consensus of the Working Group members.

(c) PUBLIC NOTICE AND PARTICIPATION.—The Working Group shall conduct all meetings subject to applicable open meeting and public participation laws. The activities of the Working Group and the Federal agencies pursuant to the provisions of this title are exempt from the provisions of title 5, United States Code, Appendix 2, sections 1–15.

(d) PRIORITIES.—The Working Group shall give priority to voluntary market-based economic incentives for ecosystem restoration including, but not limited to, water leases and purchases; land leases and purchases; tradable discharge permits; and acquisition of timber, grazing, and land development rights to implement plans, programs, measures, and projects.

(e) TERMS AND VACANCIES.—Members of the Working Group representing governmental agencies or entities shall be named by the represented government. Members of the Working Group representing private interests shall be named in accordance with the articles of incorporation and bylaws of the Working Group. Representatives from Federal agencies will serve for terms of 3 years. Vacancies which occur for any reason after the date of enactment of this title shall be filled in accordance with this title.

(f) ADDITIONAL PROJECTS.—Where existing authority and appropriations permit, Federal agencies may contribute to the implementation of projects recommended by the Working Group and approved by the Secretary.

(g) RIGHTS, DUTIES AND AUTHORITIES UNAFFECTED.—The Working Group will supplement, rather than replace, existing efforts to manage the natural resources of the Deschutes Basin. Nothing in this title affects any legal right, duty or authority of any person or agency, including any member of the Working Group.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title \$1,000,000 for each of fiscal years 1997 through 2001.

Oregon.

SEC. 1026. BULL RUN PROTECTION.—

(a) AMENDMENTS TO PUBLIC LAW 95-200.—

16 USC 482b
note.

(1) The first sentence of section 2(a) of the Public Law 95-200 is amended by striking “2(b)” and inserting in lieu thereof “2(c)”.

(2) The first sentence of section 2(b) of Public Law 95-200 is amended after “the policy set forth in subsection (a)” by inserting “and (b)”.

(3) Subsections (b), (c), (d), and (e) of section 2 of Public Law 95-200 are redesignated as subsections (c), (d), (e), and (f), respectively.

(4) Section 2 of Public Law 95-200 is amended by inserting after subsection (a) the following new subsection:

“(b) TIMBER CUTTING.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall prohibit the cutting of trees in that part of the unit consisting of the hydrographic boundary of the Bull Run River Drainage, including certain lands within the unit and located below the headworks of the city of Portland, Oregon’s water storage and delivery project, and as depicted

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4229

in a map dated July 22, 1996, and entitled ‘Bull Run River Drainage’.

“(2) PERMITTED CUTTING.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Agriculture shall prohibit the cutting of trees in the area described in subparagraph (1).

“(B) PERMITTED CUTTING.—Subject to subparagraph (C), the Secretary may only allow the cutting of trees in the area described in subparagraph (1)—

“(i) for the protection or enhancement of water quality in the area described in subparagraph (1); or

“(ii) for the protection, enhancement, or maintenance of water quantity available from the area described in subparagraph (1); or

“(iii) for the construction, expansion, protection or maintenance of municipal water supply facilities; or

“(iv) for the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the unit or previously authorized hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities.

“(C) SALVAGE SALES.—The Secretary of Agriculture may not authorize a salvage sale in the area described in subparagraph (1).”.

(b) REPORT TO CONGRESS.—The Secretary of Agriculture shall, in consultation with the city of Portland and other affected parties undertake a study of that part of the Little Sandy Watershed that is within the unit (hereinafter referred to as the “study area”). The study shall determine—

(1) the impact of management activities within the study area on the quality of drinking water provided to the Portland Metropolitan area;

(2) the identity and location of certain ecological features within the study area, including late successional forest characteristics, aquatic and terrestrial wildlife habitat, significant hydrological values, or other outstanding natural features; and

(3) the location and extent of any significant cultural or other values within the study area.

(c) RECOMMENDATIONS.—The study referred to in subsection (b) shall include both legislative and regulatory recommendations to Congress on the future management of the study area. In formulating such recommendations, the Secretary shall consult with the City of Portland and other affected parties.

(d) EXISTING DATA AND PROCESSES.—To the greatest extent possible, the Secretary shall use existing data and processes to carry out the study and report.

(e) SUBMISSION TO CONGRESS.—The study referred to in subsection (b) shall be submitted to the Senate Committees on Energy and Natural Resources and Agriculture and the House Committees on Resources and Agriculture not later than one year from the date of enactment of this section.

(f) MORATORIUM.—The Secretary is prohibited from advertising, offering or awarding any timber sale within the study area for a period of two years after the date of enactment of this section.

110 STAT. 4230

PUBLIC LAW 104-333—NOV. 12, 1996

(g) **WATER RIGHTS.**—Nothing in this section shall in any way affect any State or Federal law governing appropriation, use of or Federal right to water on or flowing through National Forest System lands. Nothing in this section is intended to influence the relative strength of competing claims to the waters of the Little Sandy River. Nothing in this section shall be construed to expand or diminish Federal, State, or local jurisdiction, responsibility, interests, or rights in water resources development or control, including rights in and current uses of water resources in the unit.

(h) **OTHER LANDS IN UNIT.**—Lands within the Bull Run Management Unit, as defined in Public Law 95-200, but not contained within the Bull Run River Drainage, as described in the amendment made by subsection (a)(4) of this section and as depicted on the map dated July 22, 1996, and entitled “Bull Run River Drainage”, shall continue to be managed in accordance with Public Law 95-200.

16 USC 1132
note.

SEC. 1027. OREGON ISLANDS WILDERNESS, ADDITIONS.

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act of 1964, certain lands within the boundaries of the Oregon Islands National Wildlife Refuge, Oregon, comprising approximately 95 acres and as generally depicted on a map entitled “Oregon Island Wilderness Additions—Proposed” dated August 1996, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Fish and Wildlife Service, Department of Interior.

(b) **OTHER AREAS WITHIN REFUGE BOUNDARIES.**—All other federally-owned named, unnamed, surveyed and unsurveyed rocks, reefs, islets and islands lying within three geographic miles off the coast of Oregon and above mean high tide, not currently designated as wilderness and also within the Oregon Islands National Wildlife Refuge boundaries under the administration of the United States Fish and Wildlife Service, Department of Interior, as designated by Executive Order 7035, Proclamation 2416, Public Land Orders 4395, 4475 and 6287, and Public Laws 91-504 and 95-450, are hereby designated as wilderness.

(c) **AREAS UNDER BLM JURISDICTION.**—All federally-owned named, unnamed, surveyed and unsurveyed rocks, reefs, islets and islands lying within three geographic miles off the coast of Oregon and above mean high tide, and presently under the jurisdiction of the Bureau of Land Management, except Chiefs Islands, are hereby designated as wilderness, shall become part of the Oregon Islands National Wildlife Refuge and the Oregon Islands Wilderness and shall be under the jurisdiction of the United States Fish and Wildlife Service, Department of the Interior.

(d) **MAP AND DESCRIPTION.**—As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and such map shall have the same force and effect as if included in this section: *Provided however*, That correcting clerical and typographical errors in the map and land descriptions may be made.

(e) **ORDER 6287.**—Public Land Order 6287 of June 16, 1982, which withdrew certain rocks, reefs, islets, and islands lying within three geographical miles off the coast of Oregon and above mean

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4231

high tide, including the 95 acres described in subsection (a), as an addition to the Oregon Islands National Wildlife Refuge is hereby made permanent.

SEC. 1028. UMPQUA RIVER LAND EXCHANGE STUDY: POLICY AND DIRECTION.

(a) **IN GENERAL.**—The Secretaries of the Interior and Agriculture (Secretaries) are hereby authorized and directed to consult, coordinate and cooperate with the Umpqua Land Exchange Project (ULEP), affected units and agencies of State and local government, and, as appropriate, the World Forestry Center and National Fish and Wildlife Foundation, to assist ULEP's ongoing efforts in studying and analyzing land exchange opportunities in the Umpqua River basin and to provide scientific, technical, research, mapping and other assistance and information to such entities. Such consultation, coordination and cooperation shall at a minimum include, but not be limited to—

(1) working with ULEP to develop or assemble comprehensive scientific and other information (including comprehensive and integrated mapping) concerning the Umpqua River basin's resources of forest, plants, wildlife, fisheries (anadromous and other), recreational opportunities, wetlands, riparian habitat and other physical or natural resources;

(2) working with ULEP to identify general or specific areas within the basin where land exchanges could promote consolidation of forestland ownership for long-term, sustained timber production; protection and restoration of habitat for plants, fish and wildlife (including any federally listed threatened or endangered species); protection of drinking water supplies; recovery of threatened and endangered species; protection and restoration of wetlands, riparian lands and other environmentally sensitive areas; consolidation of land ownership for improved public access and a broad array of recreational uses; and consolidation of land ownership to achieve management efficiency and reduced costs of administration; and

(3) developing a joint report for submission to the Congress which discusses land exchange opportunities in the basin and outlines either a specific land exchange proposal or proposals which may merit consideration by the Secretaries or the Congress, or ideas and recommendations for new authorizations, direction, or changes in existing law or policy to expedite and facilitate the consummation of beneficial land exchanges in the basin via administrative means.

Reports.

(b) **MATTERS FOR SPECIFIC STUDY.**—In analyzing land exchange opportunities with ULEP, the Secretaries shall give priority to assisting ULEP's ongoing efforts in:

(1) studying, identifying, and mapping areas where the consolidation of land ownership via land exchanges could promote the goals of long term species and watershed protection and utilization, including but not limited to the goals of the Endangered Species Act of 1973 more effectively than current land ownership patterns and whether any changes in law or policy applicable to such lands after consummation of an exchange would be advisable or necessary to achieve such goals;

(2) studying, identifying and mapping areas where land exchanges might be utilized to better satisfy the goals of sustainable timber harvest, including studying whether changes

in existing law or policy applicable to such lands after consummation of an exchange would be advisable or necessary to achieve such goals;

(3) identifying issues and studying options and alternatives, including possible changes in existing law or policy, to ensure that combined post-exchange revenues to units of local government from State and local property, severance and other taxes or levies and shared Federal land receipts will approximate pre-exchange revenues;

(4) identifying issues and studying whether possible changes in law, special appraisal instruction, or changes in certain Federal appraisal procedures might be advisable or necessary to facilitate the appraisal of potential exchange lands which may have special characteristics or restrictions affecting land values;

(5) identifying issues and studying options and alternatives, including changes in existing laws or policy, for achieving land exchanges without reducing the net supply of timber available to small businesses;

(6) identifying, mapping, and recommending potential changes in land use plans, land classifications, or other actions which might be advisable or necessary to expedite, facilitate or consummate land exchanges in certain areas;

(7) analyzing potential sources for new or enhanced Federal, State, or other funding to promote improved resource protection, species recovery, and management in the basin; and

(8) identifying and analyzing whether increased efficiency and better land and resource management could occur through either consolidation of Federal forest management under one agency or exchange of lands between the Forest Service and Bureau of Land Management.

(c) REPORT TO CONGRESS.—No later than February 1, 1998, ULEP and the Secretaries shall submit a joint report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate concerning their studies, findings, recommendations, mapping and other activities conducted pursuant to this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—In furtherance of the purposes of this section, there is hereby authorized to be appropriated the sum of \$2,000,000, to remain available until expended.

Massachusetts.
16 USC 460kkk.

SEC. 1029. BOSTON HARBOR ISLANDS RECREATION AREA.

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

(1) to preserve for public use and enjoyment the lands and waters that comprise the Boston Harbor Islands National Recreation Area;

(2) to manage the recreation area in partnership with the private sector, the Commonwealth of Massachusetts, municipalities surrounding Massachusetts and Cape Cod Bays, the Thompson Island Outward Bound Education Center, and Trustees of Reservations, and with historical, business, cultural, civic, recreational and tourism organizations;

(3) to improve access to the Boston Harbor Islands through the use of public water transportation; and

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4233

(4) to provide education and visitor information programs to increase public understanding of and appreciation for the natural and cultural resources of the Boston Harbor Islands, including the history of Native American use and involvement.

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

(1) the term recreation area means the Boston Harbor Islands National Recreation Area established by subsection (c); and

(2) the term “Secretary” means the Secretary of the Interior.

(c) BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.—

(1) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national recreation area certain lands located in Massachusetts Bay, there is established as a unit of the National Park System the Boston Harbor Islands National Recreation Area.

(2) BOUNDARIES.—(A) The recreation area shall be comprised of the lands, waters, and submerged lands generally depicted on the map entitled “Proposed Boston Harbor Islands NRA”, numbered BOHA 80,002, and dated September 1996. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. After advising the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(B) The recreation area shall include the following:

(i) The areas depicted on the map reference in subparagraph (A).

(ii) Landside points required for access, visitor services, and administration in the city of Boston along its Harborwalk and at Long Wharf, Fan Pier, John F. Kennedy Library, and the Custom House; Charlestown Navy Yard; Old Northern Avenue Bridge; the city of Quincy at Squantum Point/Marina Bay, the Fore River Shipyard, and Town River; the Town of Hingham at Hewitt’s Cove; the Town of Hull; the city of Salem at Salem National Historic Site; and the city of Lynn at the Heritage State Park.

(d) ADMINISTRATION OF RECREATION AREA.—

(1) IN GENERAL.—The recreation area shall be administered in partnership by the Secretary, the Commonwealth of Massachusetts, City of Boston and its applicable subdivisions and others in accordance 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, 2, 3, and 4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467) as amended and supplemented and in accordance with the integrated management plan specified in subsection (f).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section shall be construed to diminish, enlarge, or modify any right of the Commonwealth of Massachusetts or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State laws, rules, and regulations within the

recreation area, including those relating to fish and wildlife, or to tax persons, corporations, franchises, or private property on the lands and waters included in the recreation area.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with the Commonwealth of Massachusetts or its political subdivisions to acquire from and provide to the Commonwealth or its political subdivisions goods and services to be used in the cooperative management of lands within the recreation area, if the Secretary determines that appropriations for that purpose are available and the agreement is in the best interest of the United States.

(4) CONSTRUCTION OF FACILITIES ON NON-FEDERAL LANDS.—In order to facilitate the administration of the recreation area, the Secretary is authorized, subject to the appropriation of necessary funds in advance, to construct essential administrative or visitor use facilities on non-Federal public lands within the recreation area. Such facilities and the use thereof shall be in conformance with applicable plans.

(5) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept and use donated funds, property, and services to carry out this section.

(6) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.—With respect to the recreation area, the present and future maintenance, operation, improvement and use of Boston-Logan International Airport and associated flight patterns from time to time in effect shall not be deemed to constitute the use of publicly owned land of a public park, recreation area, or other resource within the meaning of section 303(c) of title 49, United States Code, and shall not be deemed to have a significant effect on natural, scenic, and recreation assets within the meaning of section 47101(h)(2) of title 49, United States Code.

(7) MANAGEMENT IN ACCORDANCE WITH INTEGRATED MANAGEMENT PLAN.—The Secretary shall preserve, interpret, manage, and provide educational and recreational uses for the recreation area, in consultation with the owners and managers of lands in the recreation area, in accordance with the integrated management plan.

(e) BOSTON HARBOR ISLANDS PARTNERSHIP ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is hereby established the Boston Harbor Islands Partnership whose purpose shall be to coordinate the activities of Federal, State, and local authorities and the private sector in the development and implementation of an integrated resource management plan for the recreation area.

(2) MEMBERSHIP.—The Partnership shall be composed of 13 members, as follows:

(A) One individual, appointed by the Secretary, to represent the National Park Service.

(B) One individual, appointed by the Secretary of Transportation, to represent the United States Coast Guard.

(C) Two individuals, appointed by the Secretary, after consideration of recommendations by the Governor of Massachusetts, to represent the Department of Environmental Management and the Metropolitan District Commission.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4235

(D) One individual, appointed by the Secretary, after consideration of recommendations by the Chair, to represent the Massachusetts Port Authority.

(E) One individual, appointed by the Secretary, after consideration of recommendations by the Chair, to represent the Massachusetts Water Resources Authority.

(F) One individual, appointed by the Secretary, after consideration of recommendations by the Mayor of Boston, to represent the Office of Environmental Services of the City of Boston.

(G) One individual, appointed by the Secretary, after consideration of recommendations by the Chair, to represent the Boston Redevelopment Authority.

(H) One individual, appointed by the Secretary, after consideration of recommendations of the President of the Thompson Island Outward Bound Education Center, to represent the Center.

(I) One individual, appointed by the Secretary, after consideration of recommendations of the Chair, to represent the Trustees of Reservations.

(J) One individual, appointed by the Secretary, after consideration of recommendations of the President of the Island Alliance, to represent the Alliance, a nonprofit organization whose sole purpose is to provide financial support for the Boston Harbor Islands National Recreation Area.

(K) Two individuals, appointed by the Secretary, to represent the Boston Harbor Islands Advisory Council, established in subsection (g).

(3) TERMS OF OFFICE; REAPPOINTMENT.—(A) Members of the Partnership shall serve for terms of three years. Any member may be reappointed for one additional 3-year term.

(B) The Secretary shall appoint the first members of the Partnership within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsections (b) (3), (4), (5), (6), (7), (8), (9), and (10).

(C) A member may serve after the expiration of his or her term until a successor has been appointed.

(4) COMPENSATION.—Members of the Partnership shall serve without pay, but while away from their homes or regular places of business in the performance of services for the Partnership, members 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.

(5) ELECTION OF OFFICERS.—The Partnership shall elect one of its members as Chairperson and one as Vice Chairperson. The term of office of the Chairperson and Vice Chairperson shall be one year. The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(6) VACANCY.—Any vacancy on the Partnership shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—The Partnership shall meet at the call of the Chairperson or a majority of its members.

110 STAT. 4236

PUBLIC LAW 104-333—NOV. 12, 1996

(8) QUORUM.—A majority of the Partnership shall constitute a quorum.

(9) STAFF OF THE PARTNERSHIP.—The Secretary shall provide the Partnership with such staff and technical assistance as the Secretary, after consultation with the Partnership, considers appropriate to enable the Partnership to carry out its duties. The Secretary may accept the services of personnel detailed from the Commonwealth of Massachusetts, any political subdivision of the Commonwealth or any entity represented on the Partnership.

(10) HEARINGS.—The Partnership may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership may deem appropriate.

(11) DONATIONS.—Notwithstanding any other provision of law, the Partnership may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out this section.

(12) USE OF FUNDS TO OBTAIN MONEY.—The Partnership 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.

(13) MAILS.—The Partnership may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(14) OBTAINING PROPERTY.—The Partnership 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 Partnership may not acquire any real property or interest in real property.

(15) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan described in subsection (f), the Partnership may enter into cooperative agreements with the Commonwealth of Massachusetts, any political subdivision thereof, or with any organization or person.

(f) INTEGRATED RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three years after the date of enactment of this Act, the Partnership shall submit to the Secretary a management plan for the recreation area to be developed and implemented by the Partnership.

(2) CONTENTS OF PLAN.—The plan shall include (but not be limited to) each of the following:

(A) A program providing for coordinated administration of the recreation area with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, and local levels, and nonprofit organizations, including each of the following:

(i) A plan to finance and support the public improvements and services recommended in the plan, including allocation of non-Federal matching requirements set forth in subsection (h)(2) and a delineation of profit sector roles and responsibilities.

(ii) A program for the coordination and consolidation, to the extent feasible, of activities that may be carried out by Federal, State, and local agencies having jurisdiction over land and waters within the recreation

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4237

area, including planning and regulatory responsibilities.

(B) Policies and programs for the following purposes:

(i) Enhancing public outdoor recreational opportunities in the recreation area.

(ii) Conserving, protecting, and maintaining the scenic, historical, cultural, natural and scientific values of the islands.

(iii) Developing educational opportunities in the recreation area.

(iv) Enhancing public access to the Islands, including development of transportation networks.

(v) Identifying potential sources of revenue from programs or activities carried out within the recreation area.

(vi) Protecting and preserving Native American burial grounds connected with the King Philip's War internment period and other periods.

(C) A policy statement that recognizes existing economic activities within the recreation area.

(3) DEVELOPMENT OF PLAN.—In developing the plan, the Partnership shall—

(A) 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 recreation area;

(B) consult with interested conservation, business, professional, and citizen organizations; and

(C) conduct public hearings or meetings for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the plan.

(4) APPROVAL OF PLAN.—(A) The Partnership shall submit the plan to the Governor of Massachusetts for review. The Governor shall have 90 days to review and make any recommendations. After considering the Governor's recommendations, the Partnership shall submit the plan to the Secretary, who shall approve or disapprove the plan within 90 days. In reviewing the plan the Secretary shall consider each of the following:

(i) The adequacy of public participation.

(ii) Assurances of plan implementation from State and local officials.

(iii) The adequacy of regulatory and financial tools that are in place to implement the plan.

(B) If the Secretary disapproves the plan, the Secretary shall within 60 days after the date of such disapproval, advise the Partnership in writing of the reasons therefore, together with recommendations for revision. Within 90 days of receipt of such notice of disapproval, the Partnership shall revise and resubmit the plan to the Secretary who shall approve or disapprove the revision within 60 days.

(5) INTERIM PROGRAM.—Prior to adoption of the Partnership's plan, the Secretary and the Partnership shall assist the owners and managers of lands and waters within the recreation area to ensure that existing programs, services, and

activities that promote the purposes of this section are supported.

(g) BOSTON HARBOR ISLANDS ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Park Service, shall establish an advisory committee to be known as the Boston Harbor Islands Advisory Council. The purpose of the Advisory Council shall be to represent various groups with interests in the recreation area and make recommendations to the Boston Harbor Islands Partnership on issues related to the development and implementation of the integrated resource management plan developed under subsection (f). The Advisory Council is encouraged to establish committees relating to specific recreation area management issues, including (but not limited to) education, tourism, transportation, natural resources, cultural and historic resources, and revenue raising activities. Participation on any such committee shall not be limited to members of the Advisory Council.

(2) MEMBERSHIP.—The Advisory Council shall consist of not fewer than 18 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service. The Secretary shall appoint no fewer than three individuals to represent each of the following categories of entities: municipalities; educational and cultural institutions; environmental organizations; business and commercial entities, including those related to transportation, tourism and the maritime industry; and Boston Harbor-related advocacy organizations; and organizations representing Native American interests.

(3) PROCEDURES.—Each meeting of the Advisory Council and its committees shall be open to the public.

(4) FACA.—The provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), are hereby waived with respect to the Advisory Council.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section, provided that no funds may be appropriated for land acquisition.

(2) MATCHING REQUIREMENT.—Amounts appropriated in any fiscal year to carry out this section may only be expended on a matching basis in a ratio of at least three non-Federal dollars to every Federal dollar. The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

Mississippi.

SEC. 1030. NATCHEZ NATIONAL HISTORICAL PARK.

16 USC 4100o-2.

Section 3 of the Act of October 8, 1988, entitled “An Act to create a national park at Natchez, Mississippi” (16 U.S.C. 4100o et seq.), is amended—

(1) by inserting “(a) IN GENERAL.—” after “SEC. 3.”; and

(2) by adding at the end the following:

“(b) BUILDING FOR JOINT USE BY THE SECRETARY AND THE CITY OF NATCHEZ.—

“(1) CONTRIBUTION TOWARD CONSTRUCTION.—The Secretary may enter into an agreement with the City of Natchez under which the Secretary agrees to pay not to exceed \$3,000,000 toward the planning and construction by the City of Natchez

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4239

of a structure to be partially used by the Secretary as an administrative headquarters, administrative site, and visitors' center for Natchez National Historical Park.

“(2) USE FOR SATISFACTION OF MATCHING REQUIREMENTS.—The amount of payment under paragraph (1) may be available for matching Federal grants authorized under other law notwithstanding any limitations in any such law.

“(3) AGREEMENT.—Prior to the execution of an agreement under paragraph (1), and subject to the appropriation of necessary funds in advance, the Secretary may enter into a contract, lease, cooperative agreement, or other appropriate form of agreement with the City of Natchez providing for the use and occupancy of a portion of the structure constructed under paragraph (1) (including appropriate use of the land on which it is situated), at no cost to the Secretary (except maintenance, utility, and other operational costs), for a period of 50 years, with an option for renewal by the Secretary for an additional 50 years.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 to carry out this subsection.”.

SEC. 1031. SUBSTITUTION OF TIMBER FOR CANCELED TIMBER SALE.

California.

(a) IN GENERAL.—Notwithstanding the provisions of the Act of July 31, 1947 (30 U.S.C. 601 et seq.), and the requirements of section 5402.0-6 of title 43, Code of Federal Regulations, the Secretary of the Interior, acting through the Bureau of Land Management, is authorized to substitute, without competition, a contract for timber identified for harvest located on public lands administered by the Bureau of Land Management in the State of California of comparable value for the following terminated timber contract: Elkhorn Ridge Timber Sale, Contract No. CA-050-TS-88-01.

(b) DISCLAIMER.—Nothing in this section shall be construed as changing any law or policy of the Federal Government beyond the timber sale substitution specified in this section.

SEC. 1032. RURAL ELECTRIC AND TELEPHONE FACILITIES.

(a) IN GENERAL.—Section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)) is amended by striking “financed pursuant to the Rural Electrification Act of 1936, as amended,” in the last sentence and inserting “eligible for financing pursuant to the Rural Electrification Act of 1936, as amended, determined without regard to any application requirement under that Act.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to rights-of-way leases held on or after the date of enactment of this Act.

Applicability.
43 USC 1764
note.

SEC. 1033. FEDERAL BOROUGH RECOGNITION.

(a) Section 6901(2) of title 31, United States Code, is amended to read as follows:

“(2)(A) ‘unit of general local government’ means—

“(i) a county (or parish), township, borough, or city where the city is independent of any other unit of general local government, that—

“(I) is within the class or classes of such political subdivision in a State that the Secretary of the Interior,

110 STAT. 4240

PUBLIC LAW 104-333—NOV. 12, 1996

in his discretion, determines to be the principal provider or providers of governmental services within the State; and

“(II) is a unit of general government, as determined by the Secretary of the Interior on the basis of the same principles as were used by the Secretary of Commerce on January 1, 1983, for general statistical purposes;

“(ii) any area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decennial census, but that is not included within the boundary of a governmental entity described under clause (i);

“(iii) the District of Columbia;

“(iv) the Commonwealth of Puerto Rico;

“(v) Guam; and

“(vi) the Virgin Islands.

“(B) the term ‘governmental services’ includes, but is not limited to, those services that relate to public safety, the environment, housing, social services, transportation, and governmental administration.”.

(b) PAYMENT IN LIEU OF TAXES.—Section 6902(a) of title 31, United States Code, is amended to read as follows:

“(a)(1) Except as provided in paragraph (2), the Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located as set forth in this chapter. A unit of general local government may use the payment for any governmental purpose.

Alaska.

“(2) For each unit of general local government described in section 6901(2)(A)(ii), the Secretary of the Interior shall make a payment for each fiscal year to the State of Alaska for entitlement land located within such unit as set forth in this chapter. The State of Alaska shall distribute such payment to home rule cities and general law cities (as such cities are defined by the State) located within the boundaries of the unit of general local government for which the payment was received. Such cities may use monies received under this paragraph for any governmental purpose.”.

SEC. 1034. EXTENSION OF STATUTE OF LIMITATIONS.

Notwithstanding any other provision of law, any of the Alaska Native Village Corporations of Tyonek Native Corporation, Ninilchik Native Association, Inc., Knikatu Inc., Seldovia Native Association, Inc., Chikaloon Moose Creek Native Association, Inc., and the Alaska Native Regional Corporation, Cook Inlet Region, Inc. may commence litigation at any time within 12 months of enactment of this Act in Federal District Court for Alaska to challenge any determination by the Department of the Interior that such native corporations will not receive conveyance of lands described in “Appendix C” of the Deficiency Agreement dated August 31, 1976.

SEC. 1035. REGULATIONS OF FISHING IN CERTAIN WATERS OF ALASKA.

(a) IN GENERAL.—Local residents who are descendants of Katmai residents who lived in the Naknek Lake and River Drainage shall be permitted, subject to reasonable regulations established by the Secretary of the Interior, to continue their traditional fishery for red fish within Katmai National Park (the national park and

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4241

national preserve redesignated, established, and expanded under section 202(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh-1)).

(b) **RED FISH DEFINED.**—For the purposes of subsection (a), the term “red fish” means spawned-out sockeye salmon that has no significant commercial value.

(c) **TITLE.**—No provision of this section shall be construed to invalidate or validate or in any other way affect any claim by the State of Alaska to title to any or all submerged lands, nor shall any actions taken pursuant to or in accordance with this Act operate under any provision or principle of the law to bar the State of Alaska from asserting at any time its claim of title to any or all of the submerged lands.

(d) **JURISDICTION.**—Nothing in this section nor in any actions taken pursuant to this section shall be construed as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in management, regulation, or control over waters of the State of Alaska or submerged lands under any provision of Federal or State law.

SEC. 1036. CREDIT FOR RECONVEYANCE.

Within 24 months after the date of the enactment of this Act, the Cape Fox Corporation may transfer all or part of its right, title, and interest in and to the approximately 320-acre parcel that includes Beaver Falls Hydroelectric power-house site to the United States as part of an equal value exchange.

SEC. 1037. RADIO SITE REPORT.

The Secretary of Agriculture (1) shall have a period of 180 days from the date of enactment of this Act to review management of Inspiration Point, San Bernadino National Forest, make determination whether the continued presence of the KATY-FM antenna on the site is in the public interest, and report the determination with the reasons therefor to the Committee on Energy and Natural Resources, United States Senate, and the Committee on Resources, House of Representatives, and (2) shall take no action within such period which causes or results in, directly or indirectly, the removal of the antenna from the site.

TITLE XI—CALIFORNIA BAY DELTA ENVIRONMENTAL ENHANCEMENT

SEC. 1101. PROGRAM FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—For each of the fiscal years 1998, 1999, and 2000, there are authorized to be appropriated an additional \$143,300,000 for both—

(1) the initial Federal share of the cost of developing and implementing that portion of an ecosystem protection plan for the Bay-Delta, referred to as “the Category III program” emanating out of the document entitled “Principles for Agreement on Bay-Delta Standards between the State of California and the Federal Government”, dated December 15, 1994, and

(2) the initial Federal share of the cost of developing and implementing the ecosystem restoration elements of the long-term CALFED Bay-Delta Program, pursuant to the cost sharing agreement required by section 78684.10 of California Senate Bill 900, Chapter 135, Statutes of 1996,

signed by the Governor of California on July 11, 1996.

Funds appropriated pursuant to this section shall remain available until expended and shall be administered in accordance with procedures established by CALFED Bay-Delta Program until Congress authorizes another entity that is recommended by CALFED Bay-Delta Program to carry out this section.

(b) TREATMENT OF FUNDS.—Funds authorized to be appropriated pursuant to this section to those agencies that are currently or subsequently become participants in the CALFED Bay-Delta Program shall be in addition to the baseline funding levels established pursuant to subsection (e), for currently authorized projects and programs under the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575) and other currently authorized Federal programs for the purpose of Bay-Delta ecosystem protection and restoration.

(c) LONG-TERM SOLUTION.—Nothing in this section shall be deemed to diminish the Federal interest in and responsibility for working with the State of California through the CALFED Bay-Delta Program in developing, funding, and implementing a balanced, long-term solution to the problems of ecosystem quality, water quality, water supply and reliability, and system vulnerability affecting the San Francisco Bay/Sacramento-San Joaquin Delta Watershed in California. Participation in such long-term solution shall only be undertaken pursuant to authorization provided by law other than this section, and shall be based on the equitable allocation of program costs among beneficiary groups that the CALFED Bay-Delta programs shall develop.

(d) ACTIVITIES.—To the extent not otherwise authorized, those agencies and departments that are currently or subsequently become participants in the CALFED Bay-Delta Program are hereby authorized to undertake the activities and programs for which Federal cost sharing is provided by this section. The United States shall immediately initiate coordinated consultations and negotiations with the State of California to expeditiously execute the cost-sharing agreement required by section 78684.10 of California Senate Bill 900, Chapter 135, Statutes of 1996, signed by the Governor of California on July 11, 1996. Such activities shall include, but not be limited to, planning, design, technical assistance, and construction for ecosystem restoration programs and projects.

(e) BUDGET CROSSCUT.—The Office of Management and Budget is directed to submit to the House and Senate Committees on Appropriations, as part of the President's Fiscal Year 1998 Budget, an interagency budget crosscut that displays Federal spending for fiscal years 1993 through 1998 on ecosystem restoration and other purposes in the Bay-Delta region, separately showing funding provided previously or requested under both pre-existing authorities and new authorities granted by this section.

(f) EFFECTIVE DATE.—Subsections (a) through (d) of this section shall take effect on the date of passage of California State Proposition 204.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4243

DIVISION II**TITLE I—NATIONAL COAL HERITAGE
AREA**

National Coal
Heritage Area
Act of 1996.
West Virginia.
16 USC 461 note.

SEC. 101. SHORT TITLE.

This title may be cited as the “National Coal Heritage Area Act of 1996”.

SEC. 102. FINDINGS.

(a) FINDINGS.—The Congress finds as follows:

(1) Certain events that led to the development of southern West Virginia’s coalfields during the latter part of the 19th Century and the early part of the current century are of national historic and cultural significance in terms of their contribution to the industrialization of the United States, the organization of workers into trade unions, and the unique culture of the Appalachian Region.

(2) It is in the national interest to preserve and protect physical remnants of this era for the education and benefit of present and future generations.

(3) There is a need to provide assistance for the preservation and promotion of those vestiges of southern West Virginia’s coal heritage which have outstanding cultural, historic, and architectural value.

SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain lands and structures with unique and significant historic and cultural value associated with the coal mining heritage of the State of West Virginia and the Nation, there is hereby established the National Coal Heritage Area (hereafter in this title referred to as the “Area”).

(b) BOUNDARIES.—The Area shall be comprised of the counties in the State of West Virginia that are the subject of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia” conducted pursuant to title VI of Public Law 100-699.

(c) ADMINISTRATION.—The Area shall be administered in accordance with this title.

SEC. 104. CONTRACTUAL AGREEMENT.

The Secretary of the Interior (hereafter in this title referred to as the “Secretary”) is authorized to enter into a contractual agreement with the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, pursuant to which the Secretary shall assist the State of West Virginia, its units of local government, and nonprofit organizations in each of the following:

(1) The development and implementation of integrated cultural, historical, and land resource management policies and programs in order to retain, enhance, and interpret the significant values of the lands, water, and structures of the Area.

(2) The preservation, restoration, maintenance, operation, interpretation, and promotion of buildings, structures, facilities,

110 STAT. 4244

PUBLIC LAW 104-333—NOV. 12, 1996

sites, and points of interest for public use that possess cultural, historical, and architectural values associated with the coal mining heritage of the Area.

(3) The coordination of activities by Federal, State, and local governments and private businesses and organizations in order to further historic preservation and compatible economic revitalization.

(4) The development of guidelines and standards for projects, consistent with standards established by the National Park Service, for the preservation and restoration of historic properties, including interpretative methods, that will further history preservation in the region.

SEC. 105. ELIGIBLE RESOURCES.

The resources eligible for the assistance under paragraphs (2) and (5) of section 104 shall include those set forth in appendix D of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia”, conducted pursuant to title VI of Public Law 100-699. Priority consideration shall be given to those sites listed as “Conservation Priorities” and “Important Historic Resources” as depicted on the map entitled “Study Area: Historic Resources” in such study.

SEC. 106. COAL HERITAGE MANAGEMENT PLAN.

(a) IN GENERAL.—Pursuant to the contractual agreement referred to in section 104, within three years after the date of enactment of this title, the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, shall submit to the Secretary a Coal Heritage Management Plan for the Area. The plan shall at a minimum—

(1) set forth the integrated cultural, historical, and land resource management policies and programs referred to in section 104;

(2) describe the guidelines and standards for projects referred to in section 104; and

(3) set forth the responsibilities of the State of West Virginia, units of local government, nonprofit entities, or Secretary to administer any properties acquired pursuant to section 104.

(b) PLAN APPROVAL.—The Secretary shall approve the plan submitted under subsection (a) unless he determines that it would meet the objectives of this title.

SEC. 107. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4245

TITLE II—TENNESSEE CIVIL WAR HERITAGE AREA

16 USC 461 note.

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there are situated in the State of Tennessee the sites of several key Civil War battles, campaigns, and engagements;

(2) certain sites, battlefields, structures, and areas in Tennessee are collectively of national significance in the history of the Civil War;

(3) the Civil War Sites Advisory Commission, established by Congress in 1991, identified 38 sites in Tennessee as significant;

(4) the preservation and interpretation of these sites will make an important contribution to the understanding of the heritage of the United States;

(5) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(6) partnerships between Federal, State, and local governments and their regional entities, and the private sector, offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites located in Tennessee.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, conserve, and interpret the legacy of the Civil War in Tennessee;

(2) to recognize and interpret important events and geographic locations representing key Civil War battles, campaigns, and engagements in Tennessee;

(3) to recognize and interpret the effect of the Civil War on the civilian population of Tennessee during the war and postwar reconstruction period; and

(4) to create partnerships among Federal, State, and local governments and their regional entities, and the private sector to preserve, conserve, enhance, and interpret the battlefields and associated sites associated with the Civil War in Tennessee.

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) The term “national heritage area” means the Tennessee Civil War Heritage Area as designated pursuant to section 203.

(2) The term “Secretary” means the Secretary of the Interior.

(3) The term “compact” means the compact approved under section 204.

(4) The term “management plan” means the management plan submitted under section 205.

SEC. 203. TENNESSEE CIVIL WAR HERITAGE AREA.

(a) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Tennessee Civil War Heritage Area has been approved by the Secretary in accordance with this title, there is hereby designated the Tennessee Civil War Heritage Area.

Federal Register,
publication.

(b) BOUNDARIES.—The Tennessee Civil War Heritage Area shall be comprised of areas of the State of Tennessee depicted on the map entitled “Tennessee Civil War Heritage Area”. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADMINISTRATION.—The national heritage area shall be administrated in accordance with the compact and the management plan.

SEC. 204. COMPACT.

(a) COMPACT.—The compact referred to in section 203(a) shall include information relating to the objectives and management of the area proposed for designation as the national heritage area. Such information shall include (but not be limited to) each of the following:

(1) A delineation of the boundaries of the proposed national heritage area.

(2) A discussion of the goals and objectives of the proposed national heritage area, including an explanation of the approach proposed by the partners referred to in paragraph (4), to conservation and interpretation of resources.

(3) An identification and description of the management entity that will administer the proposed national heritage area.

(4) A list of the initial partners to be involved in developing and implementing the management plan for the proposed national heritage area, and a statement of the financial commitment of the partners.

(5) A description of the role of the State of Tennessee.

(b) PREPARATION OF AND ACTIONS CALLED FOR IN COMPACT.—The compact shall be prepared with public participation. Actions called for in the compact shall be likely to be initiated within a reasonable time after designation of the proposed national heritage area and shall ensure effective implementation of the State and local aspects of the compact.

(c) APPROVAL AND DISAPPROVAL OF COMPACTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of Tennessee, shall approve or disapprove the proposed compact not later than 90 days after receiving such compact.

(2) PROCEDURES IF DISAPPROVED.—If the Secretary disapproves a proposed compact, the Secretary shall advise, in writing, of the reasons for the disapproval and shall make recommendations for revisions of the proposed compact. The Secretary shall approve or disapprove a proposed revision to such a compact within 90 days after the date on which the revision is submitted to the Secretary.

SEC. 205. MANAGEMENT.

(a) MANAGEMENT PLANS.—A management plan submitted under this title for the national heritage area shall present comprehensive recommendations for the conservation, funding, management, and development of the area. The management plan shall—

(1) be prepared with public participation;

(2) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the area;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4247

(3) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the area;

(4) specify existing and potential sources of funding for the conservation, management, and development of the area; and

(5) include the following, as appropriate:

(A) An inventory of the resources contained in the national heritage area, including a list of property in the area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the area.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and the recreational opportunities of the area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity specified in the compact for the area and specific commitments, for the first 5 years of operation of the plan, by the partners identified in the compact.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the national heritage area.

(b) MANAGEMENT ENTITIES.—The management entity for the national heritage area shall do each of the following:

(1) Develop and submit to the Secretary a management plan not later than three years after the date of the designation of the area as a national heritage area.

(2) Give priority to the implementation of actions, goals, and policies set forth in the compact and management plan for the area, including—

(A) assisting units of government, regional planning organizations, and nonprofit organizations—

(i) in conserving the national heritage area;

(ii) in establishing and maintaining interpretive exhibits in the area;

(iii) in developing recreational opportunities in the area;

(iv) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the area;

(v) in the restoration of historic buildings that are located within the boundaries of the area and relate to the themes of the area; and

(vi) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the area; and

110 STAT. 4248

PUBLIC LAW 104-333—NOV. 12, 1996

(B) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(3) In developing and implementing the management plan for the area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

Public
information.

(4) Conduct public meetings at least quarterly regarding the implementation of the management plan for the area.

(c) **CLEARING HOUSE.**—The Congress recognizes the Center for Historic Preservation at Middle Tennessee State University as the clearing house for the Tennessee Civil War Heritage Area.

SEC. 206. DUTIES AND AUTHORITIES OF SECRETARY.

The Secretary—

(1) may provide technical assistance and grants to units of government and private nonprofit organizations regarding the compact and, upon request of the management entity for the national heritage area, regarding the management plan and its implementation;

(2) may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or grants to enact or modify land use restrictions; and

(3) may not make limitations on fishing, hunting, or trapping a condition for the approval of the compact or the determination of eligibility for technical assistance or grants under this section.

SEC. 207. SAVINGS PROVISIONS.

(a) **LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.**—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provide for by law or regulation.

(b) **LACK OF ZONING OR LAND USE POWERS OF ENTITY.**—Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for the national heritage area.

(c) **FISH AND WILDLIFE.**—The designation of the national heritage area shall not diminish the authority of the State of Tennessee to manage fish and wildlife, including the regulation of fishing and hunting within such area.

SEC. 208. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the national heritage area under this title.

(b) **50 PERCENT MATCH.**—Federal funding provided under this title, after the designation of the national heritage area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4249

TITLE III—AUGUSTA CANAL NATIONAL HERITAGE AREA

Georgia.
16 USC 461 note.

SEC. 301. FINDINGS.

The Congress finds that—

(1) the Augusta Canal National Landmark in the State of Georgia, listed on the National Historic Register of Historic Places, and designated by the Governor of Georgia as one of four regionally important resources in the State, is one of the last unspoiled areas in the State of Georgia;

(2) the Augusta Canal National Historic Landmark possesses excellent water quality, beautiful rural and historic cultural landscapes, architecturally significant mill structures and mill villages, and large acreages of parks and permanent open space;

(3) three national historic districts, the Harrisburg, Laney Walker, and Greene Street districts, and two national historic landmarks, Stallings Island, located in the Savannah River, and Meadow Garden, are connected by the Augusta Canal Area;

(4) the beautiful rural landscapes and historic cultural landscapes, scenic vistas and excellent water quality of the Augusta Canal contain significant undeveloped recreational opportunities for people throughout the United States;

(5) the Augusta Canal and related mill sites, structures, and associated neighborhoods are representatives of the development of the cotton textile industry and associated agriculture and trade in the South;

(6) the transformation of the agrarian economy of the area into an early industrial economy was precipitated by the development and use of the Augusta Canal;

(7) several significant sites associated with the American Revolution, the Civil War, Native Americans, Colonial Americans, African Americans, Chinese Americans, and Irish Americans are located within the Augusta Canal area;

(8) despite the efforts by the State of Georgia, political subdivisions of the State, volunteer organizations, and private businesses, the cultural, historical, natural, and recreational resources of the area have not realized full potential and may be lost without assistance from the Federal Government;

(9) the Secretary of the Interior considers this landmark to be threatened and has designated it a priority for protection;

(10) many local, regional, and State agencies, businesses, and private citizens have expressed an overwhelming desire to combine forces to work cooperatively to preserve and enhance the resources of the Augusta Canal National Historic Landmark and better plan for its future; and

(11) the Augusta Canal Authority, a public body established under the law of the State of Georgia, would be an appropriate management entity for a National Heritage Area established in the area of the Augusta Canal.

SEC. 302. PURPOSE.

It is the purpose of this title to provide a cooperative management framework to assist the State of Georgia, its units of local government, and area citizens in retaining, enhancing, and interpreting the significant features of the lands, water, and struc-

110 STAT. 4250

PUBLIC LAW 104-333—NOV. 12, 1996

tures of the Augusta Canal, in a manner that is consistent with positive economic impact and development for the benefit and inspiration of present and future generations in the State of Georgia and the United States.

SEC. 303. DESIGNATION OF AUGUSTA CANAL NATIONAL HERITAGE AREA.

(a) DESIGNATION.—There is hereby designated in the State of Georgia the Augusta Canal National Heritage Area (referred to in this title as the “Heritage Area”).

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall include the land generally depicted on the map entitled “The Augusta Canal”, numbered AUCA-80,000, and dated August 1994, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, D.C.

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior (referred to in this title as the “Secretary”) shall prepare and place on file with the map described in paragraph (1) a legal description of the boundaries of the Heritage Area.

SEC. 304. MANAGEMENT.

The Secretary, acting through the Director of the National Park Service, shall enter into a cooperative agreement with the Augusta Canal Authority, a public body established under the law of the State of Georgia, providing for the management of the Heritage Area by the Augusta Canal Authority under terms and conditions stated in the cooperative agreement. The Secretary shall consult with the Augusta Canal Authority before carrying out any management authority with respect to the Heritage Area which is not provided for by the cooperative agreement.

SEC. 305. MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—Not later than three years after the date of enactment of this title, the Augusta Canal Authority shall prepare and submit to the Secretary for review and approval a plan for the management and administration of the Heritage Area.

(b) CONTENTS.—The plan shall be based on Federal, State, and local plans in existence on the date of enactment of this title, including the Augusta Canal Master Plan. The Augusta Canal Authority shall coordinate and combine such plans and present an integrated and cooperative approach for the protection, enhancement, and interpretation of the cultural, natural, scenic, and recreational resources of the Heritage Area.

(c) ASSISTANCE.—The Secretary may provide technical and financial assistance in the preparation of the management plan.

(d) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after receipt of the plan submitted under subsection (a), the Secretary shall approve or disapprove the plan.

(2) CRITERIA.—In determining whether to approve a plan, the Secretary shall consider—

(A) whether the plan has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments within the area;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4251

(B) whether the plan is consistent with and complements continued economic activity in the area;

(C) whether the plan has a high potential for effective partnership mechanisms;

(D) whether the plan improperly infringes on private property rights; and

(E) whether the plan will take appropriate action to ensure private property rights are observed.

(3) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the proposed management plan, the Secretary shall notify the Augusta Canal Authority of the disapproval in writing. Notification.

(B) CONTENTS.—A notification under subparagraph (A) shall include—

- (i) the reasons for the disapproval; and
- (ii) recommendations for revision.

(C) REVISED PLAN.—The Augusta Canal Authority shall revise and resubmit the management plan to the Secretary for approval. Not later than 180 days after receipt of the revised plan, the Secretary shall approve or disapprove the plan as provided in paragraph (2). The Augusta Canal Authority shall revise and submit the management plan until the management plan is approved by the Secretary.

(e) IMPLEMENTATION.—

(1) IN GENERAL.—Upon approval of the management plan as provided in subsection (d), the Secretary, in conjunction with the Augusta Canal Authority, shall take appropriate steps to implement the management plan.

(2) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the State of Georgia, political subdivisions of the State, the Augusta Canal Authority, or any organization or individual to implement the management plan.

(f) ECONOMIC DEVELOPMENT.—It is the sense of Congress that the Augusta Canal Authority, the State of Georgia, the City of Augusta, and other political subdivisions of the State of Georgia should encourage, by appropriate means, enhanced economic and industrial development in the area consistent with the goals of the Augusta Canal Master Plan.

SEC. 306. GRANTS AND TECHNICAL ASSISTANCE.

The Secretary may provide grants and technical assistance for the purposes of this title.

SEC. 307. ACQUISITION OF REAL PROPERTY.

The Augusta Canal Authority may not use any Federal funds that it may receive pursuant to this title to acquire real property or an interest in real property.

SEC. 308. OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.

Nothing in this title shall be construed to—

- (1) impose any occupational, safety, conservation, or environmental regulation on the Heritage Area that is more stringent than the regulations that would be applicable to the Heritage Area but for the designation of the Heritage Area under section 303; or

110 STAT. 4252

PUBLIC LAW 104-333—NOV. 12, 1996

(2) authorize any Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the Heritage Area that is more stringent than the regulations applicable to the Heritage Area in existence on the date of enactment of this title, solely as a result of the designation of the Heritage Area under section 303.

SEC. 309. LAND USE REGULATION.

Nothing in this title shall be construed to—

(1) modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by law or regulation; or

(2) grant powers of zoning or land use to the Augusta Canal Authority.

SEC. 310. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE IV—STEEL INDUSTRY HERITAGE PROJECT

Steel Industry
American
Heritage Area
Act of 1996.
Pennsylvania.
16 USC 461 note.

SEC. 401. SHORT TITLE.

This title may be cited as the “Steel Industry American Heritage Area Act of 1996”.

SEC. 402. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the industrial and cultural heritage of southwestern Pennsylvania, including the city of Pittsburgh, and the counties of Allegheny, Armstrong, Beaver, Fayette, Greene, Washington, and Westmoreland, related directly to steel and steel-related industries, is nationally significant;

(2) these industries include steelmaking, ironmaking, aluminum, specialty metals, glass, coal mining, coke production, machining and foundries, transportation, and electrical industries;

(3) the industrial and cultural heritage of the steel and related industries in this region includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including the formation of many key unions such as the Congress of Industrial Organizations (CIO) and the United Steel Workers of America (USWA), and crucial struggles to improve wages and working conditions, such as the Rail Strike of 1877, the Homestead Strike of 1892, and the Great Steel Strike of 1919;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4253

(5) the Department of the Interior is responsible for protecting the Nation's cultural and historic resources, and there are significant examples of these resources within this seven-county region to merit the involvement of the Federal Government to develop programs and projects, in cooperation with the Steel Industry Heritage Corporation, the Commonwealth of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization; and

(6) the Steel Industry Heritage Corporation would be an appropriate management entity for a Heritage Area established in the region.

(b) STATEMENT OF PURPOSE.—The objectives of the Steel Industry American Heritage Area are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the steel industry region of southwestern Pennsylvania and empower the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the seven-county region of southwestern Pennsylvania.

SEC. 403. STEEL INDUSTRY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Steel Industry American Heritage Area (in this title referred to as the "Heritage Area").

(b) BOUNDARIES.—The Heritage Area shall be comprised of the counties of Allegheny, Armstrong, Beaver, Fayette, Greene, Washington, and Westmoreland in Pennsylvania.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Steel Industry Heritage Corporation.

SEC. 404. COMPACT.

(a) IN GENERAL.—To carry out the purposes of this title, the Secretary of the Interior (in this title referred to as the "Secretary") shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including the following:

(1) A delineation of the boundaries of the proposed Heritage Area.

(2) A discussion of the goals and objectives of the proposed Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners referred to in paragraph (4).

(3) An identification and description of the management entity that will administer the proposed Heritage Area.

(4) A list of the initial partners to be involved in developing and implementing the management plan for the proposed Heritage Area, and a statement of the financial commitment of the partners.

(5) A description of the role of the Commonwealth of Pennsylvania.

(b) ADDITIONAL REQUIREMENTS.—The compact shall be prepared with public participation. Actions called for in the compact

shall be likely to be initiated within a reasonable time after designation of the proposed Heritage Area and shall ensure effective implementation of the State and local aspects of the compact.

SEC. 405. MANAGEMENT PLAN.

The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the Heritage Area's conservation, funding, management and development. Such plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations working in the Heritage Area. It shall include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area. Such plan shall include, as appropriate, the following:

(1) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.

(2) A recommendation of policies for resource management which considers and details application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.

(3) A program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.

(4) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of the title.

(5) An interpretation plan for the Heritage Area.

SEC. 406. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—The management entity may, for purposes of preparing and implementing the management plan under section 405, use Federal funds made available through this title—

(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person; and

(2) to hire and compensate staff.

(b) **DUTIES OF THE MANAGEMENT ENTITY.**—The management entity shall—

(1) develop and submit to the Secretary for approval a management plan as described in section 405 within 3 years after the date of the enactment of this title;

(2) give priority to implementing actions set forth in the compact and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4255

(B) assist units of government, regional planning organizations, and nonprofit organizations in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;

(D) assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the natural, historical and architectural resources and sites in the Heritage Area;

(E) assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;

(F) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the plan;

(G) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan; and

(H) assist units of government, regional planning organizations and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

Public
information.

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval;

(6) for any year in which Federal funds have been received under this title, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entity to which any loans and grants were made during the year for which the report is made; and

Reports.

(7) for any year in which Federal funds have been received under this title, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

Records.

If a management plan is not submitted to the Secretary as required under paragraph (1) within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property. Nothing in this title shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

SEC. 407. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

110 STAT. 4256

PUBLIC LAW 104-333—NOV. 12, 1996

(1) IN GENERAL.—The Secretary may, upon request of the management entity, provide technical and financial assistance to the Heritage Area to develop and implement the management plan. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(A) conserving the significant natural, historic, and cultural resources which support its themes; and

(B) providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.

(2) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on non-federally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places. The Historic American Building Survey/Historic American Engineering Record shall conduct those studies necessary to document the industrial, engineering, building, and architectural history of the region.

(b) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of Pennsylvania shall approve or disapprove a compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entity in writing of the reasons therefor and shall make recommendations for revisions in the compact or plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(c) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this title may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

SEC. 408. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4257

TITLE V—ESSEX NATIONAL HERITAGE AREA

Massachusetts.
16 USC 461 note.

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) Essex County, Massachusetts, was host to a series of historic events that influenced the course of the early settlement of the United States; its emergence as a maritime power; and its subsequent industrial development;

(2) the North Shore of Essex County and the Merrimack River valley in Essex County contain examples of significant early American architecture and significant Federal-period architecture, many sites and buildings associated with the establishment of the maritime trade in the United States, the site of the witchcraft trials of 1692, the birthplace of successful iron manufacture, and the establishment of the textile and leather industries in and around the cities of Peabody, Beverly, Lynn, Lawrence, and Haverhill;

(3) Salem, Massachusetts, has a rich heritage as one of the earliest landing sites of the English colonists, the first major world harbor for the United States, and an early thriving hub of American industries;

(4) the Saugus Iron Works National Historic Site is the site of the first sustained, integrated iron works in Colonial America, and the technology employed at the Iron Works was dispersed throughout the Colonies and was critical to the development of industry and technology in America;

(5) the Salem Maritime National Historic Site contains nationally significant resources that explain the manner in which the Nation was settled, its evolution into a maritime power, and its development as a major industrial force;

(6) the story told at the Salem Maritime and Saugus Iron Works National Historic Sites would be greatly enhanced through the interpretation of significant theme-related resources in Salem and Saugus and throughout Essex County;

(7) partnerships between the private and public sectors have been created and additional partnerships will be encouraged to preserve the rich cultural heritage of the region, which will stimulate cultural awareness, preservation, and economic development through tourism;

(8) a visitors' center that has already been constructed at the Salem Maritime National Historic Site in Salem, Massachusetts, will be available to interpret the themes of the Essex National Heritage Area established by this title and to coordinate the interpretive and preservation activities of the Area; and

(9) the resident and business communities of the region have formed the Essex Heritage Ad Hoc Commission for the preservation, interpretation, promotion, and development of the historic, cultural, and natural resources of the region and are investing significant private funds and energy to develop a plan to preserve the nationally significant resources of Essex County.

(b) PURPOSE.—It is the purpose of this title—

(1) to establish the Essex National Heritage Area to recognize, preserve, promote, interpret, and make available for the

110 STAT. 4258

PUBLIC LAW 104-333—NOV. 12, 1996

benefit of the public the historic, cultural, and natural resources of the North Shore and lower Merrimack River valley in Essex County, Massachusetts, which encompass the three primary themes of the Salem Maritime National Historic Site and Saugus Iron Works National Historic Site (the histories of early settlement, maritime trade, and the textile and leather industries);

(2) to implement the appropriate alternative as described in the document entitled “The Salem Project: A Study of Alternatives”, dated January 1990, within the boundaries of Essex County; and

(3) to provide a management framework to assist the Commonwealth of Massachusetts and its units of local government in the development and implementation of an integrated cultural, historical, and land resource management program in order to retain, enhance, and interpret the significant values of the lands, waters, and structures located in the Essex National Heritage Area.

SEC. 502. DEFINITIONS.

For purposes of this title:

(1) The terms “Area” and “National Heritage Area” mean the Essex National Heritage Area established by section 503.

(2) The term “Secretary” means the Secretary of the Interior.

SEC. 503. DESIGNATION OF NATIONAL HERITAGE AREA.

(a) DESIGNATION.—For the purpose of preserving and interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of certain historic and cultural lands, natural waterways, and structures within the County of Essex in the Commonwealth of Massachusetts, there is hereby established the Essex National Heritage Area.

(b) BOUNDARIES.—The Area shall comprise the lands generally depicted on the map numbered NAR-51-80,000 and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADMINISTRATION.—The Area shall be administered in accordance with the provisions of this title.

SEC. 504. MANAGEMENT ENTITY.

(a) IN GENERAL.—The management entity for the National Heritage Area shall be an entity which is selected by the Essex Heritage Ad Hoc Commission or its designee, reflects a broad cross-section of interests within the Area, and includes—

(1) at least 1 representative of one or more units of government in each State in which the National Heritage Area is located; and

(2) private property owners who reside within the National Heritage Area.

(b) DUTIES.—The management entity for the Area shall fulfill each of the following requirements:

(1) HERITAGE PLAN.—Not later than 3 years after the date of the designation of the Area as a National Heritage Area, the management entity shall develop and forward to the Secretary, and to the Governor of Massachusetts, a heritage plan for the Area.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4259

(2) **PRIORITIES.**—The management entity shall give priority to the implementation of action, goals, and policies set forth in the compact and heritage plan for the Area, including assisting units of government and others in—

(A) carrying out programs which recognize important resource values within the Area;

(B) encouraging economic viability in the affected communities;

(C) establishing and maintaining interpretive exhibits in the Area;

(D) developing recreational and educational opportunities in the Area;

(E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Area;

(F) restoring historic buildings that are located within the boundaries of the Area and relate to the theme of the Area; and

(G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place throughout the Area.

(3) **CONSIDERATION OF INTERESTS OF LOCAL GROUPS.**—The management entity shall, in developing and implementing the heritage plan for the Area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(4) **PUBLIC MEETINGS.**—The management entity shall conduct public meetings at least annually regarding the implementation of the heritage plan for the Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Area and shall make the minutes of the meeting available to the public.

Notice.

SEC. 505. DUTIES OF THE SECRETARY.

(a) **IN GENERAL.**—To carry out the purpose of this title, the Secretary shall assist the management entity in preparing such studies and plans as the Secretary considers appropriate and in implementing the recommendations contained in a study report prepared by the management entity. The Secretary is authorized to enter into agreements with the Commission or with any owner of property with national historic or cultural significance within the Area for the purpose of facilitating public use and enjoyment of such resources or to otherwise further the objectives of the management entity. Any such agreement shall provide whenever appropriate that—

(1) the public may have access to such resources at specified, reasonable times for the purpose of viewing the property or exhibits or attending programs or other activities, as may be appropriate;

(2) the Secretary may make improvements to such resources as the management entity or the Secretary deem necessary to enhance the public use and enjoyment of the resources, or to render such property usable by the Secretary, the management entity, or any person for the purpose of this title; and

110 STAT. 4260

PUBLIC LAW 104-333—NOV. 12, 1996

(3) the Secretary may occupy, utilize, and acquire easements or leasehold interests in resources as required to implement the programs and purpose of this title.

(b) TECHNICAL ASSISTANCE AND GRANTS.—The Secretary may provide, upon request, technical assistance and grants to the management entity to assist the management entity in the performance of its powers and functions as authorized under this title. The Secretary may provide to any owner of property within the Area, to the Commonwealth of Massachusetts, to the City of Salem and other participating municipalities, to any other Federal or State entity, to any institution, or to any person such technical assistance and grants as the Secretary considers appropriate to carry out the purpose of this title.

SEC. 506. PRIVATE PROPERTY.

No privately owned property shall be included within the boundaries of the Area unless the government of the county, city, or town in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

SEC. 507. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

South Carolina
National
Heritage
Corridor Act of
1996.
16 USC 461 note.

TITLE VI—SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR

SEC. 601. SHORT TITLE.

This title may be cited as the “South Carolina National Heritage Corridor Act of 1996”.

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the South Carolina National Heritage Corridor, more than 250 miles in length, possesses a wide diversity of significant rare plants, animals, and ecosystems, agricultural and timber lands, shell-fish harvesting areas, historic sites and structures, and cultural and multicultural landscapes related to the past and current commerce, transportation, maritime, textile, agricultural, mining, cattle, pottery, and national defense industries of the region, which provide significant ecological, natural, tourism, recreational, timber management, educational, and economic benefits;

(2) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the Corridor for the residents of, and visitors to, the Corridor area;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4261

(3) a primary responsibility for conserving, preserving, protecting, and promoting the benefits resides with the State of South Carolina and the units of local government having jurisdiction over the Corridor area; and

(4) in view of the longstanding Federal practice of assisting States in creating, protecting, conserving, preserving, and interpreting areas of significant natural and cultural importance, and in view of the national significance of the Corridor, the Federal Government has an interest in assisting the State of South Carolina, the units of local government of the State, and the private sector in fulfilling the responsibilities described in paragraph (3).

(b) PURPOSES.—The purposes of this title are—

(1) to protect, preserve, conserve, restore, promote, and interpret the significant land and water resource values and functions of the Corridor;

(2) to encourage and support, through financial and technical assistance, the State of South Carolina, the units of local government of the State, and the private sector in the development of a heritage plan for the Corridor to ensure coordinated public and private action in the Corridor area in a manner consistent with subsection (a);

(3) to provide, during the development of an integrated heritage plan, Federal financial and technical assistance for the protection, preservation, and conservation of land and water areas in the Corridor that are in danger of being adversely affected or destroyed;

(4) to encourage and assist the State of South Carolina and the units of local government of the State to identify the full range of public and private technical and financial assistance programs and services available to implement the heritage plan;

(5) to encourage adequate coordination of all government programs affecting the land and water resources of the Corridor; and

(6) to develop a management framework with the State of South Carolina and the units of local government of the State for—

(A) planning and implementing the heritage plan; and

(B) developing policies and programs that will preserve, conserve, protect, restore, enhance, and interpret the cultural, historical, natural, economic, recreational, and scenic resources of the Corridor.

SEC. 603. DEFINITIONS.

For purposes of this title—

(1) CORRIDOR.—The term “Corridor” means the South Carolina National Heritage Corridor established by section 604.

(2) GOVERNOR.—The term “Governor” means the Governor of the State of South Carolina.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 604. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of South Carolina the South Carolina National Heritage Corridor.

(b) BOUNDARIES.—

110 STAT. 4262

PUBLIC LAW 104-333—NOV. 12, 1996

(1) **IN GENERAL.**—The boundaries of the Corridor are generally the boundaries of the western counties of the State of South Carolina, extending from the western Piedmont along the Savannah Valley to Augusta, Georgia, along the route of the old Southern Railroad, along the Ashley River to Charleston.

(2) **INCLUDED COUNTIES.**—The Corridor shall consist of the following counties of South Carolina, in part or in whole, as the heritage plan may specify on the recommendations of the units of local government with the Corridor area:

- (A) Oconee.
- (B) Pickens.
- (C) Anderson.
- (D) Abbeville.
- (E) Greenwood.
- (F) McCormick.
- (G) Edgefield.
- (H) Aiken.
- (I) Barnwell.
- (J) Orangeburg.
- (K) Bamberg.
- (L) Dorchester.
- (M) Colleton.
- (N) Charleston.

(3) **DETAIL.**—The boundaries shall be specified in detail in the heritage plan.

SEC. 605. MANAGEMENT ENTITY.

(a) **IN GENERAL.**—The management entity for the National Heritage Corridor shall be an entity selected by the Governor of the State of South Carolina which reflects a broad cross-section of interests within the Corridor and which includes—

- (1) at least 1 representative of one or more units of government in South Carolina; and
- (2) private property owners who reside within the National Heritage Corridor.

(b) **DUTIES.**—The management entity for the National Heritage Corridor shall fulfill each of the following requirements:

(1) **HERITAGE PLAN.**—Not later than 3 years after the date of the designation of the area as a National Heritage Corridor, the management entity shall develop and forward to the Secretary, and to the Governor of South Carolina, a heritage plan.

(2) **PRIORITIES.**—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the compact and heritage plan for the Corridor, including assisting units of government and others in—

- (A) carrying out programs which recognize important resource values within the National Heritage Corridor;
- (B) encouraging economic viability in the affected communities;
- (C) establishing and maintaining interpretive exhibits in the Corridor;
- (D) developing recreational and educational opportunities in the Corridor;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4263

(E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Corridor;

(F) restoring historic buildings that are located within the boundaries of the Corridor and relate to the theme of the Corridor; and

(G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place throughout the Corridor.

(3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The management entity shall, in developing and implementing the heritage plan for the Corridor, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(4) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least annually regarding the implementation of the heritage plan for the Corridor. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Corridor and shall make the minutes of the meeting available to the public.

Notice.

SEC. 606. DUTIES OF THE SECRETARY.

(a) ASSISTANCE.—On request of the management entity, and subject to the availability of funds appropriated specifically for the purpose, or made available on a reimbursable basis, the Secretary shall provide administrative, technical, financial, development, and operations assistance for the purposes of this title. The assistance may include—

(1) general administrative support in planning, finance, personnel, procurement, property management, environmental and historical compliance, and land acquisition;

(2) personnel;

(3) office space and equipment;

(4) planning and design services for visitor use facilities, trails, interpretive exhibits, publications, signs, and natural resource management;

(5) development and construction assistance, including visitor use facilities, trails, river use and access facilities, scenic byways, signs, waysides, and rehabilitation of historic structures; and

(6) operations functions, including interpretation and visitor services, maintenance, and natural resource management services conducted within the boundaries of the Corridor.

(b) LOANS, GRANTS, AND COOPERATIVE AGREEMENTS.—For the purposes of assisting in the development and implementation of the heritage plan, the Secretary may, in consultation with the management entity, make loans and grants to, and enter into cooperative agreements with, the State of South Carolina (or a political subdivision of the State), private nonprofit organizations, corporations, or other persons.

(c) APPROVAL OF HERITAGE PLAN.—

(1) IN GENERAL.—Not later than 180 days after receipt of the plan submitted under section 605(b), the Secretary shall approve or disapprove the plan.

(2) CRITERIA.—In determining whether to approve a plan under this title, the Secretary shall consider—

110 STAT. 4264

PUBLIC LAW 104-333—NOV. 12, 1996

(A) whether the plan has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments within the area;

(B) whether the plan is consistent with and complements continued economic activity in the area;

(C) whether the plan has a high potential for effective partnership mechanisms;

(D) whether the plan improperly infringes on private property rights; and

(E) whether the plan will take appropriate action to ensure private property rights are observed.

(3) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the proposed heritage plan, the Secretary shall notify the management entity.

(B) CONTENTS.—A notification under subparagraph (A) shall include—

(i) the reasons for the disapproval; and

(ii) recommendations for revision.

(C) REVISED PLAN.—The management entity shall revise and resubmit the heritage plan to the Secretary for approval. Not later than 180 days after receipt of the revised plan, the Secretary shall approve or disapprove the plan as provided in paragraph (2). The management entity shall revise and submit the heritage plan until the heritage plan is approved by the Secretary.

SEC. 607. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Corridor under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this Corridor, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

Iowa.
16 USC 461 note.

TITLE VII—AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP

SEC. 701. FINDINGS AND PURPOSES.

(a) The Congress finds that—

(1) the city of Waterloo, Iowa, and northeast Iowa possess many important elements of the nationally significant story of American agriculture, including Native American agriculture, agricultural mechanization, seed hybridization, farm cooperative movements, rural electrification, farm-to-market systems, rural to urban migration, veterinary practice, food processing and preservation, national farm organizations, international hunger relief, and the development of national and international agribusiness;

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4265

(2) these resources offer outstanding and unique opportunities to acknowledge and appreciate the development of American agriculture;

(3) the National Park Service has determined that the story of American agriculture is nationally significant, that northeast Iowa is an ideal place to tell that story, and that this story could be divided into 4 principal topics for interpretation in northeast Iowa: the Amazing Science of Agriculture, Agriculture as a Way of Life, Organizing for Survival, and Crops from Field to Table;

(4) the responsibility for interpreting, retaining, enhancing, and promoting the resources, values, and amenities of Waterloo, Iowa, and northeast Iowa resides with volunteer associations, private businesses, political subdivisions of the State, and the State of Iowa; and

(5) despite the efforts by volunteer associations, private businesses, political subdivisions of the State, and the State of Iowa, the cultural and historical resources of the area have not realized full potential and may be lost without some assistance from the Federal Government.

(b) PURPOSES.—The purposes of this title are—

(1) to interpret, retain, enhance, and promote the unique and significant contributions to national and international agriculture of certain natural, historic, and cultural resources within Waterloo, Iowa, and northeast Iowa;

(2) to provide a partnership management framework to assist volunteer associations, private businesses, political subdivisions of the State, and the State of Iowa in developing and implementing Management Plan policies and programs that will assist in the interpretation, retention, enhancement, and promotion of the cultural, natural, and recreational resources of northeast Iowa;

(3) to allow for local, State, and Federal contributions through limited grants and technical assistance to create America's Agricultural Heritage Partnership through cooperative agreements among volunteer associations, private businesses, political subdivisions of the State, the State of Iowa, and residents of the area; and

(4) to provide for an economically self-sustaining Partnership for the educational and inspirational benefit of current and future generations concerning the story of American agriculture.

SEC. 702. DEFINITIONS.

As used in this title:

(1) PARTNERSHIP.—The term “Partnership” means the America's Agricultural Heritage Partnership as established by section 703(a).

(2) MANAGEMENT ENTITY.—The term “management entity” means the management entity as established by section 704(a).

(3) POLITICAL SUBDIVISION.—The term “political subdivision” means a political subdivision of the State of Iowa, any part of which is located in or adjacent to the area in which the Partnership's activities occur, including a county, city, or town.

(4) STATE.—The term “State” means the State of Iowa.

110 STAT. 4266

PUBLIC LAW 104-333—NOV. 12, 1996

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(6) PARTNERSHIP MANAGEMENT PLAN.—The term “Partnership Management Plan” means the plan approved pursuant to section 705(a).

(7) ACTIVITIES.—The term “activities” means the activities referred to in section 703(b).

SEC. 703. ESTABLISHMENT OF THE AMERICA’S AGRICULTURAL HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—To carry out this title, there is established in the State of Iowa the “America’s Agricultural Heritage Partnership” (in this title referred to as the “Partnership”), upon publication by the Secretary in the Federal Register of notice that a Partnership Management Plan has been approved by the Secretary under this title.

(b) ACTIVITIES.—The Partnership’s activities shall be limited to the counties of northeast Iowa that are generally depicted in “Alternatives #2 and #3” described in the 1995 National Park Service “Special Resource Study, Cedar Valley, Iowa.”

(c) PARTICIPATION.—Nothing in this title shall require any resident located in the area in which the Partnership’s activities occur to participate in or be associated with the Partnership or the Partnership’s activities.

(d) AFFILIATIONS.—Nothing in this title shall prohibit future affiliations or designations of the Partnership or Partnership Management Entity.

(e) GRANTS, TECHNICAL ASSISTANCE, AND COOPERATIVE AGREEMENTS.—

(1) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may make grants and provide technical assistance to America’s Agricultural Heritage Partnership to assist it in carrying out its purposes.

(2) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with private entities, the State of Iowa, any political subdivision thereof, and other Federal entities, to further the purposes of this title, the Partnership, or the Partnership Management Entity.

SEC. 704. ESTABLISHMENT OF THE AMERICA’S AGRICULTURAL HERITAGE PARTNERSHIP MANAGEMENT ENTITY.

(a) ESTABLISHMENT.—There is established a management entity for the Partnership based on the “Management Option #5” outlined in the 1995 National Park Service “Special Resource Study, Cedar Valley, Iowa” and subject to the approval of the Secretary.

(b) PARTNERSHIP MANAGEMENT PLAN.—The Partnership management entity shall be established in accordance with the Partnership Management Plan referred to in section 705(a).

(c) COMPOSITION.—The members of the management entity may include persons affiliated with the following entities: the American Association of Museums, American Farm Bureau, American Farmland Trust, Effigy Mounds National Monument and Herbert Hoover National Historic Site, Iowa Department of Agriculture and Land Stewardship, Iowa Department of Corrections, Iowa Department of Cultural Affairs, Iowa Department of Economic Development, National Trust for Historic Preservation, the Smithsonian Institution, the State Historic Preservation Office of the State of Iowa, the United States Department of Agriculture, the United States

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4267

Department of Transportation, and the America's Agricultural/Industrial Heritage Landscape, Inc.

SEC. 705. PARTNERSHIP MANAGEMENT PLAN.

(a) **PREPARATION OF PARTNERSHIP MANAGEMENT PLAN.**—A Partnership Management Plan shall be submitted to the Secretary for approval no later than three years after the date of the enactment of this title.

(b) **ASSISTANCE.**—The Secretary may provide technical assistance in the preparation of the Partnership Management Plan.

SEC. 706. LAND USE REGULATION AND PRIVATE PROPERTY PROTECTION.

(a) **REGULATION.**—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of privately owned land provided by law or regulation.

(b) **LAND USE.**—Nothing in this title shall be construed to grant the powers of zoning, land use, or condemnation to the Partnership Management Entity, the Secretary or any other Federal, State, or local government entity.

SEC. 707. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Partnership under this title.

(b) **50 PERCENT MATCH.**—Federal funding provided under this title, after the designation of this Partnership, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE VIII—OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR

Ohio & Erie
Canal National
Heritage
Corridor Act of
1996.
16 USC 461 note.

SEC. 801. SHORT TITLE.

This title may be cited as the “Ohio & Erie Canal National Heritage Corridor Act of 1996”.

SEC. 802. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) The Ohio & Erie Canal, which opened for commercial navigation in 1832, was the first inland waterway to connect the Great Lakes at Lake Erie with the Gulf of Mexico via the Ohio and Mississippi Rivers and a part of a canal network in Ohio that was one of America's most extensive and successful systems during a period in history when canals were essential to the Nation's growth.

(2) The Ohio & Erie Canal spurred economic growth in the State of Ohio that took the State from near bankruptcy to the third most economically prosperous State in the Union in just 20 years.

(3) A 4-mile section of the Ohio & Erie Canal was designated a National Historic Landmark in 1966 and other portions of the Ohio & Erie Canal and many associated structures were placed on the National Register of Historic Places.

(4) In 1974, 19 miles of the Ohio & Erie Canal were declared nationally significant under National Park Service new area criteria with the designation of Cuyahoga Valley National Recreation Area.

(5) The National Park Service found the Ohio & Erie Canal nationally significant in a 1975 study entitled "Suitability/Feasibility Study, Proposed Ohio & Erie Canal".

(6) A 1993 Special Resources Study of the Ohio & Erie Canal Corridor conducted by the National Park Service entitled "A Route to Prosperity" has concluded that the corridor is eligible as a National Heritage Corridor.

(7) Local governments, the State of Ohio, and private sector interests have embraced the heritage corridor concept and desire to enter into partnership with the Federal Government to preserve, protect, and develop the corridor for public benefit.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways, and structures within the 87-mile Ohio & Erie Canal Corridor between Cleveland and Zoar;

(2) to encourage within the corridor a broad range of economic opportunities enhancing the quality of life for present and future generations;

(3) to provide a management framework to assist the State of Ohio, its political subdivisions, and nonprofit organizations, or combinations thereof, in preparing and implementing an integrated Corridor Management Plan and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the corridor; and

(4) to authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and nonprofit organizations, or combinations thereof, in preparing and implementing a Corridor Management Plan.

SEC. 803. DEFINITIONS.

For the purposes of this title:

(1) The term "corridor" means the Ohio & Erie Canal National Heritage Corridor established by section 804.

(2) The term "Committee" means the Ohio & Erie Canal National Heritage Area Committee established by section 805.

(3) The term "Corridor Management Plan" means the management plan developed under section 808.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "technical assistance" means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary of the Interior.

(6) The term "financial assistance" means funds appropriated by Congress and made available to the management

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4269

entity for the purposes of preparing and implementing a Corridor Management Plan.

(7) The term “management entity” means the entity recognized by the Secretary pursuant to section 807(a) to receive, distribute, and account for Federal funds appropriated for the purposes of this title.

SEC. 804. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

(a) **ESTABLISHMENT.**—There is established in the State of Ohio the Ohio & Erie Canal National Heritage Corridor.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The boundaries of the corridor shall be composed of the lands that are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service Special Resources Study, “A Route to Prosperity”, subject to paragraph (2). The specific boundaries shall be those specified in the management plan submitted under section 808. The Secretary shall prepare a map of the corridor which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(2) **CONSENT OF LOCAL GOVERNMENTS.**—No privately owned property shall be included within the boundaries of the corridor unless the municipality in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

(c) **ADMINISTRATION.**—The corridor shall be administered in accordance with the provisions of this title.

SEC. 805. THE OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR COMMITTEE.

(a) **ESTABLISHMENT.**—There is hereby established a Committee to be known as the “Ohio & Erie Canal National Heritage Corridor Committee”, whose purpose shall be to assist Federal, State, and local authorities and the private sector in the preparation and implementation of an integrated Corridor Management Plan.

(b) **MEMBERSHIP.**—The Committee shall be comprised of 21 members, as follows:

(1) Four individuals, appointed by the Secretary after consideration of recommendations submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce, who shall include one representative of business and industry from each of Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas.

(2) One individual, appointed by the Secretary after consideration of recommendations submitted by the Director of the Ohio Department of Travel and Tourism, who is a director of a convention and tourism bureau within the corridor.

(3) One individual, appointed by the Secretary after consideration of recommendations submitted by the Ohio Historic Preservation Officer, with knowledge and experience in the field of historic preservation.

(4) One individual, appointed by the Secretary after consideration of recommendations submitted by the Director of the National Park Service, with knowledge and experience in the field of historic preservation.

110 STAT. 4270

PUBLIC LAW 104-333—NOV. 12, 1996

(5) Three individuals appointed by the Secretary after consideration of recommendations submitted by the county or metropolitan park boards in the Ohio counties of Cuyahoga, Summit, and Stark.

(6) Eight individuals appointed by the Secretary after consideration of recommendations submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark and Tuscarawas, including—

(A) from each county, one representative of the planning offices of the county; and

(B) from each county, one representative of a municipality in the county.

(7) Two individuals appointed by the Secretary after consideration of recommendations submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Department of Transportation.

(8) The Superintendent of the Cuyahoga Valley National Recreation Area, ex officio.

(c) APPOINTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Committee shall be appointed for terms of three years and may be reappointed.

(2) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Committee within 30 days after the date on which the Secretary has received all recommendations pursuant to subsection (b). Of the members first appointed—

(A) the members appointed pursuant to subsection (b)(6)(B) shall be appointed to a term of two years and may not be reappointed to a consecutive term; and

(B) the member appointed pursuant to subsection (b)(2) shall be appointed to a term of two years and may not be reappointed to a consecutive term.

(d) CHAIR AND VICE CHAIR.—The chair and vice chair of the Committee shall be elected by the members of the Committee. The terms of the chair and vice chair shall be two years.

(e) VACANCY.—A vacancy in the Committee 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 their predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Committee appointed for a definite term may serve after the expiration of their term until their successor has taken office.

(f) COMPENSATION AND EXPENSES.—Members of the Committee shall serve without compensation for their service on the Committee.

(g) QUORUM.—Eleven members of the Committee shall constitute a quorum.

(h) MEETINGS.—The Committee shall meet at least quarterly at the call of the chairperson or 11 of its members. Meetings of the Committee shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(i) NOT TREATED AS ADVISORY COMMITTEE.—The Committee shall not be treated as an Advisory Committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4271

SEC. 806. POWERS AND DUTIES OF THE NATIONAL HERITAGE CORRIDOR COMMITTEE.

(a) **HEARINGS.**—The Committee 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 Committee considers appropriate. The Committee may not issue subpoenas or exercise any subpoena authority.

(b) **BYLAWS.**—The Committee may make such bylaws and rules, consistent with this title, as it considers necessary to carry out its functions under this title.

(c) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Committee, if so authorized by the Committee, may take any action which the Committee is authorized to take by this title.

(d) **CORRIDOR MANAGEMENT PLAN.**—Upon submission of a draft Corridor Management Plan to the Committee from the management entity, the Committee shall, within 60 days, review such plan for consistency with the purposes of this title and endorse the plan or return it to the management entity for revision. Upon endorsement of the Corridor Management Plan, the Committee shall submit such plan to the Secretary for approval pursuant to section 808.

(e) **REVIEW OF BUDGET.**—The Committee shall review on an annual basis the proposed expenditures of Federal funds by the management entity for consistency with the purpose of this title and the Corridor Management Plan.

SEC. 807. MANAGEMENT ENTITY.

(a) **ENTITY.**—Upon petition, the Secretary is authorized to recognize the Ohio & Erie Canal Association as the management entity for the Heritage Corridor.

(b) **ELIGIBILITY.**—To be eligible for designation as the management entity of the corridor, an entity must possess the legal ability to—

(1) receive Federal funds for use in preparing and implementing the management plan for the corridor;

(2) disburse Federal funds to other units of government or other organizations for use in preparing and implementing the management plan for the corridor;

(3) account for all Federal funds received or disbursed; and

(4) sign agreements with the Federal Government.

(c) **FEDERAL FUNDING.**—

(1) **AUTHORIZATION TO RECEIVE.**—The management entity is authorized to receive appropriated Federal funds.

(2) **DISQUALIFICATION.**—If a management plan for the corridor is not submitted to the Secretary as required under section 808 within the time specified herein, the management entity shall cease to be eligible for Federal funding under this title until such a plan regarding the corridor is submitted to the Secretary.

(d) **AUTHORITIES OF MANAGEMENT ENTITY.**—The management entity of the corridor may, for purposes of preparing and implementing the management plan for the corridor, use Federal funds made available under this title—

(1) to make grants and loans to the State of Ohio, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with, or provide technical assistance to, Federal agencies, the State of Ohio, its political subdivision, nonprofit organizations, and other persons;

(3) to hire and compensate staff;

(4) 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; and

(5) to contract for goods and services.

(e) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The management entity for the corridor may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 808. DUTIES OF THE MANAGEMENT ENTITY.

(a) CORRIDOR MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY COMMITTEE.—Within 3 years after the date on which the Secretary has recognized the management entity for the corridor, the management entity shall develop and submit for review to the Committee a management plan for the corridor.

(2) PLAN REQUIREMENTS.—A management plan submitted under this title shall present comprehensive recommendations for the conservation, funding, management, and development of the corridor. The plan shall be prepared with public participation. The plan shall take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the corridor. The plan shall include a description of actions that units of government and private organizations are recommended to take to protect the resources of the corridor. The plan shall specify existing and potential sources of funding for the conservation, management, and development of the corridor. The plan also shall include the following, as appropriate:

(A) An inventory of the resources contained in the corridor, including a list of property in the corridor that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the corridor.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the corridor in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity and specific commitments, for the first six years of operation of the plan by the partners identified in said plan.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4273

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the corridor.

(3) APPROVAL AND DISAPPROVAL OF THE CORRIDOR MANAGEMENT PLAN.—

(A) IN GENERAL.—Upon submission of the Corridor Management Plan from the Committee, the Secretary shall approve or disapprove said plan not later than 60 days after receipt of the plan. If the Secretary has taken no action after 60 days upon receipt, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the Corridor Management Plan, the Secretary shall advise the Committee, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revision. If the Secretary has taken no action for 60 days after receipt, the plan shall be considered approved.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the corridor, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the corridor;

(B) in establishing and maintaining interpretive exhibits in the corridor;

(C) in developing recreational opportunities in the corridor;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the corridor;

(E) in the restoration of historic buildings that are located within the boundaries of the corridor and relate to the themes of the corridor; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the corridor; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The management entity shall, in preparing and implementing the management plan for the corridor, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(d) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly regarding the implementation of the Corridor Management Plan.

(e) ANNUAL REPORTS.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 807(d)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and

income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 807(d)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

SEC. 809. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and grants to units of government, nonprofit organizations, and other persons, upon request of the management entity of the corridor, and to the management entity, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if the corridor shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the corridor effectively fulfills the objectives contained in the Corridor Management Plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the corridor.

(c) OTHER ASSISTANCE.—Upon request, the Superintendent of Cuyahoga Valley National Recreation Area may provide to public and private organizations within the corridor (including the management entity for the corridor) such operational assistance as appropriate to support the implementation of the Corridor Management Plan, subject to the availability of appropriated funds. The Secretary is authorized to enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the corridor shall consider the potential effect of the activity on the Corridor Management Plan and shall consult with the management entity of the corridor with respect to the activity to minimize the adverse effects of the activity on the corridor.

SEC. 810. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish

PUBLIC LAW 104–333—NOV. 12, 1996

110 STAT. 4275

any authority of Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this title shall be construed to grant powers of zoning or land use control to the Committee or management entity of the corridor.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title shall be construed to affect or to authorize the Committee to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Ohio or a political subdivision thereof.

SEC. 811. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 812. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the corridor under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this corridor, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE IX—HUDSON RIVER VALLEY NATIONAL HERITAGE AREA

Hudson River
Valley National
Heritage Area
Act of 1996.
16 USC 461 note.

SEC. 901. SHORT TITLE.

This title may be cited as the “Hudson River Valley National Heritage Area Act of 1996”.

SEC. 902. FINDINGS.

The Congress finds the following:

(1) The Hudson River Valley between Yonkers, New York, and Troy, New York, possesses important historical, cultural, and natural resources, representing themes of settlement and migration, transportation, and commerce.

(2) The Hudson River Valley played an important role in the military history of the American Revolution.

(3) The Hudson River Valley gave birth to important movements in American art and architecture through the work of Andrew Jackson Downing, Alexander Jackson Davis, Thomas Cole, and their associates, and played a central role in the recognition of the esthetic value of the landscape and the development of an American esthetic ideal.

(4) The Hudson River Valley played an important role in the development of the iron, textile, and collar and cuff industries in the 19th century, exemplified in surviving structures such as the Harmony Mills complex at Cohoes, and in the development of early men’s and women’s labor and cooperative organizations, and is the home of the first women’s labor union and the first women’s secondary school.

Andrew Jackson
Downing.
Alexander
Jackson Davis.
Thomas Cole.

110 STAT. 4276

PUBLIC LAW 104-333—NOV. 12, 1996

(5) The Hudson River Valley, in its cities and towns and in its rural landscapes—

(A) displays exceptional surviving physical resources illustrating these themes and the social, industrial, and cultural history of the 19th and early 20th centuries; and

(B) includes many National Historic Sites and Landmarks.

(6) The Hudson River Valley is the home of traditions associated with Dutch and Huguenot settlements dating to the 17th and 18th centuries, was the locus of characteristic American stories such as “Rip Van Winkle” and the “Legend of Sleepy Hollow”, and retains physical, social, and cultural evidence of these traditions and the traditions of other more recent ethnic and social groups.

(7) New York State has established a structure for the Hudson River Valley communities to join together to preserve, conserve, and manage these resources, and to link them through trails and other means, in the Hudson River Greenway Communities Council and the Greenway Conservancy.

SEC. 903. PURPOSES.

The purposes of this title are the following:

(1) To recognize the importance of the history and the resources of the Hudson River Valley to the Nation.

(2) To assist the State of New York and the communities of the Hudson River Valley in preserving, protecting, and interpreting these resources for the benefit of the Nation.

(3) To authorize Federal financial and technical assistance to serve these purposes.

SEC. 904. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established a Hudson River Valley National Heritage Area (in this title referred to as the “Heritage Area”).

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—Except as otherwise provided in paragraph (2), the Heritage Area shall be comprised of the counties of Albany, Rensselaer, Columbia, Greene, Ulster, Dutchess, Orange, Putnam, Westchester, and Rockland, New York, and the Village of Waterford in Saratoga County, New York.

(2) **AREAS EXCLUDED.**—The Heritage Area shall not include any of the following:

(A) The counties of Greene and Columbia.

(B) Those portions of the counties of Rensselaer and Dutchess located entirely within the 22d Congressional District of New York (as such district exists on the date of the enactment of this Act).

(c) **MANAGEMENT ENTITIES.**—The management entities for the Heritage Area shall be the Hudson River Valley Greenway Communities Council and the Greenway Conservancy (agencies established by the State of New York in its Hudson River Greenway Act of 1991, in this title referred to as the “management entities”). The management entities shall jointly establish a Heritage Area Committee to manage the Heritage Area.

SEC. 905. COMPACT.

To carry out the purposes of this title, the Secretary of the Interior (in this title referred to as the “Secretary”) shall enter

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4277

into a compact with the management entities. The compact shall include information relating to the objectives and management of the area, including the following:

- (1) A discussion of the goals and objectives of the Heritage Area, including an explanation of a proposed approach to conservation and interpretation, and a general outline of the protection measures committed to by the parties to the compact.
- (2) A description of the respective roles of the management entities.
- (3) A list of the initial partners to be involved in developing and implementing a management plan for the Heritage Area, and a statement of the financial commitment of such partners.
- (4) A description of the role of the State of New York.

SEC. 906. MANAGEMENT PLAN.

The management entities shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the Heritage Area's conservation, funding, management and development. Such plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations working in the Heritage Area. It shall include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area. Such plan shall include specifically as appropriate the following:

- (1) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.
- (2) A recommendation of policies of resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.
- (3) A program for implementation of the management plan by the management entities, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.
- (4) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title.
- (5) An interpretation plan for the Heritage Area.

SEC. 907. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITIES.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITIES.**—The management entities may, for purposes of preparing and implementing the management plan under section 906, use Federal funds made available through this title—

- (1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person; and
- (2) to hire and compensate staff.

110 STAT. 4278

PUBLIC LAW 104-333—NOV. 12, 1996

(b) DUTIES OF THE MANAGEMENT ENTITIES.—The management entities shall—

(1) develop and submit to the Secretary for approval a management plan as described in section 906 within 5 years after the date of the enactment of this title.

(2) give priority to implementing actions as set forth in the compact and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(B) assist units of government, regional planning organizations, and nonprofit organizations in establishing, and maintaining interpretive exhibits in the Heritage Area;

(C) assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;

(D) assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of an appreciation for the natural, historical and architectural resources and sites in the Heritage Area;

(E) assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;

(F) encourage by appropriate means economic viability in the corridor consistent with the goals of the plan;

(G) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan; and

(H) assist units of government, regional planning organizations and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

Public
information.

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval;

Reports.

(6) for any year in which Federal funds have been received under this title, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which any loans and grants were made during the year for which the report is made; and

Records.

(7) for any year in which Federal funds have been received under this title, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4279

If a management plan is not submitted to the Secretary as required under paragraph (1) within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entities may not use Federal funds received under this title to acquire real property or an interest in real property. Nothing in this title shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

(d) ELIGIBILITY FOR RECEIVING FINANCIAL ASSISTANCE.—

(1) ELIGIBILITY.—The management entities shall be eligible to receive funds appropriated through this title for a period of 10 years after the day on which the compact under section 905 is signed by the Secretary and the management entities, except as provided in paragraph (2).

(2) EXCEPTION.—The management entities' eligibility for funding under this title may be extended for a period of not more than 5 additional years if—

(A) the management entities determine such extension is necessary in order to carry out the purposes of this title and notify the Secretary not later than 180 days prior to the termination date;

Notification.

(B) the management entities, not later than 180 days prior to the termination date, present to the Secretary a plan of their activities for the period of the extension, including provisions for becoming independent of the funds made available through this title; and

(C) the Secretary, with the advice of the Governor of New York, approves such extension of funding.

SEC. 908. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may, upon request of the management entities, provide technical and financial assistance to the Heritage Area to develop and implement the management plan. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(i) conserving the significant natural historic, and cultural resources which support its themes; and

(ii) providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.

(B) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—

The Secretary may spend Federal funds directly on nonfederally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(2) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(A) IN GENERAL.—The Secretary, in consultation with the Governor of New York, shall approve or disapprove a compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan.

110 STAT. 4280

PUBLIC LAW 104-333—NOV. 12, 1996

(B) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entities in writing of the reasons therefor and shall make recommendations for revisions in the compact or plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(3) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this title may not be expended to implement the changes until the Secretary approves the amendments.

(4) PROMULGATING REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this title.

(b) DUTIES OF FEDERAL ENTITIES.—Any Federal entity conducting or supporting activities directly affecting the Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities, shall to the maximum extent practicable—

(1) consult with the Secretary and the management entities with respect to such activities;

(2) cooperate with the Secretary and the management entities in carrying out their duties under this title and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the management plan unless the Federal entity, after consultation with the management entities, determines there is no practicable alternative.

SEC. 909. AUTHORIZATION OF APPROPRIATIONS.

(a) COMPACTS AND MANAGEMENT PLAN.—There is authorized to be appropriated to the Secretary, for grants for developing a compact under section 905 and providing assistance for a management plan under section 906, not more than \$300,000, to remain available until expended, subject to the following conditions:

(1) No grant for a compact or management plan may exceed 75 percent of the grantee's cost for such study or plan.

(2) The total amount of Federal funding for the compact for the Heritage Area may not exceed \$150,000.

(3) The total amount of Federal funding for a management plan for the Heritage Area may not exceed \$150,000.

(b) MANAGEMENT ENTITY OPERATIONS.—There is authorized to be appropriated to the Secretary for the management entities, amounts as follows:

(1) For the operating costs of each management entity, pursuant to section 907, not more than \$250,000 annually.

(2) For technical assistance pursuant to section 908, not more than \$50,000 annually.

The Federal contribution to the operations of the management entities shall not exceed 50 percent of the annual operating costs of the entities.

(c) IMPLEMENTATION.—There is authorized to be appropriated to the Secretary, for grants (and the administration thereof) for the implementation of the management plans for the Heritage Area pursuant to section 908, not more than \$10,000,000, to remain available until expended, subject to the following conditions:

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4281

(1) No grant for implementation may exceed 50 percent of the grantee's cost of implementation.

(2) Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States of reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 910. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

Approved November 12, 1996.

LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



5. Weir Farm National Historic Site Act Amendments

112 STAT. 3296

PUBLIC LAW 105–363—NOV. 10, 1998

Public Law 105–363
105th Congress

An Act

Nov. 10, 1998

[S. 1718]

To amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, 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. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1171) is amended by adding at the end the following:

“(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—

“(1) ACQUISITION.—

“(A) IN GENERAL.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

“(B) PROXIMITY.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

“(C) MANAGEMENT.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

“(2) DEVELOPMENT.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into one or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, for the purposes of—

“(A) developing the parking, visitor, and administrative facilities for the historic site; and

“(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.”.

(b) INCREASE IN MAXIMUM ACQUISITION AUTHORITY.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C.

PUBLIC LAW 105-363—NOV. 10, 1998

112 STAT. 3297

461 note; Public Law 101-485; 104 Stat. 1173) is amended by striking “\$1,500,000” and inserting “\$4,000,000”.

SEC. 2. ACQUISITION AND MANAGEMENT OF WILCOX RANCH, UTAH, FOR WILDLIFE HABITAT.

(a) FINDINGS.—Congress finds the following:

(1) The lands within the Wilcox Ranch in eastern Utah are prime habitat for wild turkeys, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and many other important species, and Range Creek within the Wilcox Ranch could become a blue ribbon trout stream.

(2) These lands also contain a great deal of undisturbed cultural and archeological resources, including ancient pottery, arrowheads, and rock homes constructed centuries ago.

(3) These lands, while comprising only approximately 3,800 acres, control access to over 75,000 acres of Federal lands under the jurisdiction of the Bureau of Land Management.

(4) Acquisition of the Wilcox Ranch would benefit the people of the United States by preserving and enhancing important wildlife habitat, ensuring access to lands of the Bureau of Land Management, and protecting priceless archeological and cultural resources.

(5) These lands, if acquired by the United States, can be managed by the Utah Division of Wildlife Resources at no additional expense to the Federal Government.

(b) ACQUISITION OF LANDS.—As soon as practicable, after the date of the enactment of this Act, the Secretary of the Interior shall acquire, through purchase, the Wilcox Ranch located in Emery County, in eastern Utah.

(c) FUNDS FOR PURCHASE.—The Secretary of the Interior is authorized to use not more than \$5,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) for the purchase of the Wilcox Ranch under subsection (b).

(d) MANAGEMENT OF LANDS.—Upon payment by the State of Utah of one-half of the purchase price of the Wilcox Ranch to the United States, or transfer by the State of Utah of lands of the same such value to the United States, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to those Wilcox Ranch lands acquired under subsection (b) for management by the State Division of Wildlife Resources for wildlife habitat and public access.

SEC. 3. LAND CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) CONVEYANCE REQUIRED.—Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without consideration and for educational related purposes, to Embry-Riddle Aeronautical University, Florida, a nonprofit corporation authorized to do business in the State of Arizona, all right, title, and interest of the United States, if any, to a parcel of real property consisting of approximately 16 acres in Yavapai County, Arizona, which is more fully described as the parcel lying east of the east right-of-way boundary of the Willow Creek Road in the southwest one-quarter of the southwest one-quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of section 2, township 14 north, range 2 west, Gila and Salt River meridian.

(b) TERMS OF CONVEYANCE.—Subject to the limitation that the land to be conveyed is to be used only for educational related purposes, the conveyance under subsection (a) is to be made without

112 STAT. 3298

PUBLIC LAW 105-363—NOV. 10, 1998

any other conditions, limitations, reservations, restrictions, or terms by the United States. If the Secretary of the Interior determines that the conveyed lands are not being used for educational related purposes, at the option of the United States, the lands shall revert to the United States.

16 USC 47-1
note.

SEC. 4. LAND EXCHANGE, EL PORTAL ADMINISTRATIVE SITE, CALIFORNIA.

(a) **AUTHORIZATION OF EXCHANGE.**—If the non-Federal lands described in subsection (b) are conveyed to the United States in accordance with this section, the Secretary of the Interior shall convey to the party conveying the non-Federal lands all right, title, and interest of the United States in and to a parcel of land consisting of approximately 8 acres administered by the Department of Interior as part of the El Portal Administrative Site in the State of California, as generally depicted on the map entitled “El Portal Administrative Site Land Exchange”, dated June 1998.

(b) **RECEIPT OF NON-FEDERAL LANDS.**—The parcel of non-Federal lands referred to in subsection (a) consists of approximately 8 acres, known as the Yosemite View parcel, which is located adjacent to the El Portal Administrative Site, as generally depicted on the map referred to in subsection (a). Title to the non-Federal lands must be acceptable to the Secretary of the Interior, and the conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary. The parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(c) **EQUALIZATION OF VALUES.**—If the value of the Federal land and non-Federal lands to be exchanged under this section are not equal in value, the difference in value shall be equalized through a cash payment or the provision of goods or services as agreed upon by the Secretary and the party conveying the non-Federal lands.

(d) **APPLICABILITY OF OTHER LAWS.**—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in part 2200 of title 43, Code of Federal Regulations, as in effect on the date of the enactment of this subtitle.

(e) **BOUNDARY ADJUSTMENT.**—Upon completion of the land exchange, the Secretary shall adjust the boundaries of the El Portal Administrative Site as necessary to reflect the exchange. Lands acquired by the Secretary under this section shall be administered as part of the El Portal Administrative Site.

(f) **MAP.**—The map referred to in subsection (a) shall be on file and available for inspection in appropriate offices of the Department of the Interior.

PUBLIC LAW 105–363—NOV. 10, 1998

112 STAT. 3299

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

Approved November 10, 1998.

LEGISLATIVE HISTORY—S. 1718:

SENATE REPORTS: No. 105–328 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.
Oct. 10, considered and passed House, amended.
Oct. 14, Senate concurred in House amendment.



XXI. APPENDIX B

1. Frederick Douglass Home

PUBLIC LAW 87-633—SEPT. 5, 1962

76 STAT. 435

Public Law 87-633
87th Congress

An Act

To provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes.

Sept. 5, 1962

[S. 2399]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to designate, for preservation as a part of the park system in the National Capital, the former home of Frederick Douglass located at 1411 W Street Southeast, Washington, District of Columbia, and known as “Cedar Hill”, to be described by metes and bounds, so as to exclude that part of the original fourteen acres which is presently leased to the Glen Garden as a housing development, together with such land, interests in land, and improvements thereon as he may deem necessary to accomplish the purposes of this Act: *Provided*, That the area so designated shall not exceed fourteen acres.

Frederick Douglass home.
Establishment as part of National Capital park system.

SEC. 2. When the land, the Frederick Douglass home, and such objects therein of historical significance as the Secretary of the Interior may designate have been donated to the United States, establishment of the Frederick Douglass home as a part of the park system in the National Capital shall be effected by publication of notice in the Federal Register.

Publication in F. R.

SEC. 3. Upon the establishment of the Frederick Douglass home as a part of the park system in the National Capital, the home shall be administered by the Secretary of the Interior and shall be subject to the provisions of the Act entitled “An Act to establish a National Park Service and for other purposes”, approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act entitled “An Act to provide for the preservation of American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (49 Stat. 666), as amended.

16 USC 1.

SEC. 4. There are authorized to be appropriated not more than \$25,000 for repairing and refurbishing Cedar Hill in order to accomplish the purposes of this Act.

16 USC 461.
Appropriation.

Approved September 5, 1962, 9:50 a. m.

NOTE: This law was left out of the Supplement II, 1963 Volume of the Laws Relating to the National Park Service.

