

107TH CONGRESS
2^D SESSION

H. R. 5569

To provide for boundary adjustments and conveyances involving public lands, to protect and enhance National Parks, National Forests, and other public lands, to ensure the availability of water resources, energy, and minerals, to improve wildlife conservation and oceans and fisheries management, to address Native American and insular affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2002

Mr. HANSEN (for himself and Mr. RAHALL) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To provide for boundary adjustments and conveyances involving public lands, to protect and enhance National Parks, National Forests, and other public lands, to ensure the availability of water resources, energy, and minerals, to improve wildlife conservation and oceans and fisheries management, to address Native American and insular affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Comprehensive Natural Resources Protection Act of
4 2002”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

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- Sec. 1102. El Camino Real De Los Tejas National Historic Trail.
- Sec. 1103. Metacomet-Monadnock-Mattabesett Trail study.
- Sec. 1104. Designation of George Rogers Clark Northwest Campaign Trail for study for potential addition to the national trails system.
- Sec. 1105. Mississippi River Trail study.

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- Sec. 1203. Authorization of appropriations.

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- Sec. 1206. Study and report regarding Waco Mammoth Site area.
- Sec. 1207. Submission of study results.

Subtitle C—Buffalo Bayou National Heritage Area Study

- Sec. 1211. Short title.
- Sec. 1212. National Park Service study regarding Buffalo Bayou, Texas.

Subtitle D—Virginia Key Beach Park Resource Study

- Sec. 1216. Study and criteria.
- Sec. 1217. Report.

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- Sec. 1228. Boundaries of the study area.
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Subtitle G—Golden Chain Highway

- Sec. 1231. Study; report.

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- Sec. 1236. Findings and purposes.
- Sec. 1237. Definitions.
- Sec. 1238. Special resource study.

Subtitle I—Bainbridge Island

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- Sec. 1242. Eagledale Ferry Dock location at Taylor Avenue study and report.

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- Sec. 1246. Presidential historic site study.

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- Sec. 1256. Short title.
- Sec. 1257. Study.
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- Sec. 1273. National historic landmark theme study on the peopling of America.
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- Sec. 1303. Additions to Homestead National Monument of America.
- Sec. 1304. Cooperative agreements.

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Sec. 1306B. Authorization for park facilities to be located outside the boundaries of Yosemite National Park.

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- Sec. 6209. Authorization of appropriations.
- Sec. 6210. Extinguishment of claims.

TITLE III—OKLAHOMA NATIVE AMERICAN CULTURAL CENTER
AND MUSEUM

- Sec. 6301. Oklahoma Native American Cultural Center and Museum.

TITLE IV—TRANSMISSION OF POWER FROM INDIAN LANDS IN
OKLAHOMA

- Sec. 6401. Transmission of power from Indian lands in Oklahoma.

TITLE V—RUSSIAN RIVER LANDS

- Sec. 6501. Short title.
- Sec. 6502. Findings and purposes.
- Sec. 6503. Ratification of agreement between the United States Forest Service,
United States Fish and Wildlife Service, and Cook Inlet Re-
gion, Inc.
- Sec. 6504. Authorization of appropriation.

TITLE VI—PECHANGA TRIBE

- Sec. 6601. Land of Pechanga Band of Luiseno Mission Indians.

TITLE VII—CHEROKEE, CHOCTAW, AND CHICKASAW NATIONS
CLAIMS SETTLEMENT ACT

- Sec. 6701. Short title.
- Sec. 6702. Findings.
- Sec. 6703. Purposes.
- Sec. 6704. Definitions.
- Sec. 6705. Settlement and claims; appropriations; allocation of funds.
- Sec. 6706. Tribal trust funds.
- Sec. 6707. Attorney fees.

TITLE VIII—SEMINOLE TRIBE

- Sec. 6801. Approval not required to validate certain land transactions.

TITLE IX—PROVISIONS RELATING TO LEASING OF INDIAN
LANDS

- Sec. 6901. Yurok tribe and hopland band included in long term leasing.
- Sec. 6902. Restriction on relinquishment of lease.

TITLE X—HAWAIIAN HOMES COMMISSION

- Sec. 6905. Consent to amendments.

DIVISION G—MISCELLANEOUS

TITLE I—FULL PILT FUNDING

- Sec. 7101. Short title.
- Sec. 7102. Permanent funding for PILT and refuge revenue sharing.

TITLE II—HARMFUL INVASIVE WEED CONTROL

- Sec. 7201. Short title.
- Sec. 7202. Findings and purposes.
- Sec. 7203. Definitions.
- Sec. 7204. Establishment of program.
- Sec. 7205. Allocation of funds to States and Indian tribes.
- Sec. 7206. Use of funds allocated to States.
- Sec. 7207. Use of funds allocated to Indian tribes.
- Sec. 7208. Funding recommendations.
- Sec. 7209. Land-related conditions.
- Sec. 7210. Applicability of other laws.
- Sec. 7211. Relationship to other programs.
- Sec. 7212. Authorization of appropriations.

TITLE III—PARK PASSES FOR FAMILIES OF 9/11 VICTIMS

- Sec. 7301. Short title.
- Sec. 7302. Findings and purpose.
- Sec. 7303. Hope pass.

TITLE IV—CONTROL OF HARMFUL NONNATIVE SPECIES ON FEDERAL LANDS

- Sec. 7401. Short title.
- Sec. 7402. Purpose.
- Sec. 7403. Definitions.
- Sec. 7404. Aldo Leopold native heritage grant program.
- Sec. 7405. Creation of a rapid response capability to harmful nonnative species.
- Sec. 7406. Relationship to other authorities.
- Sec. 7407. Authorization of appropriations.

TITLE V—GATEWAY COMMUNITIES

- Sec. 7501. Short title.
- Sec. 7502. Improved relationship between Federal land managers and gateway communities to support compatible land management of both Federal and adjacent lands.

TITLE VI—CLARIFICATION OF FAIR MARKET RENTAL VALUE DETERMINATIONS FOR PUBLIC LANDS AND FOREST SERVICE RIGHTS-OF-WAY

- Sec. 7601. Clarification of fair market rental value determinations for public lands and Forest Service rights-of-way.

TITLE VII—INCREASE IN PENALTIES FOR VIOLATING FIRE REGULATIONS

- Sec. 7701. Penalties for violation of public land fire regulations resulting in property damage.

TITLE VIII—USE OF FINES IMPOSED FOR VIOLATION OF FIRE
RULES

Sec. 7801. Use of collected fines.

1 **DIVISION A—NATIONAL PARKS**
2 **AND PUBLIC LANDS PROTEC-**
3 **TION ENHANCEMENT**
4 **TITLE I—TRAILS**

5 **SEC. 1101. REVISION OF FEASIBILITY AND SUITABILITY**
6 **STUDIES OF EXISTING NATIONAL HISTORIC**
7 **TRAILS.**

8 The National Trails System Act is amended by in-
9 serting after section 5 (16 U.S.C. 1244) the following new
10 section:

11 **“SEC. 5A. REVISION OF FEASIBILITY AND SUITABILITY**
12 **STUDIES OF EXISTING TRAILS FOR POSSIBLE**
13 **TRAIL EXPANSION.**

14 “(a) IN GENERAL.—

15 “(1) DEFINITIONS.—In this section:

16 “(A) ROUTE.—The term ‘route’ includes a
17 trail segment commonly known as a cutoff.

18 “(B) SHARED ROUTE.—The term ‘shared
19 route’ means a route that was a segment of
20 more than one historic trail, including a route
21 shared with an existing national historic trail.

22 “(2) STUDY REQUIREMENTS AND OBJEC-
23 TIVES.—The study requirements and objectives spec-

1 ified in section 5(b) shall apply to a study required
2 by this section. The study shall also assess the effect
3 that designation of the studied route as a component
4 of an existing national scenic trail or national his-
5 toric trail may have on private property along the
6 proposed route.

7 “(3) COMPLETION AND SUBMISSION OF
8 STUDY.—A study listed in this section shall be com-
9 pleted and submitted to the Congress not later than
10 three complete fiscal years from the date of the en-
11 actment of this section, or from the date of the en-
12 actment of the addition of the study to this section,
13 whichever is later.

14 “(4) IMPLEMENTATION OF STUDY RESULTS.—
15 Upon completion of a study required by this section,
16 if the Secretary conducting the study determines
17 that a studied route is a feasible and suitable addi-
18 tion to the existing national scenic trail or national
19 historic trail that was the subject of the study, the
20 Secretary shall designate the route as a component
21 of that national scenic trail or national historic trail.
22 The Secretary shall publish notice of the designation
23 in the Federal Register.

24 “(b) OREGON NATIONAL HISTORIC TRAIL.—

1 “(1) STUDY REQUIRED.—The Secretary of the
2 Interior shall undertake a study of the routes of the
3 Oregon Trail listed in paragraph (2) and generally
4 depicted on the map entitled ‘Western Emigrant
5 Trails 1830/1870’ and dated 1991/1993, and of
6 such shared routes that the Secretary considers ap-
7 propriate, to determine the feasibility and suitability
8 of designation of one or more of the routes as com-
9 ponents of the Oregon National Historic Trail.

10 “(2) COVERED ROUTES.—The routes to be
11 studied under paragraph (1) are the following:

12 “(A) Whitman Mission route.

13 “(B) Upper Columbia River.

14 “(C) Cowlitz River route.

15 “(D) Meek cutoff.

16 “(E) Free Emigrant Road.

17 “(F) North Alternate Oregon Trail.

18 “(G) Goodale’s cutoff.

19 “(H) North Side alternate route.

20 “(I) Cutoff to Barlow Road.

21 “(J) Naches Pass Trail.

22 “(c) PONY EXPRESS NATIONAL HISTORIC TRAIL.—
23 The Secretary of the Interior shall undertake a study of
24 the approximately 20-mile southern alternative route of
25 the Pony Express Trail from Wathena, Kansas, to Troy,

1 Kansas, and such shared routes that the Secretary con-
2 sidered appropriate, to determine the feasibility and suit-
3 ability of designation of one or more of the routes as com-
4 ponents of the Pony Express National Historic Trail.

5 “(d) CALIFORNIA NATIONAL HISTORIC TRAIL.—

6 “(1) STUDY REQUIRED.—The Secretary of the
7 Interior shall undertake a study of the Missouri Val-
8 ley, central, and western routes of the California
9 Trail listed in paragraph (2) and generally depicted
10 on the map entitled ‘Western Emigrant Trails 1830/
11 1870’ and dated 1991/1993, and of such shared
12 Missouri Valley, central, and western routes that the
13 Secretary considers appropriate, to determine the
14 feasibility and suitability of designation of one or
15 more of the routes as components of the California
16 National Historic Trail.

17 “(2) COVERED ROUTES.—The routes to be
18 studied under paragraph (1) are the following:

19 “(A) MISSOURI VALLEY ROUTES.—

20 “(i) Blue Mills–Independence Road.

21 “(ii) Westport Landing Road.

22 “(iii) Westport–Lawrence Road.

23 “(iv) Fort Leavenworth–Blue River
24 route.

25 “(v) Road to Amazonia.

1 “(vi) Union Ferry Route.

2 “(vii) Old Wyoming–Nebraska City
3 cutoff.

4 “(viii) Lower Plattsmouth Route.

5 “(ix) Lower Bellevue Route.

6 “(x) Woodbury cutoff.

7 “(xi) Blue Ridge cutoff.

8 “(xii) Westport Road.

9 “(xiii) Gum Springs–Fort Leaven-
10 worth route.

11 “(xiv) Atchison/Independence Creek
12 routes.

13 “(xv) Fort Leavenworth–Kansas River
14 route.

15 “(xvi) Nebraska City cutoff routes.

16 “(xvii) Minersville–Nebraska City
17 Road.

18 “(xviii) Upper Plattsmouth route.

19 “(xix) Upper Bellevue route.

20 “(B) CENTRAL ROUTES.—

21 “(i) Cherokee Trail, including splits.

22 “(ii) Weber Canyon route of Hastings
23 cutoff.

24 “(iii) Bishop Creek cutoff.

25 “(iv) McAuley cutoff.

1 “(v) Diamond Springs cutoff.

2 “(vi) Secret Pass.

3 “(vii) Greenhorn cutoff.

4 “(viii) Central Overland Trail.

5 “(C) WESTERN ROUTES.—

6 “(i) Bidwell–Bartleson route.

7 “(ii) Georgetown/Dagget Pass Trail.

8 “(iii) Big Trees Road.

9 “(iv) Grizzly Flat cutoff.

10 “(v) Nevada City Road.

11 “(vi) Yreka Trail.

12 “(vii) Henness Pass route.

13 “(viii) Johnson cutoff.

14 “(ix) Luther Pass Trail.

15 “(x) Volcano Road.

16 “(xi) Sacramento–Coloma Wagon

17 Road.

18 “(xii) Burnett cutoff.

19 “(xiii) Placer County Road to Auburn.

20 “(e) MORMON PIONEER NATIONAL HISTORIC

21 TRAIL.—

22 “(1) STUDY REQUIRED.—The Secretary of the

23 Interior shall undertake a study of the routes of the

24 Morman Pioneer Trail listed in paragraph (2) and

25 generally depicted on the map entitled ‘Western Em-

1 migrant Trails 1830/1870' and dated 1991/1993, and
2 of such shared routes that the Secretary considers
3 appropriate, to determine the feasibility and suit-
4 ability of designation of one or more of the routes
5 as components of the Mormon Pioneer National His-
6 toric Trail.

7 “(2) COVERED ROUTES.—The routes to be
8 studied under paragraph (1) are the following:

9 “(A) 1846 Subsequent routes A and B
10 (Lucas and Clarke Counties, Iowa).

11 “(B) 1856–57 Handcart route (Iowa City
12 to Council Bluffs)

13 “(C) Keokuk route (Iowa).

14 “(D) 1847 Alternative Elkhorn and Loup
15 River Crossings in Nebraska.

16 “(E) Fort Leavenworth Road; Ox Bow
17 route and alternates in Kansas and Missouri
18 (Oregon and California Trail routes used by
19 Mormon emigrants).

20 “(F) 1850 Golden Pass Road in Utah.

21 “(f) SHARED CALIFORNIA AND OREGON TRAIL
22 ROUTES.—

23 “(1) STUDY REQUIRED.—The Secretary of the
24 Interior shall undertake a study of the shared routes
25 of the California Trail and Oregon Trail listed in

1 paragraph (2) and generally depicted on the map en-
2 titled ‘Western Emigrant Trails 1830/1870’ and
3 dated 1991/1993, and of such other shared routes
4 that the Secretary considers appropriate, to deter-
5 mine the feasibility and suitability of designation of
6 one or more of the routes as shared components of
7 the California National Historic Trail and the Or-
8 egon National Historic Trail.

9 “(2) COVERED ROUTES.—The routes to be
10 studied under paragraph (1) are the following:

11 “(A) St. Joe Road.

12 “(B) Council Bluffs Road.

13 “(C) Sublette cutoff.

14 “(D) Applegate route.

15 “(E) Old Fort Kearny Road (Oxbow
16 Trail).

17 “(F) Childs cutoff.

18 “(G) Raft River to Applegate.”.

19 **SEC. 1102. EL CAMINO REAL DE LOS TEJAS NATIONAL HIS-**
20 **TORIC TRAIL.**

21 (a) SHORT TITLE.—This section may be cited as the
22 “El Camino Real de los Tejas National Historic Trail Act
23 of 2002”.

24 (b) FINDINGS.

25 Congress finds that—

1 (1) El Camino Real de los Tejas (the Royal
2 Road to the Tejas), served as the primary route be-
3 tween the Spanish viceregal capital of Mexico City
4 and the Spanish provincial capital of Tejas at Los
5 Adaes (1721–1773) and San Antonio (1773–1821);

6 (2) the seventeenth, eighteenth, and early nine-
7 teenth century rivalries among the European colo-
8 nial powers of Spain, France, and England and after
9 their independence, Mexico and the United States,
10 for dominion over lands fronting the Gulf of Mexico,
11 were played out along the evolving travel routes in
12 this immense area;

13 (3) the future of several American Indian na-
14 tions, whose prehistoric trails were later used by the
15 Spaniards for exploration and colonization, was tied
16 to these larger forces and events and the nations
17 were fully involved in and affected by the complex
18 cultural interactions that ensued;

19 (4) the Old San Antonio Road was a series of
20 routes established in the early 19th century sharing
21 the same corridor and some routes of El Camino
22 Real, and carried American immigrants from the
23 east, contributing to the formation of the Republic
24 of Texas, and its annexation to the United States;

1 (5) the exploration, conquest, colonization, set-
2 tlement, migration, military occupation, religious
3 conversion, and cultural exchange that occurred in a
4 large area of the borderland was facilitated by El
5 Camino Real de los Tejas as it carried Spanish and
6 Mexican influences northeastward, and by its suc-
7 cessor, the Old San Antonio Road, which carried
8 American influence westward, during a historic pe-
9 riod which extended from 1689 to 1850; and

10 (6) the portions of El Camino Real de los Tejas
11 in what is now the United States extended from the
12 Rio Grande near Eagle Pass and Laredo, Texas and
13 involved routes that changed through time, that
14 total almost 2,600 miles in combined length, gen-
15 erally coursing northeasterly through San Antonio,
16 Bastrop, Nacogdoches, and San Augustine in Texas
17 to Natchitoches, Louisiana, a general corridor dis-
18 tance of 550 miles.

19 (c) AUTHORIZATION AND ADMINISTRATION.—Section
20 5(a) of the National Trails System Act (16 U.S.C.
21 1244(a) is amended as follows:

22 (1) By designating the paragraph relating to
23 the Ala Kahakai National Historic Trail as para-
24 graph (21).

25 (2) By adding at the end the following:

1 “(23) EL CAMINO REAL DE LOS TEJAS.—

2 “(A) IN GENERAL.—El Camino Real de los
3 Tejas (The Royal Road to the Tejas) National
4 Historic Trail, a combination of routes totaling
5 2,580 miles in length from the Rio Grande near
6 Eagle Pass and Laredo, Texas to Natchitoches,
7 Louisiana, and including the Old San Antonio
8 Road, as generally depicted on the maps enti-
9 tled ‘El Camino Real de los Tejas’, contained in
10 the report prepared pursuant to subsection (b)
11 entitled ‘National Historic Trail Feasibility
12 Study and Environmental Assessment: El Ca-
13 mino Real de los Tejas, Texas-Louisiana’, dated
14 July 1998. A map generally depicting the trail
15 shall be on file and available for public inspec-
16 tion in the Office of the National Park Service,
17 Department of the Interior. The trail shall be
18 administered by the Secretary of the Interior.

19 “(B) COORDINATION OF ACTIVITIES.—The
20 Secretary of the Interior may coordinate with
21 United States and Mexican public and non-gov-
22 ernmental organizations, academic institutions,
23 and, in consultation with the Secretary of State,
24 the Government of Mexico and its political sub-
25 divisions, for the purpose of exchanging trail in-

1 formation and research, fostering trail preserva-
2 tion and educational programs, providing tech-
3 nical assistance, and working to establish an
4 international historic trail with complementary
5 preservation and education programs in each
6 nation.”.

7 (d) PRIVATE PROPERTY RIGHTS PROTECTION.—
8 Designation of El Camino Real de los Tejas under this
9 section does not itself confer any additional authority to
10 apply other existing Federal laws and regulations on non-
11 Federal lands along the trail. Laws or regulations requir-
12 ing public entities and agencies to take into consideration
13 a national historic trail shall continue to apply notwith-
14 standing the foregoing. On non-Federal lands, the na-
15 tional historic trail shall be established only when land-
16 owners voluntarily request certification of their sites and
17 segments of the trail consistent with section 3(a)(3) of the
18 National Trails System Act. Notwithstanding section 7(g)
19 of such Act, the United States is authorized to acquire
20 privately-owned real property or an interest in such prop-
21 erty for purposes of the trail only with the willing consent
22 of the owner of such property and shall have no authority
23 to condemn or otherwise appropriate privately-owned real
24 property or an interest in such property for the purposes
25 of El Camino Real de los Tejas National Historic Trail.

1 **SEC. 1103. METACOMET-MONADNOCK-MATTABESETT TRAIL**
2 **STUDY.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Metacomet-Monadnock-Mattabesett Trail Study Act of
5 2002”.

6 (b) **DESIGNATION OF METACOMET-MONADNOCK-**
7 **MATTABESETT TRAIL FOR STUDY FOR POTENTIAL ADDI-**
8 **TION TO THE NATIONAL TRAILS SYSTEM.**—Section 5(c)
9 of the National Trails System Act (16 U.S.C. 1244(c))
10 is amended by adding at the end the following new para-
11 graph:

12 “(____) **METACOMET-MONADNOCK-MATTABESETT**
13 **TRAIL.**—The Metacomet-Monadnock-Mattabesett Trail, a
14 system of trails and potential trails extending southward
15 approximately 180 miles through western Massachusetts
16 on the Metacomet-Monadnock Trail, across central Con-
17 necticut on the Metacomet Trail and the Mattabesett
18 Trail, and ending at Long Island Sound.”.

19 (c) **EXPEDITED REPORT TO CONGRESS.**—Notwith-
20 standing the fourth sentence of section 5(b) of the Na-
21 tional Trails System Act (16 U.S.C. 1244(b)), the Sec-
22 retary of the Interior shall submit the study required by
23 the amendment made by subsection (b) to Congress not
24 later than 2 years after the date of the enactment of this
25 Act.

1 **SEC. 1104. DESIGNATION OF GEORGE ROGERS CLARK**
2 **NORTHWEST CAMPAIGN TRAIL FOR STUDY**
3 **FOR POTENTIAL ADDITION TO THE NA-**
4 **TIONAL TRAILS SYSTEM.**

5 Section 5(c) of the National Trails System Act (16
6 U.S.C. 1244(c)) is amended by adding at the end the fol-
7 lowing new paragraph:

8 “(____) GEORGE ROGERS CLARK NORTHWEST CAM-
9 PAIGN TRAIL.—The George Rogers Clark Northwest
10 Campaign Trail, tracing the water route and overland
11 route of the 1778 and 1779 expedition of Lieutenant Colo-
12 nel George Rogers Clark and his Virginia militia against
13 the British in which he captured the British forts at
14 Kaskaskia and Cahokia, in what is now Illinois, and twice
15 captured Vincennes, in what is now Indiana.”.

16 **SEC. 1105. MISSISSIPPI RIVER TRAIL STUDY.**

17 (a) **SHORT TITLE.**—This section may be cited as the
18 “Mississippi River Trail Study Act of 2002”.

19 (b) **DESIGNATION OF ROUTE OF THE MISSISSIPPI**
20 **RIVER FOR STUDY FOR POTENTIAL ADDITION TO THE**
21 **NATIONAL TRAILS SYSTEM.—**

22 (1) **DESIGNATION.**—Section 5(c) of the national
23 trails system act (16 U.S.C. 1244(c)) is amended by
24 adding at the end the following new paragraph:

1 “(____) MISSISSIPPI RIVER TRAIL.—The route of
2 the Mississippi River from its headwaters in the State of
3 Minnesota to the Gulf of Mexico.”.

4 (2) RELATION TO OTHER STUDIES.—The study
5 required by the amendment made by this subsection
6 is intended to compliment, and not duplicate, other
7 studies of the scenic or historical importance of the
8 Mississippi River that may be underway or under-
9 taken.

10 **TITLE II—STUDIES**

11 **Subtitle A—Cold War Study**

12 **SEC. 1201. COLD WAR STUDY.**

13 (a) SUBJECT OF STUDY.—The Secretary of the Inte-
14 rior, in consultation with the Secretary of Defense, State
15 historic preservation offices, State and local officials, Cold
16 War scholars, and other interested organizations and indi-
17 viduals, shall conduct a National Historic Landmark
18 theme study to identify sites and resources in the United
19 States that are significant to the Cold War. In conducting
20 the study, the Secretary of the Interior shall—

21 (1) consider the inventory of sites and resources
22 associated with the Cold War completed by the Sec-
23 retary of Defense pursuant to section 8120(b)(9) of
24 the Department of Defense Appropriations Act,
25 1991 (Public Law 101–511; 104 Stat. 1906);

1 (2) consider historical studies and research of
2 Cold War sites and resources such as interconti-
3 nental ballistic missiles, flight training centers, man-
4 ufacturing facilities, communications and command
5 centers (such as Cheyenne Mountain, Colorado), de-
6 fensive radar networks (such as the Distant Early
7 Warning Line), and strategic and tactical aircraft;
8 and

9 (3) inventory and consider nonmilitary sites and
10 resources associated with the people, events, and so-
11 cial aspects of the Cold War.

12 (b) CONTENTS.—The study shall include—

13 (1) recommendations for commemorating and
14 interpreting sites and resources identified by the
15 study, including—

16 (A) sites for which studies for potential in-
17 clusion in the National Park System should be
18 authorized;

19 (B) sites for which new national historic
20 landmarks should be nominated;

21 (C) recommendations on the suitability and
22 feasibility of establishing a central repository
23 for Cold War artifacts and information; and

24 (D) other appropriate designations;

1 (2) recommendations for cooperative arrange-
2 ments with State and local governments, local his-
3 torical organizations, and other entities; and

4 (3) cost estimates for carrying out each of those
5 recommendations.

6 (c) GUIDELINES.—The study shall be—

7 (1) conducted with public involvement; and

8 (2) submitted to the Committee on Resources of
9 the House of Representatives and the Committee on
10 Energy and Natural Resources of the Senate no
11 later than 3 years after the date that funds are
12 made available for the study.

13 **SEC. 1202. INTERPRETIVE HANDBOOK ON THE COLD WAR.**

14 Not later than 4 years after funds are made available
15 for that purpose, the Secretary of the Interior shall pre-
16 pare and publish an interpretive handbook on the Cold
17 War and shall disseminate information gathered through
18 the study through appropriate means in addition to the
19 handbook.

20 **SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated \$300,000 to
22 carry out this subtitle.

1 **Subtitle B—Waco Mammoth Site**
2 **Study and Report**

3 **SEC. 1206. STUDY AND REPORT REGARDING WACO MAM-**
4 **MOTH SITE AREA.**

5 (a) STUDY.—The Secretary of the Interior, in con-
6 sultation with the State of Texas, the city of Waco, and
7 other appropriate organizations, shall carry out a special
8 resource study regarding the national significance, suit-
9 ability, and feasibility of designating the Waco Mammoth
10 Site Area located in the city of Waco, Texas, as a unit
11 of the National Park System.

12 (b) STUDY PROCESS AND COMPLETION.—Section
13 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall
14 apply to the conduct and completion of the study required
15 by this section.

16 **SEC. 1207. SUBMISSION OF STUDY RESULTS.**

17 Not later than 3 years after funds are first made
18 available for this subtitle, the Secretary shall submit to
19 the Committee on Resources of the House of Representa-
20 tives and the Committee on Energy and Natural Re-
21 sources of the Senate a report describing the results of
22 the study.

1 **Subtitle C—Buffalo Bayou National**
2 **Heritage Area Study**

3 **SEC. 1211. SHORT TITLE.**

4 This subtitle may be cited as the “Buffalo Bayou Na-
5 tional Heritage Area Study Act”.

6 **SEC. 1212. NATIONAL PARK SERVICE STUDY REGARDING**
7 **BUFFALO BAYOU, TEXAS.**

8 (a) FINDINGS.—The Congress finds the following:

9 (1) The area beginning at Shepherd Drive in
10 west Houston, Texas, and extending to the Turning
11 Basin, commonly referred to as the “Buffalo
12 Bayou”, made a unique contribution to the cultural,
13 political, and industrial development of the United
14 States.

15 (2) The Buffalo Bayou is distinctive as the first
16 spine of modern industrial development in Texas and
17 one of the first along the Gulf of Mexico coast.

18 (3) The Buffalo Bayou played a significant role
19 in the struggle for Texas independence.

20 (4) The Buffalo Bayou developed a prosperous
21 and productive shipping industry that survives
22 today.

23 (5) The Buffalo Bayou led in the development
24 of Texas’ petrochemical industry that made Houston
25 the center of the early oil boom in America.

1 (6) The Buffalo Bayou developed a sophisti-
2 cated shipping system, leading to the formation of
3 the modern day Houston Ship Channel.

4 (7) The Buffalo Bayou developed a significant
5 industrial base, and served as the focal point for the
6 new city of Houston.

7 (8) There is a longstanding commitment by the
8 Buffalo Bayou Partnership, Inc., to complete the
9 Buffalo Bayou Trail along the 12-mile segment of
10 the Buffalo Bayou.

11 (9) There is a need for assistance for the pres-
12 ervation and promotion of the significance of the
13 Buffalo Bayou as a system for transportation, in-
14 dustry, commerce, and immigration.

15 (10) The Department of the Interior is respon-
16 sible for protecting the Nation's cultural and histor-
17 ical resources. There are significant examples of
18 such resources within the Buffalo Bayou region to
19 merit the involvement of the Federal Government in
20 the development of programs and projects, in co-
21 operation with the Buffalo Bayou Partnership, Inc.,
22 the State of Texas, and other local and govern-
23 mental entities, to adequately conserve, protect, and
24 interpret this heritage for future generations, while

1 providing opportunities for education and revitaliza-
2 tion.

3 (b) STUDY.—

4 (1) IN GENERAL.—The Secretary shall, in con-
5 sultation with the State of Texas, the City of Hous-
6 ton, and other appropriate organizations, carry out
7 a study regarding the suitability and feasibility of
8 establishing the Buffalo Bayou National Heritage
9 Area in Houston, Texas.

10 (2) CONTENTS.—The study shall include anal-
11 ysis and documentation regarding whether the Study
12 Area—

13 (A) has an assemblage of natural, historic,
14 and cultural resources that together represent
15 distinctive aspects of American heritage worthy
16 of recognition, conservation, interpretation, and
17 continuing use, and are best managed through
18 partnerships among public and private entities
19 and by combining diverse and sometimes non-
20 contiguous resources and active communities;

21 (B) reflects traditions, customs, beliefs,
22 and folklife that are a valuable part of the na-
23 tional story;

1 (C) provides outstanding opportunities to
2 conserve natural, historic, cultural, or scenic
3 features;

4 (D) provides outstanding recreational and
5 educational opportunities;

6 (E) contains resources important to the
7 identified theme or themes of the Study Area
8 that retain a degree of integrity capable of sup-
9 porting interpretation;

10 (F) includes residents, business interests,
11 nonprofit organizations, and local and State
12 governments that are involved in the planning,
13 have developed a conceptual financial plan that
14 outlines the roles for all participants, including
15 the Federal Government, and have dem-
16 onstrated support for the concept of a national
17 heritage area;

18 (G) has a potential management entity to
19 work in partnership with residents, business in-
20 terests, nonprofit organizations, and local and
21 State governments to develop a national herit-
22 age area consistent with continued local and
23 State economic activity; and

24 (H) has a conceptual boundary map that is
25 supported by the public.

1 (c) BOUNDARIES OF THE STUDY AREA.—The Study
2 Area shall be comprised of sites in Houston, Texas, in an
3 area roughly bounded by Shepherd Drive and extending
4 to the Turning Basin, commonly referred to as the “Buf-
5 falo Bayou”.

6 (d) SUBMISSION OF STUDY RESULTS.—Not later
7 than 3 years after funds are first made available for this
8 section, the Secretary shall submit to the Committee on
9 Resources of the House of Representatives and the Com-
10 mittee on Energy and Natural Resources of the Senate
11 a report describing the results of the study.

12 **Subtitle D—Virginia Key Beach**
13 **Park Resource Study**

14 **SECTION 1216. STUDY AND CRITERIA.**

15 (a) STUDY.—The Secretary of the Interior (in this
16 subtitle referred to as “the Secretary”) shall conduct a
17 study of Virginia Key Beach Park in Biscayne Bay, Flor-
18 ida, which was used for recreation by African Americans
19 at a time when public beaches were racially segregated by
20 law. The study shall evaluate the national significance of
21 the site and the suitability and feasibility of establishing
22 the site as a unit of the National Park System.

23 (b) CRITERIA.—In conducting the study required by
24 subsection (a), the Secretary shall use the criteria for the
25 study of areas for potential inclusion in the National Park

1 System contained in section 8 of Public Law 91–383 (16
2 U.S.C. 1a–5; popularly known as the National Park Sys-
3 tem General Authorities Act).

4 **SEC. 1217. REPORT.**

5 Upon completion of the study, the Secretary shall
6 transmit to the Congress a report on the findings of the
7 study and the conclusions and recommendations of the
8 Secretary.

9 **Subtitle E—San Gabriel River**
10 **Watersheds Study**

11 **SEC. 1221. SHORT TITLE.**

12 This subtitle may be cited as the “San Gabriel River
13 Watersheds Study Act of 2002”.

14 **SEC. 1222. AUTHORIZATION OF STUDY.**

15 (a) IN GENERAL.—The Secretary of the Interior
16 (hereinafter in this subtitle referred to as the “Secretary”)
17 shall conduct a special resource study of the following
18 areas:

19 (1) The San Gabriel River and its tributaries
20 north of and including the city of Santa Fe Springs.

21 (2) The San Gabriel Mountains within the ter-
22 ritory of the San Gabriel and Lower Los Angeles
23 Rivers and Mountains Conservancy (as defined in
24 section 32603(e)(1)(C) of the State of California
25 Public Resource Code).

1 (b) STUDY CONDUCT AND COMPLETION.—Section
2 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall
3 apply to the conduct and completion of the study required
4 by this section.

5 (c) CONSULTATION WITH FEDERAL, STATE, AND
6 LOCAL GOVERNMENTS.—In conducting the study author-
7 ized by this section, the Secretary shall consult with the
8 San Gabriel and Lower Los Angeles Rivers and Mountains
9 Conservancy and other appropriate Federal, State, and
10 local governmental entities.

11 (d) CONSIDERATIONS.—In conducting the study au-
12 thorized by this section, the Secretary shall consider re-
13 gional flood control and drainage needs and publicly
14 owned infrastructure, including, but not limited to, waste-
15 water treatment facilities.

16 **SEC. 1223. REPORT.**

17 Not later than 3 years after funds are made available
18 for this subtitle, the Secretary shall submit to the Com-
19 mittee on Energy and Natural Resources of the Senate
20 and the Committee on Resources of the House of Rep-
21 resentatives a report on the findings, conclusions, and rec-
22 ommendations of the study.

1 **Subtitle F—Muscle Shoals National**
2 **Heritage Area**

3 **SEC. 1226. SHORT TITLE.**

4 This subtitle may be cited as the “Muscle Shoals Na-
5 tional Heritage Area Study Act of 2002”.

6 **SEC. 1227. STUDY.**

7 The Secretary of the Interior, in consultation with
8 appropriate State historic preservation officers, States his-
9 torical societies, and other appropriate organizations, shall
10 conduct a study regarding the suitability and feasibility
11 of designating the study area described in section 228 as
12 the Muscle Shoals National Heritage Area. The study
13 shall include analysis, documentation, and determination
14 regarding whether the study area—

15 (1) has an assemblage of natural, historic, and
16 cultural resources that together represent distinctive
17 aspects of American heritage worthy of recognition,
18 conservation, interpretation, and continuing use, and
19 are best managed through partnerships among pub-
20 lic and private entities and by combining diverse and
21 sometimes noncontiguous resources and active com-
22 munities;

23 (2) reflects traditions, customs, beliefs, and
24 folklife that are a valuable part of the national story;

1 (3) provides outstanding opportunities to con-
2 serve natural, historic, cultural, or scenic features;

3 (4) provides outstanding recreational and edu-
4 cational opportunities;

5 (5) contains resources important to the identi-
6 fied theme or themes of the study area that retain
7 a degree of integrity capable of supporting interpreta-
8 tion;

9 (6) includes residents, business interests, non-
10 profit organizations, and local and State govern-
11 ments that are involved in the planning, have devel-
12 oped a conceptual financial plan that outlines the
13 roles of all participants (including the Federal Gov-
14 ernment), and have demonstrated support for the
15 concept of a national heritage area;

16 (7) has a potential management entity to work
17 in partnership with residents, business interests,
18 nonprofit organizations, and local and State govern-
19 ments to develop a national heritage area consistent
20 with continued local and State economic activity;
21 and

22 (8) has a conceptual boundary map that is sup-
23 ported by the public.

1 **SEC. 1228. BOUNDARIES OF THE STUDY AREA.**

2 The study area referred to in section 227 shall be
3 comprised of the following:

4 (1) The part of the Tennessee River's water-
5 shed in northern Alabama.

6 (2) The cities of Florence, Sheffield,
7 Tusculmbia, and Muscle Shoals City, Alabama.

8 (3) The towns of Anderson, Cherokee,
9 Courtland, Leighton, Lexington, Littleville, Red
10 Bay, Rogersville, Russellville, Town Creek, and Wa-
11 terloo, Alabama, and their environs.

12 (4) Colbert, Lauderdale, Franklin, and Law-
13 rence Counties, Alabama.

14 (5) Other areas that have heritage aspects that
15 are similar to those aspects that are in the areas de-
16 scribed in paragraphs (1) through (4) and which are
17 adjacent to or in the vicinity of those areas.

18 **SEC. 1229. REPORT.**

19 Not later than 3 fiscal years after the date on which
20 funds are first made available for this subtitle, the Sec-
21 retary of the Interior shall submit to the Committee on
22 Resources of the House of Representatives and the Com-
23 mittee on Energy and Natural Resources of the Senate
24 a report on the findings, conclusions, and recommenda-
25 tions of the study.

1 **Subtitle G—Golden Chain Highway**

2 **SEC. 1231. STUDY; REPORT.**

3 (a) STUDY.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date that funds are first made available for this
6 section, the Secretary of the Interior, in consultation
7 with the affected local governments, the State gov-
8 ernment, State and local historic preservation of-
9 fices, community organizations, and the Golden
10 Chain Council, shall complete a special resource
11 study of the national significance, suitability, and
12 feasibility of establishing Highway 49 in California,
13 known as the “Golden Chain Highway”, as a Na-
14 tional Heritage Corridor.

15 (2) CONTENTS.—The study shall include an
16 analysis of—

17 (A) the significance of Highway 49 in
18 American history;

19 (B) options for preservation and use of the
20 highway;

21 (C) options for interpretation of significant
22 features associated with the highway; and

23 (D) private sector preservation alter-
24 natives.

1 (3) BOUNDARIES OF STUDY AREA.—The area
2 studied under this section shall be comprised of
3 Highway 49 in California extending from the city of
4 Oakhurst in Madera County to the city of
5 Tuttletown in Tuolumne County, and lands, struc-
6 tures, and cultural resources within the immediate
7 vicinity of the highway.

8 (b) REPORT.—Not later than 30 days after comple-
9 tion of the study required by subsection (a), the Secretary
10 shall submit a report describing the results of the study
11 to the Committee on Resources of the House of Represent-
12 atives and the Committee on Energy and Natural Re-
13 sources of the Senate.

14 **Subtitle H—Miami Circle Site**
15 **Study**

16 **SEC. 1236. FINDINGS AND PURPOSES.**

17 (a) FINDINGS.—The Congress finds that—

18 (1) the Tequesta Indians were one of the ear-
19 liest groups to establish permanent villages in south-
20 east Florida;

21 (2) the Tequestas had one of only two North
22 American civilizations that thrived and developed
23 into a complex social chiefdom without an agricul-
24 tural base;

1 (3) the Tequesta sites that remain preserved
2 today are rare;

3 (4) the discovery of the Miami Circle, occupied
4 by the Tequesta approximately 2,000 years ago, pre-
5 sents a valuable new opportunity to learn more
6 about the Tequesta culture; and

7 (5) Biscayne National Park also contains and
8 protects several prehistoric Tequesta sites.

9 (b) PURPOSE.—The purpose of this title is to direct
10 the Secretary to conduct a special resource study to deter-
11 mine the national significance of the Miami Circle site as
12 well as the suitability and feasibility of its inclusion in the
13 National Park System as part of Biscayne National Park.

14 **SEC. 1237. DEFINITIONS.**

15 In this title:

16 (1) MIAMI CIRCLE.—The term “Miami Circle”
17 means the Miami Circle archaeological site in
18 Miami-Dade County, Florida.

19 (2) PARK.—The term “Park” means Biscayne
20 National Park in the State of Florida.

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior, acting through the Di-
23 rector of the National Park Service.

1 **SEC. 1238. SPECIAL RESOURCE STUDY.**

2 (a) IN GENERAL.—Not later than one year after the
3 date funds are made available, the Secretary shall conduct
4 a special resource study as described in subsection (b). In
5 conducting the study, the Secretary shall consult with the
6 appropriate American Indian tribes and other interested
7 groups and organizations.

8 (b) COMPONENTS.—In addition to a determination of
9 national significance, feasibility, and suitability, the spe-
10 cial resource study shall include the analysis and rec-
11 ommendations of the Secretary with respect to—

12 (1) which, if any, particular areas of or sur-
13 rounding the Miami Circle should be included in the
14 Park;

15 (2) whether any additional staff, facilities, or
16 other resources would be necessary to administer the
17 Miami Circle as a unit of the Park; and

18 (3) any impact on the local area that would re-
19 sult from the inclusion of Miami Circle in the Park.

20 (c) REPORT.—Not later than 30 days after comple-
21 tion of the study, the Secretary shall submit a report de-
22 scribing the findings and recommendations of the study
23 to the Committee on Energy and Natural Resources of
24 the Senate and the Committee on Resources of the United
25 States House of Representatives.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this title.

4 **Subtitle I—Bainbridge Island**

5 **SEC. 1241. SHORT TITLE; FINDINGS.**

6 (a) SHORT TITLE.—This subtitle may be cited as the
7 “Bainbridge Island Japanese-American Memorial Study
8 Act of 2002”.

9 (b) FINDINGS.—The Congress finds the following:

10 (1) During World War II on February 19,
11 1942, President Franklin Delano Roosevelt signed
12 Executive Order 9066, setting in motion the forced
13 exile of more than 110,000 Japanese Americans.

14 (2) In Washington State, 12,892 men, women
15 and children of Japanese ancestry experienced three
16 years of incarceration, an incarceration violating the
17 most basic freedoms of American citizens.

18 (3) On March 30, 1942, 227 Bainbridge Island
19 residents were the first Japanese Americans in
20 United States history to be forcibly removed from
21 their homes by the U.S. Army and sent to intern-
22 ment camps. They boarded the ferry Kehloken from
23 the former Eagledale Ferry Dock, located at the end
24 of Taylor Avenue, in the city of Bainbridge Island,
25 Washington State.

1 (4) The city of Bainbridge Island has adopted
2 a resolution stating that this site should be a Na-
3 tional Memorial, and similar resolutions have been
4 introduced in the Washington State Legislature.

5 (5) Both the Minidoka National Monument and
6 Manzanar National Historic Site can clearly tell the
7 story of a time in our Nation's history when con-
8 stitutional rights were ignored. These camps by de-
9 sign were placed in very remote places and are not
10 easily accessible. Bainbridge Island is a short ferry
11 ride from Seattle and the site would be within easy
12 reach of many more people.

13 (6) This is a unique opportunity to create a site
14 that will honor those who suffered, cherish the
15 friends and community who stood beside them and
16 welcomed them home, and inspire all to stand firm
17 in the event our nation again succumbs to similar
18 fears.

19 (7) The site should be recognized by the Na-
20 tional Park Service based on its high degree of na-
21 tional significance, association with significant
22 events, and integrity of its location and setting. This
23 site is critical as an anchor for future efforts to
24 identify, interpret, serve, and ultimately honor the

1 Nikkei—persons of Japanese ancestry—influence on
2 Bainbridge Island.

3 **SEC. 1242. EAGLEDALE FERRY DOCK LOCATION AT TAYLOR**
4 **AVENUE STUDY AND REPORT.**

5 (a) STUDY.—The Secretary of the Interior shall carry
6 out a special resource study regarding the national signifi-
7 cance, suitability, and feasibility of designating as a unit
8 of the National Park System the property commonly
9 known as the Eagledale Ferry Dock at Taylor Avenue and
10 the historical events associated with it, located in the town
11 of Bainbridge Island, Kitsap County, Washington.

12 (b) REPORT.—Not later than 1 year after funds are
13 first made available for the study under subsection (a),
14 the Secretary of the Interior shall submit to the Com-
15 mittee on Resources of the House of Representatives and
16 the Committee on Energy and Natural Resources of the
17 Senate a report describing the findings, conclusions, and
18 recommendations of the study.

19 (c) REQUIREMENTS FOR STUDY.—Except as other-
20 wise provided in this section, the study under subsection
21 (a) shall be conducted in accordance with section 8(c) of
22 Public Law 91–383 (16 U.S.C. 1a–5(c)).

1 **Subtitle J—Presidential Historic**
2 **Site**

3 **SEC. 1246. PRESIDENTIAL HISTORIC SITE STUDY.**

4 (a) STUDY AND REPORT.—Not later than 2 years
5 after the date funds are made available, the Secretary of
6 the Interior shall—

7 (1) carry out a study on the suitability and fea-
8 sibility of designating the William Jefferson Clinton
9 birthplace home located in Hope, Arkansas, as a na-
10 tional historic site; and

11 (2) submit to the Committee on Resources of
12 the House of Representatives and the Committee on
13 Energy and Natural Resources of the Senate a re-
14 port describing the findings, conclusions, and rec-
15 ommendations of the study.

16 (b) REQUIREMENTS FOR STUDY.—Except with re-
17 gard to deadline for completion provided in subsection (a),
18 the study under subsection (a) shall be conducted in ac-
19 cordance with section 8(c) Public Law 91–383 (16 U.S.C.
20 1a–5(c)).

1 **Subtitle K—Southern Campaign of**
2 **the Revolution Heritage Area**
3 **Study**

4 **SEC. 1251. SHORT TITLE.**

5 This subtitle may be cited as the “Southern Cam-
6 paign of the Revolution Heritage Area Study Act”.

7 **SEC. 1252. STUDY.**

8 The Secretary of the Interior, in consultation with
9 appropriate State historic preservation officers, States his-
10 torical societies, and other appropriate organizations, shall
11 conduct a study regarding the suitability and feasibility
12 of designating the study area described in section 253 as
13 the Southern Campaign of the Revolution Heritage Area.
14 The study shall include analysis, documentation, and de-
15 termination regarding whether the study area—

16 (1) has an assemblage of natural, historic, and
17 cultural resources that together represent distinctive
18 aspects of American heritage worthy of recognition,
19 conservation, interpretation, and continuing use, and
20 are best managed through partnerships among pub-
21 lic and private entities and by combining diverse and
22 sometimes noncontiguous resources and active com-
23 munities;

24 (2) reflects traditions, customs, beliefs, and
25 folklife that are a valuable part of the national story;

1 (3) provides outstanding opportunities to con-
2 serve natural, historic, cultural, or scenic features;

3 (4) provides outstanding recreational and edu-
4 cational opportunities;

5 (5) contains resources important to the identi-
6 fied theme or themes of the study area that retain
7 a degree of integrity capable of supporting interpreta-
8 tion;

9 (6) includes residents, business interests, non-
10 profit organizations, and local and State govern-
11 ments that are involved in the planning, have devel-
12 oped a conceptual financial plan that outlines the
13 roles of all participants (including the Federal Gov-
14 ernment), and have demonstrated support for the
15 concept of a national heritage area;

16 (7) has a potential management entity to work
17 in partnership with residents, business interests,
18 nonprofit organizations, and local and State govern-
19 ments to develop a national heritage area consistent
20 with continued local and State economic activity;
21 and

22 (8) has a conceptual boundary map that is sup-
23 ported by the public.

24 **SEC. 1253. STUDY AREA.**

25 (a) IN GENERAL.—

1 (1) SOUTH CAROLINA.—The study area shall
2 include the following counties in South Carolina:
3 Pickens, Greenville County, Spartanburg, Cherokee
4 County, Greenwood, Laurens, Union, York, Chester,
5 Darlington, Florence, Chesterfield, Marlboro, Fair-
6 field, Richland, Lancaster, Kershaw, Sumter,
7 Orangeburg, Georgetown, Dorchester, Colleton,
8 Charleston, Beaufort, and Williamsburg.

9 (2) NORTH CAROLINA.—The study area may in-
10 clude sites and locations in North Carolina as appro-
11 priate.

12 (b) SPECIFIC SITES.—The heritage area may include
13 the following sites of interest:

14 (1) NATIONAL PARK SERVICE SITE.—Kings
15 Mountain National Military Park, Cowpens National
16 Battlefield, Fort Moultrie National Monument,
17 Charles Pickney National Historic Site, and Ninety
18 Six National Historic Site as well as the National
19 Park Affiliate of Historic Camden Revolutionary
20 War Site.

21 (2) STATE-MAINTAINED SITES.—Colonial Dor-
22 chester State Historic Site, Eutaw Springs Battle
23 Site, Hampton Plantation State Historic Site, Fort
24 Watson, Landsford Canal State Historic Site, An-

1 drew Jackson State Park, and Musgrove Mill State
2 Park.

3 (3) COMMUNITIES.—Charleston, Beaufort,
4 Georgetown, Kingstree, Cheraw, Camden,
5 Winnsboro, Orangeburg, and Cayce.

6 (4) OTHER KEY SITES OPEN TO THE PUBLIC.—
7 Middleton Place, Goose Creek Church, Hopsewee
8 Plantation, Walnut Grove Plantation, and Historic
9 Brattonsville.

10 **SEC. 1254. REPORT.**

11 Not later than 3 fiscal years after the date on which
12 funds are first made available for this subtitle, the Sec-
13 retary of the Interior shall submit to the Committee on
14 Resources of the House of Representatives and the Com-
15 mittee on Energy and Natural Resources of the Senate
16 a report on the findings, conclusions, and recommenda-
17 tions of the study.

18 **Subtitle L—St. Croix National**
19 **Heritage Area Study**

20 **SEC. 1256. SHORT TITLE.**

21 This subtitle may be cited as the “St. Croix National
22 Heritage Area Study Act”.

23 **SEC. 1257. STUDY.**

24 The Secretary of the Interior, in consultation with
25 appropriate State historic preservation officers, States his-

1 torical societies, and other appropriate organizations, shall
2 conduct a study regarding the suitability and feasibility
3 of designating the island of St. Croix as the St. Croix Na-
4 tional Heritage Area. The study shall include analysis,
5 documentation, and determination regarding whether the
6 island of St. Croix—

7 (1) has an assemblage of natural, historic, and
8 cultural resources that together represent distinctive
9 aspects of American heritage worthy of recognition,
10 conservation, interpretation, and continuing use, and
11 are best managed through partnerships among pub-
12 lic and private entities and by combining diverse and
13 sometimes noncontiguous resources and active com-
14 munities;

15 (2) reflects traditions, customs, beliefs, and
16 folklife that are a valuable part of the national story;

17 (3) provides outstanding opportunities to con-
18 serve natural, historic, cultural, or scenic features;

19 (4) provides outstanding recreational and edu-
20 cational opportunities;

21 (5) contains resources important to the identi-
22 fied theme or themes of the island of St. Croix that
23 retain a degree of integrity capable of supporting in-
24 terpretation;

1 (6) includes residents, business interests, non-
2 profit organizations, and local and State govern-
3 ments that are involved in the planning, have devel-
4 oped a conceptual financial plan that outlines the
5 roles of all participants (including the Federal Gov-
6 ernment), and have demonstrated support for the
7 concept of a national heritage area;

8 (7) has a potential management entity to work
9 in partnership with residents, business interests,
10 nonprofit organizations, and local and State govern-
11 ments to develop a national heritage area consistent
12 with continued local and State economic activity;
13 and

14 (8) has a conceptual boundary map that is sup-
15 ported by the public.

16 **SEC. 1258. REPORT.**

17 Not later than 3 fiscal years after the date on which
18 funds are first made available for this subtitle, the Sec-
19 retary of the Interior shall submit to the Committee on
20 Resources of the House of Representatives and the Com-
21 mittee on Energy and Natural Resources of the Senate
22 a report on the findings, conclusions, and recommenda-
23 tions of the study.

1 **Subtitle M—Wright Company**
2 **Factory Study**

3 **SEC. 1260. WRIGHT COMPANY FACTORY STUDY.**

4 (a) IN GENERAL.—The Secretary shall conduct a
5 special resource study updating the study required under
6 section 104 of the Dayton Aviation Heritage Preservation
7 Act of 1992 (Public Law 102–419) and detailing alter-
8 natives for incorporating the Wright Company factory as
9 a unit of Dayton Aviation Heritage National Historical
10 Park.

11 (b) CONTENTS.—The study shall include an analysis
12 of alternatives for including the Wright Company factory
13 as a unit of Dayton Aviation Heritage National Historical
14 Park that detail management and development options
15 and costs.

16 (c) CONSULTATION.—In conducting the study, the
17 Secretary shall consult with the Delphi Corporation, the
18 Dayton Aviation Heritage Commission, the Aviation Her-
19 itage Foundation, State and local agencies, and other in-
20 terested parties in the area.

21 **SEC. 1261. REPORT.**

22 Not later than 3 years after funds are first made
23 available for this subtitle, the Secretary shall submit to
24 the Committee on Resources of the House of Representa-
25 tives and the Committee on Energy and Natural Re-

1 sources of the Senate a report describing the results of
2 the study conducted under this subtitle.

3 **Subtitle N—Peopling of America**
4 **Theme Study**

5 **SEC. 1271. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress finds that—

7 (1) an important facet of the history of the
8 United States is the story of how the United States
9 was populated;

10 (2) the migration, immigration, and settlement
11 of the population of the United States—

12 (A) is broadly termed the “peopling of
13 America”; and

14 (B) is characterized by—

15 (i) the movement of groups of people
16 across external and internal boundaries of
17 the United States and territories of the
18 United States; and

19 (ii) the interactions of those groups
20 with each other and with other popu-
21 lations;

22 (3) each of those groups has made unique, im-
23 portant contributions to American history, culture,
24 art, and life;

1 (4) the spiritual, intellectual, cultural, political,
2 and economic vitality of the United States is a result
3 of the pluralism and diversity of the American popu-
4 lation;

5 (5) the success of the United States in embrac-
6 ing and accommodating diversity has strengthened
7 the national fabric and unified the United States in
8 its values, institutions, experiences, goals, and ac-
9 complishments;

10 (6)(A) the National Park Service’s official the-
11 matic framework, revised in 1996, responds to the
12 requirement of section 1209 of the Civil War Sites
13 Study Act of 1990 (16 U.S.C. 1a–5 note; title XII
14 of Public Law 101–628), that “the Secretary shall
15 ensure that the full diversity of American history
16 and prehistory are represented” in the identification
17 and interpretation of historic properties by the Na-
18 tional Park Service; and

19 (B) the thematic framework recognizes that
20 “people are the primary agents of change” and es-
21 tablishes the theme of human population movement
22 and change—or “peopling places”—as a primary
23 thematic category for interpretation and preserva-
24 tion; and

1 (7) although there are approximately 70,000
2 listings on the National Register of Historic Places,
3 sites associated with the exploration and settlement
4 of the United States by a broad range of cultures
5 are not well represented.

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

7 (1) to foster a much-needed understanding of
8 the diversity and contribution of the breadth of
9 groups who have peopled the United States; and

10 (2) to strengthen the ability of the National
11 Park Service to include groups and events otherwise
12 not recognized in the peopling of the United States.

13 **SEC. 1272. DEFINITIONS.**

14 In this subtitle:

15 (1) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (2) THEME STUDY.—The term “theme study”
18 means the national historic landmark theme study
19 required under section 1273.

20 (3) PEOPLING OF AMERICA.—The term “peo-
21 pling of America” means the migration, immigra-
22 tion, and settlement of the population of the United
23 States.

1 **SEC. 1273. NATIONAL HISTORIC LANDMARK THEME STUDY**
2 **ON THE PEOPLING OF AMERICA.**

3 (a) **THEME STUDY REQUIRED.**—The Secretary shall
4 prepare and submit to Congress a national historic land-
5 mark theme study on the peopling of America.

6 (b) **PURPOSE.**—The purpose of the theme study shall
7 be to identify regions, areas, trails, districts, communities,
8 sites, buildings, structures, objects, organizations, soci-
9 eties, and cultures that—

10 (1) best illustrate and commemorate key events
11 or decisions affecting the peopling of America; and

12 (2) can provide a basis for the preservation and
13 interpretation of the peopling of America that has
14 shaped the culture and society of the United States.

15 (c) **IDENTIFICATION AND DESIGNATION OF POTEN-**
16 **TIAL NEW NATIONAL HISTORIC LANDMARKS.**—

17 (1) **IN GENERAL.**—The theme study shall iden-
18 tify and recommend for designation new national
19 historic landmarks.

20 (2) **LIST OF APPROPRIATE SITES.**—The theme
21 study shall—

22 (A) include a list, in order of importance
23 or merit, of the most appropriate sites for na-
24 tional historic landmark designation; and

1 (B) encourage the nomination of other
2 properties to the National Register of Historic
3 Places.

4 (3) DESIGNATION.—On the basis of the theme
5 study, the Secretary shall designate new national
6 historic landmarks.

7 (d) NATIONAL PARK SYSTEM.—

8 (1) IDENTIFICATION OF SITES WITHIN CUR-
9 RENT UNITS.—The theme study shall identify appro-
10 priate sites within units of the National Park Sys-
11 tem at which the peopling of America may be inter-
12 preted.

13 (2) IDENTIFICATION OF NEW SITES.—On the
14 basis of the theme study, the Secretary shall rec-
15 ommend to Congress sites for which studies for po-
16 tential inclusion in the National Park System should
17 be authorized.

18 (e) CONTINUING AUTHORITY.—After the date of sub-
19 mission to Congress of the theme study, the Secretary
20 shall, on a continuing basis, as appropriate to interpret
21 the peopling of America—

22 (1) evaluate, identify, and designate new na-
23 tional historic landmarks; and

1 (2) evaluate, identify, and recommend to Con-
2 gress sites for which studies for potential inclusion
3 in the National Park System should be authorized.

4 (f) PUBLIC EDUCATION AND RESEARCH.—

5 (1) LINKAGES.—

6 (A) ESTABLISHMENT.—On the basis of the
7 theme study, the Secretary may identify appro-
8 priate means for establishing linkages—

9 (i) between—

10 (I) regions, areas, trails, dis-
11 tricts, communities, sites, buildings,
12 structures, objects, organizations, so-
13 cieties, and cultures identified under
14 subsections (b) and (d); and

15 (II) groups of people; and

16 (ii) between—

17 (I) regions, areas, trails, dis-
18 tricts, communities, sites, buildings,
19 structures, objects, organizations, so-
20 cieties, and cultures identified under
21 subsection (b); and

22 (II) units of the National Park
23 System identified under subsection
24 (d).

1 (B) PURPOSE.—The purpose of the link-
2 ages shall be to maximize opportunities for pub-
3 lic education and scholarly research on the peo-
4 pling of America.

5 (2) COOPERATIVE ARRANGEMENTS.—On the
6 basis of the theme study, the Secretary shall, subject
7 to the availability of funds, enter into cooperative ar-
8 rangements with State and local governments, edu-
9 cational institutions, local historical organizations,
10 communities, and other appropriate entities to pre-
11 serve and interpret key sites in the peopling of
12 America.

13 (3) EDUCATIONAL INITIATIVES.—

14 (A) IN GENERAL.—The documentation in
15 the theme study shall be used for broad edu-
16 cational initiatives such as—

17 (i) popular publications;

18 (ii) curriculum material such as the
19 Teaching with Historic Places program;

20 (iii) heritage tourism products such as
21 the National Register of Historic Places
22 Travel Itineraries program; and

23 (iv) oral history and ethnographic pro-
24 grams.

1 (B) COOPERATIVE PROGRAMS.—On the
2 basis of the theme study, the Secretary shall
3 implement cooperative programs to encourage
4 the preservation and interpretation of the peo-
5 pling of America.

6 **SEC. 1274. COOPERATIVE AGREEMENTS.**

7 The Secretary may enter into cooperative agreements
8 with educational institutions, professional associations, or
9 other entities knowledgeable about the peopling of Amer-
10 ica—

11 (1) to prepare the theme study;

12 (2) to ensure that the theme study is prepared
13 in accordance with generally accepted scholarly
14 standards; and

15 (3) to promote cooperative arrangements and
16 programs relating to the peopling of America.

17 **SEC. 1275. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
19 as are necessary to carry out this subtitle.

1 **TITLE III—BOUNDARY**
2 **ADJUSTMENTS**
3 **Subtitle A—Homestead National**
4 **Monument of America**

5 **SEC. 1301. SHORT TITLE.**

6 This subtitle may be cited as the “Homestead Na-
7 tional Monument of America Additions Act”.

8 **SEC. 1302. DEFINITIONS.**

9 In this subtitle:

10 (1) **MAP.**—The term “map” means the map en-
11 titled “Proposed Boundary Adjustment, Homestead
12 National Monument of America, Gage County, Ne-
13 braska”, numbered 368/80036 and dated March
14 2000.

15 (2) **MONUMENT.**—The term “Monument”
16 means the Homestead National Monument of Amer-
17 ica, Nebraska.

18 (3) **SECRETARY.**—The term “Secretary” means
19 the Secretary of the Interior.

20 **SEC. 1303. ADDITIONS TO HOMESTEAD NATIONAL MONU-**
21 **MENT OF AMERICA.**

22 (a) **IN GENERAL.**—The Secretary may acquire, by
23 donation or by purchase with appropriated or donated
24 funds, from willing sellers only, the privately-owned prop-
25 erty described in paragraphs (1) and (2) of subsection (b).

1 The Secretary may acquire, by donation only, the State-
2 owned property described in paragraphs (3) and (4) of
3 subsection (b).

4 (b) PARCELS.—The parcels referred to in subsection
5 (a) are the following:

6 (1) GRAFF PROPERTY.—The parcel consisting
7 of approximately 15.98 acres of privately-owned
8 land, as depicted on the map.

9 (2) PIONEER ACRES GREEN.—The parcel con-
10 sisting of approximately 3 acres of privately-owned
11 land, as depicted on the map.

12 (3) SEGMENT OF STATE HIGHWAY 4.—The par-
13 cel consisting of approximately 5.6 acres of State-
14 owned land including Nebraska State Highway 4, as
15 depicted on the map.

16 (4) STATE TRIANGLE.—The parcel consisting of
17 approximately 8.3 acres of State-owned land, as de-
18 picted on the map.

19 (c) BOUNDARY ADJUSTMENT.—Upon acquisition of
20 a parcel described in subsection (b), the Secretary shall
21 modify the boundary of the Monument to include the par-
22 cel. Any parcel included within the boundary shall be ad-
23 ministered by the Secretary as part of the Monument.

24 (d) DEADLINE FOR ACQUISITION OF CERTAIN PROP-
25 erty.—If the property described in subsection (b)(1) is

1 not acquired by the Secretary from a willing seller within
2 5 years after the date of the enactment of this subtitle,
3 the Secretary shall no longer be authorized to acquire such
4 property pursuant to this subtitle and such property shall
5 not become part of the Monument pursuant to this sub-
6 title.

7 (e) AVAILABILITY OF MAP.—The map shall be on file
8 in the appropriate offices of the National Park Service.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this subtitle
11 \$400,000.

12 **SEC. 1304. COOPERATIVE AGREEMENTS.**

13 The Secretary may enter into cooperative agreements
14 with the State of Nebraska, Gage County, local units of
15 government, private groups, and individuals for operation,
16 maintenance, interpretation, recreation, and other pur-
17 poses related to the proposed Homestead Heritage High-
18 way to be located in the general vicinity of the Monument.

19 **Subtitle B—National Park of**
20 **American Samoa**

21 **SEC. 1305. BOUNDARY ADJUSTMENT OF THE NATIONAL**
22 **PARK OF AMERICAN SAMOA.**

23 Section 2(b) of the Act entitled “An Act to establish
24 the National Park of American Samoa” (16 U.S.C.
25 410qq–1(b)), approved October 31, 1988, is amended—

1 (1) by striking “(1)”, “(2)”, and “(3)” and in-
2 sserting “(A)”, “(B)”, and “(C)”, respectively;

3 (2) by inserting “(1)” after “INCLUDED.—”;
4 and

5 (3) by adding at the end the following new
6 paragraph:

7 “(2) The Secretary may make adjustments to the
8 boundary of the park to include within the park certain
9 portions of the islands of Ofu and Olosega, as depicted
10 on the map entitled ‘National Park of American Samoa,
11 Proposed Boundary Adjustment’, numbered 82,035 and
12 dated February 2002, pursuant to an agreement with the
13 Governor of American Samoa and contingent upon the
14 lease to the Secretary of the newly added lands. As soon
15 as practicable after a boundary adjustment under this
16 paragraph, the Secretary shall modify the maps referred
17 to in paragraph (1) accordingly.”.

18 **Subtitle C—Golden Gate National**
19 **Recreation Area**

20 **SEC. 1306. BOUNDARY ADJUSTMENT.**

21 Section 2(a) of Public Law 92–589 (16 U.S.C.
22 460bb–1(a)) is amended—

23 (1) by striking “(a)” and inserting “(a) RECRE-
24 ATION AREA LANDS.—”;

1 (2) by striking “The recreation area shall com-
2 prise” and inserting the following:

3 “(1) IN GENERAL.—The recreation area shall
4 comprise”; and

5 (3) by striking “The following additional lands
6 are also” and all that follows through the period at
7 the end of the paragraph and inserting the following:

8 “(2) ADDITIONAL LAND.—In addition to the
9 land described in paragraph (1), the recreation area
10 shall include—

11 “(A) the parcels numbered by the Assessor
12 of Marin County, California, 119-040-04, 119-
13 040-05, 119-040-18, 166-202-03, 166-010-
14 06, 166-010-07, 166-010-24, 166-010-25,
15 119-240-19, 166-010-10, 166-010-22, 119-
16 240-03, 119-240-51, 119-240-52, 119-240-
17 54, 166-010-12, 166-010-13, and 119-235-
18 10;

19 “(B) land and water in San Mateo County
20 generally depicted on the map entitled ‘Sweeney
21 Ridge Addition, Golden Gate National Recre-
22 ation Area’, numbered NRA GG-80,000-A, and
23 dated May 1980;

1 “(C) land acquired under the Golden Gate
2 National Recreation Area Addition Act of 1992
3 (16 U.S.C. 460bb–1 note; Public Law 10–299);

4 “(D) land generally depicted on the map
5 entitled ‘Additions to Golden Gate National
6 Recreation Area’, numbered NPS–80–076, and
7 dated July 2000/PWR–PLRPC; and

8 “(E) land generally depicted on the map
9 entitled ‘Rancho Corral de Tierra Additions to
10 the Golden Gate National Recreation Area’,
11 numbered NPS–80,079A and dated July 2001.

12 “(3) ACQUISITION AUTHORITY.—The Secretary
13 may acquire land described in paragraph (2)(E) only
14 from a willing seller.”.

15 **SEC. 1306A. GOLDEN GATE NATIONAL RECREATION AREA**
16 **ADVISORY COMMISSION AND MANZANAR NA-**
17 **TIONAL HISTORIC SITE ADVISORY COMMIS-**
18 **SION.**

19 (a) GOLDEN GATE NATIONAL RECREATION AREA
20 ADVISORY COMMISSION.—Section 5 of Public Law 92–
21 589 (16 U.S.C. 460bb–4) is amended—

22 (1) in subsection (b)—

23 (A) by striking “(b) The Commission” and
24 inserting the following:

25 “(b) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Commission”;

2 (B) by striking “*Provided, That the*” and
3 all that follows through the period; and

4 (C) by inserting after paragraph (1) (as
5 designated by subparagraph (A)) the following:

6 “(2) CONSIDERATIONS.—In appointing mem-
7 bers to the Commission, the Secretary shall ensure
8 that the interests of local, historic recreational users
9 of the recreation area shall be represented.”; and

10 (2) in subsection (g), by striking “thirty years
11 after the enactment of this Act” and inserting “on
12 December 31, 2012”.

13 (b) MANZANAR NATIONAL HISTORIC SITE ADVISORY
14 COMMISSION.—Section 105(h) of Public Law 102–248
15 (16 U.S.C. 461 note) is amended by striking “10 years
16 after the date of enactment of this title” and inserting
17 “on December 31, 2012”.

18 **SEC. 1306B. AUTHORIZATION FOR PARK FACILITIES TO BE**
19 **LOCATED OUTSIDE THE BOUNDARIES OF YO-**
20 **SEMITE NATIONAL PARK.**

21 Section 814(e) of the Omnibus Parks and Public
22 Lands Management Act of 1996 (16 U.S.C. 346e) is
23 amended—

24 (1) in the first sentence—

1 (A) by inserting “and Yosemite National
2 Park” after “Zion National Park”; and

3 (B) by inserting “transportation systems
4 and” before “the establishment of”; and

5 (2) by striking “park” each place it appears
6 and inserting “parks”.

7 **Subtitle D—George Washington** 8 **Birthplace National Monument**

9 **SEC. 1307. ADDITION TO NATIONAL MONUMENT.**

10 The boundaries of the George Washington Birthplace
11 National Monument (hereinafter referred to as the “Na-
12 tional Monument”) are hereby modified to include the
13 area comprising approximately 115 acres, as generally de-
14 picted on the map entitled “George Washington Birth-
15 place National Monument Boundary Map”, numbered
16 332/80,023 and dated October 2001, which shall be on
17 file and available for public inspection in the appropriate
18 offices of the National Park Service, Department of the
19 Interior.

20 **SEC. 1308. ACQUISITION OF LANDS.**

21 Within the boundaries of the National Monument, the
22 Secretary of the Interior (hereinafter referred to as the
23 “Secretary”) is authorized to acquire lands, or interests
24 therein, from willing owners by donation, purchase with
25 donated money or appropriated funds, or exchange.

1 **SEC. 1309. ADMINISTRATION OF NATIONAL MONUMENT.**

2 In administering the National Monument, the Sec-
3 retary shall take actions necessary to preserve and inter-
4 pret the history and resources associated with George
5 Washington, the generations of the Washington family
6 who lived in the vicinity and their contemporaries, and
7 18th century plantation life and society.

8 **Subtitle E—Glen Canyon National**
9 **Recreation Area**

10 **SEC. 1310. BOUNDARY ADJUSTMENT.**

11 (a) IN GENERAL.—The first section of Public Law
12 92–593 (16 U.S.C. 460dd; 86 Stat. 1311) is amended—

13 (1) by striking “That in” and inserting “SEC-
14 TION 1. (a) In”; and

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

16 “(b) In addition to the boundary change authority
17 under subsection (a), the Secretary may acquire approxi-
18 mately 152 acres of private land in exchange for approxi-
19 mately 370 acres of land within the boundary of Glen Can-
20 yon National Recreation Area, as generally depicted on the
21 map entitled ‘Page One Land Exchange Proposal’, num-
22 ber 608/60573a–2002, and dated May 16, 2002. The map
23 shall be on file and available for public inspection in the
24 appropriate offices of the National Park Service. Upon
25 conclusion of the exchange, the boundary of the recreation
26 area shall be revised to reflect the exchange.”.

1 (b) CHANGE IN ACREAGE CEILING.—Such section is
2 further amended by striking “one million two hundred and
3 thirty-six thousand eight hundred and eighty acres” and
4 inserting “1,256,000 acres”.

5 **Subtitle F—John Muir National**
6 **Historic Site**

7 **SEC. 1311. BOUNDARY ADJUSTMENT.**

8 (a) BOUNDARY.—The boundary of the John Muir
9 National Historic Site is adjusted to include the lands gen-
10 erally depicted on the map entitled “Boundary Map, John
11 Muir National Historic Site” numbered PWR–OL 426–
12 80,044a and dated August 2001.

13 (b) LAND ACQUISITION.—The Secretary of the Inte-
14 rior is authorized to acquire the lands and interests in
15 lands identified as the “Boundary Adjustment Area” on
16 the map referred to in subsection (a) by donation, pur-
17 chase with donated or appropriated funds, exchange, or
18 otherwise.

19 (c) ADMINISTRATION.—The lands and interests in
20 lands described in subsection (b) shall be administered as
21 part of the John Muir National Historic Site established
22 by the Act of August 31, 1964 (78 Stat. 753; 16 U.S.C.
23 461 note).

1 **Subtitle G—Allegheny Portage**
2 **Railroad National Historic Site**

3 **SEC. 1312. DEFINITIONS.**

4 In this subtitle:

5 (1) HISTORIC SITE.—The term “historic site”
6 means the Allegheny Portage Railroad National His-
7 toric Site in Blair and Cambria Counties, Pennsyl-
8 vania, established pursuant to Public Law 88–546
9 (78 Stat. 752; 16 U.S.C. 461 note).

10 (2) MAP.—The term “Map” means the map en-
11 titled “Allegheny Portage Railroad National Historic
12 Site, Blair and Cambria Counties, Pennsylvania”,
13 numbered NERO 423/80,014 and dated May 01.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior, acting through the Di-
16 rector of the National Park Service.

17 **SEC. 1313. REVISION OF HISTORIC SITE BOUNDARIES.**

18 (a) LANDS EXCLUDED FROM AND ADDED TO HIS-
19 TORIC SITE.—The boundary of the historic site is hereby
20 revised—

21 (1) by deleting—

22 (A) the approximately 3.09 acres depicted
23 on the Map as tracts 105–21 and 105–15; and

24 (B) the approximately 7.26 acres depicted
25 on the Map as tract 102–42; and

1 (2) by adding—

2 (A) the approximately 42.42 acres depicted
3 on the map as tract 101–09; and

4 (B) the approximately 15 acres depicted on
5 the map as tract 104–07.

6 (b) AUTHORIZATION FOR ACQUISITIONS.—

7 (1) ACQUISITION 1.—

8 (A) IN GENERAL.—The Secretary is au-
9 thorized to acquire, from willing owners only,
10 the approximately 98 acres depicted on the Map
11 as tract 103–07 in exchange for the approxi-
12 mately 108 acres depicted on the Map as tracts
13 102–38 and 103–04.

14 (B) EQUALIZATION OF VALUES.—If the
15 values of the tracts to be exchanged under sub-
16 paragraph (A) are not equal, the difference may
17 be equalized by donation, payment using do-
18 nated or appropriated funds, or the conveyance
19 of additional land.

20 (2) ACQUISITION 2.—The Secretary is author-
21 ized to acquire by exchange or donation, from willing
22 owners only, the lands included within the boundary
23 of the tract described in subsection (a)(2)(B).

24 (c) REVISION OF BOUNDARIES AFTER ACQUI-
25 TIONS.—Upon completion of the exchange under sub-

1 section (b)(1), the boundaries of the historic site shall be
2 revised, as appropriate—

3 (1) by adding the land acquired by the United
4 States; and

5 (2) by deleting the land that is no longer owned
6 by the United States.

7 **SEC. 1314. AVAILABILITY OF MAP.**

8 A copy of the Map shall be on file and available for
9 inspection in the appropriate offices of the National Park
10 Service, Department of the Interior.

11 **SEC. 1315. ADMINISTRATION OF ACQUIRED LANDS.**

12 Lands and interests in lands added to the historic
13 site under this subtitle shall be administered by the Sec-
14 retary as part of the historic site in accordance with appli-
15 cable laws and regulations.

16 **Subtitle H—Andersonville National**
17 **Historic Site**

18 **SEC. 1316. BOUNDARY ADJUSTMENT.**

19 The first section of the Act entitled “An Act to au-
20 thorize the establishment of the Andersonville National
21 Historic Site in the State of Georgia, and for other pur-
22 poses”, approved October 16, 1970, is amended by strik-
23 ing “five hundred acres” and inserting “520 acres”.

1 **Subtitle I—Salt River Bay National**
 2 **Historical Park and Ecological**
 3 **Preserve, St. Croix, U.S.V.I.**

4 **SEC. 1317. BOUNDARY ADJUSTMENT.**

5 The first sentence of section 103(b) of the Salt River
 6 Bay National Historical Park and Ecological Preserve at
 7 St. Croix, Virgin Islands, Act of 1992 (16 U.S.C. 410tt–
 8 1(b)) is amended to read as follows: “The park shall con-
 9 sist of approximately 1015 acres of lands, waters, and in-
 10 terests in lands as generally depicted on the map entitled
 11 ‘Salt River Bay National Historical Park and Ecological
 12 Preserve, St. Croix, U.S.V.I.’, numbered 141/80002, and
 13 dated May 2, 2002.”.

14 **Subtitle J—Pu‘uhonua O**
 15 **Hōnaunau National Historical**
 16 **Park**

17 **SEC. 1321. BOUNDARY ADJUSTMENT.**

18 (a) IN GENERAL.—The first section of the Act of
 19 July 26, 1955 (69 Stat. 376, ch. 385; 16 U.S.C. 397),
 20 is amended—

21 (1) by striking “That, when” and inserting the
 22 following:

23 “SECTION 1. (a) When”; and

24 (2) by adding at the end thereof the following
 25 new subsections:

1 “(b) The boundaries of Pu‘uhonua o Hōnaunau Na-
 2 tional Historical Park are hereby modified to include ap-
 3 proximately 238 acres of lands and interests therein with-
 4 in the area identified as ‘Parcel A’ on the map entitled
 5 ‘Pu‘uhonua o Hōnaunau National Historical Park Pro-
 6 posed Boundary Additions, Ki‘ilae Village’, numbered
 7 PUHO–P 415/82,013 and dated May, 2001.

8 “(c) The Secretary of the Interior is authorized to
 9 acquire approximately 159 acres of lands and interests
 10 therein within the area identified as ‘Parcel B’ on the map
 11 referenced in subsection (b). Upon the acquisition of such
 12 lands or interests therein, the Secretary shall modify the
 13 boundaries of Pu‘uhonua o Hōnaunau National Historical
 14 Park to include such lands or interests therein.”.

15 (b) AUTHORIZATIONS OF APPROPRIATIONS.—There
 16 are authorized to be appropriated such sums as may be
 17 necessary to carry out this subtitle.

18 **TITLE IV—MEMORIALS**

19 **Subtitle A—Memorial to Terrorism** 20 **Victims**

21 **SEC. 1401. AUTHORIZATION OF MEMORIAL.**

22 (a) IN GENERAL.—The Advisory Board established
 23 in section 1402(a) is authorized to establish a memorial
 24 (referred to hereafter in this subtitle as the “Memorial”)
 25 in accordance with this subtitle on Federal lands adminis-

1 tered by the National Park Service in the District of Co-
2 lumbia and its environs (as defined in section 2(e) of the
3 Commemorative Works Act (40 U.S.C. 1002(e)) to victims
4 who died as a result of terrorist acts against the United
5 States or its people, at home or abroad, except those indi-
6 viduals identified by the Attorney General of the United
7 States as participating or conspiring in terrorist-related
8 activities.

9 (b) **DETAIL OF EMPLOYEES.**—The Secretary of the
10 Interior (referred to hereafter in this subtitle as the “Sec-
11 retary”) shall detail to the Advisory Board such support
12 staff as are necessary to assist the members of the Advi-
13 sory Board in carrying out its responsibilities.

14 (c) **RELATIONSHIP TO THE COMMEMORATIVE WORKS**
15 **ACT.**—The Commemorative Works Act (40 U.S.C. 1001
16 et seq.) shall apply to the Memorial, with the exception
17 of section 3(c) of that Act which shall not apply to the
18 Memorial.

19 **SEC. 1402. ADVISORY BOARD.**

20 (a) **ESTABLISHMENT.**—There is established an advi-
21 sory board to be known as the “Victims of Terrorism Me-
22 morial Advisory Board” (referred to hereafter in this sub-
23 title as the “Advisory Board”).

24 (b) **MEMBERS.**—The Advisory Board shall consist of
25 13 members who shall be appointed, not later than 3

1 months after the date of the enactment of this subtitle,
2 by the President (in consultation with the Secretary of the
3 Interior and the Secretary of Defense) from interested
4 persons, including representatives of organizations dedi-
5 cated to assisting victims of terrorism and their families.

6 (c) CHAIRPERSON.—The Chairperson of the Advisory
7 Board shall be one of its Members elected by a majority
8 of the Members at the first meeting of the Advisory Board.

9 (d) TERMS; VACANCIES.—Members of the Advisory
10 Board shall serve for the life of the Advisory Board. The
11 President shall make appointments to fill any vacancies
12 that occur.

13 (e) DUTIES.—The Advisory Board shall—

14 (1) raise necessary funds to establish, design,
15 construct, and maintain the Memorial; and

16 (2) begin consultation under section 7 of the
17 Commemorative Works Act not later than 1 year
18 after the date of the enactment of this subtitle.

19 (f) DONATIONS.—The Advisory Board may accept
20 donations on behalf of the United States for the establish-
21 ment, design, construction, and maintenance of the Memo-
22 rial.

23 (g) TERMINATION.—The Advisory Board shall termi-
24 nate not later than 120 days after completion of the Me-
25 morial.

1 (h) FACA.—The Federal Advisory Committee Act (5
2 U.S.C. App.) shall not apply to the Advisory Board.

3 **SEC. 1403. DEPOSIT OF EXCESS FUNDS.**

4 If, upon payment of all expenses of the establishment
5 of the Memorial (including the maintenance and preserva-
6 tion amount provided for in section 8(b) of the Commemo-
7 rative Works Act), or upon expiration of the authority for
8 the Memorial under section 10(b) of that Act, there re-
9 mains a balance in the funds received under section 3(f)
10 of that Act for maintenance of the Memorial, the Chair-
11 person of the Advisory Board shall transfer the amount
12 of the balance to the Secretary of the Treasury for deposit
13 in the account provided for in section 8(b)(1) of that Act.

14 **Subtitle B—Pyramid of**
15 **Remembrance**

16 **SEC. 1421. AUTHORITY TO ESTABLISH MEMORIAL.**

17 (a) IN GENERAL.—The Pyramid of Remembrance
18 Foundation is authorized to establish a memorial on Fed-
19 eral land within the area designated as “Area II” on the
20 map referred to in section 2(e) of the Commemorative
21 Works Act (40 U.S.C. 1002(e)), to honor members of the
22 Armed Forces of the United States who have lost their
23 lives during peacekeeping operations, humanitarian ef-
24 forts, training, terrorist attacks, or covert operations.

1 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-
2 RATIVE WORKS.—The Pyramid of Remembrance Founda-
3 tion shall establish the memorial authorized by this sub-
4 title in accordance with the Commemorative Works Act
5 (40 U.S.C. 1001, et seq.), except that subsection (b) and
6 (c) of section 3 of that Act shall not apply.

7 **SEC. 1422. FUNDS FOR MEMORIAL.**

8 (a) USE OF FEDERAL FUNDS PROHIBITED.—Except
9 as provided by the Commemorative Works Act, no Federal
10 funds may be used to pay any expense of the establish-
11 ment of the memorial.

12 (b) DEPOSIT OF EXCESS FUNDS.—If—

13 (1) upon payment of all expenses of the estab-
14 lishment of the memorial, including payment to the
15 Treasury of the maintenance and preservation
16 amount required by section 8(b) of the Commemora-
17 tive Works Act; or

18 (2) upon expiration of the authority for the me-
19 morial under section 10(b) of the Commemorative
20 Works Act,

21 there remains a balance of funds received for the establish-
22 ment of the memorial, the Pyramid of Remembrance
23 Foundation shall transmit that balance to the Secretary
24 of the Treasury for deposit in the account provided for
25 in section 8(b)(1) of the Commemorative Works Act.

1 **TITLE V—DESIGNATIONS**
2 **Subtitle A—Kate Mullany National**
3 **Historic Site**

4 **SEC. 1501. SHORT TITLE.**

5 (a) **SHORT TITLE.**—This subtitle may be cited as the
6 “Kate Mullany National Historic Site Act”.

7 **SEC. 1502. DEFINITIONS.**

8 As used in this subtitle:

9 (1) The term “historic site” means the Kate
10 Mullany National Historic Site established by sec-
11 tion 1504 of this subtitle.

12 (2) The term “plan” means the general man-
13 agement plan developed pursuant to section 1506(d).

14 (3) The term “Secretary” means the Secretary
15 of the Interior.

16 **SEC. 1503. FINDINGS AND PURPOSES.**

17 (a) **FINDINGS.**—Congress finds the following:

18 (1) The Kate Mullany House in Troy, New
19 York, is listed on the National Register of Historic
20 Places and has been designated as a National His-
21 toric Landmark.

22 (2) The city of Troy, New York—

23 (A) played an important role in the devel-
24 opment of the collar and cuff industry and the
25 iron industry in the 19th century, and in the

1 development of early men's and women's worker
2 and cooperative organizations; and

3 (B) was the home of the first women's
4 labor union, led by Irish immigrant Kate
5 Mullany.

6 (3) The city of Troy, New York, with 6 neigh-
7 boring cities, towns, and villages, entered into a co-
8 operative arrangement to create the Hudson-Mo-
9 hawk Urban Cultural Park Commission to manage
10 their valuable historic resources and the area within
11 these municipalities has been designated by the
12 State of New York as a heritage area to represent
13 industrial development and labor themes in the
14 State's development.

15 (4) This area, known as the Hudson-Mohawk
16 Urban Cultural Park or RiverSpark, has been a pio-
17 neer in the development of partnership parks where
18 intergovernmental and public and private partner-
19 ships bring about the conservation of our heritage
20 and the attainment of goals for preservation, edu-
21 cation, recreation, and economic development.

22 (5) Establishment of the Kate Mullany Na-
23 tional Historic Site and cooperative efforts between
24 the National Park Service and the Hudson-Mohawk
25 Urban Cultural Park Commission will provide oppor-

1 tunities for the illustration and interpretation of im-
2 portant themes of the heritage of the United States,
3 and will provide unique opportunities for education,
4 public use, and enjoyment.

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

6 (1) to help preserve and interpret the nationally
7 significant home of Kate Mullany for the benefit, in-
8 spiration, and education of the people of the United
9 States; and

10 (2) to help interpret the connection between im-
11 migration and the industrialization of the Nation,
12 including the history of Irish immigration, women’s
13 history, and worker history.

14 **SEC. 1504. DESIGNATION OF KATE MULLANY HOUSE AS NA-**
15 **TIONAL HISTORIC SITE.**

16 (a) DESIGNATION.—To further the purposes of this
17 subtitle and the Act entitled ‘An Act to provide for the
18 preservation of historic American sites, buildings, objects,
19 and antiquities of national significance, and for other pur-
20 poses’, approved August 21, 1935 (16 U.S.C. 461 et seq.),
21 the Kate Mullany House, comprising approximately,
22 0.05739 acre and located at 350 Eighth Street in Troy,
23 New York, is designated a national historic site.

24 (b) STATUS AS AFFILIATED SITE.—The Kate
25 Mullany House National Historic Site shall be an affili-

1 ated site of the National Park System. The Secretary,
2 through the National Park Service, is authorized to pro-
3 vide technical and financial assistance to the State of New
4 York and/or the Hudson-Mohawk Urban Cultural Park
5 Commission in carrying out the purposes of this subtitle.

6 **SEC. 1505. MANAGEMENT OF THE SITE.**

7 (a) COOPERATIVE AGREEMENT.—The Secretary is
8 authorized to enter into a cooperative agreement with the
9 State of New York and/or the Hudson-Mohawk Urban
10 Cultural Park Commission to ensure the marking, inter-
11 pretation, and preservation of the national historic site
12 designated by this subtitle.

13 (b) ASSISTANCE.—The Secretary is authorized to
14 provide technical and financial assistance to the State of
15 New York and/or the Hudson-Mohawk Urban Cultural
16 Park Commission to mark, interpret, and preserve the na-
17 tional historic site including the making of preservation-
18 related capital improvements and repairs.

19 (c) MANAGEMENT PLAN.—The Secretary shall work
20 cooperatively with the State of New York and/or the Hud-
21 son-Mohawk Urban Cultural Park Commission to develop
22 a general management plan for the historic site to define
23 the National Park Service's roles and responsibilities with
24 regard to the interpretation and the preservation of the
25 national historic site. The plan shall also outline how in-

1 terpretation and programming for the National Historic
2 Site will be coordinated with existing units of the national
3 park system. Such plan shall be completed within 2 years
4 after the enactment of this Act.

5 **SEC. 1506. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated \$4,000,000 to
7 carry out this subtitle.

8 **Subtitle B—Homestead Steel Works**
9 **National Historic Site**

10 **SEC. 1511. SHORT TITLE.**

11 This subtitle may be cited as the “Homestead Steel
12 Works National Historic Site Act”.

13 **SEC. 1512. FINDINGS, PURPOSES, AND DEFINITIONS.**

14 (a) FINDINGS.—The Congress finds the following:

15 (1) Certain sites and structures in the Com-
16 monwealth of Pennsylvania symbolize in physical
17 form the heritage of the steel industry of the United
18 States.

19 (2) A very large proportion of the buildings and
20 other structures in the Commonwealth of Pennsyl-
21 vania are nationally significant historical resources,
22 including the United States Steel Homestead Works,
23 the Carrie Furnace complex, and the Hot Metal
24 Bridge.

1 (b) DESCRIPTION.—The historic site shall be com-
2 prised of the following properties, each of which relate to
3 the former United States Steel Homestead Works:

4 (1) The historic location of the Battle of Home-
5 stead site in the borough of Munhall, Pennsylvania,
6 consisting of approximately 3 acres of land, includ-
7 ing the pumphouse and water tower and related
8 structures, within the property bounded by the
9 Monongahela River, the CSX railroad, Waterfront
10 Drive, and the Damascus-Marcegaglia Steel Mill.

11 (2) The historic location of the Carrie Furnace
12 complex in the boroughs of Swissvale and Rankin,
13 Pennsylvania, consisting of approximately 35 acres
14 of land, including blast furnaces 6 and 7, the ore
15 yard, the cast house, the blowing engine house, the
16 AC power house, and related structures, within the
17 property bounded by the proposed southwesterly
18 right-of-way line needed to accommodate the Mon/
19 Fayette Expressway and the relocated CSX railroad
20 right-of-way, the Monongahela River, and a property
21 line drawn northeast to southwest approximately
22 100 yards east of the AC power house.

23 (3) The historic location of the Hot Metal
24 Bridge, consisting of the Union railroad bridge and
25 its approaches, spanning the Monongahela River and

1 connecting the mill sites in the boroughs of Rankin
2 and Munhall, Pennsylvania.

3 (4) All other property included in the historic
4 site by Federal law or acquired by the Secretary for
5 inclusion in the historic site pursuant to section
6 1514 or other Federal law.

7 **SEC. 1514. ACQUISITION OF PROPERTY.**

8 To further the purposes of this subtitle, the Secretary
9 may acquire, by donation, property for inclusion in the his-
10 toric site as follows:

11 (1) Any land or interest in land with respect to
12 the property identified in paragraphs (1), (2), or (3)
13 of section 1513(b).

14 (2) Up to 10 acres of land adjacent to or in the
15 general proximity of the property identified in para-
16 graphs (1), (2), or (3) of section 1513(b), for the de-
17 velopment of visitor, administrative, museum, cura-
18 torial, and maintenance facilities.

19 (3) Personal property associated with, and ap-
20 propriate for, the interpretation of the historic site.

21 **SEC. 1515. ADMINISTRATION.**

22 (a) IN GENERAL.—The Secretary shall administer
23 the historic site in accordance with this subtitle and the
24 provisions of law generally applicable to units of the Na-
25 tional Park System, including the Act of August 25, 1916

1 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935
2 (16 U.S.C. 461 et seq.).

3 (b) COOPERATIVE AGREEMENTS.—

4 (1) IN GENERAL.—To further the purposes of
5 this subtitle, the Secretary may enter into a coopera-
6 tive agreement with any interested individual, public
7 or private agency, organization, or institution.

8 (2) CONTRARY PURPOSES.—Any payment made
9 by the Secretary pursuant to a cooperative agree-
10 ment under this subsection shall be subject to an
11 agreement that conversion, use, or disposal of the
12 project so assisted for purposes contrary to the pur-
13 pose of this subtitle, as determined by the Secretary,
14 shall result in a right of the United States to reim-
15 bursement of all funds made available to such a
16 project or the proportion of the increased value of
17 the project attributable to such funds as determined
18 at the time of such conversion, use, or disposal,
19 whichever is greater.

20 (c) TECHNICAL AND PRESERVATION ASSISTANCE.—

21 The Secretary may provide technical assistance to any per-
22 son for—

23 (1) the preservation of historic structures with-
24 in the historic site;

1 (2) the maintenance of the natural and cultural
2 landscape of the historic site; and

3 (3) local preservation planning for the historic
4 site.

5 **SEC. 1516. GENERAL MANAGEMENT PLAN.**

6 (a) **IN GENERAL.**—Not later than the last day of the
7 third fiscal year beginning after the date of enactment of
8 this subtitle, the Secretary shall, in consultation with the
9 officials described in subsection (b), prepare a general
10 management plan for the historic site.

11 (b) **OFFICIALS CONSULTED.**—The officials described
12 in this subsection are—

13 (1) an appropriate official of each appropriate
14 political subdivision of the Commonwealth of Penn-
15 sylvania that has jurisdiction over all or a portion of
16 the historic site; and

17 (2) an appropriate official of the Steel Industry
18 Heritage Corporation.

19 (c) **SUBMISSION OF PLAN TO CONGRESS.**—Upon the
20 completion of the general management plan, the Secretary
21 shall submit a copy of the plan to the Committee on En-
22 ergy and Natural Resources of the Senate and the Com-
23 mittee on Resources of the House of Representatives.

1 **Subtitle C—Oil Region National**
2 **Heritage Area**

3 **SEC. 1521. SHORT TITLE; DEFINITIONS.**

4 (a) **SHORT TITLE.**—This subtitle may be cited as the
5 “Oil Region National Heritage Area Act”.

6 (b) **DEFINITIONS.**—For the purposes of this subtitle,
7 the following definitions shall apply:

8 (1) **HERITAGE AREA.**—The term “Heritage
9 Area” means the Oil Region National Heritage Area
10 established in section 1523(a).

11 (2) **MANAGEMENT ENTITY.**—The term “man-
12 agement entity” means the Oil Heritage Region,
13 Inc., or its successor entity.

14 (3) **SECRETARY.**—The term “Secretary” means
15 the Secretary of the Interior.

16 **SEC. 1522. FINDINGS AND PURPOSE.**

17 (a) **FINDINGS.**—The Congress finds the following:

18 (1) The Oil Region of Northwestern Pennsyl-
19 vania, with numerous sites and districts listed on the
20 National Register of Historic Places, and designated
21 by the Governor of Pennsylvania as one of the State
22 Heritage Park Areas, is a region with tremendous
23 physical and natural resources and possesses a story
24 of State, national, and international significance.

1 (2) The single event of Colonel Edwin Drake’s
2 drilling of the world’s first successful oil well in
3 1859 has affected the industrial, natural, social, and
4 political structures of the modern world.

5 (3) Six national historic districts are located
6 within the State Heritage Park boundary, in
7 Emlenton, Franklin, Oil City, and Titusville, as well
8 as 17 separate National Register sites.

9 (4) The Allegheny River, which was designated
10 as a component of the national wild and scenic riv-
11 ers system in 1992 by Public Law 102–271, tra-
12 verses the Oil Region and connects several of its
13 major sites, as do some of the river’s tributaries
14 such as Oil Creek, French Creek, and Sandy Creek.

15 (5) The unspoiled rural character of the Oil Re-
16 gion provides many natural and recreational re-
17 sources, scenic vistas, and excellent water quality for
18 people throughout the United States to enjoy.

19 (6) Remnants of the oil industry, visible on the
20 landscape to this day, provide a direct link to the
21 past for visitors, as do the historic valley settle-
22 ments, riverbed settlements, plateau developments,
23 farmlands, and industrial landscapes.

24 (7) The Oil Region also represents a cross sec-
25 tion of American history associated with Native

1 Americans, frontier settlements, the French and In-
2 dian War, African Americans and the Underground
3 Railroad, and immigration of Swedish and Polish in-
4 dividuals, among others.

5 (8) Involvement by the Federal Government
6 shall serve to enhance the efforts of the Common-
7 wealth of Pennsylvania, local subdivisions of the
8 Commonwealth of Pennsylvania, volunteer organiza-
9 tions, and private businesses, to promote the cul-
10 tural, national, and recreational resources of the re-
11 gion in order to fulfill their full potential.

12 (b) PURPOSE.—The purpose of this subtitle is to en-
13 hance a cooperative management framework to assist the
14 Commonwealth of Pennsylvania, its units of local govern-
15 ment, and area citizens in conserving, enhancing, and in-
16 terpreting the significant features of the lands, water, and
17 structures of the Oil Region, in a manner consistent with
18 compatible economic development for the benefit and in-
19 spiration of present and future generations in the Com-
20 monwealth of Pennsylvania and the United States.

21 **SEC. 1523. OIL REGION NATIONAL HERITAGE AREA.**

22 (a) ESTABLISHMENT.—There is hereby established
23 the Oil Region National Heritage Area.

24 (b) BOUNDARIES.—The boundaries of the Heritage
25 Area shall include all of those lands depicted on a map

1 entitled “Oil Region National Heritage Area”, numbered
2 OIRE/20,000 and dated October, 2000. The map shall be
3 on file in the appropriate offices of the National Park
4 Service. The Secretary of the Interior shall publish in the
5 Federal Register, as soon as practical after the date of
6 the enactment of this subtitle, a detailed description and
7 map of the boundaries established under this subsection.

8 (c) MANAGEMENT ENTITY.—The management entity
9 for the Heritage Area shall be the Oil Heritage Region,
10 Inc., the locally based private, nonprofit management cor-
11 poration which shall oversee the development of a manage-
12 ment plan in accordance with section 1525(b).

13 **SEC. 1524. COMPACT.**

14 To carry out the purposes of this subtitle, the Sec-
15 retary shall enter into a compact with the management
16 entity. The compact shall include information relating to
17 the objectives and management of the area, including a
18 discussion of the goals and objectives of the Heritage
19 Area, including an explanation of the proposed approach
20 to conservation and interpretation and a general outline
21 of the protection measures committed to by the Secretary
22 and management entity.

1 **SEC. 1525. AUTHORITIES AND DUTIES OF MANAGEMENT**
2 **ENTITY.**

3 (a) **AUTHORITIES OF THE MANAGEMENT ENTITY.—**

4 The management entity may use funds made available
5 under this subtitle for purposes of preparing, updating,
6 and implementing the management plan developed under
7 subsection (b). Such purposes may include—

8 (1) making grants to, and entering into cooper-
9 ative agreements with, States and their political sub-
10 divisions, private organizations, or any other person;

11 (2) hiring and compensating staff; and

12 (3) undertaking initiatives that advance the
13 purposes of the Heritage Area.

14 (b) **MANAGEMENT PLAN.—**The management entity
15 shall develop a management plan for the Heritage Area
16 that—

17 (1) presents comprehensive strategies and rec-
18 ommendations for conservation, funding, manage-
19 ment, and development of the Heritage Area;

20 (2) takes into consideration existing State,
21 county, and local plans and involves residents, public
22 agencies, and private organizations working in the
23 Heritage Area;

24 (3) includes a description of actions that units
25 of government and private organizations have agreed

1 to take to protect the resources of the Heritage
2 Area;

3 (4) specifies the existing and potential sources
4 of funding to protect, manage, and develop the Her-
5 itage Area;

6 (5) includes an inventory of the resources con-
7 tained in the Heritage Area, including a list of any
8 property in the Heritage Area that is related to the
9 themes of the Heritage Area and that should be pre-
10 served, restored, managed, developed, or maintained
11 because of its natural, cultural, historic, recreational,
12 or scenic significance;

13 (6) recommends policies for resource manage-
14 ment which consider and detail application of appro-
15 priate land and water management techniques, in-
16 cluding, but not limited to, the development of inter-
17 governmental and interagency cooperative agree-
18 ments to protect the Heritage Area's historical, cul-
19 tural, recreational, and natural resources in a man-
20 ner consistent with supporting appropriate and com-
21 patible economic viability;

22 (7) describes a program for implementation of
23 the management plan by the management entity, in-
24 cluding plans for restoration and construction, and
25 specific commitments for that implementation that

1 have been made by the management entity and any
2 other persons for the first 5 years of implementa-
3 tion;

4 (8) includes an analysis of ways in which local,
5 State, and Federal programs, including the role for
6 the National Park Service in the Heritage Area, may
7 best be coordinated to promote the purposes of this
8 subtitle;

9 (9) lists any revisions to the boundaries of the
10 Heritage Area proposed by the management entity
11 and requested by the affected local government; and

12 (10) includes an interpretation plan for the
13 Heritage Area.

14 (c) DEADLINE; TERMINATION OF FUNDING.—

15 (1) DEADLINE.—The management entity shall
16 submit the management plan to the Secretary within
17 2 years after the funds are made available for this
18 subtitle.

19 (2) TERMINATION OF FUNDING.—If a manage-
20 ment plan is not submitted to the Secretary in ac-
21 cordance with this subsection, the management enti-
22 ty shall not qualify for Federal assistance under this
23 subtitle.

24 (d) DUTIES OF MANAGEMENT ENTITY.—The man-
25 agement entity shall—

1 (1) give priority to implementing actions set
2 forth in the compact and management plan;

3 (2) assist units of government, regional plan-
4 ning organizations, and nonprofit organizations in—

5 (A) establishing and maintaining interpre-
6 tive exhibits in the Heritage Area;

7 (B) developing recreational resources in
8 the Heritage Area;

9 (C) increasing public awareness of and ap-
10 preciation for the natural, historical, and archi-
11 tectural resources and sites in the Heritage
12 Area;

13 (D) the restoration of any historic building
14 relating to the themes of the Heritage Area;

15 (E) ensuring that clear, consistent, and en-
16 vironmentally appropriate signs identifying ac-
17 cess points and sites of interest are put in place
18 throughout the Heritage Area; and

19 (F) carrying out other actions that the
20 management entity determines to be advisable
21 to fulfill the purposes of this subtitle;

22 (3) encourage by appropriate means economic
23 viability in the Heritage Area consistent with the
24 goals of the management plan;

1 (4) consider the interests of diverse govern-
2 mental, business, and nonprofit groups within the
3 Heritage Area; and

4 (5) for any year in which Federal funds have
5 been provided to implement the management plan
6 under subsection (b)—

7 (A) conduct public meetings at least annu-
8 ally regarding the implementation of the man-
9 agement plan;

10 (B) submit an annual report to the Sec-
11 retary setting forth accomplishments, expenses
12 and income, and each person to which any
13 grant was made by the management entity in
14 the year for which the report is made; and

15 (C) require, for all agreements entered into
16 by the management entity authorizing expendi-
17 ture of Federal funds by any other person, that
18 the person making the expenditure make avail-
19 able to the management entity for audit all
20 records pertaining to the expenditure of such
21 funds.

22 (e) PROHIBITION ON THE ACQUISITION OF REAL
23 PROPERTY.—The management entity may not use Fed-
24 eral funds received under this subtitle to acquire real prop-
25 erty or an interest in real property.

1 **SEC. 1526. DUTIES AND AUTHORITIES OF THE SECRETARY.**

2 (a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

3 (1) **IN GENERAL.**—

4 (A) **OVERALL ASSISTANCE.**—The Secretary
5 may, upon the request of the management enti-
6 ty, and subject to the availability of appropria-
7 tions, provide technical and financial assistance
8 to the management entity to carry out its du-
9 ties under this subtitle, including updating and
10 implementing a management plan that is sub-
11 mitted under section 1525(b) and approved by
12 the Secretary and, prior to such approval, pro-
13 viding assistance for initiatives.

14 (B) **OTHER ASSISTANCE.**—If the Secretary
15 has the resources available to provide technical
16 assistance to the management entity to carry
17 out its duties under this subtitle (including up-
18 dating and implementing a management plan
19 that is submitted under section 1525(b) and ap-
20 proved by the Secretary and, prior to such ap-
21 proval, providing assistance for initiatives),
22 upon the request of the management entity the
23 Secretary shall provide such assistance on a re-
24 imburseable basis. This subparagraph does not
25 preclude the Secretary from providing non-

1 reimbursable assistance under subparagraph
2 (A).

3 (2) PRIORITY.—In assisting the management
4 entity, the Secretary shall give priority to actions
5 that assist in the—

6 (A) implementation of the management
7 plan;

8 (B) provision of educational assistance and
9 advice regarding land and water management
10 techniques to conserve the significant natural
11 resources of the region;

12 (C) development and application of tech-
13 niques promoting the preservation of cultural
14 and historic properties;

15 (D) preservation, restoration, and reuse of
16 publicly and privately owned historic buildings;

17 (E) design and fabrication of a wide range
18 of interpretive materials based on the manage-
19 ment plan, including guide brochures, visitor
20 displays, audio-visual and interactive exhibits,
21 and educational curriculum materials for public
22 education; and

23 (F) implementation of initiatives prior to
24 approval of the management plan.

1 (3) DOCUMENTATION OF STRUCTURES.—The
2 Secretary, acting through the Historic American
3 Building Survey and the Historic American Engi-
4 neering Record, shall conduct studies necessary to
5 document the industrial, engineering, building, and
6 architectural history of the Heritage Area.

7 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT
8 PLANS.—The Secretary, in consultation with the Governor
9 of Pennsylvania, shall approve or disapprove a manage-
10 ment plan submitted under this subtitle not later than 90
11 days after receiving such plan. In approving the plan, the
12 Secretary shall take into consideration the following cri-
13 teria:

14 (1) The extent to which the management plan
15 adequately preserves and protects the natural, cul-
16 tural, and historical resources of the Heritage Area.

17 (2) The level of public participation in the de-
18 velopment of the management plan.

19 (3) The extent to which the board of directors
20 of the management entity is representative of the
21 local government and a wide range of interested or-
22 ganizations and citizens.

23 (c) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
24 retary disapproves a management plan, the Secretary shall
25 advise the management entity in writing of the reasons

1 for the disapproval and shall make recommendations for
2 revisions in the management plan. The Secretary shall ap-
3 prove or disapprove a proposed revision within 90 days
4 after the date it is submitted.

5 (d) APPROVING CHANGES.—The Secretary shall re-
6 view and approve amendments to the management plan
7 under section 1525(b) that make substantial changes.
8 Funds appropriated under this subtitle may not be ex-
9 pended to implement such changes until the Secretary ap-
10 proves the amendments.

11 (e) EFFECT OF INACTION.—If the Secretary does not
12 approve or disapprove a management plan, revision, or
13 change within 90 days after it is submitted to the Sec-
14 retary, then such management plan, revision, or change
15 shall be deemed to have been approved by the Secretary.

16 **SEC. 1527. DUTIES OF OTHER FEDERAL ENTITIES.**

17 Any Federal entity conducting or supporting activi-
18 ties directly affecting the Heritage Area shall—

19 (1) consult with the Secretary and the manage-
20 ment entity with respect to such activities;

21 (2) cooperate with the Secretary and the man-
22 agement entity in carrying out their duties under
23 this subtitle and, to the maximum extent practicable,
24 coordinate such activities with the carrying out of
25 such duties; and

1 (3) to the maximum extent practicable, conduct
2 or support such activities in a manner that the man-
3 agement entity determines shall not have an adverse
4 effect on the Heritage Area.

5 **SEC. 1528. SUNSET.**

6 The Secretary may not make any grant or provide
7 any assistance under this subtitle after the expiration of
8 the 15-year period beginning on the date of the enactment
9 of this subtitle.

10 **SEC. 1529. USE OF FEDERAL FUNDS FROM OTHER**
11 **SOURCES.**

12 Nothing in this subtitle shall preclude the manage-
13 ment entity from using Federal funds available under Acts
14 other than this subtitle for the purposes for which those
15 funds were authorized.

16 **SEC. 1530. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There are authorized to be appro-
18 priated to carry out this subtitle—

19 (1) not more than \$1,000,000 for any fiscal
20 year; and

21 (2) not more than a total of \$10,000,000.

22 (b) 50 PERCENT MATCH.—Financial assistance pro-
23 vided under this subtitle may not be used to pay more
24 than 50 percent of the total cost of any activity carried
25 out with that assistance.

1 **Subtitle D—Moccasin Bend**
2 **National Historic Site**

3 **SEC. 1541. SHORT TITLE.**

4 This subtitle may be cited as the “Moccasin Bend
5 National Archeological District Act”.

6 **SEC. 1542. DEFINITIONS.**

7 As used in this subtitle:

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

10 (2) ARCHEOLOGICAL DISTRICT.—The term “ar-
11 cheological district” means the Moccasin Bend Na-
12 tional Archeological District.

13 (3) STATE.—The term “State” means the State
14 of Tennessee.

15 (4) MAP.—The term “Map” means the map en-
16 titled “Boundry Map, Moccasin Bend National Ar-
17 cheological District”, numbered 301/80098, and
18 dated September 2002.

19 **SEC. 1543. ESTABLISHMENT.**

20 (a) IN GENERAL.—In order to preserve, protect, and
21 interpret for the benefit of the public the nationally signifi-
22 cant archeological and historic resources located on the pe-
23 ninsula known as Moccasin Bend, Tennessee, there is es-
24 tablished as a unit of Chickamauga and Chattanooga Na-

1 tional Military Park, the Moccasin Bend National Archeo-
2 logical District.

3 (b) BOUNDARIES.—The archeological district shall
4 consist of approximately 780 acres generally depicted on
5 the Map. The Map shall be on file and available for public
6 inspection in the appropriate offices of the National Park
7 Service, Department of the Interior.

8 (c) ACQUISITION OF LAND AND INTERESTS IN
9 LAND.—

10 (1) IN GENERAL.—The Secretary may acquire
11 by donation, purchase from willing sellers using do-
12 nated or appropriated funds, or exchange, lands and
13 interests in lands within the exterior boundary of the
14 archeological district. The Secretary may acquire the
15 State, county and city-owned land and interests in
16 land for inclusion in the archeological district only
17 by donation.

18 (2) EASEMENT OUTSIDE BOUNDARY.—To allow
19 access between areas of the archeological district
20 that on the date of enactment of this subtitle are
21 noncontiguous, the Secretary may acquire by dona-
22 tion or purchase from willing owners using donated
23 or appropriated funds, or exchange, easements con-
24 necting the areas generally depicted on the Map.

1 **SEC. 1544. ADMINISTRATION.**

2 (a) **IN GENERAL.**—The archeological district shall be
3 administered by the Secretary in accordance with this sub-
4 title, with laws applicable to Chickamauga and Chat-
5 tanooga National Military Park, and with the laws gen-
6 erally applicable to units of the National Park System.

7 (b) **COOPERATIVE AGREEMENT.**—The Secretary may
8 consult and enter into cooperative agreements with cul-
9 turally affiliated federally recognized Indian tribes, gov-
10 ernmental entities, and interested persons to provide for
11 the restoration, preservation, development, interpretation,
12 and use of the archeological district.

13 (c) **VISITOR INTERPRETIVE CENTER.**—For purposes
14 of interpreting the historical themes and cultural re-
15 sources of the archeological district, the Secretary may es-
16 tablish and administer a visitor center in the archeological
17 district.

18 (d) **GENERAL MANAGEMENT PLAN.**—Not later than
19 three years after funds are made available under this sub-
20 title, the Secretary shall develop a general management
21 plan for the archeological district. The general manage-
22 ment plan shall describe the appropriate protection and
23 preservation of natural, cultural, and scenic resources, vis-
24 itor use, and facility development within the archeological
25 district consistent with the purposes of this subtitle, while

1 ensuring continued access by private landowners to their
2 property.

3 **SEC. 1545. REPEAL OF PREVIOUS ACQUISITION AUTHOR-**
4 **ITY.**

5 The Act of August 3, 1950 (Chapter 532; 16 U.S.C.
6 424a–4) is repealed.

7 **Subtitle E—San Rafael Western**
8 **Frontier National Heritage Area**

9 **SEC. 1551. SHORT TITLE.**

10 This subtitle may be cited as the “San Rafael West-
11 ern Frontier National Heritage Area Act”.

12 **SEC. 1552. FINDINGS AND PURPOSES.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) The history of the American West is one of
15 the most significant chapters of United States his-
16 tory, and the major themes and images of the his-
17 tory of the American West provide a legacy that has
18 done much to shape the contemporary culture, atti-
19 tudes, and values of the American West and the
20 United States.

21 (2) The San Rafael region of the State of Utah
22 was one of the country’s last frontiers and possesses
23 important historical, cultural, and natural resources
24 that are representative of the central themes associ-
25 ated with the history of the American West, includ-

1 ing themes of pre-Columbian and Native American
2 culture, exploration, pioneering, settlement, ranch-
3 ing, outlaws, prospecting and mining, water develop-
4 ment and irrigation, railroad building, industrial de-
5 velopment, and the use and conservation of natural
6 resources.

7 (3) The San Rafael region contains important
8 historical sites, including sections of the Old Spanish
9 Trail, the Outlaw Trail, the Green River Crossing,
10 and many sites associated with cowboy, pioneer, and
11 mining history.

12 (4) The heritage of the San Rafael region in-
13 cludes the activities of many prominent historical
14 figures of the old American West, such as Chief
15 Walker, John Wesley Powell, Kit Carson, John C.
16 Fremont, John W. Gunnison, Butch Cassidy, John
17 W. Taylor, and the Swasey brothers.

18 (5) The San Rafael region has a notable history
19 of coal and uranium mining and a rich cultural her-
20 itage of activities associated with mining, such as
21 prospecting, railroad building, immigrant workers,
22 coal camps, labor union movements, and mining dis-
23 asters.

24 (6) The San Rafael region is widely recognized
25 for its significant paleontological resources and dino-

1 saur bone quarries, including the Cleveland Lloyd
2 Dinosaur Quarry which was designated as a Na-
3 tional Natural Landmark in 1966.

4 (7) The beautiful rural landscapes, historic and
5 cultural landscapes, and spectacular scenic vistas of
6 the San Rafael region contain significant undevel-
7 oped recreational opportunities for people through-
8 out the United States.

9 (8) Museums and visitor centers have already
10 been constructed in the San Rafael region, including
11 the John Wesley Powell River History Museum, the
12 College of Eastern Utah Prehistoric Museum, the
13 Museum of the San Rafael, the Western Mining and
14 Railroad Museum, the Emery County Pioneer Mu-
15 seum, and the Cleveland Lloyd Dinosaur Quarry,
16 and these museums are available to interpret the
17 themes of the National Heritage Area established by
18 this subtitle and to coordinate the interpretive and
19 preservation activities of the area.

20 (9) Despite the efforts of the State of Utah, po-
21 litical subdivisions of the State, volunteer organiza-
22 tions, and private businesses, the cultural, historical,
23 natural, and recreational resources of the San
24 Rafael region have not realized their full potential

1 and may be lost without assistance from the Federal
2 Government.

3 (10) Many of the historical, cultural, and sci-
4 entific sites of the San Rafael region are located on
5 lands owned by the Federal Government and are
6 managed by the Bureau of Land Management or the
7 United States Forest Service.

8 (11) The preservation of the cultural, historical,
9 natural, and recreational resources of the San
10 Rafael region within a regional framework requires
11 cooperation among local property owners and Fed-
12 eral, State, and local government entities.

13 (12) Partnerships between Federal, State, and
14 local governments, local and regional entities of
15 these governments, and the private sector offer the
16 most effective opportunities for the enhancement
17 and management of the cultural, historical, natural,
18 and recreational resources of the San Rafael region.

19 (b) PURPOSES.—The purposes of this subtitle are as
20 follows:

21 (1) To establish the San Rafael Western Fron-
22 tier National Heritage Area to promote the preser-
23 vation, conservation, interpretation, and development
24 of the historical, cultural, natural, and recreational
25 resources related to the historical, cultural, and in-

1 industrial heritage of the San Rafael region of the
2 State of Utah.

3 (2) To encourage within the National Heritage
4 Area a broad range of economic and recreational op-
5 portunities to enhance the quality of life for present
6 and future generations.

7 (3) To assist the State of Utah, political sub-
8 divisions of the State and their local and regional
9 entities, and nonprofit organizations, or combina-
10 tions thereof, in preparing and implementing a herit-
11 age plan for the National Heritage Area and in de-
12 veloping policies and programs that will preserve, en-
13 hance, and interpret the cultural, historical, natural,
14 recreational, and scenic resources of the Heritage
15 Area.

16 (4) To authorize the Secretary of the Interior
17 to provide financial assistance and technical assist-
18 ance to support the preparation and implementation
19 of the heritage plan for the San Rafael Western
20 Frontier National Heritage Area.

21 **SEC. 1553. DEFINITIONS.**

22 For purposes of this subtitle:

23 (1) HERITAGE AREA; NATIONAL HERITAGE
24 AREA.—The terms “Heritage Area” and “National
25 Heritage Area” mean the San Rafael Western Fron-

1 tier National Heritage Area established by this sub-
2 title.

3 (2) HERITAGE COUNCIL.—The term “Heritage
4 Council” means the San Rafael Heritage Council, a
5 Board reflecting a broad cross-section of interests
6 within the National Heritage Area, such as economic
7 development, travel, tourism, recreation, heritage
8 and historical organizations, public and private land
9 interests, and State and local governments, and op-
10 erating under section 501(c)(3) of the Internal Rev-
11 enue Code of 1986.

12 (3) HERITAGE PLAN.—The term “heritage
13 plan” means the plan described in section 1556.

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (5) FINANCIAL ASSISTANCE.—The term “finan-
17 cial assistance” means funds appropriated by the
18 Congress and made available to the Heritage Coun-
19 cil for the purposes of this subtitle.

20 (6) TECHNICAL ASSISTANCE.—The term “tech-
21 nical assistance” means any guidance, advice, help,
22 or aid, other than financial assistance, provided by
23 the Secretary.

1 **SEC. 1554. SAN RAFAEL WESTERN FRONTIER NATIONAL**
2 **HERITAGE AREA.**

3 (a) ESTABLISHMENT.—There is established in the
4 State of Utah the San Rafael Western Frontier National
5 Heritage Area.

6 (b) BOUNDARIES.—

7 (1) IN GENERAL.—The boundaries of the Herit-
8 age Area shall include lands in Utah that are encom-
9 passed by the boundaries of Emery County.

10 (2) MAP.—The Secretary shall prepare a map
11 of the Heritage Area which shall be on file and
12 available for public inspection in the office of the Di-
13 rector of the National Park Service and the Director
14 of the Bureau of Land Management.

15 (3) NOTICE TO LOCAL GOVERNMENTS.—The
16 Heritage Council shall provide written notice of the
17 proposal to the government of Emery County and
18 each city and town that has jurisdiction over the
19 property proposed to be included in the Heritage
20 Area.

21 **SEC. 1555. LOCAL COORDINATING ENTITY FOR NATIONAL**
22 **HERITAGE AREA.**

23 (a) IN GENERAL.—The Heritage Council shall be the
24 local coordinating entity for the Heritage Area.

25 (b) FEDERAL FUNDING.—

1 (1) AUTHORIZATION TO RECEIVE FUNDS.—The
2 Heritage Council may receive amounts appropriated
3 to carry out this subtitle.

4 (2) DISQUALIFICATION.—If a heritage plan for
5 the Heritage Area is not submitted to the Secretary
6 as required under section 1556 within the time spec-
7 ified, the Heritage Council shall cease to be author-
8 ized to receive Federal funding under this subtitle
9 until such a plan is submitted to the Secretary.

10 (c) AUTHORITIES OF HERITAGE COUNCIL.—The
11 Heritage Council may, for purposes of preparing and im-
12 plementing the heritage plan for the Heritage Area, use
13 Federal funds made available under this subtitle for the
14 following purposes:

15 (1) To make grants or loans to the State of
16 Utah and its political subdivisions, nonprofit organi-
17 zations, and other persons.

18 (2) To enter into cooperative agreements with
19 the State of Utah, its political subdivisions, non-
20 profit organizations, and other organizations.

21 (3) To hire and compensate staff.

22 (4) To obtain money from any source under
23 any program or law requiring the recipient of such
24 money to make a contribution in order to receive
25 such money.

1 (5) To contract for goods and services.

2 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
3 ERTY.—The Heritage Council may not use Federal funds
4 received under this subtitle to acquire real property or any
5 interest in real property.

6 **SEC. 1556. PREPARATION OF HERITAGE PLAN.**

7 (a) PREPARATION REQUIRED.—Not later than 3
8 years after the date of the enactment of this subtitle, the
9 Heritage Council shall prepare and submit to the Sec-
10 retary for review a heritage plan for the Heritage Area.

11 (b) PLAN REQUIREMENTS.—The heritage plan sub-
12 mitted under this section shall—

13 (1) contain comprehensive recommendations for
14 the conservation, funding, management, and devel-
15 opment of the Heritage Area;

16 (2) be prepared with public participation;

17 (3) take into consideration existing Federal,
18 State, county, and local plans and involve residents,
19 public agencies, and private organizations in the
20 Heritage Area;

21 (4) not supersede or take precedence over exist-
22 ing plans or planning processes of Federal land
23 management agencies having jurisdiction within the
24 Heritage Area;

1 (5) include a description of actions that units of
2 government and private organizations may take to
3 protect, restore, develop, enhance, or maintain the
4 resources of the Heritage Area; and

5 (6) identify existing and potential sources of
6 Federal and non-Federal funding for the conserva-
7 tion, management, and development of the Heritage
8 Area.

9 (c) **ADDITIONAL INFORMATION.**—The heritage plan
10 may include the following, as appropriate:

11 (1) An inventory of resources contained in the
12 Heritage Area, including a list of sites in the Herit-
13 age Area that should be conserved, restored, man-
14 aged, developed, or maintained because of the nat-
15 ural, cultural, or historic significance of the sites as
16 they relate to the themes of the Heritage Area.

17 (2) A recommendation of policies for resource
18 management that consider and detail the application
19 of appropriate management techniques, including co-
20 operative agreements to manage the historical, cul-
21 tural, and natural resources and recreational oppor-
22 tunities for the Heritage Area in a manner con-
23 sistent with appropriate and compatible economic vi-
24 ability.

1 (3) A program for implementation of the herit-
2 age plan.

3 (4) An analysis of means by which Federal,
4 State, and local programs may best be coordinated
5 to promote the purposes of this subtitle.

6 (5) An interpretive plan for the Heritage Area.

7 (d) CONSIDERATION BY SECRETARY.—

8 (1) APPROVAL OR DISAPPROVAL.—Not later
9 than 60 days after receipt of the heritage plan sub-
10 mitted under subsection (a), the Secretary shall ap-
11 prove or disapprove the heritage plan. If the Sec-
12 retary has taken no action within 60 days after re-
13 ceipt, the heritage plan shall be considered to be ap-
14 proved.

15 (2) EFFECT OF DISAPPROVAL.—If the Sec-
16 retary disapproves the heritage plan, the Secretary
17 shall advise the Heritage Council, in writing, of the
18 reasons for the disapproval and shall make rec-
19 ommendations for revision of the heritage plan.

20 (3) RESUBMISSION.—Not later than 60 days
21 after receipt of a revised heritage plan, the Secretary
22 shall approve or disapprove the proposed revisions to
23 the heritage plan. If the Secretary has taken no ac-
24 tion within 60 days after receipt, the heritage plan
25 shall be considered approved.

1 **SEC. 1557. IMPLEMENTATION OF HERITAGE PLAN.**

2 (a) PRIORITIES.—The Heritage Council shall give
3 priority to the implementation of actions, goals, and poli-
4 cies set forth in the heritage plan for the Heritage Area,
5 including assisting units of government, regional planning
6 organizations, and nonprofit organizations and others in
7 the following:

8 (1) Conserving the natural and cultural re-
9 sources in the Heritage Area.

10 (2) Establishing and maintaining interpretive
11 exhibits and joint site stewardship programs in the
12 Heritage Area.

13 (3) Developing recreational opportunities in the
14 Heritage Area.

15 (4) Increasing public awareness of and appre-
16 ciation for the natural, historical, and cultural re-
17 sources of the Heritage Area.

18 (5) The restoration of historic buildings that
19 are located within the boundaries of the Heritage
20 Area and related to the themes of the Heritage
21 Area.

22 (6) Ensuring that clear, consistent, and
23 esthetically appropriate signs identifying access
24 points and sites of interest are put in place through-
25 out the Heritage Area.

1 (7) Encouraging and soliciting the development
2 of heritage products and activities consistent with
3 the goals of the heritage plan, thereby preserving the
4 heritage while strengthening future economic viabil-
5 ity in the affected communities by appropriate
6 means.

7 (b) CONSIDERATION OF INTERESTS OF LOCAL
8 GROUPS.—When preparing and implementing the heritage
9 plan for the Heritage Area, the Heritage Council shall
10 consider the interests of diverse units of government, busi-
11 nesses, private property owners, and nonprofit groups
12 within the Heritage Area.

13 (c) PUBLIC MEETINGS.—The Heritage Council shall,
14 conduct public meetings at least annually regarding the
15 implementation of the heritage plan.

16 (d) ANNUAL REPORTS.—The Heritage Council shall,
17 for any fiscal year in which it receives Federal funds under
18 this subtitle or in which a loan made by the Heritage
19 Council with Federal funds under section 1555(c)(1) is
20 outstanding, submit an annual report to the Secretary set-
21 ting forth its accomplishments, its expenses and income,
22 and the entities to which it made any loans and grants
23 during the year for which the report is made.

24 (e) COOPERATION WITH AUDITS.—The Heritage
25 Council shall, for any year in which it receives Federal

1 funds under this subtitle or in which a loan made by the
2 Heritage Council with Federal funds under section
3 1555(c)(1) is outstanding, make available for audit by the
4 Congress, the Secretary, and appropriate units of govern-
5 ment all records and other information pertaining to the
6 expenditure of such funds and any matching funds, and
7 require, for all agreements authorizing expenditure of
8 Federal funds by other organizations, that the receiving
9 organizations make available for such audit all records and
10 other information pertaining to the expenditure of such
11 funds.

12 **SEC. 1558. DUTIES AND AUTHORITIES OF THE SECRETARY**
13 **AND OTHER FEDERAL AGENCIES.**

14 (a) **PROVISION OF TECHNICAL ASSISTANCE AND FI-**
15 **NANCIAL ASSISTANCE.**—The Secretary may provide tech-
16 nical assistance and, subject to the availability of appro-
17 priations, financial assistance in the form of grants—

18 (1) to the Heritage Council, regarding prepara-
19 tion and implementation of the heritage plan; and

20 (2) to units of government, nonprofit organiza-
21 tions, and other persons upon request of the Herit-
22 age Council.

23 (b) **PROHIBITION OF CERTAIN REQUIREMENTS.**—
24 The Secretary may not, as a condition of the award of
25 technical assistance or grants under this section, require

1 any recipient of such technical assistance or grant to enact
2 or modify land use restrictions.

3 (c) DETERMINATIONS REGARDING ASSISTANCE.—

4 The Secretary shall decide if a unit of government, non-
5 profit organization, or other person shall be awarded tech-
6 nical assistance or grants and the amount of that assist-
7 ance. Such decisions shall be based on the relative degree
8 to which the assistance effectively fulfills the objectives
9 contained in the heritage plan and achieves the purposes
10 of this subtitle. Such decisions shall give consideration to
11 projects which provide a greater leverage of Federal funds.

12 (d) PROVISION OF INFORMATION.—In cooperation
13 with other Federal agencies, the Secretary shall provide
14 the general public with information regarding the location
15 and character of the Heritage Area.

16 (e) OTHER ASSISTANCE.—The Secretary may enter
17 into cooperative agreements with public and private orga-
18 nizations for the purposes of implementing this subsection.

19 (f) DUTIES OF OTHER FEDERAL AGENCIES.—Fed-
20 eral agencies having jurisdiction within the Heritage Area
21 shall ensure that historic resources and the heritage plan
22 are taken into consideration at all levels of planning, and
23 shall consult with the Heritage Council on any activities
24 that may adversely affect heritage resources or the objec-

1 tives of the heritage plan in an effort to minimize the ad-
2 verse effects of the activity on the Heritage Area.

3 **SEC. 1559. LACK OF EFFECT ON LAND USE REGULATIONS**
4 **AND PRIVATE PROPERTY.**

5 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-
6 MENTS.—Nothing in this subtitle shall be construed to
7 modify, enlarge, or diminish any authority of Federal,
8 State, or local governments to regulate any use of land
9 as provided for by law or regulation.

10 (b) LACK OF ZONING OR LAND USE POWERS.—
11 Nothing in this subtitle shall be construed to grant powers
12 of zoning or land use control to the Heritage Council for
13 the Heritage Area.

14 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY
15 NOT AFFECTED.—Nothing in this subtitle shall be con-
16 strued to affect or to authorize the Heritage Council to
17 interfere with—

18 (1) the rights of any person with respect to pri-
19 vate property; or

20 (2) any local zoning ordinance or land use plan
21 of the State of Utah or political subdivision thereof.

22 (d) LACK OF EFFECT ON BLM AND U.S. FOREST
23 SERVICE AUTHORITY.—

24 (1) IN GENERAL.—Nothing in this subtitle shall
25 be construed to modify, enlarge, or diminish the au-

1 thority of the Secretary, the Bureau of Land Man-
2 agement, the Secretary of Agriculture, or the United
3 States Forest Service with respect to lands under
4 the administrative jurisdiction of these agencies.

5 (2) COOPERATION.—In carrying out this sub-
6 title, the Secretary shall work cooperatively under
7 the Federal Land Policy and Management Act of
8 1976 with the United States Forest Service, the
9 Heritage Council established under section 1555,
10 State and local governments, and private entities.

11 (e) LACK OF EFFECT ON FISH AND WILDLIFE MAN-
12 AGEMENT.—Nothing in this subtitle shall be construed to
13 modify, enlarge or diminish the authority of the State of
14 Utah to manage fish and wildlife, including the regulation
15 of fishing and hunting within the Heritage Area.

16 **SEC. 1560. SUNSET.**

17 The Secretary may not make any grant or provide
18 any assistance under this subtitle after September 30,
19 2022.

20 **SEC. 1561. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There are authorized to be appro-
22 priated under this subtitle not more than \$1,000,000 an-
23 nually, to remain available until expended. Not more than
24 a total of \$10,000,000 may be appropriated for the Herit-
25 age Area under this subtitle.

1 (b) LIMITATION ON PERCENT OF COST.—

2 (1) IN GENERAL.—Federal funding provided
3 under this subtitle, after the designation of the Na-
4 tional Heritage Area, for any technical assistance or
5 grant with respect to the area may not exceed 50
6 percent of the total cost of the assistance or grant.
7 Federal funding provided under this subtitle with re-
8 spect to an area before the designation of the area
9 as the National Heritage Area may not exceed an
10 amount proportionate to the level of local support of
11 and commitment to the designation of the area.

12 (2) TREATMENT OF DONATIONS.—The value of
13 property or services donated by non-Federal sources
14 and used for management of the National Heritage
15 Area shall be treated as non-Federal funding for
16 purposes of paragraph (1).

17 (c) ALLOCATION OF APPROPRIATIONS.—Notwith-
18 standing any other provision of law, no funds appropriated
19 or otherwise made available to the Secretary to carry out
20 this subtitle—

21 (1) may be obligated or expended by any person
22 unless the appropriation of such funds has been allo-
23 cated in the manner prescribed by this subtitle; or

24 (2) may be obligated or expended by any person
25 in excess of the amount prescribed by this subtitle.

1 **Subtitle F—Cedar Creek and Belle**
2 **Grove National Historical Park**

3 **SEC. 1571. SHORT TITLE.**

4 This subtitle may be cited as the “Cedar Creek and
5 Belle Grove National Historical Park Act”.

6 **SEC. 1572. PURPOSE.**

7 The purpose of this subtitle is to establish the Cedar
8 Creek and Belle Grove National Historical Park in order
9 to—

10 (1) help preserve, protect, and interpret a na-
11 tionally significant Civil War landscape and ante-
12 bellum plantation for the education, inspiration, and
13 benefit of present and future generations;

14 (2) tell the rich story of Shenandoah Valley his-
15 tory from early settlement through the Civil War
16 and beyond, and the Battle of Cedar Creek and its
17 significance in the conduct of the war in the Shen-
18 andoah Valley;

19 (3) preserve the significant historic, natural,
20 cultural, military, and scenic resources found in the
21 Cedar Creek Battlefield and Belle Grove Plantation
22 areas through partnerships with local landowners
23 and the community; and

24 (4) serve as a focal point to recognize and inter-
25 pret important events and geographic locations with-

1 in the Shenandoah Valley Battlefields National His-
2 toric District representing key Civil War battles in
3 the Shenandoah Valley, including those battlefields
4 associated with the Thomas J. (Stonewall) Jackson
5 campaign of 1862 and the decisive campaigns of
6 1864.

7 **SEC. 1573. FINDINGS.**

8 Congress finds the following:

9 (1) The Battle of Cedar Creek, also known as
10 the battle of Belle Grove, was a major event of the
11 Civil War and the history of this country. It rep-
12 resented the end of the Civil War's Shenandoah Val-
13 ley campaign of 1864 and contributed to the reelec-
14 tion of President Abraham Lincoln and the eventual
15 outcome of the war.

16 (2) 2,500 acres of the Cedar Creek Battlefield
17 and Belle Grove Plantation were designated a na-
18 tional historic landmark in 1969 because of their
19 ability to illustrate and interpret important eras and
20 events in the history of the United States. The
21 Cedar Creek Battlefield, Belle Grove Manor House,
22 the Heater House, and Harmony Hall (a National
23 Historic Landmark) are also listed on the Virginia
24 Landmarks Register.

1 (3) The Secretary of the Interior has approved
2 the Shenandoah Valley Battlefields National His-
3 toric District Management Plan and the National
4 Park Service Special Resource Study, both of which
5 recognized Cedar Creek Battlefield as the most sig-
6 nificant Civil War resource within the historic dis-
7 trict. The management plan, which was developed
8 with extensive public participation over a 3-year pe-
9 riod and is administered by the Shenandoah Valley
10 Battlefields Foundation, recommends that Cedar
11 Creek Battlefield be established as a new unit of the
12 National Park System.

13 (4) The Cedar Creek Battlefield Foundation,
14 organized in 1988 to preserve and interpret the
15 Cedar Creek Battlefield and the 1864 Valley Cam-
16 paign, has acquired 308 acres of land within the
17 boundaries of the National Historic Landmark. The
18 foundation annually hosts a major reenactment and
19 living history event on the Cedar Creek Battlefield.

20 (5) Belle Grove Plantation is a Historic Site of
21 the National Trust for Historic Preservation that oc-
22 cupies 383 acres within the National Historic Land-
23 mark. The Belle Grove Manor House was built by
24 Isaac Hite, a Revolutionary War patriot married to
25 the sister of President James Madison, who was a

1 frequent visitor at Belle Grove. President Thomas
2 Jefferson assisted with the design of the house. Dur-
3 ing the Civil War Belle Grove was at the center of
4 the decisive battle of Cedar Creek. Belle Grove is
5 managed locally by Belle Grove, Incorporated, and
6 has been open to the public since 1967. The house
7 has remained virtually unchanged since it was built
8 in 1797, offering visitors an experience of the life
9 and times of the people who lived there in the 18th
10 and 19th centuries.

11 (6) The panoramic views of the mountains, nat-
12 ural areas, and waterways provide visitors with an
13 inspiring setting of great natural beauty. The his-
14 toric, natural, cultural, military, and scenic re-
15 sources found in the Cedar Creek Battlefield and
16 Belle Grove Plantation areas are nationally and re-
17 gionally significant.

18 (7) The existing, independent, not-for-profit or-
19 ganizations dedicated to the protection and interpre-
20 tation of the resources described above provide the
21 foundation for public-private partnerships to further
22 the success of protecting, preserving, and inter-
23 preting these resources.

1 (8) None of these resources, sites, or stories of
2 the Shenandoah Valley are protected by or inter-
3 preted within the National Park System.

4 **SEC. 1574. DEFINITIONS.**

5 In this subtitle:

6 (1) COMMISSION.—The term “Commission”
7 means the Cedar Creek and Belle Grove National
8 Historical Park Advisory Commission established by
9 section 1579.

10 (2) MAP.—The term “Map” means the map en-
11 titled “Boundary Map Cedar Creek and Belle Grove
12 National Historical Park”, numbered CEBE-
13 80,001, and dated September 2002.

14 (3) PARK.—The term “Park” means the Cedar
15 Creek and Belle Grove National Historical Park es-
16 tablished under section 1575 and depicted on the
17 Map.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 **SEC. 1575. ESTABLISHMENT OF CEDAR CREEK AND BELLE**
21 **GROVE NATIONAL HISTORICAL PARK.**

22 (a) ESTABLISHMENT.—There is established the
23 Cedar Creek and Belle Grove National Historical Park,
24 consisting of approximately 3,000 acres, as generally de-
25 picted on the Map.

1 (b) AVAILABILITY OF MAP.—The Map shall be on file
2 and available for public inspection in the offices of the Na-
3 tional Park Service, Department of the Interior.

4 **SEC. 1576. ACQUISITION OF PROPERTY.**

5 (a) REAL PROPERTY.—The Secretary may acquire
6 land or interests in land within the boundaries of the
7 Park, from willing owners only, by donation, purchase
8 with donated or appropriated funds, or exchange.

9 (b) BOUNDARY REVISION.—After acquiring land for
10 the Park, the Secretary shall—

11 (1) revise the boundary of the Park to include
12 newly acquired land within the boundary; and

13 (2) administer newly acquired land subject to
14 applicable laws (including regulations).

15 (c) PERSONAL PROPERTY.—The Secretary may ac-
16 quire personal property associated with, and appropriate
17 for, interpretation of the Park.

18 (d) CONSERVATION EASEMENTS AND COVENANTS.—
19 The Secretary is authorized to acquire conservation ease-
20 ments and enter into covenants regarding lands in or adja-
21 cent to the Park from willing owners only. Such conserva-
22 tion easements and covenants shall have the effect of pro-
23 tecting the scenic, natural, and historic resources on adja-
24 cent lands and preserving the natural or historic setting
25 of the Park when viewed from within or outside the Park.

1 (e) SUPPORT FACILITIES.—The National Park Serv-
2 ice is authorized to acquire from willing owners, land out-
3 side the Park boundary but in close proximity to the Park,
4 for the development of visitor, administrative, museum,
5 curatorial, and maintenance facilities.

6 **SEC. 1577. ADMINISTRATION.**

7 The Secretary shall administer the Park in accord-
8 ance with this subtitle and the provisions of law generally
9 applicable to units of the National Park System, includ-
10 ing—

11 (1) the Act entitled “An Act to establish a Na-
12 tional Park Service, and for other purposes”, ap-
13 proved August 25, 1916 (16 U.S.C. 1 et seq.); and

14 (2) the Act entitled “An Act to provide for the
15 preservation of historic American sites, buildings,
16 objects, and antiquities of national significance, and
17 for other purposes”, approved August 21, 1935 (16
18 U.S.C. 461 et seq.).

19 **SEC. 1578. MANAGEMENT OF PARK.**

20 (a) MANAGEMENT PLAN.—The Secretary, in con-
21 sultation with the Commission, shall prepare a manage-
22 ment plan for the Park. In particular, the management
23 plan shall contain provisions to address the needs of own-
24 ers of non-Federal land, including independent nonprofit
25 organizations within the boundaries of the Park.

1 (b) SUBMISSION OF PLAN TO CONGRESS.—Not later
2 than 3 years after the date of the enactment of this sub-
3 title, the Secretary shall submit the management plan for
4 the Park to the Committee on Resources of the House
5 of Representatives and the Committee on Energy and
6 Natural Resources of the Senate.

7 **SEC. 1579. CEDAR CREEK AND BELLE GROVE NATIONAL**
8 **HISTORICAL PARK ADVISORY COMMISSION.**

9 (a) ESTABLISHMENT.—There is established the
10 Cedar Creek and Belle Grove National Historical Park
11 Advisory Commission.

12 (b) DUTIES.—The Commission shall—

13 (1) advise the Secretary in the preparation and
14 implementation of a general management plan de-
15 scribed in section 1578; and

16 (2) advise the Secretary with respect to the
17 identification of sites of significance outside the
18 Park boundary deemed necessary to fulfill the pur-
19 poses of this subtitle.

20 (c) MEMBERSHIP.—

21 (1) COMPOSITION.—The Commission shall be
22 composed of 15 members appointed by the Secretary
23 so as to include the following:

24 (A) 1 representative from the Common-
25 wealth of Virginia.

1 (B) 1 representative each from the local
2 governments of Strasburg, Middletown, Fred-
3 erick County, Shenandoah County, and Warren
4 County.

5 (C) 2 representatives of private landowners
6 within the Park.

7 (D) 1 representative from a citizen interest
8 group.

9 (E) 1 representative from the Cedar Creek
10 Battlefield Foundation.

11 (F) 1 representative from Belle Grove, In-
12 corporated.

13 (G) 1 representative from the National
14 Trust for Historic Preservation.

15 (H) 1 representative from the Shenandoah
16 Valley Battlefields Foundation.

17 (I) 1 ex-officio representative from the Na-
18 tional Park Service.

19 (J) 1 ex-officio representative from the
20 United States Forest Service.

21 (2) CHAIRPERSON.—The Chairperson of the
22 Commission shall be elected by the members to serve
23 a term of one year renewable for one additional year.

1 (3) VACANCIES.—A vacancy on the Commission
2 shall be filled in the same manner in which the origi-
3 nal appointment was made.

4 (4) TERMS OF SERVICE.—

5 (A) IN GENERAL.—Each member shall be
6 appointed for a term of 3 years and may be re-
7 appointed for not more than 2 successive terms.

8 (B) INITIAL MEMBERS.—Of the members
9 first appointed under paragraph (1), the Sec-
10 retary shall appoint—

11 (i) 4 members for a term of 1 year;

12 (ii) 5 members for a term of 2 years;

13 and

14 (iii) 6 members for a term of 3 years.

15 (5) EXTENDED SERVICE.—A member may
16 serve after the expiration of that member's term
17 until a successor has taken office.

18 (6) MAJORITY RULE.—The Commission shall
19 act and advise by affirmative vote of a majority of
20 its members.

21 (7) MEETINGS.—The Commission shall meet at
22 least quarterly at the call of the chairperson or a
23 majority of the members of the Commission.

24 (8) QUORUM.—8 members shall constitute a
25 quorum.

1 (d) COMPENSATION.—Members shall serve without
2 pay. Members who are full-time officers or employees of
3 the United States, the Commonwealth of Virginia, or any
4 political subdivision thereof shall receive no additional pay
5 on account of their service on the Commission.

6 (e) TRAVEL EXPENSES.—While away from their
7 homes or regular places of business in the performance
8 of service for the Commission, members shall be allowed
9 travel expenses, including per diem in lieu of subsistence,
10 in the same manner as persons employed intermittently
11 in the Government service are allowed expenses under sec-
12 tion 5703 of title 5, United States Code.

13 (f) HEARINGS; PUBLIC INVOLVEMENT.—The Com-
14 mission may, for purposes of carrying out this subtitle,
15 hold such hearings, sit and act at such times and places,
16 take such public testimony, and receive such evidence, as
17 the Commission considers appropriate. The Commission
18 may not issue subpoenas or exercise any subpoena author-
19 ity.

20 **SEC. 1580. CONSERVATION OF CEDAR CREEK AND BELLE**
21 **GROVE NATIONAL HISTORICAL PARK.**

22 (a) ENCOURAGEMENT OF CONSERVATION.—The Sec-
23 retary and the Commission shall encourage conservation
24 of the historic and natural resources within and in prox-

1 imity of the Park by landowners, local governments, orga-
2 nizations, and businesses.

3 (b) PROVISION OF TECHNICAL ASSISTANCE.—The
4 Secretary may provide technical assistance to local govern-
5 ments, in cooperative efforts which complement the values
6 of the Park.

7 (c) COOPERATION BY FEDERAL AGENCIES.—Any
8 Federal entity conducting or supporting activities directly
9 affecting the Park shall consult, cooperate, and, to the
10 maximum extent practicable, coordinate its activities with
11 the Secretary in a manner that—

12 (1) is consistent with the purposes of this sub-
13 title and the standards and criteria established pur-
14 suant to the general management plan developed
15 pursuant to section 1578;

16 (2) is not likely to have an adverse effect on the
17 resources of the Park; and

18 (3) is likely to provide for full public participa-
19 tion in order to consider the views of all interested
20 parties.

21 **SEC. 1581. ENDOWMENT.**

22 (a) IN GENERAL.—In accordance with the provisions
23 of subsection (b), the Secretary is authorized to receive
24 and expend funds from an endowment to be established

1 with the National Park Foundation, or its successors and
2 assigns.

3 (b) CONDITIONS.—Funds from the endowment re-
4 ferred to in subsection (a) shall be expended exclusively
5 as the Secretary, in consultation with the Commission,
6 may designate for the interpretation, preservation, and
7 maintenance of the Park resources and public access
8 areas. No expenditure shall be made pursuant to this sec-
9 tion unless the Secretary determines that such expenditure
10 is consistent with the purposes of this subtitle.

11 **SEC. 1582. COOPERATIVE AGREEMENTS.**

12 (a) IN GENERAL.—In order to further the purposes
13 of this subtitle, the Secretary is authorized to enter into
14 cooperative agreements with interested public and private
15 entities and individuals (including the National Trust for
16 Historic Preservation, Belle Grove, Inc., the Cedar Creek
17 Battlefield Foundation, the Shenandoah Valley Battle-
18 fields Foundation, and the Counties of Frederick, Shen-
19 andoah, and Warren), through technical and financial as-
20 sistance, including encouraging the conservation of his-
21 toric and natural resources of the Park.

22 (b) TECHNICAL AND FINANCIAL ASSISTANCE.—The
23 Secretary may provide to any person, organization, or gov-
24 ernmental entity technical and financial assistance for the
25 purposes of this subtitle, including the following:

1 (1) Preserving historic structures within the
2 Park.

3 (2) Maintaining the natural or cultural land-
4 scape of the Park.

5 (3) Local preservation planning, interpretation,
6 and management of public visitation for the Park.

7 (4) Furthering the goals of the Shenandoah
8 Valley Battlefields Foundation related to the Park.

9 **SEC. 1583. ROLES OF KEY PARTNER ORGANIZATIONS.**

10 (a) IN GENERAL.—In recognition that central por-
11 tions of the Park are presently owned and operated for
12 the benefit of the public by key partner organizations, the
13 Secretary shall acknowledge and support the continued
14 participation of these partner organizations in the man-
15 agement of the Park.

16 (b) PARK PARTNERS.—Roles of the current key part-
17 ners include the following:

18 (1) CEDAR CREEK BATTLEFIELD FOUNDA-
19 TION.—The Cedar Creek Battlefield Foundation
20 may—

21 (A) continue to own, operate, and manage
22 the lands acquired by the Foundation within
23 the Park;

24 (B) continue to conduct reenactments and
25 other events within the Park; and

1 (C) transfer ownership interest in portions
2 of their land to the National Park Service by
3 donation, sale, or other means that meet the
4 legal requirements of National Park Service
5 land acquisitions.

6 (2) NATIONAL TRUST FOR HISTORIC PRESERVA-
7 TION AND BELLE GROVE INCORPORATED.—The Na-
8 tional Trust for Historic Preservation and Belle
9 Grove Incorporated may continue to own, operate,
10 and manage Belle Grove Plantation and its struc-
11 tures and grounds within the Park boundary. Belle
12 Grove Incorporated may continue to own the house
13 and grounds known as Bowman’s Fort or Harmony
14 Hall for the purpose of permanent preservation, with
15 a long-term goal of opening the property to the pub-
16 lic.

17 (3) SHENANDOAH COUNTY.—Shenandoah
18 County may continue to own, operate, and manage
19 the Keister park site within the Park for the benefit
20 of the public.

21 (4) PARK COMMUNITY PARTNERS.—The Sec-
22 retary shall cooperate with the Park’s adjacent his-
23 toric towns of Strasburg and Middletown, Virginia,
24 as well as Frederick, Shenandoah, and Warren coun-
25 ties in furthering the purposes of the Park.

1 (5) SHENANDOAH VALLEY BATTLEFIELDS
2 FOUNDATION.—The Shenandoah Valley Battlefields
3 Foundation may continue to administer and manage
4 the Shenandoah Valley Battlefields National His-
5 toric District in partnership with the National Park
6 Service and in accordance with the Management
7 Plan for the District in which the Park is located.

8 **SEC. 1584. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated such sums as
10 are necessary to carry out this subtitle.

11 **Subtitle G—Crossroads of the**
12 **American Revolution National**
13 **Heritage Area**

14 **SEC. 1585. SHORT TITLE.**

15 This subtitle may be cited as the “Crossroads of the
16 American Revolution National Heritage Area Act”.

17 **SEC. 1586. FINDINGS AND PURPOSES.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) New Jersey was of critical importance dur-
20 ing the American Revolution due to its strategic lo-
21 cation between the British armies headquartered in
22 New York City and the Continental Congress sitting
23 in the City of Philadelphia.

24 (2) General George Washington spent almost
25 half of the period of the American Revolution per-

1 sonally commanding troops of the Continental Army
2 in New Jersey including 2 severe winter encamp-
3 ments at what is now Morristown National Histor-
4 ical Park, a unit of the National Park System.

5 (3) It was during the 10 crucial days of the
6 American Revolution between December 25, 1776,
7 and January 3, 1777, when General Washington,
8 after retreating across New Jersey from New York
9 City to Pennsylvania in the face of total defeat for
10 the Nation’s cause, recrossed the Delaware River on
11 Christmas night, 1776, and won crucial battles at
12 Trenton and Princeton. Thomas Paine, who accom-
13 panied the troops during the retreat, described the
14 events as, “the times that try men’s souls”.

15 (4) There are situated in the State of New Jer-
16 sey the sites of 296 engagements including several
17 important battles of the American Revolution, which
18 collectively are of significant importance to the out-
19 come of the overall conflict and the history of the
20 United States. Among these are National Historic
21 Landmarks including Washington’s Crossing, the
22 Old Trenton Barracks, and Princeton, Monmouth
23 and Red Bank Battlefields.

24 (5) Additional national Historic Landmarks in-
25 clude the homes of Richard Stockton, Joseph Hewes,

1 John Witherspoon, and Francis Hopkinson, all sign-
2 ers of the Declaration of Independence, Elias
3 Boudinout, President of the Continental Congress
4 and William Livingston, patriot and Governor of
5 New Jersey from 1776 to 1790.

6 (6) Portions of the landscapes important to the
7 strategies of both armies including waterways,
8 mountains, farms, wetlands, villages and roadways
9 retain integrity of the period of the American Revo-
10 lution and offer outstanding opportunities for con-
11 servation, education, and recreation.

12 (7) The National Register of Historic Places
13 lists 251 buildings and sites in the National Park
14 Service study area for Crossroads of the American
15 Revolution associated with the period of the Amer-
16 ican Revolution.

17 (8) Civilian populations residing in New Jersey
18 suffered extreme hardships during the American
19 Revolution due to the continuous conflict within its
20 borders, foraging armies, and marauding contingents
21 of loyalist Tories and rebel sympathizers.

22 (9) Because of the important role that New
23 Jersey played in the successful outcome of the
24 American Revolution there is a Federal interest for
25 the development of a regional framework to assist

1 the State of New Jersey, other local organizations
2 and governments, and private citizens to preserve
3 and protect natural, cultural, and historic resources
4 of the period and to bring recognition to this impor-
5 tant heritage for the educational and recreational
6 benefit of this and future generations of Americans.

7 (10) The National Park Service has conducted
8 a National Heritage Feasibility Study in the State
9 of New Jersey that demonstrates the sufficient as-
10 semblage of nationally distinctive natural, cultural,
11 and historic resources necessary to establish the
12 Crossroads of the American Revolution National
13 Heritage Area.

14 (b) PURPOSES.—The purposes of this subtitle are as
15 follows:

16 (1) To build the capacity of communities, orga-
17 nizations, and citizens in New Jersey to preserve the
18 special historic identity of the region and its impor-
19 tance to the Nation.

20 (2) To foster a close working relationship with
21 all levels of government, the private sector, and the
22 local communities in New Jersey.

23 (3) To provide for the management, preserva-
24 tion, protection, and interpretation of the natural,
25 historic, and cultural resources of the region for the

1 educational and inspirational benefit of future gen-
2 erations.

3 (4) To strengthen the value of Morristown Na-
4 tional Historical Park as an asset to the region by
5 establishing a network of related historic resources,
6 protected landscapes, educational opportunities, and
7 events depicting the revolutionary landscape of New
8 Jersey.

9 (5) To strengthen partnerships among Morris-
10 town National Historical Park and other public and
11 privately owned resources in the heritage area, that
12 together represent the strategic fulcrum of the
13 American Revolution, as assets in the quality of life
14 in the region.

15 (6) To authorize Federal financial and technical
16 assistance to serve these purposes.

17 **SEC. 1587. DEFINITIONS.**

18 For the purposes of this subtitle:

19 (1) ASSOCIATION.—The term “Association”
20 means the Crossroads of the American Revolution
21 Association, Inc., a nonprofit corporation in the
22 State of New Jersey.

23 (2) BOUNDARIES.—The term “boundaries”
24 means the boundaries of the heritage area specified
25 in this subtitle.

1 (3) HERITAGE AREA.—The term “heritage
2 area” means the Crossroads of the American Revo-
3 lution National Heritage Area as established in sec-
4 tion 1588.

5 (4) MANAGEMENT PLAN.—The term “manage-
6 ment plan” means the management plan submitted
7 under section 1590.

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

10 **SEC. 1588. CROSSROADS OF THE AMERICAN REVOLUTION**
11 **NATIONAL HERITAGE AREA.**

12 (a) ESTABLISHMENT.—There is established in the
13 State of New Jersey the Crossroads of the American Revo-
14 lution National Heritage Area.

15 (b) BOUNDARIES.—The boundaries of the heritage
16 area shall include all those lands and waters depicted on
17 a map entitled “Crossroads of the American Revolution
18 National Heritage Area”, numbered CRRE\80,000 and
19 dated April 2002. The map shall be on file in the appro-
20 priate offices of the National Park Service.

21 (c) MANAGEMENT ENTITY.—The management entity
22 for the heritage area shall be the Association.

1 **SEC. 1589. AUTHORITIES, PROHIBITIONS, AND DUTIES OF**
2 **THE ASSOCIATION.**

3 (a) DUTIES OF THE ASSOCIATION.—To further the
4 purposes of the of the heritage area, the Association
5 shall—

6 (1) prepare and submit a management plan for
7 the heritage area to the Secretary in accordance
8 with section 1560;

9 (2) assist units of local government, regional
10 planning organizations, and nonprofit organizations
11 in implementing the approved management plan
12 by—

13 (A) carrying out programs and projects
14 that recognize, protect and enhance important
15 resource values within the heritage area;

16 (B) establishing and maintaining interpre-
17 tive exhibits and programs within the heritage
18 area;

19 (C) developing recreational and educational
20 opportunities in the heritage area;

21 (D) increasing public awareness of and ap-
22 preciation for natural, historic, and cultural re-
23 sources of the heritage area;

24 (E) protecting and restoring historic sites
25 and buildings in the heritage area that are con-
26 sistent with heritage area themes;

1 (F) ensuring that clear, consistent, and ap-
2 propriate signs identifying points of public ac-
3 cess and sites of interest are posted throughout
4 the heritage area; and

5 (G) promoting a wide range of partner-
6 ships among governments, organizations and in-
7 dividuals to further the purposes of the heritage
8 area;

9 (3) consider the interests of diverse units of
10 government, businesses, organizations, and individ-
11 uals in the heritage area in the preparation and im-
12 plementation of the management plan;

13 (4) conduct Association meetings open to the
14 public at least semiannually regarding the develop-
15 ment and implementation of the management plan;

16 (5) submit an annual report to the Secretary
17 for any fiscal year in which the Association receives
18 Federal funds under this subtitle, setting forth its
19 accomplishments, expenses, and income, including
20 grants to any other entities during the year for
21 which the report is made;

22 (6) make available for audit for any fiscal year
23 in which it receives Federal funds under this sub-
24 title, all information pertaining to the expenditure of
25 such funds and any matching funds, and require in

1 all agreements authorizing expenditures of Federal
2 funds by other organizations, that the receiving or-
3 ganizations make available for such audit all records
4 and other information pertaining to the expenditure
5 of such funds;

6 (7) encourage by appropriate means economic
7 viability that is consistent with the purposes of the
8 heritage area; and

9 (8) maintain its headquarters at Morristown
10 National Historical Park and in Mercer County.

11 (b) AUTHORITIES.—The Association may, for the
12 purposes of preparing and implementing the management
13 plan for the heritage area, use Federal funds made avail-
14 able through this subtitle to—

15 (1) make grants to the State of New Jersey, its
16 political subdivisions, nonprofit organizations and
17 other persons;

18 (2) enter into cooperative agreements with or
19 provide technical assistance to the State of New Jer-
20 sey, its political jurisdictions, nonprofit organiza-
21 tions, and other interested parties;

22 (3) hire and compensate staff which shall in-
23 clude individuals with expertise in natural, cultural,
24 historic resources protection, and heritage program-
25 ming;

1 (4) obtain money or services from any source,
2 including any that are provided under any other
3 Federal law or program;

4 (5) contract for goods or services; and

5 (6) undertake to be a catalyst for any other ac-
6 tivity that furthers the purposes of the heritage area
7 and is consistent with the approved management
8 plan.

9 (c) PROHIBITIONS ON THE ACQUISITION OF REAL
10 PROPERTY.—The Association may not use Federal funds
11 received under this subtitle to acquire real property or in-
12 terests in real property, but may use any other source of
13 funding, including other Federal funding, intended for the
14 acquisition of real property.

15 **SEC. 1590. MANAGEMENT PLAN.**

16 (a) IN GENERAL.—The management plan for the
17 heritage area shall—

18 (1) include comprehensive policies, strategies
19 and recommendations for conservation, funding,
20 management, and development of the heritage area;

21 (2) take into consideration existing State, coun-
22 ty, and local plans in the development of the man-
23 agement plan and its implementation;

24 (3) include a description of actions that govern-
25 ments, private organizations, and individuals have

1 agreed to take to protect the natural, historic, and
2 cultural resources of the heritage area;

3 (4) specify the existing and potential sources of
4 funding to protect, manage, and develop the heritage
5 area in the first 5 years of implementation;

6 (5) include an inventory of the natural, histor-
7 ical, cultural, educational, scenic and recreational re-
8 sources of the heritage area related to the themes of
9 the heritage area that should be preserved, restored,
10 managed, developed, or maintained;

11 (6) recommend policies and strategies for re-
12 source management which consider and detail the
13 application of appropriate land and water manage-
14 ment techniques including, but not limited to, the
15 development of intergovernmental and interagency
16 cooperative agreements to protect the heritage area's
17 natural, historical, cultural, educational, scenic and
18 recreational resources;

19 (7) describe a program of implementation for
20 the management plan including plans for resource
21 protection, restoration, construction, and specific
22 commitments for implementation that have been
23 made by the Association or any government, organi-
24 zation, or individual for the first 5 years of imple-
25 mentation;

1 (8) include an analysis and recommendations
2 for ways in which local, State, and Federal pro-
3 grams, including the role of the National Park Serv-
4 ice in the heritage area, may best be coordinated to
5 further the purposes of this subtitle; and

6 (9) include an interpretive plan for the heritage
7 area.

8 (b) DEADLINE AND TERMINATION OF FUNDING.—

9 (1) DEADLINE.—The Association shall submit
10 the management plan to the Secretary for approval
11 within 3 years after funds are made available for
12 this subtitle.

13 (2) TERMINATION OF FUNDING.—Upon comple-
14 tion of the 3-year period in this subsection, further
15 funding pursuant to this subtitle shall only be made
16 available to the Association for the implementation
17 of the management plan upon approval by the Sec-
18 retary as provided in section 1591.

19 **SEC. 1591. DUTIES AND AUTHORITIES OF THE SECRETARY.**

20 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

21 (1) IN GENERAL.—The Secretary may, upon
22 the request of the Association provide technical as-
23 sistance on a reimbursable or nonreimbursable basis
24 and financial assistance to the heritage area to de-
25 velop and implement the approved management

1 plan. The Secretary is authorized to enter into coop-
2 erative agreements with the Association and other
3 public or private entities for this purpose. In assist-
4 ing the heritage area, the Secretary shall give pri-
5 ority to actions that in general assist in—

6 (A) conserving the significant natural, his-
7 toric, cultural, and scenic resources of the herit-
8 age area; and

9 (B) providing educational, interpretive, and
10 recreational opportunities consistent with the
11 purposes of the heritage area.

12 (2) OTHER ASSISTANCE.—Upon request, the
13 Superintendent of Morristown National Historical
14 Park may provide to public and private organiza-
15 tions within the heritage area, including the Associa-
16 tion, such operational assistance as appropriate to
17 support the implementation of the management plan
18 for the heritage area, subject to the availability of
19 appropriated funds. The Secretary is authorized to
20 enter into cooperative agreements with public and
21 private organizations for the purpose of imple-
22 menting this subsection.

23 (3) PRESERVATION OF HISTORIC PROP-
24 erties.—The Secretary may provide assistance to
25 State or local government or nonprofit organizations

1 for appropriate treatment of historic objects or
2 structures listed or eligible for listing on the Na-
3 tional Register of Historic Places to further the pur-
4 poses of this subtitle.

5 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT
6 PLAN.—

7 (1) IN GENERAL.—The Secretary shall approve
8 or disapprove the management plan not later than
9 90 days after receiving the management plan.

10 (2) CRITERIA FOR APPROVAL.—In determining
11 to approve the management plan, the Secretary shall
12 consider whether—

13 (A) the Board of Directors of the Associa-
14 tion is representative of the diverse interests of
15 the heritage area including governments, nat-
16 ural and historic resource protection organiza-
17 tions, education, business, and recreation;

18 (B) the Association has afforded adequate
19 opportunity, including public hearings, for pub-
20 lic and governmental involvement in the prepa-
21 ration of the management plan;

22 (C) the resource protection and interpreta-
23 tion strategies contained in the management
24 plan, if implemented, would adequately protect

1 the natural, historic, and cultural resources of
2 the heritage area; and

3 (D) the Secretary has received adequate
4 assurances from the appropriate State and local
5 officials whose support is needed to ensure the
6 effective implementation of the State and local
7 aspects of the management plan.

8 (3) ACTION FOLLOWING DISAPPROVAL.—If the
9 Secretary disapproves the management plan, the
10 Secretary shall advise the Association in writing of
11 the reasons therefore and shall make recommenda-
12 tions for revisions to the management plan. The Sec-
13 retary shall approve or disapprove a proposed revi-
14 sion within 60 days after the date it is submitted.

15 (4) APPROVAL OF AMENDMENTS.—Substantial
16 amendments to the management plan shall be re-
17 viewed by the Secretary and approved in the same
18 manner as provided for the original management
19 plan. The Association shall not use Federal funds
20 authorized by this subtitle to implement any amend-
21 ments until the Secretary has approved the amend-
22 ments.

23 **SEC. 1592. DUTIES OF OTHER FEDERAL AGENCIES.**

24 Any Federal agency conducting or supporting activi-
25 ties directly affecting the heritage area shall—

1 (1) consult with the Secretary and the Associa-
2 tion with respect to such activities;

3 (2) cooperate with the Secretary and the Asso-
4 ciation in carrying out their duties under this sub-
5 title and, to the maximum extent practicable, coordi-
6 nate such activities with the carrying out of such du-
7 ties; and,

8 (3) to the maximum extent practicable, conduct
9 or support such activities in a manner which the as-
10 sociation determines will not have an adverse effect
11 on the heritage area.

12 **SEC. 1593. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated for the purposes of this subtitle not more than
15 \$1,000,000 for any fiscal year. Not more than a total of
16 \$10,000,000 may be appropriated for the Association
17 under this subtitle.

18 (b) MATCHING FUNDS.—Federal funding provided
19 under this subtitle may not exceed 50 percent of the total
20 cost of any assistance or grant provided or authorized
21 under this subtitle.

22 **SEC. 1594. SUNSET.**

23 The authority of the Secretary to provide assistance
24 under this subtitle shall terminate on the day occurring
25 15 years after the date of enactment of the Act.

1 **Subtitle H—National Aviation**
2 **Heritage Area**

3 **SEC. 1595. SHORT TITLE; FINDINGS; PURPOSE; DEFINI-**
4 **TIONS.**

5 (a) **SHORT TITLE.**—This subtitle may be cited as the
6 “National Aviation Heritage Area Act”.

7 (b) **FINDINGS.**—Congress finds the following:

8 (1) Few technological advances have trans-
9 formed the world or our Nation’s economy, society,
10 culture, and national character as the development
11 of powered flight.

12 (2) The industrial, cultural, and natural herit-
13 age legacies of Ohio’s aviation and aerospace indus-
14 try are nationally significant.

15 (3) Dayton, Ohio, and other defined areas
16 where the development of the airplane and aerospace
17 technology established our Nation’s leadership in
18 both civil and military aeronautics and astronautics
19 set the foundation for the 20th century to be an
20 American century.

21 (4) Wright-Patterson Air Force Base in Day-
22 ton, Ohio, is the birthplace, home, and future of
23 aerospace.

24 (5) The economic strength of our Nation is con-
25 nected integrally to the vitality of the aviation and

1 aerospace industry, which is responsible for an esti-
2 mated 11,200,000 American jobs.

3 (6) The industrial and cultural heritage of the
4 aviation and aerospace industry in Ohio includes the
5 social history and living cultural traditions of several
6 generations.

7 (7) The Department of the Interior is respon-
8 sible for protecting and interpreting the Nation's
9 cultural and historic resources, and there are signifi-
10 cant examples of these resources within Ohio to
11 merit the involvement of the Federal Government to
12 develop programs and projects in cooperation with
13 the Aviation Heritage Foundation, Incorporated, the
14 State of Ohio, and other local and governmental en-
15 tities to adequately conserve, protect, and interpret
16 this heritage for the educational and recreational
17 benefit of this and future generations of Americans,
18 while providing opportunities for education and revi-
19 talization.

20 (8) Since the enactment of the Dayton Aviation
21 Heritage Preservation Act of 1992 (Public Law
22 102-419), partnerships among the Federal, State,
23 and local governments and the private sector have
24 greatly assisted the development and preservation of
25 the historic aviation resources in the Miami Valley.

1 (9) An aviation heritage area centered in
2 Southwest Ohio is a suitable and feasible manage-
3 ment option to increase collaboration, promote herit-
4 age tourism, and build on the established partner-
5 ships among Ohio’s historic aviation resources and
6 related sites.

7 (10) A critical level of collaboration among the
8 historic aviation resources in Southwest Ohio cannot
9 be achieved without a congressionally established na-
10 tional heritage area and the support of the National
11 Park Service and other Federal agencies which own
12 significant historic aviation-related sites in Ohio.

13 (11) The Aviation Heritage Foundation, Incor-
14 porated, would be an appropriate management entity
15 to oversee the development of the National Aviation
16 Heritage Area.

17 (12) Five National Park Service and Dayton
18 Aviation Heritage Commission studies and planning
19 documents “Study of Alternatives: Dayton’s Aviation
20 Heritage”, “Dayton Aviation Heritage National His-
21 torical Park Suitability/Feasibility Study”, “Dayton
22 Aviation Heritage General Management Plan”,
23 “Dayton Historic Resources Preservation and Devel-
24 opment Plan”, and Heritage Area Concept Study (in
25 progress) demonstrated that sufficient historical re-

1 sources exist to establish the National Aviation Her-
2 itage Area.

3 (13) With the advent of the 100th anniversary
4 of the first powered flight in 2003, it is recognized
5 that the preservation of properties nationally signifi-
6 cant in the history of aviation is an important goal
7 for the future education of Americans.

8 (14) Local governments, the State of Ohio, and
9 private sector interests have embraced the heritage
10 area concept and desire to enter into a partnership
11 with the Federal Government to preserve, protect,
12 and develop the Heritage Area for public benefit.

13 (15) The National Aviation Heritage Area
14 would complement and enhance the aviation-related
15 resources within the National Park Service, espe-
16 cially the Dayton Aviation Heritage National Histori-
17 cal Park, Ohio, and the Wright Brothers National
18 Memorial, Kitty Hawk, North Carolina.

19 (c) PURPOSE.—The purpose of this subtitle is to es-
20 tablish the Heritage Area to—

21 (1) encourage and facilitate collaboration
22 among the facilities, sites, organizations, govern-
23 mental entities, and educational institutions within
24 the Heritage Area to promote heritage tourism and

1 to develop educational and cultural programs for the
2 public;

3 (2) preserve and interpret for the educational
4 and inspirational benefit of present and future gen-
5 erations the unique and significant contributions to
6 our national heritage of certain historic and cultural
7 lands, structures, facilities, and sites within the Na-
8 tional Aviation Heritage Area;

9 (3) encourage within the National Aviation
10 Heritage Area a broad range of economic opportuni-
11 ties enhancing the quality of life for present and fu-
12 ture generations;

13 (4) provide a management framework to assist
14 the State of Ohio, its political subdivisions, other
15 areas, and private organizations, or combinations
16 thereof, in preparing and implementing an inte-
17 grated Management Plan to conserve their aviation
18 heritage and in developing policies and programs
19 that will preserve, enhance, and interpret the cul-
20 tural, historical, natural, recreation, and scenic re-
21 sources of the Heritage Area; and

22 (5) authorize the Secretary to provide financial
23 and technical assistance to the State of Ohio, its po-
24 litical subdivisions, and private organizations, or

1 combinations thereof, in preparing and implementing
2 the Management Plan.

3 (d) DEFINITIONS.—For purposes of this subtitle:

4 (1) BOARD.—The term “Board” means the
5 Board of Directors of the Foundation.

6 (2) FINANCIAL ASSISTANCE.—The term “finan-
7 cial assistance” means funds appropriated by Con-
8 gress and made available to the management entity
9 for the purpose of preparing and implementing the
10 Management Plan.

11 (3) HERITAGE AREA.—The term “Heritage
12 Area” means the National Aviation Heritage Area
13 established by section 1596 to receive, distribute,
14 and account for Federal funds appropriated for the
15 purpose of this subtitle.

16 (4) MANAGEMENT PLAN.—The term “Manage-
17 ment Plan” means the management plan for the
18 Heritage Area developed under section 1598.

19 (5) MANAGEMENT ENTITY.—The term “man-
20 agement entity” means the Aviation Heritage Foun-
21 dation, Incorporated (a nonprofit corporation estab-
22 lished under the laws of the State of Ohio).

23 (6) PARTNER.—The term “partner” means a
24 Federal, State, or local governmental entity, organi-
25 zation, private industry, educational institution, or

1 individual involved in promoting the conservation
2 and preservation of the cultural and natural re-
3 sources of the Heritage Area.

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

6 (8) TECHNICAL ASSISTANCE.—The term “tech-
7 nical assistance” means any guidance, advice, help,
8 or aid, other than financial assistance, provided by
9 the Secretary.

10 **SEC. 1596. NATIONAL AVIATION HERITAGE AREA.**

11 (a) ESTABLISHMENT.—There is established in the
12 State of Ohio, and other areas as appropriate, the Na-
13 tional Aviation Heritage Area.

14 (b) BOUNDARIES.—The Heritage Area shall include
15 the following:

16 (1) A core area consisting of resources in Mont-
17 gomery, Greene, Warren, Miami, Clark, and Cham-
18 paign Counties in Ohio;

19 (2) The Neil Armstrong Air & Space Museum,
20 Wapakoneta, Ohio, and the Wilbur Wright Birth-
21 place and Museum, Millville, Indiana.

22 (3) Sites, buildings, and districts within the
23 core area recommended by the Management Plan.

24 (c) MAP.—A map of the Heritage Area shall be in-
25 cluded in the Management Plan. The map shall be on file

1 in the appropriate offices of the National Park Service,
2 Department of the Interior

3 (d) **MANAGEMENT ENTITY.**—The management entity
4 for the Heritage Area shall be the Aviation Heritage
5 Foundation.

6 **SEC. 1597. AUTHORITIES AND DUTIES OF THE MANAGE-**
7 **MENT ENTITY.**

8 (a) **AUTHORITIES.**—For purposes of implementing
9 the Management Plan, the management entity may use
10 Federal funds made available through this Act to—

11 (1) make grants to, and enter into cooperative
12 agreements with, the State of Ohio and political sub-
13 divisions of that State, private organizations, or any
14 person;

15 (2) hire and compensate staff; and

16 (3) enter into contracts for goods and services.

17 (b) **DUTIES.**— The management entity shall—

18 (1) develop and submit to the Secretary for ap-
19 proval the proposed Management Plan in accordance
20 with section 1598;

21 (2) give priority to implementing actions set
22 forth in the Management Plan, including taking
23 steps to assist units of government and nonprofit or-
24 ganizations in preserving resources within the Herit-
25 age Area and encouraging local governments to

1 adopt land use policies consistent with the manage-
2 ment of the Heritage Area and the goals of the
3 Management Plan;

4 (3) consider the interests of diverse govern-
5 mental, business, and nonprofit groups within the
6 Heritage Area in developing and implementing the
7 Management Plan;

8 (4) maintain a collaboration among the part-
9 ners to promote heritage tourism and to assist part-
10 ners to develop educational and cultural programs
11 for the public;

12 (5) encourage economic viability in the Heritage
13 Area consistent with the goals of the Management
14 Plan;

15 (6) assist units of government and nonprofit or-
16 ganizations in—

17 (A) establishing and maintaining interpre-
18 tive exhibits in the Heritage Area;

19 (B) developing recreational resources in
20 the Heritage Area;

21 (C) increasing public awareness of and ap-
22 preciation for the historical, natural, and archi-
23 tectural resources and sites in the Heritage
24 Area; and

1 (D) restoring historic buildings that relate
2 to the purposes of the Heritage Area;

3 (7) assist units of government and nonprofit or-
4 ganizations to ensure that clear, consistent, and en-
5 vironmentally appropriate signs identifying access
6 points and sites of interest are placed throughout
7 the Heritage Area;

8 (8) conduct public meetings at least quarterly
9 regarding the implementation of the Management
10 Plan;

11 (9) submit substantial amendments to the Man-
12 agement Plan to the Secretary for the approval of
13 the Secretary; and

14 (10) for any year in which Federal funds have
15 been received under this Act—

16 (A) submit an annual report to the Sec-
17 retary that sets forth the accomplishments of
18 the management entity and its expenses and in-
19 come;

20 (B) make available to the Secretary for
21 audit all records relating to the expenditure of
22 such funds and any matching funds; and

23 (C) require, with respect to all agreements
24 authorizing expenditure of Federal funds by
25 other organizations, that the receiving organiza-

1 tions make available to the Secretary for audit
2 all records concerning the expenditure of such
3 funds.

4 (c) USE OF FEDERAL FUNDS.—

5 (1) IN GENERAL.—The management entity
6 shall not use Federal funds received under this Act
7 to acquire real property or an interest in real prop-
8 erty.

9 (2) OTHER SOURCES.—Nothing in this Act pre-
10 cludes the management entity from using Federal
11 funds from other sources for authorized purposes.

12 **SEC. 1598. MANAGEMENT PLAN.**

13 (a) PREPARATION OF PLAN.—Not later than 3 years
14 after the date of enactment of this Act, the management
15 entity shall submit to the Secretary for approval a pro-
16 posed Management Plan that shall take into consideration
17 State and local plans and involve residents, public agen-
18 cies, and private organizations in the Heritage Area.

19 (b) CONTENTS.—The Management Plan shall incor-
20 porate an integrated and cooperative approach for the pro-
21 tection, enhancement, and interpretation of the natural,
22 cultural, historic, scenic, and recreational resources of the
23 Heritage Area and shall include the following:

24 (1) An inventory of the resources contained in
25 the core area of the Heritage Area, including the

1 Dayton Aviation Heritage Historical Park, the sites,
2 buildings, and districts listed in section 202 of the
3 Dayton Aviation Heritage Preservation Act of 1992
4 (Public Law 102–419), and any other property in
5 the Heritage Area that is related to the themes of
6 the Heritage Area and that should be preserved, re-
7 stored, managed, or maintained because of its sig-
8 nificance.

9 (2) An assessment of cultural landscapes within
10 the Heritage Area.

11 (3) Provisions for the protection, interpretation,
12 and enjoyment of the resources of the Heritage Area
13 consistent with the purposes of this Act.

14 (4) An interpretation plan for the Heritage
15 Area.

16 (5) A program for implementation of the Man-
17 agement Plan by the management entity, including
18 the following:

19 (A) Facilitating ongoing collaboration
20 among the partners to promote heritage tour-
21 ism and to develop educational and cultural
22 programs for the public.

23 (B) Assisting partners planning for res-
24 toration and construction.

1 (C) Specific commitments of the partners
2 for the first 5 years of operation.

3 (6) The identification of sources of funding for
4 implementing the plan.

5 (7) A description and evaluation of the manage-
6 ment entity, including its membership and organiza-
7 tional structure.

8 (c) DISQUALIFICATION FROM FUNDING.—If a pro-
9 posed Management Plan is not submitted to the Secretary
10 within 3 years of the date of the enactment of this Act,
11 the management entity shall be ineligible to receive addi-
12 tional funding under this Act until the date on which the
13 Secretary receives the proposed Management Plan.

14 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
15 PLAN.—The Secretary, in consultation with the State of
16 Ohio, shall approve or disapprove the proposed Manage-
17 ment Plan submitted under this Act not later than 90
18 days after receiving such proposed Management Plan.

19 (e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
20 retary disapproves a proposed Management Plan, the Sec-
21 retary shall advise the management entity in writing of
22 the reasons for the disapproval and shall make rec-
23 ommendations for revisions to the proposed Management
24 Plan. The Secretary shall approve or disapprove a pro-

1 posed revision within 90 days after the date it is sub-
2 mitted.

3 (f) APPROVAL OF AMENDMENTS.—The Secretary
4 shall review and approve substantial amendments to the
5 Management Plan. Funds appropriated under this Act
6 may not be expended to implement any changes made by
7 such amendment until the Secretary approves the amend-
8 ment.

9 **SEC. 1599. DUTIES AND AUTHORITIES OF THE FEDERAL**
10 **AGENCIES.**

11 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon
12 the request of the management entity, the Secretary may
13 provide technical assistance, on a reimbursable or non-
14 reimbursable basis, and financial assistance to the Herit-
15 age Area to develop and implement the Management Plan.
16 The Secretary is authorized to enter into cooperative
17 agreements with the management entity and other public
18 or private entities for this purpose. In assisting the Herit-
19 age Area, the Secretary shall give priority to actions that
20 in general assist in—

21 (1) conserving the significant natural, historic,
22 cultural, and scenic resources of the Heritage Area;
23 and

1 (2) providing educational, interpretive, and rec-
2 reational opportunities consistent with the purposes
3 of the Heritage Area.

4 (b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
5 Federal agency conducting or supporting activities directly
6 affecting the Heritage Area shall—

7 (1) consult with the Secretary and the manage-
8 ment entity with respect to such activities;

9 (2) cooperate with the Secretary and the man-
10 agement entity in carrying out their duties under
11 this Act;

12 (3) to the maximum extent practicable, coordi-
13 nate such activities with the carrying out of such du-
14 ties; and

15 (4) to the maximum extent practicable, conduct
16 or support such activities in a manner which the
17 management entity determines will not have an ad-
18 verse effect on the Heritage Area.

19 **SEC. 1599A. COORDINATION BETWEEN THE SECRETARY**
20 **AND THE SECRETARY OF DEFENSE AND THE**
21 **ADMINISTRATOR OF NASA.**

22 The decisions concerning the execution of this sub-
23 title as it applies to properties under the control of the
24 Secretary of Defense and the Administrator of the Na-
25 tional Aeronautics and Space Administration shall be

1 made by such Secretary or such Administrator, in con-
2 sultation with the Secretary of the Interior.

3 **SEC. 1599B. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—To carry out this subtitle there
5 is authorized to be appropriated \$10,000,000, except that
6 not more than \$1,000,000 may be appropriated to carry
7 out this subtitle for any fiscal year.

8 (b) 50 PERCENT MATCH.—The Federal share of the
9 cost of activities carried out using any assistance or grant
10 under this subtitle shall not exceed 50 percent.

11 (c) OTHER FEDERAL FUNDS.—Other Federal fund-
12 ing received by the management entity for the implemen-
13 tation of this Act shall not be counted toward the author-
14 ized appropriation.

15 **SEC. 1599C. SUNSET PROVISION.**

16 The authority of the Secretary to provide assistance
17 under this subtitle terminates on the date that is 15 years
18 after the date of the enactment of this subtitle.

1 **TITLE VI—LAND ACQUISITIONS,**
2 **EXCHANGES, AND CONVEY-**
3 **ANCES**

4 **Subtitle A—Desert Tortoise Habitat**
5 **Conservation**

6 **SEC. 1600. ACQUISITION OF CERTAIN PROPERTY IN WASH-**
7 **INGTON COUNTY, UTAH.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, effective 30 days after the date of the enact-
10 ment of this subtitle, all right, title, and interest in and
11 to, and the right to immediate possession of, the 1,516
12 acres of real property owned by Environmental Land
13 Technology, Ltd. (ELT), within the Red Cliffs Reserve in
14 Washington County, Utah, and the 34 acres of real prop-
15 erty owned by ELT which is adjacent to the land within
16 the Reserve but is landlocked as a result of the creation
17 of the Reserve, is hereby vested in the United States.

18 (b) COMPENSATION FOR PROPERTY.—Subject to sec-
19 tion 309(f) of the Omnibus Parks and Public Lands Man-
20 agement of 1996 (Public Law 104–333), the United
21 States shall pay just compensation to the owner of any
22 real property taken pursuant to this section, determined
23 as of the date of the enactment of this subtitle. An initial
24 payment of \$15,000,000 shall be made to the owner of
25 such real property not later than 30 days after the date

1 of taking. The full faith and credit of the United States
2 is hereby pledged to the payment of any judgment entered
3 against the United States with respect to the taking of
4 such property. Payment shall be in the amount of—

5 (1) the appraised value of such real property as
6 agreed to by the land owner and the United States,
7 plus interest from the date of the enactment of this
8 subtitle; or

9 (2) the valuation of such real property awarded
10 by judgment, plus interest from the date of the en-
11 actment of this subtitle, reasonable costs and ex-
12 penses of holding such property from February 1990
13 to the date of final payment, including damages, if
14 any, and reasonable costs and attorneys fees, as de-
15 termined by the court. Payment shall be made from
16 the permanent judgment appropriation established
17 pursuant to section 1304 of title 31, United States
18 Code, or from another appropriate Federal Govern-
19 ment fund.

20 Interest under this subsection shall be compounded in the
21 same manner as provided for in section 1(b)(2)(B) of the
22 Act entitled “An Act to preserve within Manassas Na-
23 tional Battlefield Park, Virginia, the most important prop-
24 erties relating to the battle of Manassas, and for other
25 purposes”, approved April 17, 1954 (16 U.S.C.

1 429b(b)(2)(B)), except that the reference in that provision
2 to “the date of the enactment of the Manassas National
3 Battlefield Park Amendments of 1988” shall be deemed
4 to be a reference to the date of the enactment of this sub-
5 title.

6 (c) DETERMINATION BY COURT IN LIEU OF NEGO-
7 TIATED SETTLEMENT.—In the absence of a negotiated
8 settlement, or an action by the owner, the Secretary of
9 the Interior shall initiate within 90 days after the date
10 of the enactment of this section a proceeding in the United
11 States Federal District Court for the District of Utah,
12 seeking a determination, subject to section 309(f) of the
13 Omnibus Parks and Public Lands Management Act of
14 1996 (Public Law 104–333), of the value of the real prop-
15 erty, reasonable costs and expenses of holding such prop-
16 erty from February 1990 to the date of final payment,
17 including damages, if any, and reasonable costs and attor-
18 neys fees.

19 **Subtitle B—Property for Cum-**
20 **berland Gap National Historical**
21 **Park**

22 **SEC. 1601. SHORT TITLE.**

23 This subtitle may be cited as the “Fern Lake Con-
24 servation and Recreation Act”.

1 **SEC. 1602. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Fern Lake and its surrounding watershed
4 in Bell County, Kentucky, and Claiborne County,
5 Tennessee, is within the potential boundaries of
6 Cumberland Gap National Historical Park as origi-
7 nally authorized by the Act of June 11, 1940 (54
8 Stat. 262; 16 U.S.C. 261 et seq.).

9 (2) The acquisition of Fern Lake and its sur-
10 rounding watershed and its inclusion in Cumberland
11 Gap National Historical Park would protect the
12 vista from Pinnacle Overlook, which is one of the
13 park's most valuable scenic resources and most pop-
14 ular attractions, and enhance recreational opportuni-
15 ties at the park.

16 (3) Fern Lake is the water supply source for
17 the city of Middlesboro, Kentucky, and environs.

18 (4) The 4500-acre Fern Lake watershed is pri-
19 vately owned, and the 150-acre lake and part of the
20 watershed are currently for sale, but the Secretary
21 of the Interior is precluded by the first section of the
22 Act of June 11, 1940 (16 U.S.C. 261), from using
23 appropriated funds to acquire the lands.

24 (b) PURPOSES.—The purposes of the Act are—

25 (1) to authorize the Secretary of the Interior to
26 use appropriated funds if necessary, in addition to

1 other acquisition methods, to acquire from willing
2 sellers Fern Lake and its surrounding watershed, in
3 order to protect scenic and natural resources and en-
4 hance recreational opportunities at Cumberland Gap
5 National Historical Park; and

6 (2) to allow the continued supply of water from
7 Fern Lake to the city of Middlesboro, Kentucky, and
8 environs.

9 **SEC. 1603. LAND ACQUISITION, FERN LAKE, CUMBERLAND**
10 **GAP NATIONAL HISTORICAL PARK.**

11 (a) DEFINITIONS.—In this section:

12 (1) FERN LAKE.—The term “Fern Lake”
13 means Fern Lake located in Bell County, Kentucky,
14 and Claiborne County, Tennessee.

15 (2) LAND.—The term “land” means land,
16 water, interests in land, and any improvements on
17 the land.

18 (3) PARK.—The term “park” means Cum-
19 berland Gap National Historical Park, as authorized
20 and established by the Act of June 11, 1940 (54
21 Stat. 262; 16 U.S.C. 261 et seq.).

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior, acting through the Di-
24 rector of the National Park Service.

1 (b) ACQUISITION AUTHORIZED.—The Secretary may
2 acquire for addition to the park lands consisting of ap-
3 proximately 4,500 acres and containing Fern Lake and
4 its surrounding watershed, as generally depicted on the
5 map entitled “Cumberland Gap National Historical Park,
6 Fern Lake Watershed”, numbered 380/80,004, and dated
7 May 2001. The map shall be on file in the appropriate
8 offices of the National Park Service.

9 (c) AUTHORIZED ACQUISITION METHODS.—

10 (1) IN GENERAL.—Notwithstanding the Act of
11 June 11, 1940 (16 U.S.C. 261 et seq.), the Sec-
12 retary may acquire lands described in subsection (b)
13 by donation, purchase with donated or appropriated
14 funds, or exchange. However, the lands may be ac-
15 quired only with the consent of the owner.

16 (2) EASEMENTS.—At the discretion of the Sec-
17 retary, the Secretary may acquire land described in
18 subsection (b) that is subject to an easement for
19 water supply facilities and equipment associated
20 with the withdrawal and delivery of water by a util-
21 ity from Fern Lake to the city of Middlesboro, Ken-
22 tucky, and environs.

23 (d) BOUNDARY ADJUSTMENT AND ADMINISTRA-
24 TION.—Upon the acquisition of land under this section,
25 the Secretary shall revise the boundaries of the park to

1 include the land in the park. Subject to subsection (e),
2 the Secretary shall administer the acquired lands as part
3 of the park in accordance with the laws and regulations
4 applicable to the park.

5 (e) SPECIAL ISSUES RELATED TO FERN LAKE.—

6 (1) PROTECTION OF WATER SUPPLY.—The Sec-
7 retary shall manage public recreational use of Fern
8 Lake, if acquired by the Secretary, in a manner that
9 is consistent with the protection of the lake as a
10 source of untreated water for the city of
11 Middlesboro, Kentucky, and environs.

12 (2) SALE OF WATER.—

13 (A) CONTRACT WITH UTILITY.—Upon the
14 Secretary's acquisition of land that includes
15 Fern Lake, the Secretary shall enter into a con-
16 tract to sell untreated water from the lake to a
17 utility that delivers and distributes water to the
18 city of Middlesboro, Kentucky, and environs.
19 The Secretary shall ensure that the terms and
20 conditions of the contract are equitable, ensur-
21 ing a balance between the protection of park re-
22 sources and the delivery and distribution of suf-
23 ficient water to continue meeting the water de-
24 mands of the city of Middlesboro, Kentucky,
25 and environs.

1 (B) PROCEEDS FROM WATER.—The Sec-
2 retary shall negotiate a reasonable return to the
3 United States for the sale of the water, which
4 the Secretary may receive in the form of re-
5 duced charges for water service. Proceeds from
6 the sale of the water, reduced by any offsets for
7 water service to the park, shall be available for
8 expenditure by the Secretary at the park with-
9 out further appropriation.

10 (f) CONSULTATION REQUIREMENTS.—In order to
11 better manage Fern Lake and its surrounding watershed,
12 if acquired by the Secretary, in a manner that will facili-
13 tate the provision of water for municipal needs as well as
14 the establishment and promotion of new recreational op-
15 portunities made possible by the addition of Fern Lake
16 to the park, the Secretary shall consult with—

17 (1) appropriate officials in the States of Ken-
18 tucky, Tennessee, and Virginia, and political subdivi-
19 sions of these States;

20 (2) organizations involved in promoting tourism
21 in these States; and

22 (3) other interested parties.

1 **Subtitle C—Sand Mountain**
2 **Wilderness Study Area**

3 **SEC. 1611. LAND CONVEYANCE, SAND MOUNTAIN WILDER-**
4 **NESS STUDY AREA, IDAHO.**

5 (a) CONVEYANCE AUTHORIZED.—Notwithstanding
6 section 603(c) of the Federal Land Policy and Manage-
7 ment Act of 1976 (43 U.S.C. 1782(c)), the Secretary of
8 the Interior may convey to the owner of the Sand Hills
9 Resort in the State of Idaho (in this section referred to
10 as the “Sand Hills Resort”), all right, title, and interest
11 of the United States in and to a parcel of land consisting
12 of approximately 10.23 acres of public land in the Sand
13 Mountain Wilderness Study Area (#ID 35–3) of the Bu-
14 reau of Land Management in the State of Idaho, as more
15 fully described in subsection (b).

16 (b) DESCRIPTION OF LAND.—The public land to be
17 conveyed under subsection (a) is lot 8 in section 19, town-
18 ship 8 north, range 40 east, Boise meridian, Idaho.

19 (c) CONSIDERATION.—As consideration for the con-
20 veyance of the land under subsection (a), the Sand Hills
21 Resort shall pay to the Secretary an amount equal to the
22 fair market value of the land, as valued by qualified land
23 appraisal.

24 (d) EXEMPTION FROM INTERIM MANAGEMENT POL-
25 ICY.—To facilitate the conveyance authorized by sub-

1 section (a), the land to be conveyed is exempt from all
2 requirements of the Interim Management Policy for Lands
3 Under Wilderness Review of the Bureau of Land Manage-
4 ment.

5 **SEC. 1612. ADDITIONAL TERMS AND CONDITIONS.**

6 The Secretary may require such additional terms and
7 conditions in connection with the conveyance under sub-
8 section (a) of section 1 as the Secretary considers appro-
9 priate to protect the interests of the United States.

10 **Subtitle D—Shooting Range in**
11 **Nevada**

12 **SEC. 1621. CONVEYANCE OF PROPERTY TO CLARK COUNTY,**
13 **NEVADA.**

14 (a) FINDINGS.—The Congress finds that—

15 (1) the Las Vegas area has experienced such
16 rapid growth in the last few years that traditional
17 locations for target shooting are now too close to
18 populated areas for safety;

19 (2) there is a need to designate a centralized lo-
20 cation in the Las Vegas Valley where target shooters
21 can practice safely; and

22 (3) a central facility is also needed for persons
23 training in the use of firearms, such as local law en-
24 forcement and security personnel.

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

1 (1) to provide a suitable location for the estab-
2 lishment of a centralized shooting facility in the Las
3 Vegas Valley; and

4 (2) to provide the public with—

5 (A) opportunities for education and recre-
6 ation; and

7 (B) a location for competitive events and
8 marksmanship training.

9 (c) CONVEYANCE.—As soon as practicable after the
10 date of enactment of this subtitle, the Secretary of the
11 Interior shall convey to Clark County, Nevada, subject to
12 valid existing rights, for no consideration, all right, title,
13 and interest of the United States in and to the parcels
14 of land described in subsection (d).

15 (d) LAND DESCRIPTIONS.—The parcels of land to be
16 conveyed under subsection (c) are the parcels of land that
17 are described as follows:

18 (1) Approximately 320 acres of land in Clark
19 County, Nevada, in S $\frac{1}{2}$, sec. 25, T. 18 S., R. 60 E.,
20 Mount Diablo Base and Meridian.

21 (2) Approximately 320 acres of land in Clark
22 County, Nevada, in S $\frac{1}{2}$, sec. 26, T. 18 S., R. 60 E.,
23 Mount Diablo Base and Meridian.

1 (3) Approximately 320 acres of land in Clark
2 County, Nevada, in S¹/₂, sec. 27, T. 18 S., R. 60 E.,
3 Mount Diablo Base and Meridian.

4 (4) Approximately 640 acres of land in Clark
5 County, Nevada, in sec. 34, T. 18 S., R. 60 E.,
6 Mount Diablo Base and Meridian.

7 (5) Approximately 640 acres of land in Clark
8 County, Nevada, in sec. 35, T. 18 S., R. 60 E.,
9 Mount Diablo Base and Meridian.

10 (6) Approximately 640 acres of land in Clark
11 County, Nevada, in sec. 36, T. 18 S., R. 60 E.,
12 Mount Diablo Base and Meridian.

13 (e) USE OF LAND.—

14 (1) IN GENERAL.—The parcels of land conveyed
15 under subsection (c)—

16 (A) shall be used by Clark County for the
17 purposes described in subsection (b) only; and

18 (B) shall not be disposed of by the county.

19 (2) REVERSION.—If Clark County ceases to use
20 any parcel for the purposes described in subsection
21 (b)—

22 (A) title to the parcel shall revert to the
23 United States, at the option of the United
24 States; and

1 (B) Clark County, Nevada, shall be re-
2 sponsible for any reclamation necessary to re-
3 vert the parcel to the United States.

4 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
5 retary of the Interior may require such additional terms
6 and conditions in connection with the conveyance as the
7 Secretary considers appropriate to protect the interests of
8 the United States.

9 (g) RELEASE OF LAND.—The Congress—

10 (1) finds that the parcels of land conveyed
11 under subsection (c), comprising a portion of the
12 Quail Springs Wilderness Study Area, NV-050-411,
13 managed by the Bureau of Land Management and
14 reported to the Congress in 1991, have been ade-
15 quately studied for wilderness designation under sec-
16 tion 603 of the Federal Land Management Policy
17 Act of 1976 (43 U.S.C. 1782); and

18 (2) declares that those parcels are no longer
19 subject to the requirements contained in subsection
20 (c) of that section pertaining to the management of
21 wilderness study areas in a manner that does not
22 impair the suitability of such areas for preservation
23 as wilderness.

24 (h) ADMINISTRATIVE COSTS.—The Secretary shall
25 require that Clark County, Nevada, pay all survey costs

1 and other administrative costs necessary for the prepara-
2 tion and completion of any patents of and transfer of title
3 to property under this section.

4 **Subtitle E—McLoughlin House** 5 **Preservation**

6 **SEC. 1631. DEFINITIONS.**

7 For the purposes of this subtitle, the following defini-
8 tions shall apply:

9 (1) ASSOCIATION.—The term “Association”
10 means the McLoughlin Memorial Association, an or-
11 ganization described in section 501(c)(3) of the In-
12 ternal Revenue Code of 1986 and exempt from tax-
13 ation under section 501(a) of such Code.

14 (2) CITY.—The term “City” means Oregon
15 City, Oregon.

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 **SEC. 1632. FINDINGS.**

19 Congress finds the following:

20 (1) On June 27, 1941, Acting Assistant Sec-
21 retary of the Interior W.C. Mendenhall, under the
22 authority granted the Secretary under section 2 of
23 the Historic Sites, Buildings and Antiquities Act (16
24 U.S.C. 461 et seq.), established the McLoughlin
25 Home National Historic Site located in the City.

1 (2) Since January 16, 1945, the site has been
2 known as McLoughlin House National Historic Site.

3 (3) The McLoughlin House National Historic
4 Site includes both the McLoughlin House and Bar-
5 clay House, which are owned and managed by the
6 Association.

7 (4) The McLoughlin House National Historic
8 Site is located in a Charter Park on Oregon City
9 Block 40, which is owned by the City.

10 (5) A cooperative agreement was made in 1941
11 among the Association, the City, and the United
12 States, providing for the preservation and use of the
13 McLoughlin House as a national historic site.

14 (6) The Association has had an exemplary and
15 longstanding role in the stewardship of the
16 McLoughlin House National Historic Site but is un-
17 able to continue that role.

18 (7) The McLoughlin House National Historic
19 Site has a direct relationship with Fort Vancouver
20 National Historic Site due to Dr. John McLough-
21 lin's importance as the Chief Factor of the Hudson
22 Bay Company's Fort Vancouver, the headquarters
23 for the Hudson Bay Company's Columbia Depart-
24 ment, and his subsequent role in the early history of

1 the settlement of the Oregon Territory to the extent
2 that he is known as the “Father of Oregon”.

3 (8) The McLoughlin House National Historic
4 Site has been an affiliated area of the National Park
5 System and is worthy of recognition as part of the
6 Fort Vancouver National Historic Site.

7 **SEC. 1633. BOUNDARY OF FORT VANCOUVER NATIONAL**
8 **HISTORIC SITE.**

9 In recognition of the Secretary’s role and responsibil-
10 ities since June 27, 1941, and in order to preserve the
11 McLoughlin House National Historic Site, the Secretary
12 is authorized to acquire the McLoughlin House, consisting
13 of approximately 1 acre, as generally depicted on the map
14 entitled “McLoughlin National Historic Site”, numbered
15 007/80,000, and dated 12/01/01, as an addition to the
16 Fort Vancouver National Historic Site. The map shall be
17 on file and available for inspection in the appropriate of-
18 fices of the National Park Service, Department of the In-
19 terior.

20 **SEC. 1634. ACQUISITION AND ADMINISTRATION.**

21 (a) ACQUISITION.—The Secretary is authorized to ac-
22 quire the McLoughlin House from willing owners only, by
23 donation, purchase with donated or appropriated funds,
24 or exchange, except that lands or interests in lands owned
25 by the City may be acquired by donation only.

1 (b) ADMINISTRATION.—The Secretary shall admin-
2 ister the McLoughlin House as an addition to Fort Van-
3 couver National Historic Site in accordance with the provi-
4 sions of law generally applicable to units of the National
5 Park System.

6 **Subtitle F—Red Rock Canyon Na-**
7 **tional Conservation Area Pro-**
8 **tection and Enhancement**

9 **SEC. 1641. SHORT TITLE.**

10 This subtitle may be cited as the “Red Rock Canyon
11 National Conservation Area Protection and Enhancement
12 Act of 2002”.

13 **SEC. 1642. DEFINITIONS.**

14 In this subtitle, the following definitions apply:

15 (1) CORPORATION.—The term “Corporation”
16 means The Howard Hughes Corporation, an affiliate
17 of the Rouse Company, with its principal place of
18 business at 10000 West Charleston Boulevard, Las
19 Vegas, Nevada.

20 (2) RED ROCK.—The term “Red Rock” means
21 the Red Rock Canyon National Conservation Area,
22 consisting of approximately 195,780 acres of public
23 lands in Clark County, Nevada, specially designated
24 for protection in the Red Rock Canyon National
25 Conservation Area Establishment Act of 1990 (16

1 U.S.C. 460ccc et seq.), as depicted on the Red Rock
2 Map.

3 (3) RED ROCK MAP.—The term “Red Rock
4 Map” means the map entitled “H.R. 4141–Bound-
5 ary Modifications”, dated July 1, 2002.

6 (4) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 **SEC. 1643. FINDINGS AND PURPOSES.**

9 (a) FINDINGS.—The Congress makes the following
10 findings:

11 (1) Red Rock is a natural resource of major
12 significance to the people of Nevada and the United
13 States. It must be protected in its natural state for
14 the enjoyment of future generations of Nevadans
15 and Americans, and enhanced wherever possible.

16 (2) In 1998, the Congress enacted the Southern
17 Nevada Public Lands Management Act of 1998
18 (Public Law 105–263), which provided among other
19 things for the protection and enhancement of Red
20 Rock.

21 (3) The Corporation owns much of the private
22 land on Red Rock’s eastern boundary, and is en-
23 gaged in developing a large-scale master-planned
24 community.

1 (4) Included in the Corporation's land holdings
2 are 1,071 acres of high-ground lands at the eastern
3 edge of Red Rock. These lands were intended to be
4 included in Red Rock, but to date have not been ac-
5 quired by the United States. The protection of this
6 high-ground acreage would preserve an important
7 element of the western Las Vegas Valley view-shed.

8 (5) The Corporation has volunteered to forgo
9 development of the high-ground lands, and proposes
10 that the United States acquire title to the lands so
11 that they can be preserved in perpetuity to protect
12 and expand Red Rock.

13 (b) PURPOSES.—This subtitle has the following pur-
14 poses:

15 (1) To accomplish an exchange of lands be-
16 tween the United States and the Corporation that
17 would transfer certain high-ground lands to the
18 United States in exchange for the transfer of other
19 lands of approximately equal value to the Corpora-
20 tion.

21 (2) To protect Red Rock and to expand its
22 boundaries as contemplated by the Bureau of Land
23 Management, as depicted on the Red Rock Map.

24 (3) To further fulfill the purposes of the South-
25 ern Nevada Public Lands Management Act of 1998

1 and the Red Rock Canyon National Conservation
2 Area Establishment Act of 1990.

3 **SEC. 1644. RED ROCK LAND EXCHANGE.**

4 (a) ACQUISITION REQUIREMENT.—If the Corporation
5 offers to convey to the United States all right, title, and
6 interest in and to the approximately 1,082 acres of non-
7 federal land owned by the Corporation and depicted on
8 the Red Rock Map as “OFFERED LANDS TO BE IN-
9 CORPORATED INTO NCA”, the Secretary shall accept
10 such offer on behalf of the United States, and not later
11 than 90 days after the date of the offer, except as other-
12 wise provided in this subtitle, shall make the following con-
13 veyances:

14 (1) To the Corporation, the approximately 998
15 acres of Federal lands depicted on the Red Rock
16 Map as “BLM LANDS SELECTED FOR EX-
17 CHANGE”.

18 (2) To Clark County, Nevada, the approxi-
19 mately 1,221 acres of Federal lands depicted on the
20 Red Rock Map as “BLM LANDS FOR CLARK
21 COUNTY PARK”.

22 (b) SIMULTANEOUS CONVEYANCES.—Title to the pri-
23 vate property and the Federal property to be conveyed
24 pursuant to this section shall be conveyed at the same
25 time.

1 (c) MAP.—The Secretary shall keep the Red Rock
2 Map on file and available for public inspection in the Las
3 Vegas District Office of the Bureau of Land Management
4 in Nevada, and the State Office of the Bureau of Land
5 Management, Reno, Nevada.

6 (d) CONDITIONS—

7 (1) HAZARDOUS MATERIALS.—As a condition of
8 the conveyance under subsection (a)(1), the Sec-
9 retary shall require that the Corporation be respon-
10 sible for removal of and remediation related to any
11 hazardous materials that are present on the property
12 conveyed to the United States under subsection (a).

13 (2) SURVEY.—As a condition of the conveyance
14 under subsection (a)(1), the Secretary shall require
15 that not later than 90 days after the date of the
16 offer referred to in subsection (a), the Corporation
17 shall provide a metes and bounds survey, that is ac-
18 ceptable to the Corporation, Clark County, and the
19 Secretary, of the common boundary between the par-
20 cels of land to be conveyed under subsection (a).

21 (3) LANDS CONVEYED TO CLARK COUNTY.—As
22 a condition of the conveyance under subsection
23 (a)(2), the Secretary shall require that—

24 (A) the lands transferred to Clark County
25 by the United States must be held in perpetuity

1 by the County for use only as a public park or
2 as part of a public regional trail system; and

3 (B) if the County attempts to transfer the
4 lands or to undertake a use on the lands that
5 is inconsistent with their preservation and use
6 as described in subparagraph (A), such lands
7 shall revert to the United States.

8 **SEC. 1645. STATUS AND MANAGEMENT OF LANDS.**

9 (a) INCLUSION OF BASIN LANDS.—Upon the date of
10 the enactment of this subtitle, the Secretary shall admin-
11 ister the lands depicted on the Red Rock Map as “Flood
12 Control Detention Basin Lands”, exclusive of those lands
13 used for the Corps of Engineers R–4 Detention Basin, as
14 part of Red Rock and in accordance with the Red Rock
15 Canyon National Conservation Area Establishment Act of
16 1990 (16 U.S.C. 460ccc et seq.), the Southern Nevada
17 Public Lands Management Act of 1998 (Public Law 105–
18 263), and all other applicable laws.

19 (b) INCLUSION OF ACQUIRED LANDS; MAPS RE-
20 FLECTING BOUNDARY ADJUSTMENTS.—Upon acquisition
21 by the United States of lands under this subtitle, the Sec-
22 retary shall—

23 (1) administer the lands as part of Red Rock
24 and in accordance with the Red Rock Canyon Na-
25 tional Conservation Area Establishment Act of 1990

1 (16 U.S.C. 460ccc et seq.), the Southern Nevada
2 Public Lands Management Act of 1998 (Public Law
3 105–263), and all other applicable laws; and

4 (2) create new maps showing the boundaries of
5 Red Rock as modified by or pursuant to this sub-
6 title, and make such maps available for review at the
7 Las Vegas District Office of the Bureau of Land
8 Management and the State Office of the Bureau of
9 Land Management, Reno, Nevada.

10 (c) CONFORMING AMENDMENT.—Section 3(a)(2) of
11 the Red Rock Canyon National Conservation Area Estab-
12 lishment Act of 1990 (16 U.S.C. 460ccc–1(a)(2)) is
13 amended by inserting before the period the following: “,
14 and such additional areas as are included in the conserva-
15 tion area pursuant to the Red Rock Canyon National Con-
16 servation Area Protection and Enhancement Act of
17 2002”.

18 **SEC. 1646. GENERAL PROVISIONS.**

19 (a) REVIEW OF APPRAISAL.—Not later than 90 days
20 after the date of the enactment of this subtitle, the Sec-
21 retary shall complete a review of the appraisal entitled
22 “Complete Self-Contained Appraisal Red Rock Exchange,
23 Las Vegas, Nevada”, completed on or about June 3, 2002.
24 The difference in appraisal values shall be reimbursed to

1 the Secretary by the Corporation in accordance with the
2 Southern Nevada Public Lands Management Act of 1998.

3 (b) VALID EXISTING RIGHTS.—The land exchange
4 under this subtitle shall be subject to valid existing rights.
5 Each party to which property is conveyed under this sub-
6 title shall succeed to the rights and obligations of the con-
7 veying party with respect to any lease, right-of-way, per-
8 mit, or other valid existing right to which the property
9 is subject.

10 (c) TECHNICAL CORRECTIONS.—Nothing in this sub-
11 title prohibits the parties to the conveyances under this
12 subtitle from agreeing to the correction of technical errors
13 or omissions in the Red Rock Map.

14 (d) WITHDRAWAL OF AFFECTED LANDS.—To the ex-
15 tent not already accomplished under law or administrative
16 action, the Secretary shall withdraw from operation of the
17 public land and mining laws, subject to valid existing
18 rights—

19 (1) those Federal lands acquired by the United
20 States under this subtitle; and

21 (2) those Federal lands already owned by the
22 United States on the date of the enactment of this
23 subtitle but included within the Red Rock National
24 Conservation Area boundaries by this subtitle.

1 **Subtitle G—Federal-Utah State**
2 **Trust Lands Consolidation**

3 **SEC. 1651. SHORT TITLE.**

4 This subtitle may be cited as the “Federal-Utah
5 State Trust Lands Consolidation Act”.

6 **SEC. 1652. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The San Rafael Swell in Utah is a 900-
9 square mile, wild and beautiful region west of the
10 Green River. The San Rafael Swell is dominated by
11 the jagged, uplifted San Rafael Reef, which has
12 nearly two dozen major canyons and many side
13 draws and box canyons. The San Rafael Swell tow-
14 ers above the desert like a wilderness castle, ringed
15 by 1,000-foot ramparts of Navajo sandstone. Its
16 highlands have been fractured by uplift and scooped
17 hollow by erosion over countless millennia, leaving a
18 tremendous basin punctuated by mesas, buttes, and
19 canyons and traversed by sediment-laden desert
20 streams.

21 (2) The San Rafael Swell region was one of the
22 country’s last frontiers and possesses important nat-
23 ural, historical, and cultural resources, including ex-
24 ceptional backcountry recreation opportunities, pro-
25 ductive habitat for Desert Bighorn Sheep, important

1 historical sites, including sections of the Old Spanish
2 Trail and the Outlaw Trail, significant paleontolog-
3 ical resources, and multiple wilderness study areas
4 created pursuant to section 603 of the Federal
5 Lands Policy and Management Act of 1976, or oth-
6 erwise identified by local government and conserva-
7 tion interests as having significant conservation val-
8 ues. The beautiful rural landscapes, historic and cul-
9 tural landscapes, and spectacular scenic vistas of the
10 San Rafael Swell region contain significant undevel-
11 oped recreational opportunities for people through-
12 out the United States.

13 (3) The State of Utah owns approximately
14 102,871 acres of land located in the San Rafael
15 Swell region and administered by the Utah School
16 and Institutional Trust Lands Administration.
17 These lands were granted by the Congress to the
18 State of Utah pursuant to the Utah Enabling Act of
19 1894 (chapter 138; 23 Stat. 107), to be held in
20 trust for the benefit of the State's public school sys-
21 tem and other public institutions. The lands are
22 largely scattered in checkerboard fashion amidst the
23 Federal lands comprising the remainder of the San
24 Rafael Swell area.

1 (4) Development of surface and mineral re-
2 sources on State trust lands within the San Rafael
3 Swell area, or the sale of such lands into private
4 ownership, could be incompatible with management
5 of such lands for nonimpairment of their wilderness
6 characteristics pursuant to section 603(c) of the
7 Federal Land Policy and Management Act of 1976,
8 with future congressional designation of the lands as
9 wilderness, or with future designation of such lands
10 as a national monument, national heritage area, or
11 other conservation designation.

12 (5) The State of Utah also owns 3,533 acres of
13 land within or directly adjacent to the Manti-La Sal
14 National Forest in Grand and Emery Counties,
15 Utah, and 6,411 acres of land within the Red Cliffs
16 Desert Reserve, a conservation reserve established in
17 1995 by the United States and Washington County,
18 Utah, to implement a multiple-species habitat con-
19 servation plan approved by the Fish and Wildlife
20 Service under section 10(a) of the Endangered Spe-
21 cies Act of 1973. The Reserve contains the highest
22 density of critical habitat for the Mojave desert tor-
23 toise, a threatened species, in the United States.
24 These State trust lands are also administered by the
25 Utah School and Institutional Trust Lands Adminis-

1 tration, but the use of such lands by the State is
2 limited because of the conservation designations of
3 surrounding Federal lands.

4 (6) The United States owns lands and interests
5 in lands elsewhere in Utah that can be transferred
6 to the State of Utah in exchange for the San Rafael
7 Swell inholdings, the Manti-La Sal forest lands, and
8 the Red Cliffs Desert Reserve lands without jeopard-
9 izing Federal management objectives or needs.

10 (7) The large presence of State trust land
11 inholdings in the San Rafael Swell region, the
12 Manti-La Sal National Forest, and the Red Cliffs
13 Desert Reserve makes land and resource manage-
14 ment in these areas difficult, costly, and controver-
15 sial for both the State of Utah and the United
16 States.

17 (8) It is in the public interest to reach agree-
18 ment on exchange of such inholdings, on terms fair
19 to both the State of Utah and the United States.
20 Such an agreement, subject to ratification by Con-
21 gress and consent by the Utah legislature, would
22 save much time and delay in meeting the legitimate
23 expectations of the State school and institutional
24 trusts, in simplifying management of Federal lands,

1 and in avoiding the significant time and expense as-
2 sociated with administrative land exchanges.

3 (9) The State of Utah and the United States
4 have reached an agreement under which the State
5 would exchange certain State trust lands within the
6 San Rafael Swell region, the Manti-La Sal National
7 Forest, and the Red Cliffs Desert Reserve for var-
8 ious Federal lands outside of those areas but in the
9 same region of Utah.

10 (10) The parties agreed at the outset of nego-
11 tiations to avoid identifying Federal assets for con-
12 veyance to the State where any of the following was
13 known to exist or likely to be an issue as a result
14 of foreseeable future uses of the lands:

15 (A) Wilderness study areas.

16 (B) Areas proposed for wilderness designa-
17 tion in pending Federal legislation.

18 (C) Significant endangered species habitat.

19 (D) Significant archaeological resources.

20 (E) Areas of critical environmental con-
21 cern.

22 (F) Other lands known to raise significant
23 environmental concerns of any kind.

24 (11) Because the State trust lands to be ac-
25 quired by the Federal Government include properties

1 within some of the most spectacular wild areas in
2 the western United States, and because a mission of
3 the Utah School and Institutional Trust Lands Ad-
4 ministration is to produce economic benefits for
5 Utah's public schools and other beneficiary institu-
6 tions, the exchange of lands called for in this agree-
7 ment will resolve longstanding environmental con-
8 flicts with respect to existing and proposed wilder-
9 ness study areas, place important natural lands into
10 public ownership, and further the interests of the
11 State trust lands, the school children of Utah, and
12 these conservation resources.

13 (12) Under this agreement, the State interests
14 to be conveyed to the United States by the State of
15 Utah, and the Federal interests to be conveyed to
16 the State of Utah by the United States, have been
17 examined by licensed independent real estate con-
18 sultants and, taken as a whole, have been found to
19 be approximately equal in value.

20 (b) PURPOSE.—The purpose of this subtitle is to
21 enact into law and direct prompt implementation of this
22 agreement, and thereby to further the public interest by
23 consolidating State and Federal lands into manageable
24 units while facilitating the protection of lands with signifi-
25 cant scientific, cultural, and natural resources.

1 **SEC. 1653. RATIFICATION OF THE AGREED EXCHANGE BE-**
2 **TWEEN THE STATE OF UTAH AND THE**
3 **UNITED STATES.**

4 (a) AGREEMENT.—The State of Utah, the Depart-
5 ment of the Interior, and the Department of Agriculture
6 have agreed to exchange certain Federal lands in the State
7 of Utah for lands of approximately equal value managed
8 by the Utah School and Institutional Trust Lands Admin-
9 istration in the San Rafael Swell area of Utah, the Manti-
10 La Sal National Forest, and the Red Cliffs Desert Re-
11 serve.

12 (b) RATIFICATION.—All terms, conditions, proce-
13 dures, covenants, reservations, and other provisions set
14 forth in the document entitled “Agreement for Exchange
15 of Lands 2002 Federal-Utah State Trust Lands Consoli-
16 dation”, dated June 18, 2002 (in this subtitle referred to
17 as “the Agreement”), are hereby incorporated in this sub-
18 title, are ratified and confirmed, and set forth the obliga-
19 tions of the United States, the State of Utah, and the
20 Utah School and Institutional Trust Lands Administra-
21 tion, as a matter of Federal law.

22 **SEC. 1654. CONVEYANCES.**

23 (a) CONVEYANCES.—All conveyances under sections
24 2, 3, and 4 of the Agreement shall be completed not later
25 than 70 days after enactment of this subtitle.

26 (b) MAPS AND LEGAL DESCRIPTIONS.—

1 (1) IN GENERAL.—The maps and legal descrip-
2 tions referred to in the Agreement depict the lands
3 subject to the conveyances under the Agreement.

4 (2) PUBLIC AVAILABILITY.—The maps and
5 legal descriptions referred to in the Agreement shall
6 be on file and available for public inspection in the
7 offices of the Secretary of the Interior, the Secretary
8 of Agriculture, the Intermountain Regional Office of
9 the Forest Service, and the Utah State Director of
10 the Bureau of Land Management.

11 (3) CONFLICT.—In case of any conflict between
12 the maps and the legal descriptions in the Agree-
13 ment, the legal descriptions shall control.

14 (c) CERTAIN COAL LANDS.—

15 (1) IDENTIFICATION.—The Secretary of the In-
16 terior shall prepare legal descriptions for the ap-
17 proximately 4,000 acres of Federal lands that State
18 of Utah and the Secretary have identified within sec-
19 tions 1 through 17 of township 22 south, range 6
20 east, and within township 22 south, range 7 east,
21 Salt Lake Base and Meridian, Utah.

22 (2) RESTRICTION ON CONVEYANCE.—Convey-
23 ance of the lands identified in paragraph (1) shall
24 reserve to the United States the coal estate and the
25 right to develop the coal estate.

1 (3) FUTURE DISPOSITION.—Reservation of the
2 coal estate pursuant to paragraph (2) shall not re-
3 strict future disposition of the coal estate pursuant
4 to applicable law.

5 (d) SPECIES IDENTIFICATION.—Prior to any convey-
6 ances under this subtitle, the Secretary of the Interior
7 shall identify Federal lands subject to the Agreement
8 which contain wildlife species, or habitat of wildlife spe-
9 cies, listed as a threatened species or an endangered spe-
10 cies under the Endangered Species Act of 1973 (16 U.S.C.
11 1531 et seq.) or that is a candidate for such a listing.

12 (e) INDEPENDENT MINERAL ASSESSMENT.—Prior to
13 any conveyances under this subtitle, the Secretary of the
14 Interior and the State of Utah shall select an independent
15 qualified mineral appraiser, or other qualified expert
16 agreeable to both parties, who shall determine whether the
17 terms of the Agreement related to the UA/UB parcel,
18 identified in section 3(d) of the Agreement, are fair and
19 equitable to both parties. If there is a contrary determina-
20 tion, the Secretary and the State shall adjust the exchange
21 or terms of the Agreement so that the terms are fair and
22 equitable to both parties.

23 (f) EXCEPTIONS TO CONVEYANCES.—

24 (1) LEGAL DESCRIPTIONS.—The Secretary of
25 the Interior shall prepare legal descriptions, using

1 the smallest possible aliquot parts, for lands within
2 sections 4, 5, 8, and 9, township 22 south, range 7
3 east, and within section 12, township 22 south,
4 range 6 east, Salt Lake Base and Meridian, and
5 which are identified on the map entitled “Emery
6 County Lands”, dated September 27, 2002.

7 (2) LANDS NOT AUTHORIZED TO BE CON-
8 VEYED.—The lands identified in paragraph (1) shall
9 not be conveyed pursuant to subsection (a). In addi-
10 tion, lands within section 17, township 22 south,
11 range 7 east, and within section 33, township 21
12 south, range 7 east, Salt Lake Base and Meridian,
13 shall not be conveyed pursuant to subsection (a).

14 (3) LANDS NOT AUTHORIZED TO BE ACCEPT-
15 ED.—The Secretary of the Interior shall not accept
16 conveyance of section 36, township 24 south, range
17 6 east; section 32, township 24 south, range 14 east;
18 and section 2, township 26 south, range 8 east, Salt
19 Lake Base and Meridian, Utah, pursuant to sub-
20 section (a).

21 **SEC. 1655. PLANT AND WILDLIFE SPECIES.**

22 For the lands identified under section 1654(d), and
23 the lands identified in Exhibit E to the Agreement, the
24 Secretary of the Interior and the State of Utah shall enter
25 into an agreement which provides a process for the State

1 to consult or take other appropriate action to avoid, offset,
2 or mitigate adverse effects to any species or habitat identi-
3 fied.

4 **SEC. 1656. MINERAL DEVELOPMENT.**

5 All payments received by the United States pursuant
6 to section 13(c) of the Agreement shall be subject to shar-
7 ing with the State of Utah in the same manner the United
8 States shares bonus bids, rentals, and royalties with the
9 State of Utah under section 35 of the Mineral Leasing
10 Act (30 U.S.C. 191).

11 **SEC. 1657. AUTHORIZATION.**

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this subtitle, including such
14 sums as may be desired to reduce the balance of the inter-
15 est and principal amounts owed by the United States to
16 the Trust Lands Administration pursuant to sections 4
17 and 5 of the Agreement.

18 **SEC. 1658. COSTS.**

19 The United States and the State of Utah shall each
20 bear its own respective costs incurred in the implementa-
21 tion of this subtitle.

1 **Subtitle H—World War I National**
2 **Memorial, Mojave National Pre-**
3 **serve**

4 **SEC. 1660. LAND EXCHANGE, WORLD WAR I NATIONAL ME-**
5 **MORIAL, MOJAVE NATIONAL PRESERVE.**

6 (a) EXCHANGE REQUIRED.—In exchange for the pri-
7 vate property described in subsection (b), the Secretary
8 of the Interior shall convey to the Veterans Home of Cali-
9 fornia - Barstow, Veterans of Foreign Wars Post #385E
10 (in this section referred to as the “recipient”), all right,
11 title, and interest of the United States in and to a parcel
12 of real property consisting of approximately one acre in
13 the Mojave National Preserve and designated (by section
14 8137 of the Department of Defense Appropriations Act,
15 2002 (Public Law 101-117; 115 Stat. 2278)) as a national
16 memorial commemorating United States participation in
17 World War I and honoring the American veterans of that
18 war. Notwithstanding the conveyance of the property
19 under this subsection, the Secretary shall continue to
20 carry out the responsibilities of the Secretary under such
21 section 8137.

22 (b) CONSIDERATION.—As consideration for the prop-
23 erty to be conveyed by the Secretary under subsection (a),
24 Mr. and Mrs. Henry Sandoz of Mountain Pass, California,
25 have agreed to convey to the Secretary a parcel of real

1 property consisting of approximately five acres, identified
2 as parcel APN 569-051-44, and located in the west 1/2
3 of the northeast 1/4 of the northwest 1/4 of the northwest
4 1/4 of section 11, township 14 north, range 15 east, San
5 Bernadino base and meridian.

6 (c) EQUAL VALUE EXCHANGE; APPRAISAL.—The
7 values of the properties to be exchanged under this section
8 shall be equal or equalized as provided in subsection (d).
9 The value of the properties shall be determined through
10 an appraisal performed by a qualified appraiser in con-
11 formance with the Uniform Appraisal Standards for Fed-
12 eral Land Acquisitions (Department of Justice, December
13 2000).

14 (d) CASH EQUALIZATION.—Any difference in the
15 value of the properties to be exchanged under this section
16 shall be equalized through the making of a cash equali-
17 zation payment. The Secretary shall deposit any cash
18 equalization payment received by the Secretary under this
19 subsection in the Land and Water Conservation Fund.

20 (e) REVERSIONARY CLAUSE.—The conveyance under
21 subsection (a) shall be subject to the condition that the
22 recipient maintain the conveyed property as a memorial
23 commemorating United States participation in World War
24 I and honoring the American veterans of that war. If the
25 Secretary determines that the conveyed property is no

1 longer being maintained as a war memorial, the property
2 shall revert to the ownership of the United States.

3 (f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF
4 ACQUIRED LAND.—The boundaries of the Mojave Na-
5 tional Preserve shall be adjusted to reflect the land ex-
6 change required by this section. The property acquired by
7 the Secretary under this section shall become part of the
8 Mojave National Preserve and be administered in accord-
9 ance with the laws, rules, and regulations generally appli-
10 cable to the Mojave National Preserve.

11 **Subtitle I—Conveyance of Historic** 12 **Lighthouse**

13 **SEC. 1670. CONVEYANCE OF HISTORIC LIGHTHOUSE.**

14 Notwithstanding any other provision of law, the his-
15 toric light station known as the Currituck Beach Light-
16 house shall be conveyed, by quitclaim deed and without
17 consideration, to Currituck County, North Carolina. The
18 conveyance shall be completed as soon as practicable after
19 the date of the enactment of this subtitle.

20 **Subtitle J—Wilcox Range Lands**

21 **SEC. 1680. TRANSFER OF CERTAIN LANDS IN UTAH.**

22 Not later than September 30, 2003, the Secretary of
23 the Interior shall transfer to the State of Utah all right,
24 title, and interest of the United States in and to the
25 Wilcox Ranch lands acquired under section 2(b) of Public

1 Law 105-363, for management by the Utah Division of
2 Wildlife Resources for wildlife habitat and public access.

3 **TITLE VII—TECHNICAL**
4 **CORRECTIONS**

5 **SEC. 1701. LACKAWANNA VALLEY HERITAGE AREA.**

6 Section 106(a) of the Lackawanna Valley National
7 Heritage Area Act of 2000 (Public Law 106–278; 114
8 Stat. 816; 16 U.S.C. 461 note) is amended to read as fol-
9 lows:

10 “(a) **AUTHORITIES OF MANAGEMENT ENTITY.**—For
11 purposes of preparing and implementing the management
12 plan, the management entity may—

13 “(1) make grants to, and enter into cooperative
14 agreements with, the State and political subdivisions
15 of the State, private organizations, or any person;
16 and

17 “(2) hire and compensate staff.”.

18 **SEC. 1702. HAWAIIAN SPELLING ERRORS.**

19 Section 5 of the Act entitled “An Act to add certain
20 lands on the island of Hawaii to the Hawaii National
21 Park, and for other purposes”, as added by Public Law
22 99–564 (100 Stat. 3179; 16 U.S.C. 392c) is amended by
23 striking “Hawaii Volcanoes” each place it appears and in-
24 serting “Hawai’i Volcanoes”.

1 **SEC. 1703. “I HAVE A DREAM” PLAQUE AT LINCOLN MEMO-**
2 **RIAL.**

3 Section 2 of Public Law 106–365 (114 Stat. 1409)
4 is amended by striking “and expand contributions” and
5 inserting “and expend contributions”.

6 **SEC. 1704. WILD AND SCENIC RIVERS AND NATIONAL**
7 **TRAILS.**

8 (a) WILD AND SCENIC RIVERS.—Section 3(a) of the
9 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amend-
10 ed—

11 (1) by redesignating paragraph (162), per-
12 taining to White Clay Creek, Delaware and Pennsyl-
13 vania, as paragraph (163);

14 (2) by designating the second paragraph (161),
15 pertaining to the Wekiva River, Wekiwa Springs
16 Run, Rock Springs Run, and Black Water Creek,
17 Florida, as paragraph (162);

18 (3) by designating the undesignated paragraph
19 pertaining to the Wildhorse and Kiger Creeks, Or-
20 egon, as paragraph (164); and

21 (4) by redesignating the third paragraph (161),
22 pertaining to the Lower Delaware River and associ-
23 ated tributaries, New Jersey and Pennsylvania, as
24 paragraph (165) and by moving the margins of such
25 paragraph 2 ems to the left.

1 (b) NATIONAL TRAILS.—Section 5(a) of the National
2 Trails System Act (16 U.S.C. 1244(a)) is amended—

3 (1) by redesignating the second paragraph (21),
4 pertaining to the Ala Kahakai National Historic
5 Trail, and enacted by Public Law 106–509 as para-
6 graph (22); and

7 (2) by moving the margins of paragraphs (21)
8 and (22) 2 ems to the left.

9 **SEC. 1705. JAMESTOWN 400TH COMMEMORATION COMMIS-**
10 **SION.**

11 The Jamestown 400th Commemoration Commission
12 Act of 2000 (Public Law 106–565; 114 Stat. 2812; 16
13 U.S.C. 81 note) is amended—

14 (1) in section 2(a)(5), by striking “State”;

15 (2) in sections 2(b), 3(3), and 4(h), by striking
16 “State” and inserting “Commonwealth” each place
17 it appears;

18 (3) in section 3, by striking paragraph (5) and
19 inserting the following:

20 “(5) COMMONWEALTH.—The term ‘Common-
21 wealth’ means the Commonwealth of Virginia, in-
22 cluding agencies and entities of the Common-
23 wealth.”; and

24 (4) in section 4(b)(1), by striking “16” and in-
25 serting “15”.

1 **SEC. 1706. ROSIE THE RIVETER-WORLD WAR II HOME**
2 **FRONT NATIONAL HISTORICAL PARK.**

3 The Rosie the Riveter/World War II Home Front Na-
4 tional Historical Park Establishment Act of 2000 (Public
5 Law 106–352; 114 Stat. 1371; 16 U.S.C. 410ggg et seq.)
6 is amended—

7 (1) in section 2(b), by striking “numbered 963/
8 80000” and inserting “numbered 963/80,000”;

9 (2) in section 3(b)(1), by striking “the World
10 War II Child Development Centers, the World War
11 II worker housing, the Kaiser-Permanente Field
12 Hospital, and Fire Station 67A,” and inserting “the
13 Child Development Field Centers (Ruth C. Powers)
14 (Maritime), Atchison Housing, the Kaiser-
15 Permanente Field Hospital, and Richmond Fire Sta-
16 tion 67A,”; and

17 (3) in section 3(e)(2), by striking “the World
18 War II day care centers, the World War II worker
19 housing, the Kaiser-Permanente Field Hospital, and
20 Fire Station 67,” and inserting “the Child Develop-
21 ment Field Centers (Ruth C. Powers) (Maritime),
22 Atchison Housing, the Kaiser-Permanente Field
23 Hospital, and Richmond Fire Station 67A,”.

1 **SEC. 1707. VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS.**

2 The Vicksburg Campaign Trail Battlefields Preserva-
3 tion Act of 2000 (Public Law 106–487; 114 Stat. 2202)
4 is amended—

5 (1) in section 2(a)(1), by striking “and Ten-
6 nessee” and inserting “Tennessee, and Kentucky”;

7 (2) in section 3(1), by striking “and Ten-
8 nessee,” and inserting “Tennessee, and Kentucky,”;
9 and

10 (3) in section 3(2)—

11 (A) by striking “and” at the end of sub-
12 paragraph (R);

13 (B) by redesignating subparagraph (S) as
14 subparagraph (T); and

15 (C) by inserting a new subparagraph (S)
16 as follows:

17 “(S) Fort Heiman in Calloway County,
18 Kentucky, and resources in and around Colum-
19 bus in Hickman County, Kentucky; and”.

20 **SEC. 1708. HARRIET TUBMAN SPECIAL RESOURCE STUDY.**

21 Section 3(c) of the Harriet Tubman Special Resource
22 Study Act (Public Law 106–516; 114 Stat. 2405) is
23 amended by striking “Public Law 91–383” and all that
24 follows through “3501)” and inserting “the National Park
25 System General Authorities Act (16 U.S.C. 1a–5)”.

1 **SEC. 1709. PUBLIC LAND MANAGEMENT AGENCY FOUNDA-**
2 **TIONS.**

3 Employees of the foundations established by Acts of
4 Congress to solicit private sector funds on behalf of Fed-
5 eral land management agencies shall qualify for General
6 Service Administration contract airfares.

7 **SEC. 1710. POPULAR NAMES.**

8 (a) NATIONAL PARK SERVICE ORGANIC ACT.—The
9 Act of August 25, 1916 (16 U.S.C. 1 et seq.; popularly
10 known as the “National Park Service Organic Act”) is
11 amended by adding at the end the following new section:

12 “SEC. 5. This Act may be cited as the ‘National Park
13 Service Organic Act’.”.

14 (b) NATIONAL PARK SYSTEM GENERAL AUTHORI-
15 TIES ACT.—Public Law 91–383 (16 U.S.C. 1a–1 et seq.;
16 popularly known as the “National Park System General
17 Authorities Act”) is amended by adding at the end the
18 following new section:

19 “SEC. 14. This Act may be cited as the ‘National
20 Park System General Authorities Act’.”.

21 **SEC. 1711. PARK POLICE INDEMNIFICATION.**

22 Section 2(b) of the Act of November 6, 2000, (Public
23 Law 106–437; 114 Stat. 1921) is amended by striking
24 “the Act” and inserting “of the Act”.

1 **TITLE VIII—MISCELLANEOUS**

2 **SEC. 1801. DECREASED MATCHING REQUIREMENT FOR HIS-**
3 **TORIC BUILDING RESTORATION AND PRES-**
4 **ERVATION AT HISTORICALLY BLACK COL-**
5 **LEGES AND UNIVERSITIES; AUTHORIZATION**
6 **OF APPROPRIATIONS.**

7 (a) DECREASED MATCHING REQUIREMENT.—Sec-
8 tion 507(c) of the Omnibus Parks and Public Lands Man-
9 agement Act of 1996 (Public Law 104–333; 16 U.S.C.
10 470a note) is amended—

11 (1) by striking paragraph (1) and inserting the
12 following new paragraph:

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), the Secretary may obligate funds made
15 available under subsection (d) for a grant with re-
16 spect to a building or structure listed on, or eligible
17 for listing on, the National Register of Historic
18 Places only if the grantee agrees to provide, from
19 funds derived from non-Federal sources, an amount
20 that is equal to 30 percent of the total cost of the
21 project for which the grant is provided.”; and

22 (2) by striking “(2) The Secretary” and insert-
23 ing the following:

24 “(2) WAIVER.—The Secretary”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 507(d) of the Omnibus Parks and Public Lands Manage-
3 ment Act of 1996 (16 U.S.C. 470a note) is amended—

4 (1) by striking “Pursuant to” and inserting the
5 following:

6 “(1) 1996 AUTHORIZATION.—Pursuant to”;

7 and

8 (2) by adding at the end the following new
9 paragraph:

10 “(2) ADDITIONAL AUTHORIZATION.—In addi-
11 tion to amounts made available under paragraph
12 (1), pursuant to section 108 of the National Historic
13 Preservation Act, there is authorized to be appro-
14 priated such sums as may be necessary to carry out
15 the purposes of this section.”.

16 (c) APPLICATION OF AMENDMENT.—Subsection
17 (c)(1) of section 507 of the Omnibus Parks and Public
18 Lands Management Act of 1996, as amended by sub-
19 section (a), shall apply with respect to—

20 (1) funds made available under subsection
21 (d)(2) of such section, as added by subsection (b);

22 and

23 (2) funds made available under subsection
24 (d)(1) of such section, as amended by subsection (b),

1 that remain unobligated as of the date of the enact-
2 ment of this section.

3 **SEC. 1802. INCREASE IN AUTHORIZATION FOR RESERVE.**

4 Section 502(d) of division I of the Omnibus Parks
5 and Public Lands Management Act of 1996 (16 U.S.C.
6 461 note; 110 Stat. 4154) is amended by striking
7 “\$5,000,000” and all that follows through the period and
8 inserting “\$15,000,000 for development costs associated
9 with capital projects consistent with the cooperative man-
10 agement plan, except that the Federal share of such devel-
11 opment costs shall not exceed 50 percent of the total
12 costs.”.

13 **SEC. 1803. VIRGIN RIVER DINOSAUR FOOTPRINT PRE-**
14 **SERVE.**

15 (a) AUTHORIZATION FOR GRANT TO PURCHASE PRE-
16 SERVE.—Of the funds appropriated in the section entitled
17 “Land Acquisition” for the Fiscal Year 2002 Interior and
18 Related Agencies Appropriations Act, Public Law 107–63,
19 the Secretary of the Interior shall grant \$500,00 to the
20 City for—

21 (1) the purchase of up to 10 acres of land with-
22 in the area generally depicted as the “Preserve Ac-
23 quisition Area” on the map entitled “Map B” and
24 dated May 9, 2002; and

1 (2) the preservation of such land and paleon-
2 tological resources.

3 (b) CONDITIONS OF GRANT.—The grant under sub-
4 section (a) shall be made only after the City agrees to the
5 following conditions:

6 (1) USE OF LAND.—The City shall use the Vir-
7 gin River Dinosaur Footprint Preserve in a manner
8 that accomplishes the following:

9 (A) Preserves and protects the paleontolog-
10 ical resources located within the exterior bound-
11 aries of the Virgin River Dinosaur Footprint
12 Preserve.

13 (B) Provides opportunities for scientific re-
14 search in a manner compatible with subpara-
15 graph (A).

16 (C) Provides the public with opportunities
17 for educational activities in a manner compat-
18 ible with subparagraph (A).

19 (2) REVERTER.—If at any time after the City
20 acquires the Virgin River Dinosaur Footprint Pre-
21 serve, the Secretary determines that the City is not
22 substantially in compliance with the conditions de-
23 scribed in paragraph (1), all right, title, and interest
24 in and to the Virgin River Dinosaur Footprint Pre-
25 serve shall immediately revert to the United States,

1 with no further consideration on the part of the
2 United States, and such property shall then be
3 under the administrative jurisdiction of the Sec-
4 retary of the Interior.

5 (3) CONDITIONS TO BE CONTAINED IN DEED.—

6 If the City attempts to transfer title to the Virgin
7 River Dinosaur Footprint Preserve (in whole or in
8 part), the conditions set forth in this subsection
9 shall transfer with such title and shall be enforceable
10 against any subsequent owner of the Virgin River
11 Dinosaur Footprint Preserve (in whole or in part).

12 (c) COOPERATIVE AGREEMENT AND ASSISTANCE.—

13 (1) COOPERATIVE AGREEMENT.—The Secretary
14 shall enter into a cooperative agreement with the
15 City for the management of the Virgin River Dino-
16 saur Footprint Preserve by the City.

17 (2) ASSISTANCE.—The Secretary may provide
18 to the City—

19 (A) financial assistance, if the Secretary
20 determines that such assistance is necessary for
21 protection of the paleontological resources lo-
22 cated within the exterior boundaries of the Vir-
23 gin River Dinosaur Footprint Preserve; and

1 (B) technical assistance to assist the City
2 in complying with subparagraphs (A) through
3 (C) of subsection (b)(1).

4 (3) ADDITIONAL GRANTS.—

5 (A) IN GENERAL.—In addition to
6 funds made available under subsection (a)
7 and paragraph (2) of this subsection, the
8 Secretary may provide grants to the City
9 to carry out its duties under the coopera-
10 tive agreement entered into under para-
11 graph (1).

12 (B) LIMITATION ON AMOUNT; RE-
13 QUIRED NON-FEDERAL MATCH.—Grants
14 under subparagraph (A) shall not exceed
15 \$500,000 and shall be provided only to the
16 extent that the City matches the amount of
17 such grants with non-Federal contributions
18 (including in-kind contributions).

19 (d) MAP ON FILE.—The map shall be on file and
20 available for public inspection in the appropriate offices
21 of the Department of the Interior.

22 (e) DEFINITIONS.—For the purposes of this section,
23 the following definitions apply:

24 (1) CITY.—The term “City” means the city of
25 St. George, Utah.

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

3 (3) VIRGIN RIVER DINOSAUR FOOTPRINT PRE-
4 SERVE.—The term “Virgin River Dinosaur Foot-
5 print Preserve” means the property (and all facilities
6 and other appurtenances thereon) described in sub-
7 section (a).

8 **SEC. 1804. YOSEMITE NATIONAL PARK EDUCATION IM-**
9 **PROVEMENT ACT.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) The three elementary schools serving the
12 children of employees of Yosemite National Park are
13 served by the Bass Lake Joint Union Elementary
14 School District and the Mariposa Unified School
15 District.

16 (2) The schools are in remote mountainous
17 areas and long distances from other educational and
18 administrative facilities of the two local educational
19 agencies.

20 (3) Because of their remote locations and rel-
21 atively small number of students, schools serving the
22 children of employees of the Park provide fewer
23 services in more basic facilities than the educational
24 services and facilities provided to students that at-

1 tend other schools served by the two local edu-
2 cational agencies.

3 (4) Because of the long distances involved and
4 adverse weather and road conditions that occur dur-
5 ing much of the school year, it is impractical for the
6 children of employees of the Park who live within or
7 near the Park to attend other schools served by the
8 two local educational agencies.

9 (b) PURPOSE.—The purpose of this section is to au-
10 thorize the Secretary of the Interior to provide supple-
11 mental funding and other services that are necessary to
12 assist the State of California or local educational agencies
13 in California in providing educational services for students
14 attending schools located within the Park.

15 (c) AUTHORITY TO PROVIDE FUNDS.—For fiscal
16 years 2003 through 2007, the Secretary may provide
17 funds to the Bass Lake Joint Union Elementary School
18 District and the Mariposa Unified School District for edu-
19 cational services to students who are dependents of per-
20 sons engaged in the administration, operation, and main-
21 tenance of the Park or students who live at or near the
22 Park upon real property of the United States.

23 (d) LIMITATION ON USE OF FUNDS.—Payments
24 made by the Secretary under this section may not be used
25 for new construction, construction contracts, or major cap-

1 ital improvements, and may be used only to pay public
2 employees for services otherwise authorized by this sec-
3 tion.

4 (e) LIMITATION ON AMOUNT OF FUNDS.—Payments
5 made under this section shall not exceed the lesser of
6 \$400,000 in any fiscal year or the amount necessary to
7 provide students described in subsection (c) with edu-
8 cational services that are normally provided and generally
9 available to students who attend public schools elsewhere
10 in the State of California.

11 (f) ADJUSTMENT OF PAYMENTS.—Subject to sub-
12 section (e), the Secretary is authorized to adjust payments
13 made under this section if the State of California or the
14 appropriate local educational agencies do not continue to
15 provide funding for educational services at Park schools
16 at per student levels that are equivalent to or greater than
17 those provided in the fiscal year prior to the date of enact-
18 ment of this section.

19 (g) SOURCE OF PAYMENTS.—

20 (1) AUTHORIZED SOURCES.—Except as pro-
21 vided in paragraph (2), in order to make payments
22 under this section, the Secretary may use funds
23 available to the National Park Service from appro-
24 priations, donations, or fees.

1 (2) EXCEPTIONS.—Funds from the following
2 sources may not be used to make payments under
3 this section:

4 (A) Fees authorized and collected under
5 the Land and Water Conservation Fund Act of
6 1965 (16 U.S.C. 460~~l~~-4 et seq.).

7 (B) The recreational fee demonstration
8 program under section 315 of the Department
9 of the Interior and Related Agencies Appropria-
10 tions Act, 1996 (as contained in section 101(c)
11 of Public Law 104-134; 16 U.S.C. 460~~l~~-6a
12 note).

13 (C) The national park passport program
14 established under section 602 of the National
15 Parks Omnibus Management Act of 1998 (16
16 U.S.C. 5992).

17 (D) Emergency appropriations for Yosem-
18 ite flood recovery.

19 (h) DEFINITIONS.—For the purposes of this section,
20 the following definitions apply:

21 (1) LOCAL EDUCATIONAL AGENCIES.—The
22 term “local educational agencies” has the meaning
23 given that term in section 9101(26) of the Elemen-
24 tary and Secondary Education Act of 1965.

1 (2) EDUCATIONAL SERVICES.—The term “edu-
2 cational services” means services that may include
3 maintenance and minor upgrades of facilities and
4 transportation to and from school.

5 (3) PARK.—The term “Park” means Yosemite
6 National Park.

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

9 **SEC. 1805. DESIGNATION OF JOHN L. BURTON TRAIL.**

10 Any trail authorized by the final management plan
11 under section 501(i) of Public Law 105–33 (111 Stat.
12 1613) for Headwaters Forest Reserve, California, that is
13 constructed to provide access to the southern end of the
14 Headwaters Grove near the existing Salmon Trailhead
15 shall be known as the John L. Burton Trail.

16 **SEC. 1806. FUNDS FOR RECREATIONAL AND VISITOR FA-**
17 **CILITIES IN WASHINGTON COUNTY, UTAH.**

18 The Secretary of the Interior, through the Bureau
19 of Land Management, is authorized to grant to the State
20 of Utah \$2,500,000 for the development and construction
21 of recreational and visitor facilities in the Sand Hollow
22 Recreation Area located in Washington County, Utah, to
23 fulfill the Federal commitment for the establishment and
24 management thereof.

1 **SEC. 1807. NEW RIVER GORGE NATIONAL RIVER BOUNDARY**
2 **MODIFICATIONS.**

3 (a) BOUNDARY MODIFICATION.—Section 1101 of the
4 National Parks and Recreation Act of 1978 (16 U.S.C.
5 460m–15) is amended by striking “NERI–80,028A, dated
6 March 1996” and inserting “NERI 80,034, dated May
7 2001”.

8 (b) LAND EXCHANGE.—

9 (1) IN GENERAL.—The Secretary of the Inte-
10 rior shall complete a fee simple land exchange in the
11 vicinity of Beauty Mountain, Fayette County, West
12 Virginia, to acquire a tract of land identified as
13 NERI Tract Number 150–07 that lies adjacent to
14 the boundary of the New River Gorge National
15 River in exchange for a tract of land identified as
16 NERI Tract Number 150–08 located within such
17 boundary.

18 (2) TREATMENT OF EXCHANGED LANDS.—
19 Upon the completion of such land exchange—

20 (A) the land acquired by the United States
21 in the exchange shall be included in the bound-
22 aries, and administered as part, of the New
23 River Gorge National River; and

24 (B) the land conveyed by the United
25 States in the exchange shall be excluded from
26 the boundaries, and shall not be administered

1 as part, of the New River Gorge National
2 River.

3 **SEC. 1808. UNIVERSITY OF UTAH MUSEUM OF NATURAL**
4 **HISTORY.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the collection of the Utah Museum of Nat-
7 ural History in Salt Lake City, Utah, includes more
8 than 1,000,000 archaeological, paleontological, zoo-
9 logical, geological, and botanical artifacts;

10 (2) the collection of items housed by the Mu-
11 seum contains artifacts from land managed by—

12 (A) the Bureau of Land Management;

13 (B) the Bureau of Reclamation;

14 (C) the National Park Service;

15 (D) the United States Fish and Wildlife
16 Service; and

17 (E) the Forest Service;

18 (3) more than 75 percent of the Museum's col-
19 lection was recovered from federally managed public
20 land; and

21 (4) the Museum has been designated by the leg-
22 islature of the State of Utah as the State museum
23 of natural history.

24 (b) DEFINITIONS.—In this title:

1 (1) MUSEUM.—The term “Museum” means the
2 University of Utah Museum of Natural History in
3 Salt Lake City, Utah.

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

6 (c) ASSISTANCE FOR MUSEUM.—The Secretary shall
7 make a grant to the University of Utah in Salt Lake City,
8 Utah, to pay the Federal share of the costs of construction
9 of a new facility for the Museum, including the design,
10 planning, furnishing, and equipping of the Museum.

11 (d) GRANT REQUIREMENTS.—

12 (1) IN GENERAL.—To receive a grant under
13 subsection (c), the Museum shall submit to the Sec-
14 retary a proposal for the use of the grant.

15 (2) FEDERAL SHARE.—The Federal share of
16 the costs described in subsection (c) shall not exceed
17 25 percent.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$15,000,000, to remain available until expended.

21 **SEC. 1809. LOWER CONNECTICUT RIVER PARTNERSHIP**
22 **ACT.**

23 (a) FINDINGS.—Congress finds the following:

24 (1) The Connecticut River in the States of Con-
25 necticut and Massachusetts is a scenic region of cit-

1 ies and historic villages located in an internationally
2 and nationally significant landscape of working
3 farms, verdant forests, mountains, and broad fertile
4 floodplains of New England’s longest river, the Con-
5 necticut River.

6 (2) The Connecticut River and its tributaries
7 provide outstanding fish and wildlife habitat, recre-
8 ation, and hydropower generation for the New Eng-
9 land region.

10 (3) The Connecticut River has been recognized
11 by Congress as part of the Silvio O. Conte National
12 Fish and Wildlife Refuge, established by the Silvio
13 O. Conte National Fish and Wildlife Refuge Act (16
14 U.S.C. 668dd note; Public Law 102–212).

15 (4) The demonstrated interest in stewardship of
16 the River by the citizens living along the Connecticut
17 River led to the Presidential designation of the River
18 as one of 14 American Heritage Rivers on July 30,
19 1998.

20 (5) Where management of the River involves
21 partnership with local communities and organiza-
22 tions, support for the partnership should be provided
23 by the Secretary.

24 (b) PURPOSE.—The purpose of this section is to au-
25 thorize the Secretary to provide to the States of Con-

1 necticut and Massachusetts technical and financial assist-
2 ance for management of the River in those States.

3 (c) DEFINITIONS.—For the purpose of this section,
4 the following definitions apply:

5 (1) RIVER.—The term “River” means the Con-
6 necticut River.

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

9 (3) STATE.—The term “State” means—

10 (A) the State of Connecticut; or

11 (B) the State of Massachusetts.

12 (d) ASSISTANCE FOR STATES.—

13 (1) IN GENERAL.—The Secretary may provide
14 to the States technical and financial assistance in
15 managing the River in cooperation and collaboration
16 with local communities and regional planning agen-
17 cies, including assistance for the following:

18 (A) Developing policies for water quality,
19 flow management, and recreational boating for
20 the River.

21 (B) Developing protection plans for water
22 quality in the River.

23 (C) Developing a coordinated, collaborative
24 approach on the part of the States for moni-

1 toring the quality of the River for human use
2 and ecological health.

3 (D) Restoring and protecting riverbanks to
4 improve water quality and aquatic and riparian
5 habitat for the River.

6 (E) Encouraging and assisting commu-
7 nities, farmers, and riverfront landowners in—

8 (i) establishing and protecting ripar-
9 ian areas; and

10 (ii) addressing nonpoint source pollu-
11 tion.

12 (F) Encouraging and assisting commu-
13 nities in—

14 (i) protecting shoreland immediately
15 along the River; and

16 (ii) managing and treating stormwater
17 runoff directly into the River.

18 (G) In cooperation with and with the con-
19 sent of dam owners—

20 (i) evaluating the decommissioning of
21 uneconomic dams along the River; and

22 (ii) restoring natural riverine habitat
23 immediately along the River.

24 (H) Protecting and restoring the habitat of
25 native trout, anadromous fisheries, and other

1 outstanding fish and wildlife resources within or
2 on the River.

3 (I) Developing and promoting locally
4 planned, approved, and managed networks of
5 water trails on the River.

6 (J) Supporting local stewardship.

7 (K) Encouraging public access to the River
8 from towns and cities in the Valley.

9 (e) ADMINISTRATIVE COSTS.—Not more than 10 per-
10 cent of the funds made available to any State under this
11 section may be used for administrative costs.

12 (f) COORDINATION WITH OTHER ENTITIES.—The
13 Secretary shall encourage States receiving assistance
14 under this section to work in coordination with units of
15 local government and nonprofit organizations when car-
16 rying out activities listed in subsection (d).

17 **SEC. 1810. SPIRIT LAKE.**

18 (a) FINDINGS.—The Congress finds the following:

19 (1) The meander lines in the original surveys by
20 John B. David, deputy surveyor, of two lakes in the
21 State of Idaho, Spirit Lake, formerly known as Lake
22 Tesemini, located in T. 53 N., R. 4 W., Boise Merid-
23 ian, and Twin Lakes, formerly known as Fish Lake,
24 located in T. 52 N. and T. 53 N., R. 4 W., Boise

1 Meridian, do not reflect the current line of ordinary
2 high water conditions.

3 (2) All lands adjacent to the original meander
4 lines have been patented.

5 (b) PURPOSE.—The purpose of this section is to di-
6 rect the Secretary of the Interior to issue a recordable dis-
7 claimer of interest by the United States to any omitted
8 lands or lands lying outside the record meander lines in
9 the vicinity of the lakes referred to in subsection (a).

10 (c) DEFINITIONS.—In this section:

11 (1) RECORDABLE DISCLAIMER OF INTEREST.—

12 The term “recordable disclaimer of interest” means
13 a document recorded in the county clerk’s office or
14 other such local office where real property docu-
15 ments are recorded, in which the United States dis-
16 claims any right, title, or interest to those lands
17 found lying outside the recorded meander lines of
18 the lakes referred to in section 1(a)(1), including
19 omitted lands, if any.

20 (2) OMITTED LANDS.—The term “omitted

21 lands” means those lands that were in place on the
22 date of the original surveys referred to in subsection
23 (a)(1) but were not included in the survey of the
24 township and the meander lines of the water body
25 due to gross error or fraud by the original surveyor.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (d) SURVEYS.—The Secretary shall—

4 (1) conduct a survey investigation of the condi-
5 tions along the lakeshores of Spirit Lake and Twin
6 Lakes in the townships referenced in subsection (a);
7 and

8 (2) after the completion of the survey investiga-
9 tion, resurvey the original meander lines along the
10 lakeshores, using the results of the survey investiga-
11 tion.

12 (e) DISCLAIMER OF INTEREST IN LANDS ADJACENT
13 TO SPIRIT LAKE AND TWIN LAKES, IDAHO.—Upon ac-
14 ceptance and approval of the surveys under subsection (d)
15 by the Secretary, the Secretary shall—

16 (1) prepare a recordable disclaimer of interest
17 with land descriptions, using the lot or tract num-
18 bers of the omitted lands, if any, and lands lying
19 outside the record meander lines, as shown on the
20 survey plats; and

21 (2) record such recordable disclaimer of interest
22 simultaneously with the filing of the surveys.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary \$400,000
25 to carry out this section. Funds appropriated to carry out

1 the purposes of this section may be available without fiscal
2 year limitation.

3 **SEC. 1811. CIVIL WAR BATTLEFIELD PRESERVATION ACT.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Civil War battlefields provide a means for
6 the people of the United States to understand a
7 tragic period in the history of the United States.

8 (2) According to the Report on the Nation's
9 Civil War Battlefields, prepared by the Civil War
10 Sites Advisory Commission, and dated July 1993, of
11 the 384 principal Civil War battlefields—

12 (A) almost 20 percent are lost or frag-
13 mented;

14 (B) 17 percent are in poor condition; and

15 (C) 60 percent have been lost or are in im-
16 minent danger of being fragmented by develop-
17 ment and lost as coherent historic sites.

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

19 (1) to act quickly and proactively to preserve
20 and protect nationally significant Civil War battle-
21 fields through conservation easements and fee-simple
22 purchases of those battlefields from willing sellers;
23 and

24 (2) to create partnerships among State and
25 local governments, regional entities, and the private

1 sector to preserve, conserve, and enhance nationally
2 significant Civil War battlefields.

3 (c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

4 The American Battlefield Protection Act of 1996 (16
5 U.S.C. 469k) is amended—

6 (1) by redesignating subsection (d) as para-
7 graph (3) of subsection (c), and indenting appro-
8 priately;

9 (2) in paragraph (3) of subsection (c) (as redес-
10 igned by paragraph (1))—

11 (A) by striking “APPROPRIATIONS” and in-
12 serting “APPROPRIATIONS”; and

13 (B) by striking “section” and inserting
14 “subsection”;

15 (3) by inserting after subsection (c) the fol-
16 lowing:

17 “(d) BATTLEFIELD ACQUISITION GRANT PRO-
18 GRAM.—

19 “(1) DEFINITIONS.—In this subsection:

20 “(A) BATTLEFIELD REPORT.—The term
21 ‘Battlefield Report’ means the document enti-
22 tled ‘Report on the Nation’s Civil War Battle-
23 fields’, prepared by the Civil War Sites Advi-
24 sory Commission, and dated July 1993.

1 “(B) ELIGIBLE ENTITY.—The term ‘eligi-
2 ble entity’ means a State or local government.

3 “(C) ELIGIBLE SITE.—The term ‘eligible
4 site’ means a site—

5 “(i) that is not within the exterior
6 boundaries of a unit of the National Park
7 System; and

8 “(ii) that is identified in the Battle-
9 field Report.

10 “(D) SECRETARY.—The term ‘Secretary’
11 means the Secretary of the Interior, acting
12 through the American Battlefield Protection
13 Program.

14 “(2) ESTABLISHMENT.—The Secretary shall es-
15 tablish a battlefield acquisition grant program under
16 which the Secretary may provide grants to eligible
17 entities to pay the Federal share of the cost of ac-
18 quiring interests in eligible sites for the preservation
19 and protection of those eligible sites.

20 “(3) NONPROFIT PARTNERS.—An eligible entity
21 may acquire an interest in an eligible site using a
22 grant under this subsection in partnership with a
23 nonprofit organization.

24 “(4) NON-FEDERAL SHARE.—The non-Federal
25 share of the total cost of acquiring an interest in an

1 eligible site under this subsection shall be not less
2 than 50 percent.

3 “(5) LIMITATION ON LAND USE.—An interest
4 in an eligible site acquired under this subsection
5 shall be subject to section 6(f)(3) of the Land and
6 Water Conservation Fund Act of 1965 (16 U.S.C.
7 460l–8(f)(3)).

8 “(6) REPORTS.—

9 “(A) IN GENERAL.—Not later than 5 years
10 after the date of the enactment of this subpara-
11 graph, the Secretary shall submit to Congress a
12 report on the activities carried out under this
13 subsection.

14 “(B) UPDATE OF BATTLEFIELD RE-
15 PORT.—Not later than 2 years after the date of
16 the enactment of this subsection, the Secretary
17 shall submit to Congress a report that updates
18 the Battlefield Report to reflect—

19 “(i) preservation activities carried out
20 at the 384 battlefields during the period
21 between publication of the Battlefield Re-
22 port and the update;

23 “(ii) changes in the condition of the
24 battlefields during that period; and

1 “(iii) any other relevant developments
2 relating to the battlefields during that pe-
3 riod.

4 “(7) AUTHORIZATION OF APPROPRIATIONS.—

5 “(A) IN GENERAL.—There are authorized
6 to be appropriated to the Secretary from the
7 Land and Water Conservation Fund to provide
8 grants under this subsection \$10,000,000 for
9 each of fiscal years 2004 through 2008.

10 “(B) UPDATE OF BATTLEFIELD RE-
11 PORT.—There are authorized to be appro-
12 priated to the Secretary to carry out paragraph
13 (6)(B), \$500,000.”; and
14 (4) in subsection (e)—

15 (A) in paragraph (1), by striking “as of”
16 and all that follows through the period and in-
17 serting “on September 30, 2008.”; and

18 (B) in paragraph (2), by inserting “and
19 provide battlefield acquisition grants” after
20 “studies”.

21 **SEC. 1812. BLM REAUTHORIZATION.**

22 Section 318(a) of the Federal Lands Policy and Man-
23 agement Act of 1976 (43 U.S.C. 1748(a)) is amendment
24 by striking “October 1, 2002” and inserting “October 1,
25 2012”.

1 **SEC. 1813. UNION PACIFIC BIG BOY RELOCATON.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) During the early part of the 20th century,
4 steam locomotives played a vital role in the econo-
5 mies of the West because they provided an effective
6 means of mass transportation of freight.

7 (2) Virtually all locomotives traveling east or
8 west across America passed through Ogden, Utah,
9 aptly dubbed the “Crossroads of the West”.

10 (3) 25 “Big Boy” steam locomotives were built
11 in Schenectady, New York, by the American Loco-
12 motive Company, for the purpose of pulling long fast
13 freight trains over the high grades of the Wasatch
14 Mountains of Utah and Sherman Hill in Wyoming.
15 The trains were delivered to Union Pacific in 1941
16 and 1945.

17 (4) Each Big Boy performed the work of three
18 smaller engines, and was less expensive to transport
19 freight than were smaller engines.

20 (5) Each Big Boy traveled more than
21 1,000,000 miles between Utah and Wyoming.

22 (6) The last Big Boy was decommissioned in
23 1962.

24 (7) The year 2004 will mark the 80th anniver-
25 sary of the completion of Ogden Union Station, in

1 Utah, the western destination of the Big Boy loco-
2 motives.

3 (8) The year 2019 will mark the 150th anniver-
4 sary of the driving of the Golden Spike that con-
5 nected the Central Pacific and Union Pacific rail-
6 roads, creating the world's first transcontinental
7 railroad.

8 (9) Because the Big Boy played such an impor-
9 tant role in the economy and history of Utah, it
10 should be represented at the sesquicentennial anni-
11 versary of the driving of the Golden Spike and the
12 80th anniversary of the completion of Ogden Union
13 Station.

14 (10) Big Boy #4012 is the only one of the 25
15 original Big Boys that is owned by the Federal Gov-
16 ernment and available to transport Ogden, Utah, for
17 these events.

18 (b) RELOCATION.—On or before January 1, 2004,
19 the Secretary of the Interior shall relocate Union Pacific
20 Big Boy #4012, located on the date of the enactment of
21 this section at the Steamtown National Historic Site in
22 Scranton, Pennsylvania, to the Crossroads of the West in
23 Ogden, Utah, to remain in Ogden, Utah, until December
24 31, 2019.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$500,000 to carry out this
3 section.

4 **DIVISION B—FORESTS AND**
5 **FOREST HEALTH**
6 **TITLE I—TONTO AND COCONINO**
7 **NATIONAL FORESTS LAND EX-**
8 **CHANGE**

9 **SEC. 2101. FINDINGS; PURPOSE.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) Certain private lands adjacent to the Mon-
12 tezuma Castle National Monument in Yavapai Coun-
13 ty, Arizona, are desirable for Federal acquisition to
14 protect important riparian values along Beaver
15 Creek and the scenic backdrop for the National
16 Monument.

17 (2) Certain other inholdings in the Coconino
18 National Forest are desirable for Federal acquisition
19 to protect important public values near Double
20 Cabin Park.

21 (3) Approximately 108 acres of land within the
22 Tonto National Forest, northeast of Payson, Ari-
23 zona, are currently occupied by 45 residential cabins
24 under special use permits from the Secretary of Ag-
25 riculture, and have been so occupied since the mid-

1 1950s, rendering such lands of limited use and en-
2 joyment potential for the general public. Such lands
3 are, therefore, appropriate for transfer to the cabin
4 owners in exchange for lands that will have higher
5 public use values.

6 (4) In return for the privatization of such en-
7 cumbered lands the Secretary of Agriculture has
8 been offered approximately 495 acres of non-Federal
9 land (known as the Q Ranch) within the Tonto Na-
10 tional Forest, east of Young, Arizona, in an area
11 where the Secretary has completed previous land ex-
12 changes to consolidate public ownership of National
13 Forest lands.

14 (5) The acquisition of the Q Ranch non-Federal
15 lands by the Secretary will greatly increase National
16 Forest management efficiency and promote public
17 access, use, and enjoyment of the area and sur-
18 rounding National Forest System lands.

19 (b) PURPOSE.—The purpose of this title is to author-
20 ize, direct, facilitate, and expedite the consummation of
21 the land exchanges set forth herein in accordance with the
22 terms and conditions of this title.

23 **SEC. 2102. DEFINITIONS.**

24 As used in this title:

1 (1) DPSHA.—The term “DPSHA” means the
2 Diamond Point Summer Homes Association, a non-
3 profit corporation in the State of Arizona.

4 (2) FEDERAL LAND.—The term “Federal land”
5 means land to be conveyed into non-Federal owner-
6 ship under this title.

7 (3) FLPMA.—The term “FLPMA” means the
8 Federal Land Policy Management Act of 1976.

9 (4) MCJV.—The term “MCJV” means the
10 Montezuma Castle Land Exchange Joint Venture
11 Partnership, an Arizona Partnership.

12 (5) NON-FEDERAL LAND.—The term “non-Fed-
13 eral land” means land to be conveyed to the Sec-
14 retary of Agriculture under this title.

15 (6) SECRETARY.—The term “Secretary” means
16 the Secretary of Agriculture, unless otherwise speci-
17 fied.

18 **SEC. 2103. MONTEZUMA CASTLE LAND EXCHANGE.**

19 (a) LAND EXCHANGE.—Upon receipt of a binding
20 offer from MCJV to convey title acceptable to the Sec-
21 retary to the land described in subsection (b), the Sec-
22 retary shall convey to MCJV all right, title, and interest
23 of the United States in and to the Federal land described
24 in subsection (c).

1 (b) NON-FEDERAL.—The land described in this sub-
2 section is the following:

3 (1) The approximately 157 acres of land adja-
4 cent to the Montezuma Castle National Monument,
5 as generally depicted on the map entitled “Monte-
6 zuma Castle Contiguous Lands”, dated May 2002.

7 (2) Certain private land within the Coconino
8 National Forest, Arizona, comprising approximately
9 108 acres, as generally depicted on the map entitled
10 “Double Cabin Park Lands”, dated September
11 2002.

12 (c) FEDERAL LAND.—The Federal land described in
13 this subsection is the approximately 222 acres in the
14 Tonto National Forest, Arizona, and surveyed as Lots 3,
15 4, 8, 9, 10, 11, 16, 17, and Tract 40 in section 32, Town-
16 ship 11 North, Range 10 East, Gila and Salt River Merid-
17 ian, Arizona.

18 (d) EQUAL VALUE EXCHANGE.—The values of the
19 non-Federal and Federal land directed to be exchanged
20 under this section shall be equal or equalized as deter-
21 mined by the Secretary through an appraisal performed
22 by a qualified appraiser mutually agreed to by the Sec-
23 retary and MCJV and performed in conformance with the
24 Uniform Appraisal Standards for Federal Land Acquisi-
25 tions (U.S. Department of Justice, December 2000), and

1 section 206(d) of the FLPMA (43 U.S.C. 1716(d)). If the
2 values are not equal, the Secretary shall delete Federal
3 lots from the conveyance to MCJV in the following order
4 and priority, as necessary, until the values of Federal and
5 non-Federal land are within the 25 percent cash equali-
6 zation limit of 206(b) of FLPMA:

7 (1) Lot 3.

8 (2) Lot 4.

9 (3) Lot 9.

10 (4) Lot 10.

11 (5) Lot 11.

12 (6) Lot 8.

13 (e) CASH EQUALIZATION.—Any difference in value
14 remaining after compliance with subsection (d) shall be
15 equalized by the payment of cash to the Secretary or
16 MCJV, as the circumstances dictate, in accordance with
17 section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public
18 Law 90–171 (16 U.S.C. 484a; commonly known as the
19 “Sisk Act”) shall, without further appropriation, apply to
20 any cash equalization payment received by the United
21 States under this section.

22 **SEC. 2104. DIAMOND POINT—Q RANCH LAND EXCHANGE.**

23 (a) IN GENERAL.—Upon receipt of a binding offer
24 from DPSHA to convey title acceptable to the Secretary
25 to the land described in subsection (b), the Secretary shall

1 convey to DPSHA all right, title, and interest of the
2 United States in and to the land described in subsection
3 (c).

4 (b) NON-FEDERAL LAND.—The land described in
5 this subsection is the approximately 495 acres of non-Fed-
6 eral land generally depicted on the map entitled “Diamond
7 Point Exchange—Q Ranch Non-Federal Lands”, dated
8 May 2002.

9 (c) FEDERAL LAND.—The Federal land described in
10 this subsection is the approximately 108 acres northeast
11 of Payson, Arizona, as generally depicted on a map enti-
12 tled “Diamond Point Exchange—Federal Land”, dated
13 May 2002.

14 (d) EQUAL VALUE EXCHANGE.—The values of the
15 non-Federal and Federal land directed to be exchanged
16 under this section shall be equal or equalized as deter-
17 mined by the Secretary through an appraisal performed
18 by a qualified appraiser mutually agreed to by the Sec-
19 retary and DPSHA and in conformance with the Uniform
20 Appraisal Standards for Federal Land Acquisitions (U.S.
21 Department of Justice, December 2000), and section
22 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are
23 not equal, they shall be equalized by the payment of cash
24 to the Secretary or DPSHA pursuant to section 206(b)
25 of FLPMA (43 U.S.C. 1716(b)). Public Law 90–171 (16

1 U.S.C. 484a; commonly known as the “Sisk Act”) shall,
2 without further appropriation, apply to any cash equali-
3 zation payment received by the United States under this
4 section.

5 (e) SPECIAL USE PERMIT TERMINATION.—Upon
6 execution of the land exchange authorized by this section,
7 all special use cabin permits on the Federal land shall be
8 terminated.

9 **SEC. 2105. MISCELLANEOUS PROVISIONS.**

10 (a) EXCHANGE TIMETABLE.—Not later than 6
11 months after the Secretary receives an offer under section
12 2103 or 2104, the Secretary shall execute the exchange
13 under section 2103 or 2104, respectively, unless the Sec-
14 retary and MCJV or DPSHA, respectively, mutually agree
15 to extend such deadline.

16 (b) EXCHANGE PROCESSING.—Prior to executing the
17 land exchanges authorized by this title, the Secretary shall
18 perform any necessary land surveys and required
19 preexchange clearances, reviews, and approvals relating to
20 threatened and endangered species, cultural and historic
21 resources, wetlands and floodplains and hazardous mate-
22 rials. If 1 or more of the Federal land parcels or lots, or
23 portions thereof, cannot be transferred to MCJV or
24 DPSHA due to hazardous materials, threatened or endan-
25 gered species, cultural or historic resources, or wetland

1 and flood plain problems, the parcel or lot, or portion
2 thereof, shall be deleted from the exchange, and the values
3 of the lands to be exchanged adjusted in accordance with
4 subsections (d) and (e) of section 2103 or section 2104(d),
5 as appropriate. In order to save administrative costs to
6 the United States, the costs of performing such work, in-
7 cluding the appraisals required pursuant to this title, shall
8 be paid by MCJV or DPSHA for the relevant property,
9 except for the costs of any such work (including appraisal
10 reviews and approvals) that the Secretary is required or
11 elects to have performed by employees of the Department
12 of Agriculture.

13 (c) FEDERAL LAND RESERVATIONS AND ENCUM-
14 BRANCES.—The Secretary shall convey the Federal land
15 under this title subject to valid existing rights, including
16 easements, rights-of-way, utility lines and any other valid
17 encumbrances on the Federal land as of the date of the
18 conveyance under this title. If applicable to the land con-
19 veyed, the Secretary shall also retain any right of access
20 as may be required by section 120(h) of the Comprehen-
21 sive Environmental Response, Compensation and Liability
22 Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective
23 action relating to hazardous substances as may be nec-
24 essary in the future.

1 (d) ADMINISTRATION OF ACQUIRED LAND.—The
 2 land acquired by the Secretary pursuant to this title shall
 3 become part of the Tonto or Coconino National Forest,
 4 as appropriate, and be administered as such in accordance
 5 with the laws, rules, and regulations generally applicable
 6 to the National Forest System. Such land may be made
 7 available for domestic livestock grazing if determined ap-
 8 propriate by the Secretary in accordance with the laws,
 9 rules, and regulations applicable thereto on National For-
 10 est System land.

11 (e) TRANSFER OF LAND TO PARK SERVICE.—Upon
 12 their acquisition by the United States, the “Montezuma
 13 Castle Contiguous Lands” identified in section 2103(d)(1)
 14 shall be transferred to the administrative jurisdiction of
 15 the National Park Service, and shall thereafter be perma-
 16 nently incorporated in, and administered by the Secretary
 17 of the Interior as part of, the Montezuma Castle National
 18 Monument.

19 **TITLE II—OTHER LAND**

20 **CONVEYANCES**

21 **SEC. 2201. LAND CONVEYANCE AND SPECIAL USE AGREE-**

22 **MENT, FIVE MILE REGIONAL LEARNING CEN-**

23 **TER, CALIFORNIA.**

24 (a) CONVEYANCE.—The Secretary of Agriculture
 25 shall convey to the Clovis Unified School District of Cali-

1 fornia all right, title, and interest of the United States
2 in and to a parcel of National Forest System land con-
3 sisting of 27.10 acres located within the southwest $\frac{1}{4}$ of
4 section 2, township 2 north, range 15 east, Mount Diablo
5 base and meridian, California, which has been utilized as
6 the Five Mile Regional Learning Center by the school dis-
7 trict since 1989 pursuant to a special use permit (Holder
8 No. 2010–02) to provide natural resource conservation
9 education to California youth. The conveyance shall in-
10 clude all structures, improvements, and personal property
11 shown on original map #700602 and inventory dated Feb-
12 ruary 1, 1989.

13 (b) SPECIAL USE AGREEMENT.—As soon as prac-
14 ticable after the date of the enactment of this Act, the
15 Secretary shall enter into negotiations with the Clovis Uni-
16 fied School District to enter into a new special use permit
17 for the approximately 100 acres of National Forest Sys-
18 tem land that, as of the date of the enactment of this Act,
19 is being used by the school district pursuant to the permit
20 described in subsection (a), but is not included in the con-
21 veyance under such subsection.

22 (c) REVERSION.—In the event that the Clovis Unified
23 School District discontinues its operation of the Five Mile
24 Regional Learning Center, title to the real property con-

1 veved under subsection (a) shall revert back to the United
2 States.

3 (d) COSTS AND MINERAL RIGHTS.—The conveyance
4 under subsection (a) shall be for a nominal cost. Notwith-
5 standing such subsection, the conveyance does not include
6 the transfer of mineral rights.

7 **SEC. 2202. LAND EXCHANGE, LOS PADRES NATIONAL FOR-**
8 **EST, CALIFORNIA.**

9 (a) EXCHANGE AUTHORIZED.—

10 (1) IN GENERAL.—If the United Water Con-
11 servation District of California (in this section re-
12 ferred to as the “District”) conveys to the Secretary
13 of Agriculture (in this section referred to as the
14 “Secretary”) all of right, title, and interest of the
15 District in and to the lands described in subsection
16 (b)(1), the Secretary shall convey to the District, in
17 exchange for such lands, all right, title, and interest
18 of the United States in and to the National Forest
19 System lands described in subsection (b)(2).

20 (2) EXISTING RIGHTS.—The conveyance of Na-
21 tional Forest System lands under this section shall
22 be subject to valid existing rights and to such terms,
23 conditions, and reservations as may be required by
24 this section or considered necessary by the Sec-
25 retary.

1 (3) TIME FOR EXCHANGE.—The Secretary and
2 the District shall endeavor to complete the exchange
3 in a timely manner.

4 (b) EXCHANGE LANDS.—

5 (1) LANDS TO BE CONVEYED BY DISTRICT.—

6 The lands to be conveyed by the District under this
7 section consist of approximately 340 acres as fol-
8 lows:

9 (A) “Tract A”—Approximately 40 acres,
10 located in township 5 north, range 18 west, sec-
11 tion 16, NE¹/₄SE¹/₄, San Bernardino base and
12 meridian.

13 (B) “Tract B”—Approximately 40 acres,
14 located in township 5 north, range 18 west, sec-
15 tion 16, SE¹/₄NE¹/₄, San Bernardino base and
16 meridian.

17 (C) “Tract C”—Approximately 80 acres,
18 located in township 5 north, range 18 west, sec-
19 tion 16, S¹/₂SE¹/₄, San Bernardino base and
20 meridian.

21 (D) “Tract D”—Approximately 160 acres,
22 located in township 5 north, range 18 west, sec-
23 tion 21, NE¹/₄, San Bernardino base and me-
24 ridian.

1 (E) “Tract E”—Approximately 20 acres,
2 located in township 5 north, range 18 west, sec-
3 tion 15, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, San Bernardino base
4 and meridian.

5 (2) LANDS TO BE CONVEYED BY SECRETARY.—

6 The National Forest System lands to be conveyed by
7 the Secretary under this section consist of approxi-
8 mately 420 acres as follows:

9 (A) “Tract 1”—Approximately 80 acres,
10 located in township 5 north, range 18 west, sec-
11 tion 10, E $\frac{1}{2}$ SW $\frac{1}{4}$, San Bernardino base and
12 meridian.

13 (B) “Tract 2”—Approximately 40 acres,
14 located in township 5 north, range 18 west, sec-
15 tion 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$, San Bernardino base and
16 meridian.

17 (C) “Tract 3”—Approximately 40 acres,
18 located in township 5 north, range 18 west, sec-
19 tion 15, SW $\frac{1}{4}$ SE $\frac{1}{4}$, San Bernardino base and
20 meridian.

21 (D) “Tract 4”—Approximately 10 acres,
22 located in township 5 north, range 18 west, sec-
23 tion 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, San Bernardino
24 base and meridian.

1 (E) “Tract 5”—Approximately 20 acres,
2 located in township 5 north, range 18 west, sec-
3 tion 22, $W^{1/2}NW^{1/4}SE^{1/4}$, San Bernardino base
4 and meridian.

5 (F) “Tract 6”—Approximately 40 acres,
6 located in township 5 north, range 18 west, sec-
7 tion 22, $SW^{1/4}SE^{1/4}$, San Bernardino base and
8 meridian.

9 (G) “Tract 7”—Approximately 80 acres,
10 located in township 5 north, range 18 west, sec-
11 tion 22, $E^{1/2}SW^{1/4}$, San Bernardino base and
12 meridian.

13 (H) “Tract 8”—Approximately 20 acres,
14 located in township 5 north, range 18 west, sec-
15 tion 22, $N^{1/2}NW^{1/4}SW^{1/4}$, San Bernardino base
16 and meridian.

17 (I) “Tract 9”—Approximately 80 acres, lo-
18 cated in township 5 north, range 18 west, sec-
19 tion 27, $W^{1/2}NE^{1/4}$, San Bernardino base and
20 meridian.

21 (J) “Tract 10”—Approximately 10 acres,
22 located in township 5 north, range 18 west, sec-
23 tion 27, $NE^{1/4}SW^{1/4}NW^{1/4}$, San Bernardino
24 base and meridian.

1 (3) CORRECTIONS TO LEGAL DESCRIPTIONS.—

2 By mutual agreement, the Secretary and the Dis-
3 trict may adjust the legal descriptions contained in
4 this subsection to correct errors or to make minor
5 adjustments in the lands to be exchanged.

6 (c) PROCESSING OF LAND EXCHANGE.—

7 (1) IN GENERAL.—Except as otherwise pro-
8 vided in this section, the Secretary shall process the
9 land exchange under this section in accordance with
10 Forest Service land exchange regulations in subpart
11 A of part 254 of title 36, Code of Federal Regula-
12 tions.

13 (2) TITLE STANDARDS.—The Secretary shall
14 require that title to the District lands acquired by
15 the Secretary under this section is in conformity
16 with the title standards of the Attorney General of
17 the United States.

18 (d) EASEMENTS AND ACCESS.—

19 (1) RESERVATION.—In the conveyance of the
20 National Forest System lands authorized by this
21 section, the Secretary shall reserve easements for all
22 roads and trails that the Secretary considers to be
23 necessary or desirable to provide for administrative
24 purposes and to ensure public access to National
25 Forest System lands. In particular, the Secretary

1 shall reserve perpetual unrestricted rights of pedes-
2 trian access to the Potholes trailhead of the Los Pa-
3 dres National Forest.

4 (2) ACCESSIBILITY.—In the case of the District
5 lands acquired by the Secretary under this section,
6 the Secretary shall provide reasonable access to pri-
7 vately owned inholdings consistent with section
8 1323(a) of the Alaska National Interest Lands Con-
9 servation Act (16 U.S.C. 3210(a)).

10 (3) CONSTRUCTION OF PARKING LOT.—As a
11 condition on the receipt of National Forest System
12 lands under this section, the District shall agree to
13 construct a gravel parking area upon District lands
14 for the Potholes trailhead of the Los Padres Na-
15 tional Forest, subject to the following requirements:

16 (A) The District may reasonably regulate
17 vehicular access to the trailhead in accordance
18 with rules and regulations promulgated in ac-
19 cordance with applicable law.

20 (B) Foot traffic to the trailhead shall be
21 perpetual and unrestricted.

22 (e) SPECIAL USE AUTHORIZATION AND EASE-
23 MENTS.—All special use authorizations and term ease-
24 ments issued by the Secretary with respect to the National
25 Forest System lands described in subsection (b)(2) shall

1 not be renewed or reauthorized after the date of enact-
2 ment of this Act.

3 (f) WATER RIGHTS.—The land exchange authorized
4 by this section does not include any water rights owned
5 by the District or the United States.

6 (g) CASH EQUALIZATION.—

7 (1) LIMITS WAIVED.—The District or the Sec-
8 retary, as appropriate, may equalize the values of
9 the lands to be exchanged under this section by a
10 cash payment without regard to any statutory limit
11 on the amount of such a cash equalization payment.

12 (2) DISPOSITION AND USE OF FUNDS.—Any
13 cash equalization payment received by the Secretary
14 under this section shall be deposited into the fund
15 established by Public Law 90–171 (commonly known
16 as the “Sisk Act”; 16 U.S.C. 484a). The payment
17 shall be available to the Secretary for expenditure,
18 without further appropriation, for the acquisition,
19 construction, or improvement of administrative or
20 recreational facilities for the Los Padres National
21 Forest in Ventura County, Santa Barbara County,
22 and San Luis Obispo County, California, or for the
23 acquisition of land or interests in land in such coun-
24 ties.

1 (h) MANAGEMENT OF ACQUIRED LANDS.—The Dis-
2 trict lands acquired by the Secretary under this section
3 shall be added to and administered as part of the Los Pa-
4 dres National Forest in accordance with the laws and reg-
5 ulations applicable to that national forest.

6 **SEC. 2203. COUNTY RIGHT-OF-WAY TO WEST BUTTE ROAD**
7 **IN THE STATE OF OREGON.**

8 (a) DEFINITIONS.—In this section:

9 (1) WEST BUTTE ROAD.—The term “West
10 Butte Road” means the unpaved Bureau of Land
11 Management road in the State of Oregon identified
12 on the map as BLM Road 6520.

13 (2) COUNTY.—The term “County” means each
14 of Crook County and Deschutes County in the State
15 of Oregon.

16 (3) MAP.—The term “map” means the map en-
17 titled “West Butte Road Right of Way” dated July
18 17, 2002.

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior, acting through the Di-
21 rector of the Bureau of Land Management.

22 (b) GRANT TO COUNTIES.—Notwithstanding any
23 other Act, and subject to subsection (d), the Secretary
24 shall grant to each County a right-of-way to the West
25 Butte Road.

1 (c) BOUNDARIES.—

2 (1) IN GENERAL.—Subject to paragraph (2),
3 the rights-of-way granted under subsection (b)
4 shall—

5 (A) extend in length from Reservoir Road
6 in Crook County to United States Route 20 in
7 Deschutes County, Oregon; and

8 (B) shall extend in width 100 feet on each
9 side of the centerline of West Butte Road.

10 (2) MODIFICATIONS.—

11 (A) STATE ROADS.—

12 (i) IN GENERAL.—The Secretary shall
13 amend the existing rights-of-way of each of
14 the Counties as contained in their respec-
15 tive road case files to include the rights-of-
16 way granted under subsection (b).

17 (ii) EFFECT.—The rights-of-way
18 amended under clause (i) shall be subject
19 to the common terms, conditions, and stip-
20 ulations identified in the Counties' rights-
21 of-way grants that apply on the date of en-
22 actment of this Act.

23 (iii) CONSIDERATION OF ENVIRON-
24 MENTAL CONCERNS.—Environmental con-
25 cerns associated with any development of

1 the West Butte Road shall be addressed by
2 the County in meeting compliance require-
3 ments associated with State and Federal
4 highway projects and the National Envi-
5 ronmental Policy Act of 1969 (42 U.S.C.
6 4321 et seq.) as administered by the Fed-
7 eral Highway Administration.

8 (B) WEST BUTTE ROAD.—Notwithstanding
9 any other Act, the Secretary shall provide for
10 adjustment to the right-of-way width and align-
11 ment granted under subsection (b) in portions
12 of the West Butte Road necessary for the road
13 to meet applicable State and Federal highway
14 standards.

15 (d) RELINQUISHMENT OF RIGHT-OF-WAY.—The
16 right-of-way granted to each County under subsection (b)
17 shall be contingent upon the Counties relinquishing any
18 right, title, or interest in and to any RS 2477 right-of-
19 way claim held by the Counties to the portion of the road
20 known as George Millican Road that is located in the area
21 described in subsection (c)(1).

1 **SEC. 2204. LAND CONVEYANCE, FARAWAY RANCH,**
2 **MENDOCINO NATIONAL FOREST, CALI-**
3 **FORNIA.**

4 (a) CONVEYANCE REQUIRED.—Subject to subsection
5 (b), the Secretary of Agriculture shall convey to the owner
6 of the property known as the Faraway Ranch in Lake
7 County, California (in this section referred to as the “re-
8 cipient”), by quitclaim deed, all right, title, and interest
9 of the United States in and to the following National For-
10 est System lands in Mendocino National Forest in Lake
11 County, California:

12 (1) “Faraway Ranch, Tract 39” (approximately
13 15.8 acres) consisting of a portion of lot 6 of section
14 4, township 18 north, range 10 west, Mount Diablo
15 base and meridian, as generally depicted on the map
16 entitled “Faraway Ranch, Tracts 39 and 40” and
17 dated June 30, 2002.

18 (2) “Faraway Ranch, Tract 40” (approximately
19 105.1 acres) consisting of a portion of the N¹/₂SW¹/₄
20 and lot 7 of section 4, and a portion of lots 15 and
21 16 of section 5, township 18 north, range 10 west,
22 Mount Diablo base and meridian, as generally de-
23 picted on the map entitled “Faraway Ranch, Tracts
24 39 and 40” and dated June 30, 2002.

25 (b) TIME FOR CONVEYANCE.—The Secretary shall
26 make the conveyance under subsection (a) not later than

1 120 days after the date on which the recipient deposits
2 sufficient funds with the Bureau of Land Management,
3 California State Office, Branch of Geographic Services, to
4 cover survey work costs and with the Forest Service,
5 Mendocino National Forest, to cover Forest Service direct
6 transaction costs described in subsection (e).

7 (c) CORRECTIONS.—With the agreement of the re-
8 cipient, the Secretary may make minor corrections to the
9 legal descriptions and map of the lands to be conveyed
10 pursuant to this Act.

11 (d) CONSIDERATION.—As consideration for the con-
12 veyance under subsection (a), the recipient shall pay to
13 the Secretary an amount equal to the fair market value
14 of the National Forest System lands conveyed under such
15 subsection. The fair market value of such lands shall be
16 determined by an appraisal that is acceptable to the Sec-
17 retary and conforms with the Federal appraisal standards,
18 as defined in the Uniform Appraisal Standards for Fed-
19 eral Land Acquisitions developed by the Interagency Land
20 Acquisition Conference.

21 (e) PAYMENT OF COSTS.—All direct transaction costs
22 associated with the conveyance under section (a), includ-
23 ing the costs of appraisal, title, and survey work, shall be
24 paid by the recipient.

25 (f) USE OF PROCEEDS.—

1 (1) DEPOSIT.—The Secretary shall deposit the
2 amounts received by the Secretary as consideration
3 under subsection (d) in the fund established by Pub-
4 lic Law 90–171 (commonly known as the Sisk Act;
5 16 U.S.C. 484a).

6 (2) USE.—Funds deposited under paragraph
7 (1) shall be available to the Secretary until ex-
8 pended, without further appropriation—

9 (A) for the acquisition of land and inter-
10 ests in land for National Forest System pur-
11 poses in the State of California; and

12 (B) for reimbursement of costs incurred by
13 the Forest Service in making the conveyance
14 under subsection (a).

15 (3) STATUS OF ACQUIRED LAND.—Notwith-
16 standing Public Law 85–862 (16 U.S.C. 521a), any
17 lands acquired under paragraph (2)(A) shall be
18 managed as lands acquired under the March 1, 1911
19 (commonly known as the Weeks Act; 16 U.S.C. 480,
20 500, 515 et seq.), regardless of whether any of the
21 lands conveyed under subsection (a) were reserved
22 from the public domain.

23 (g) WITHDRAWAL.—Subject to valid existing rights,
24 the lands to be conveyed under subsection (a) are hereby
25 withdrawn from all forms of location, entry, and patent

1 under the public land laws and the mining and mineral
2 leasing laws of the United States.

3 **SEC. 2205. CONVEYANCE OF REAL PROPERTY, DIXIE NA-**
4 **TIONAL FOREST, UTAH.**

5 (a) IN GENERAL.—As soon as practicable after the
6 date of the enactment of this Act, subject to valid, existing
7 rights, the Secretary of Agriculture shall convey to Kirk
8 R. Harrison, who owns property in Pinto Valley, Utah,
9 at fair market value, all right, title, and interest, including
10 appurtenances, of the United States to—

11 (1) the land depicted on the Map as “Purchase
12 A”; and

13 (2) the land depicted on the Map as “Purchase
14 B”.

15 (b) MAP.—

16 (1) DEFINITION.—For the purposes of this sec-
17 tion, the term “Map” means the map entitled “Ex-
18 hibit G” and dated “September 10, 2002”.

19 (2) ON FILE.—The Map shall be kept on file
20 and available for public inspection in the office of
21 the Chief of the Forest Service. The Secretary of
22 Agriculture may make technical corrections to the
23 Map.

24 (c) TREATMENT OF PROCEEDS.—All funds received
25 pursuant to this section shall be deposited in the fund es-

1 tablished under section 8 of Public Law 90-171 (16
2 U.S.C. 484a; commonly known as the “Sisk Act”) and
3 shall remain available to the Secretary of Agriculture until
4 expended for the acquisition of lands and interests in land
5 for inclusion in the Dixie National Forest.

6 (d) APPRAISAL.—The Secretary shall determine the
7 fair market value of the property conveyed by subsection
8 (a) by using nationally recognized appraisal standards, in-
9 cluding, to the extent appropriate—

10 (1) the uniform appraisal standards for Federal
11 land acquisitions;

12 (2) the uniform standards of professional ap-
13 praisal practice; and

14 (3) other applicable law.

15 **SEC. 2206. ELECTRICITY TRANSMISSION LINE RIGHT-OF-**
16 **WAY, CLEVELAND NATIONAL FOREST.**

17 (a) ISSUANCE.—Notwithstanding any other provision
18 of Federal law, the Secretary of the Interior and the Sec-
19 retary of Agriculture shall issue all necessary grants, ease-
20 ments, permits, plan revisions or amendments, and other
21 approvals to allow for the siting and construction of a
22 high-voltage electricity transmission line right-of-way run-
23 ning approximately north to south through the Trabuco
24 Ranger District of the Cleveland National Forest in the
25 State of California and adjacent lands under the jurisdic-

1 tion of the Bureau of Land Management and the Forest
2 Service. The right-of-way approvals shall provide all nec-
3 essary Federal authorization from the Secretaries of Agri-
4 culture and the Interior for the routing, construction, op-
5 eration, and maintenance of a 500 KV transmission line
6 capable of meeting the region's long-term electricity trans-
7 mission needs between the existing Valley-Serrano trans-
8 mission line to the north and the Telega-Escondido trans-
9 mission line to the south, and for connecting to future gen-
10 erating capacity that may be developed in the region.

11 (b) PROTECTION OF WILDERNESS AREAS.—The Sec-
12 retary of the Interior and the Secretary of Agriculture
13 shall not allow any portion of a transmission line right-
14 of-way corridor identified in subsection (a) to enter any
15 identified wilderness area in existence as of the date of
16 the enactment of this Act.

17 (c) ENVIRONMENTAL AND ADMINISTRATIVE RE-
18 VIEW.—Nothing in this section shall affect the applica-
19 bility of any environmental or administrative review re-
20 quired under other provision of laws, including the Na-
21 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
22 note) or the Endangered Species Act of 1973 (16 U.S.C.
23 1531 et seq.). The Secretary of the Interior, acting
24 through the Bureau of Land Management, shall be the
25 lead Federal agency with overall responsibility to ensure

1 completion of required environmental and other reviews of
2 the approvals to be issued under subsection (a). For the
3 portions of the corridor on Forest Service land, the Sec-
4 retary of Agriculture shall complete all required environ-
5 mental reviews and administrative actions, in coordination
6 with the Secretary of the Interior. It is anticipated that
7 the right-of-way route through the Trabuco Ranger Dis-
8 trict of the Cleveland National Forest will make it unnee-
9 cessary to construct regional transmission lines through
10 heavily populated lands in the Temecula Valley.

11 (d) TIME FOR REVIEW AND ISSUANCE.—Any Federal
12 agency that conducts or participates in any environmental
13 or administrative review of the approvals to be issued
14 under subsection (a) shall work expeditiously, and com-
15 plete such review as soon as possible, taking full advantage
16 of any ongoing governmental review processes for any
17 similar or associated projects and proposals, and using all
18 existing or ongoing studies, reports, and assessments to
19 satisfy review requirements. The necessary grants, ease-
20 ments, permits, plan amendments and other approvals for
21 the transmission line right-of-way shall be issued within
22 60 days after the completion of the administrative and en-
23 vironmental review under subsection (c).

24 (e) PRESERVING STATE AUTHORITY.—Nothing in
25 this section shall affect the authority of the State of Cali-

1 fornia in making any decision regarding the siting or pub-
2 lic need for the transmission line described in subsection
3 (a).

4 (f) OTHER TERMS AND CONDITIONS.—The trans-
5 mission line right-of-way shall be subject to such terms
6 and conditions as the Secretary of the Interior and the
7 Secretary of Agriculture consider necessary, as a result
8 of the environmental review under subsection (c), to pro-
9 tect the value of historic, cultural, tribal, and natural re-
10 sources under the jurisdiction of the Department of the
11 Interior or the Department of Agriculture.

12 **SEC. 2207. LAND EXCHANGE, SAN ISABEL NATIONAL FOR-**
13 **EST, COLORADO.**

14 (a) EXCHANGE REQUIRED.—In exchange for the pri-
15 vate property described in subsection (b), the Secretary
16 of Agriculture shall convey to E. Michael Senter of Buena
17 Vista, Colorado (in this section referred to as the “recipi-
18 ent”), all right, title, and interest of the United States
19 in and to a parcel of real property consisting of approxi-
20 mately 2.2 acres in the San Isabel National Forest, Colo-
21 rado, as generally depicted on the map entitled “Senter
22 Exchange” , dated September 20, 2002. The conveyance
23 under this subsection shall be made upon the receipt by
24 the Secretary of a binding offer for the conveyance of title

1 acceptable to the Secretary to the property described in
2 subsection (b).

3 (b) CONSIDERATION.—As consideration for the prop-
4 erty to be conveyed by the Secretary under subsection (a),
5 the recipient shall convey to the Secretary a parcel of real
6 property consisting of approximately 2.0 acres located
7 within the boundaries of the San Isabel National Forest.
8 This parcel is also generally depicted on the map referred
9 to in subsection (a).

10 (c) EQUAL VALUE EXCHANGE; APPRAISAL.—The
11 values of the properties to be exchanged under this section
12 shall be equal or equalized as provided in subsection (d).
13 The value of the properties shall be determined through
14 an appraisal performed by a qualified appraiser mutually
15 agreed to by the Secretary and the recipient. The ap-
16 praisal shall be performed in conformance with the Uni-
17 form Appraisal Standards for Federal Land Acquisitions
18 (Department of Justice, December 2000) and shall be
19 completed not later than 120 days after the date of the
20 enactment of this Act.

21 (d) CASH EQUALIZATION.—Any difference in the
22 value of the properties to be exchanged under this section
23 shall be equalized through the making of a cash equali-
24 zation payment. The Secretary shall deposit any cash
25 equalization payment received by the Secretary under this

1 subsection in the fund established by Public Law 90-171
2 (commonly known as the Sisk Act; 16 U.S.C. 484a).

3 (e) PAYMENT OF COSTS.—All direct costs associated
4 with the conveyances under this section, including the
5 costs of appraisal, title, and survey work, shall be borne
6 by the Secretary.

7 (f) ADMINISTRATION OF ACQUIRED LAND.—The
8 property acquired by the Secretary under this section shall
9 become part of the San Isabel National Forest and be ad-
10 ministered as such in accordance with the laws, rules, and
11 regulations generally applicable to the National Forest
12 System.

13 **TITLE III—WILDERNESS AREAS**

14 **SEC. 2301. OPERATION AND MAINTENANCE OF CERTAIN** 15 **WATER IMPOUNDMENT STRUCTURES IN THE** 16 **EMIGRANT WILDERNESS, STANISLAUS NA-** 17 **TIONAL FOREST, CALIFORNIA.**

18 (a) COOPERATIVE AGREEMENT FOR MAINTENANCE
19 AND OPERATION.—The Secretary of Agriculture shall
20 enter into a cooperative agreement with a non-Federal en-
21 tity described in subsection (c), under which the entity will
22 retain, maintain, and operate at private expense the water
23 impoundment structures specified in subsection (b) that
24 are located within the boundaries of the Emigrant Wilder-
25 ness in the Stanislaus National Forest, California, as des-

1 ignited by section 2(b) of Public Law 93–632 (88 Stat.
2 2154; 16 U.S.C. 1132 note).

3 (b) COVERED WATER IMPOUNDMENT STRUC-
4 TURES.—The cooperative agreement required by sub-
5 section (a) shall cover the water impoundment structures
6 located at the following:

7 (1) Cow Meadow Lake.

8 (2) Y-Meadow Lake.

9 (3) Huckleberry Lake.

10 (4) Long Lake.

11 (5) Lower Buck Lake.

12 (6) Leighton Lake.

13 (7) High Emigrant Lake.

14 (8) Emigrant Meadow Lake.

15 (9) Middle Emigrant Lake.

16 (10) Emigrant Lake.

17 (11) Snow Lake.

18 (12) Bigelow Lake.

19 (c) ELIGIBLE ENTITY.—The following non-Federal
20 entities are eligible to enter into the cooperative agreement
21 under subsection (a):

22 (1) A non-profit organization as defined in sec-
23 tion 501(c)(3) of the Internal Revenue Code of 1986
24 (26 U.S.C. 501(c)(3)).

1 (2) The State of California or a political sub-
2 division of the State.

3 (3) A private individual, organization, corpora-
4 tion, or other legal entity.

5 (d) RESPONSIBILITIES OF THE SECRETARY.—

6 (1) MAP.—The Secretary of Agriculture shall
7 prepare a map identifying the location, size, and
8 type of each water impoundment structure covered
9 by the cooperative agreement under subsection (a).

10 (2) TERMS AND CONDITIONS OF AGREEMENT.—

11 The Secretary shall prescribe the terms and condi-
12 tions of the cooperative agreement, which shall set
13 forth the rights and obligations of the Secretary and
14 the non-Federal entity. At a minimum, the coopera-
15 tive agreement shall—

16 (A) require the non-Federal entity to oper-
17 ate and maintain the water impoundment struc-
18 tures covered by the agreement in accordance
19 with a plan of operations approved by the Sec-
20 retary;

21 (B) require approval by the Secretary of
22 all operation and maintenance activities to be
23 conducted by the non-Federal entity;

24 (C) require the non-Federal entity to com-
25 ply with all applicable State and Federal envi-

1 ronmental, public health, and safety require-
2 ments; and

3 (D) establish enforcement standards, in-
4 cluding termination of the cooperative agree-
5 ment for noncompliance by the non-Federal en-
6 tity with the terms and conditions.

7 (3) COMPLIANCE.—The Secretary shall ensure
8 that the non-Federal entity remains in compliance
9 with the terms and conditions of this section and the
10 cooperative agreement.

11 (e) RESPONSIBILITIES OF THE NON-FEDERAL ENTI-
12 TY.—The non-Federal entity shall be responsible for—

13 (1) carrying out its operation and maintenance
14 activities with respect to the water impoundment
15 structures covered by the cooperative agreement
16 under subsection (a) in conformance with this sec-
17 tion and the cooperative agreement; and

18 (2) the costs associated with the maintenance
19 and operation of the structures.

20 (f) PROHIBITION ON USE OF MECHANIZED TRANS-
21 PORT AND MOTORIZED EQUIPMENT.—The non-Federal
22 entity may not use mechanized transport or motorized
23 equipment—

1 (1) to operate or maintain the water impound-
2 ment structures covered by the cooperative agree-
3 ment under subsection (a); or

4 (2) to otherwise conduct activities in the Emi-
5 grant Wilderness pursuant to the cooperative agree-
6 ment.

7 (g) EXPANSION OF AGREEMENT TO COVER ADDI-
8 TIONAL STRUCTURES.—In the case of the six water im-
9 poundment structures located within the boundaries of the
10 Emigrant Wilderness, but not specified in subsection (b),
11 the Secretary of Agriculture may expand the scope of the
12 cooperative agreement under subsection (a), with the con-
13 sent of the State of California and the other party to the
14 agreement, to include one or more of these structures, sub-
15 ject to the same terms and conditions as apply to the
16 structures specified in subsection (b).

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary of Agri-
19 culture \$20,000 to cover administrative costs incurred by
20 the Secretary to comply with the requirements of the Na-
21 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
22 et seq.) in carrying out this section.

1 **SEC. 2302. MOUNT NEBO WILDERNESS BOUNDARY ADJUST-**
2 **MENT.**

3 (a) LANDS REMOVED.—The boundary of the Mount
4 Nebo Wilderness is adjusted to exclude the following:

5 (1) MONUMENT SPRINGS.—The approximately
6 8.4 acres of land depicted on the Map as “Monu-
7 ment Springs”.

8 (2) GARDNER CANYON.—The approximately
9 177.8 acres of land depicted on the Map as “Gard-
10 ner Canyon”.

11 (3) BIRCH CREEK.—The approximately 5.0
12 acres of land depicted on the Map as “Birch Creek”.

13 (4) INGRAM CANYON.—The approximately 15.4
14 acres of land depicted on the Map as “Ingram Can-
15 yon”.

16 (5) WILLOW NORTH A.—The approximately 3.4
17 acres of land depicted on the Map as “Willow North
18 A”.

19 (6) WILLOW NORTH B.—The approximately 6.6
20 acres of land depicted on the Map as “Willow North
21 B”.

22 (7) WILLOW SOUTH.—The approximately 21.5
23 acres of land depicted on the Map as “Willow
24 South”.

1 (8) MENDENHALL CANYON.—The approxi-
2 mately 9.8 acres of land depicted on the Map as
3 “Mendenhall Canyon”.

4 (9) WASH CANYON.—The approximately 31.4
5 acres of land depicted on the Map as “Wash Can-
6 yon”.

7 (b) LANDS ADDED.—Subject to valid existing rights,
8 the boundary of the Mount Nebo Wilderness is adjusted
9 to include the approximately 293.2 acres of land depicted
10 on the Map for addition to the Mount Nebo Wilderness.
11 The Utah Wilderness Act of 1984 (Public Law 94–428)
12 shall apply to the land added to the Mount Nebo Wilder-
13 ness pursuant to this subsection.

14 (c) MAP.—

15 (1) DEFINITION.—For the purpose of this sec-
16 tion, the term “Map” means the map entitled “Mt.
17 Nebo Wilderness Boundary Adjustment”, numbered
18 531, and dated May 29, 2001.

19 (2) MAP ON FILE.—The Map and the final doc-
20 ument entitled “Mount Nebo, Proposed Boundary
21 Adjustments, Parcel Descriptions (See Map #531)”
22 and dated June 4, 2001, shall be on file and avail-
23 able for inspection in the office of the Chief of the
24 Forest Service, Department of Agriculture.

1 the wilderness boundaries and the boundaries shall be lo-
2 cated at least 600 feet west of Highway PR 191 from Kil-
3 ometer 6.5 to Kilometer 12.0.

4 (c) MAP AND DESCRIPTION.—

5 (1) PREPARATION AND SUBMISSION.—As soon
6 as practicable after the date of the enactment of this
7 Act, the Secretary of Agriculture shall prepare a
8 map and a boundary description of the El Toro Wil-
9 derness and submit the map and boundary descrip-
10 tion to the Committee on Resources of the House of
11 Representatives and the Committee on Energy and
12 Natural Resources of the Senate. The map and
13 boundary description shall be on file and available
14 for public inspection in the office of the Chief of the
15 Forest Service.

16 (2) TREATMENT.—The map and boundary de-
17 scription prepared under paragraph (1) shall have
18 the same force and effect as if included in this sec-
19 tion. The Secretary may correct clerical and typo-
20 graphical errors in the map and description.

21 (d) ADMINISTRATION.—Subject to valid existing
22 rights, the Secretary of Agriculture shall administer the
23 El Toro Wilderness in accordance with the Wilderness Act
24 (16 U.S.C. 1131 et seq.) and this section. With respect
25 to the El Toro Wilderness, any reference in the Wilderness

1 Act to the effective date of the Wilderness Act shall be
2 deemed to be a reference to the date of the enactment
3 of this Act.

4 (e) SPECIAL MANAGEMENT CONSIDERATIONS.—Des-
5 ignation of the El Toro Wilderness, and the applicability
6 of the Wilderness Act to the wilderness area, shall not be
7 construed to prevent any of the following activities, subject
8 to such conditions as the Secretary of Agriculture con-
9 siders desirable, within the boundaries of the wilderness
10 area:

11 (1) Installation and maintenance of hydrologic,
12 meteorological, climatological, or atmospheric data
13 collection and transmission facilities, or any com-
14 bination of such facilities, when the Secretary deter-
15 mines that—

16 (A) such facilities are essential to the sci-
17 entific research purposes of the Luquillo Exper-
18 imental Forest; and

19 (B) the scale and scope of the facility de-
20 velopment are not detrimental to the wilderness
21 characteristics of the wilderness area.

22 (2) Construction and maintenance of nesting
23 structures, observation blinds, and population moni-
24 toring platforms for threatened and endangered spe-
25 cies.

1 (3) Construction and maintenance of trails to
2 such facilities as necessary for research purposes
3 and for the recovery of threatened and endangered
4 species.

5 **TITLE IV—DESIGNATIONS**

6 **SEC. 2401. GUNN MCKAY NATURE PRESERVE.**

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

8 (1) PRESERVE.—The term “Preserve” means
9 the Gunn McKay Nature Preserve as so designated
10 by subsection (b).

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of Agriculture.

13 (b) DESIGNATION.—The approximately 15 acres of
14 National Forest System land generally depicted on the
15 map entitled “Proposed Gunn McKay Nature Preserve”
16 and dated March 2002, are hereby designated as the
17 “Gunn McKay Nature Preserve”.

18 (c) MANAGEMENT.—

19 (1) MANAGEMENT PLAN.—Not later than 120
20 days after the date of the enactment of this Act, the
21 Secretary, in consultation with the City of Hunts-
22 ville, Utah, and the Gunn McKay Nature Preserve
23 Foundation, Inc., a nonprofit corporation, shall de-
24 velop a management plan for the Preserve.

1 (2) COOPERATIVE AGREEMENT.—The Secretary
2 is authorized to enter into a cooperative agreement
3 with the Gunn McKay Nature Preserve Foundation,
4 Inc., for the management of the Preserve.

5 (d) WITHDRAWAL.—Subject to valid existing rights,
6 the Preserve is hereby withdrawn from all forms of loca-
7 tion, entry, and patent under the public land laws, and
8 the mining and mineral leasing laws of the United States,
9 including geothermal.

10 **SEC. 2402. JAMES V. HANSEN SHOSHONE NATIONAL TRAIL.**

11 (a) DEFINITIONS.—For the purposes of this section,
12 the following definitions shall apply:

13 (1) APPROPRIATE SECRETARY.—The term “ap-
14 propriate Secretary” means—

15 (A) the Secretary of Agriculture when re-
16 ferring to land under the jurisdiction of that
17 Secretary; and

18 (B) the Secretary of the Interior when re-
19 ferring to any land except that under the juris-
20 diction of the Secretary of Agriculture.

21 (2) MAP.—The term “Map” means the map en-
22 titled “James V. Hansen Shoshone National Trail”
23 and dated April 5, 2002.

1 (3) TRAIL.—The term “Trail” means the sys-
2 tem of trails designated in subsection (b) as the
3 James V. Hansen Shoshone National Trail.

4 (b) DESIGNATION.—The trails that are open to mo-
5 torized use pursuant to applicable Federal and State law
6 and are depicted on the Map as the Shoshone National
7 Trail are hereby designated as the “James V. Hansen
8 Shoshone National Trail”.

9 (c) MANAGEMENT.—

10 (1) IN GENERAL.—Except as otherwise pro-
11 vided in this section, the appropriate Secretary shall
12 manage the Trail consistent with the requirements
13 of a national recreation trail in accordance with—

14 (A) the National Trails System Act (16
15 U.S.C. 1241 et seq.); and

16 (B) other applicable laws and regulations
17 for trails on Federal lands.

18 (2) COOPERATION; AGREEMENTS.—The Sec-
19 retary of the Interior and the Secretary of Agri-
20 culture shall cooperate with the State of Utah De-
21 partment of Natural Resources and appropriate
22 county governments in managing the Trail. The ap-
23 propriate Secretary shall make every reasonable ef-
24 fort to enter into cooperative agreements with the
25 State of Utah Department of Natural Resources and

1 appropriate county governments (separately, collec-
2 tively, or in an any combination, as agreed by the
3 parties) for management of the Trail.

4 (3) PRIMARY PURPOSE.—The primary purpose
5 of this section is to provide recreational trail oppor-
6 tunities for motorized vehicle use on the Trail. The
7 Trail shall be managed in a manner that is con-
8 sistent with this purpose, ensures user safety, and
9 minimizes user conflicts.

10 (4) ADDITION OF TRAILS.—

11 (A) IN GENERAL.—The appropriate Sec-
12 retary may add trails to the Trail in accordance
13 with the National Trails System Act and this
14 section. The Secretary shall consider the Trail
15 a national recreation trail for the purpose of
16 making such additions.

17 (B) REQUIREMENT FOR ADDITION OF
18 TRAILS ON NON-FEDERAL LAND.—If a trail to
19 be added to the Trail is located on non-Federal
20 land, the appropriate Secretary may add the
21 trail only if the owner of the land upon which
22 the trail is located has—

23 (i) consented to the addition of the
24 trail to the Trail; and

1 (ii) entered into an agreement with
2 the appropriate Secretary for management
3 of the additional trail in a manner that is
4 consistent with this section.

5 (5) NOTICE OF OPEN ROUTES.—The Secretary
6 of the Interior and the Secretary of Agriculture shall
7 ensure that the public is adequately informed re-
8 garding the routes open for the Trail, including by
9 appropriate signage along the Trail.

10 (d) NO EFFECT ON NON-FEDERAL LAND AND IN-
11 TERESTS IN LAND.—Nothing in this section shall be con-
12 strued to affect ownership, management, or other rights
13 related to any non-Federal land or interests in land, except
14 as provided in an agreement related to that land entered
15 into by the landowner under subsection (c)(4)(B)(ii).

16 (e) ACQUISITION OF LAND AND INTERESTS IN
17 LAND.—The appropriate Secretary may acquire land and
18 interests in land for the purposes of the Trail only from
19 willing owners.

20 (f) MAP ON FILE; UPDATED.—The Map shall be—

21 (1) kept on file at the appropriate offices of the
22 Secretary of the Interior and the Secretary of Agri-
23 culture; and

24 (2) updated by the appropriate Secretary when-
25 ever trails are added to the Trail.

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 2501. COSTS OF REVIEWS FOR CONVEYANCES UNDER**
3 **EDUCATION LAND GRANT ACT.**

4 Section 202 of the Education Land Grant Act (16
5 U.S.C. 479a) is amended by adding at the end the fol-
6 lowing:

7 “(f) COSTS OF REVIEW.—The Secretary shall pay the
8 costs of all action required under section 102(2)(C) of the
9 National Environmental Policy Act of 1969 (42 U.S.C.
10 4332(2)(C)) with respect to any conveyance under this
11 section.”.

12 **SEC. 2502. WILD AND SCENIC RIVER DESIGNATIONS, CARIB-**
13 **BEAN NATIONAL FOREST, PUERTO RICO.**

14 (a) FINDINGS.—The Congress finds the following:

15 (1) In the revised land and resource manage-
16 ment plan for the Caribbean National Forest/
17 Luquillo Experimental Forest, approved April 17,
18 1997, and the environmental impact statement pre-
19 pared as part of the plan, the Secretary of Agri-
20 culture examined the suitability of rivers within the
21 Caribbean National Forest/Luquillo Experimental
22 Forest for inclusion in the National Wild and Scenic
23 Rivers System.

24 (2) Based on such examination, the Rio Icacos,
25 Rio Mameyes, and Rio de La Mina were found to be

1 free flowing waterways and to possess outstandingly
2 remarkable scenic, recreational, geological,
3 hydrological, biological, historical, and cultural val-
4 ues, and, therefore, to qualify for addition to the
5 National Wild and Scenic Rivers System.

6 (b) DESIGNATIONS.—Section 3(a) of the Wild and
7 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
8 ing at the end the following new paragraph:

9 “(____) RIVERS OF CARIBBEAN NATIONAL FOREST,
10 PUERTO RICO.—

11 “(A) RIO MAMEYES.—The segment of approxi-
12 mately 4.5 miles from its headwaters in the Baño de
13 Oro Research Natural Area to the boundary of the
14 Caribbean National Forest, to be administered by
15 the Secretary of Agriculture as follows:

16 “(i) As a wild river from its headwaters in
17 the Baño de Oro Research Natural Area to the
18 crossing point of Trail No. 24/11 (approx-
19 imately 500 feet upstream from the confluence
20 with the Rio de La Mina), a total of approxi-
21 mately 2.1 miles.

22 “(ii) As a scenic river from the crossing
23 point of Trail No. 24/11 to the access point of
24 Trail No. 7, a total of approximately 1.4 miles.

1 “(iii) As a recreational river from the ac-
2 cess point of Trail No. 7 to the national forest
3 boundary, a total of approximately 1.0 miles.

4 “(B) RIO DE LA MINA.—The segment of ap-
5 proximately 2.1 miles from its headwaters to its con-
6 fluence with the Rio Mameyes, to be administered by
7 the Secretary of Agriculture as follows:

8 “(i) As a recreational river from its head-
9 waters in the El Yunque Recreation Area down-
10 stream to La Mina Falls, a total of approxi-
11 mately 0.9 miles.

12 “(ii) As a scenic river from La Mina falls
13 downstream to its confluence with the Rio
14 Mameyes, a total of approximately 1.2 miles.

15 “(C) RIO ICACOS.—The segment of approxi-
16 mately 2.3 miles from its headwaters to the bound-
17 ary of the Caribbean National Forest, to be adminis-
18 tered by the Secretary of Agriculture as a scenic
19 river.”.

20 (c) SPECIAL MANAGEMENT CONSIDERATIONS.—

21 (1) CERTAIN PERMITTED ACTIVITIES.—Subject
22 to paragraph (2), the amendment made by the sub-
23 section (b) and the applicability of the Wild and Sce-
24 nic Rivers Act (16 U.S.C. 1271 et seq.) to the river
25 segments added to the National Wild and Scenic

1 Rivers System by the amendment shall not be con-
2 strued to prevent any of the following activities with-
3 in the boundaries of the river segments:

4 (A) Installation and maintenance of hydro-
5 logic, meteorological, climatological, or atmos-
6 pheric data collection and transmission facili-
7 ties, or any combination of such facilities, when
8 the Secretary of Agriculture determines that
9 such facilities are essential to the scientific re-
10 search purposes of the Luquillo Experimental
11 Forest.

12 (B) Construction and maintenance of nest-
13 ing structures, observation blinds, and popu-
14 lation monitoring platforms for threatened and
15 endangered species.

16 (C) Construction and maintenance of trails
17 to such facilities as necessary for research pur-
18 poses and for the recovery of threatened and
19 endangered species.

20 (2) CONDITIONS.—The activities authorized by
21 paragraph (1) shall be subject to such conditions as
22 the Secretary considers desirable. The Secretary
23 shall ensure that the scale and scope of such activi-
24 ties within the boundaries of a river segment added
25 to the National Wild and Scenic Rivers System by

1 the amendment made by the subsection (b) are not
2 detrimental to the characteristics of the river seg-
3 ment that merited its designation as a wild, scenic,
4 or recreational river.

5 (d) PRESERVATION OF COMMONWEALTH AUTHOR-
6 ITY.—Nothing in this section or the amendment made by
7 this section shall be construed to limit the authority of
8 the Commonwealth of Puerto Rico over waters and natural
9 channels of public domain pursuant to the laws of the
10 Commonwealth of Puerto Rico to the extent that such ju-
11 risdiction may be exercised without impairing the purposes
12 of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et
13 seq.) or the administration of such Act.

14 **DIVISION C—ENSURING WATER**
15 **RESOURCES FOR THE FUTURE**
16 **TITLE I—CONVEYANCES**
17 **Subtitle A—Fremont-Madison**
18 **Irrigation Facilities Conveyance**

19 **SEC. 3001. SHORT TITLE.**

20 This subtitle may be cited as the “Fremont-Madison
21 Conveyance Act”.

22 **SEC. 3002. CONVEYANCE OF FACILITIES.**

23 (a) CONVEYANCE REQUIREMENT.—The Secretary of
24 the Interior shall convey to the Fremont-Madison Irriga-
25 tion District, Idaho, as soon as practicable after the date

1 of enactment of this Act and in accordance with all appli-
2 cable law and pursuant to the terms of the memorandum
3 of agreement between the District and the Secretary (Con-
4 tract No. 1425–01–MA–10–3310). The Secretary shall in-
5 clude in the facilities conveyed under this section all right,
6 title, and interest of the United States in and to the ca-
7 nals, laterals, drains, and other components of the water
8 distribution and drainage system that is operated or main-
9 tained by the District for delivery of water to and drainage
10 of water from lands within the boundaries of the District
11 as they exist upon the date of enactment of this Act, con-
12 sistent with section 3007.

13 (b) REPORT.—If the Secretary has not completed any
14 conveyance required under this subtitle by September 13,
15 2003, the Secretary shall, by no later than that date, sub-
16 mit a report to the Congress explaining the reasons that
17 conveyance has not been completed and stating the date
18 by which the conveyance will be completed.

19 **SEC. 3003. COSTS.**

20 (a) IN GENERAL.—The Secretary shall require, as a
21 condition of the conveyance under section 3002, that the
22 District pay the administrative costs of the conveyance
23 and related activities, including the costs of any review
24 required under the National Environmental Policy Act of

1 1969 (42 U.S.C. 4321 et seq.) as described in Contract
2 No. 1425-01-MA-10-3310.

3 (b) VALUE OF FACILITIES TO BE TRANSFERRED.—

4 In addition to subsection (a) the Secretary shall also re-
5 quire, as condition of the conveyance under section 3002,
6 that the District pay to the United States the lesser of
7 the net present value of the remaining obligations owed
8 by the District to the United States with respect to the
9 facilities conveyed, or \$280,000. Amounts received by the
10 United States under this subsection shall be deposited into
11 the reclamation fund.

12 **SEC. 3004. TETON EXCHANGE WELLS.**

13 (a) CONTRACTS AND PERMIT.—In conveying the
14 Teton Exchange Wells under section 3002, the Secretary
15 shall also convey to the District—

16 (1) Idaho Department of Water Resources per-
17 mit number 22-7022, including drilled wells under
18 the permit, as described in Contract No. 1425-01-
19 MA-10-3310; and

20 (2) all equipment appurtenant to such wells.

21 (b) EXTENSION OF WATER SERVICE CONTRACT.—

22 The water service contract between the Secretary and the
23 District (Contract No. 7-07-10-W0179, dated September
24 16, 1977) is hereby extended and shall continue in full

1 force and effect until all conditions described in this sub-
2 title are fulfilled.

3 **SEC. 3005. NATIONAL ENVIRONMENTAL POLICY ACT OF**
4 **1969.**

5 Prior to conveyance the Secretary shall complete all
6 actions as may be required under the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the
8 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
9 and all other applicable laws.

10 **SEC. 3006. LIABILITY.**

11 Effective on the date of the conveyance of the facili-
12 ties described in section 3002, the United States shall not
13 be held liable by any court for damages of any kind arising
14 out of any act, omission, or occurrence relating to the con-
15 veyed facilities, except for damages caused by acts of neg-
16 ligence committed by the United States or by its employ-
17 ees, agents, or contractors prior to the date of conveyance.
18 Nothing in this section may be deemed to increase the li-
19 ability of the United States beyond that currently provided
20 in chapter 171 of title 28, United States Code, popularly
21 known as the Federal Tort Claims Act.

22 **SEC. 3007. WATER SUPPLY TO DISTRICT LANDS.**

23 The Secretary shall increase the number of acres
24 within the District that are eligible to receive water from
25 the Minidoka Project and the Teton Basin Projects to re-

1 fleet the number of acres within the District as of the date
2 of enactment of this Act, which includes lands annexed
3 into the District prior to enactment of this Act as intended
4 by the Teton Basin Project. This section does not in any
5 way authorize the use of any additional Federal Reclama-
6 tion project water beyond that which is currently author-
7 ized under their existing water storage contracts and as
8 allowed by State water law.

9 **SEC. 3008. EXISTING RIGHTS NOT AFFECTED.**

10 Nothing in this subtitle affects the rights of any per-
11 son except as provided in this subtitle. Any conveyance
12 under this subtitle shall not affect or abrogate any provi-
13 sion of any contract executed by the United States or
14 State law regarding any irrigation district's right to use
15 water developed in the facilities conveyed.

16 **SEC. 3009. DEFINITIONS.**

17 In this subtitle:

18 (1) **DISTRICT.**—The term “District” means the
19 Fremont-Madison Irrigation District, an irrigation
20 district organized under the law of the State of
21 Idaho.

22 (2) **SECRETARY.**—The term “Secretary” means
23 the Secretary of the Interior.

1 **Subtitle B—Humboldt Project Con-**
2 **veyance, Pershing County, Ne-**
3 **vada**

4 **SEC. 3021. SHORT TITLE.**

5 This subtitle may be cited as the “Humboldt Project
6 Conveyance Act”.

7 **SEC. 3022. DEFINITIONS.**

8 For purposes of this subtitle:

9 (1) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (2) STATE.—The term “State” means the State
12 of Nevada.

13 (3) PCWCD.—The term “PCWCD” means the
14 Pershing County Water Conservation District, a
15 public entity organized under the laws of the State
16 of Nevada.

17 (4) PERSHING COUNTY.—The term “Pershing
18 County” means the Pershing County government, a
19 political subunit of the State of Nevada.

20 (5) LANDER COUNTY.—The term “Lander
21 County” means the Lander County government, a
22 political subunit of the State of Nevada.

23 **SEC. 3023. AUTHORITY TO CONVEY TITLE.**

24 (a) IN GENERAL.—The Secretary shall, as soon as
25 practicable after the date of enactment of this Act, convey,

1 all right, title, and interest in and to the lands and fea-
2 tures of the Humboldt Project, including all water rights
3 for storage and diversion, to PCWCD, the State, Pershing
4 County, and Lander County, consistent with the terms
5 and conditions set forth in the Memorandum of Agree-
6 ment between PCWCD and Lander County dated January
7 24, 2000, the Conceptual Agreement between PCWCD
8 and the State dated October 18, 2001, and the Letter of
9 Agreement between Pershing County and the State dated
10 April 16, 2002.

11 (b) COMPLIANCE WITH AGREEMENTS.—All parties
12 to the conveyance under subsection (a) shall comply with
13 the terms and conditions of the agreements cited in sub-
14 section (a).

15 (c) REPORT.—If the conveyance required by this sec-
16 tion has not been completed within 18 months after the
17 date of enactment of this Act, the Secretary shall submit
18 a report to the Committee on Resources of the House of
19 Representatives and the Committee on Energy and Nat-
20 ural Resources of the Senate that describes—

21 (1) the status of the conveyance;

22 (2) any obstacles to completion of the convey-
23 ance; and

24 (3) the anticipated date for completion of the
25 conveyance.

1 **SEC. 3024. PAYMENT.**

2 (a) IN GENERAL.—As consideration for any convey-
3 ance required by section 3023, PCWCD shall pay to the
4 United States the net present value of miscellaneous reve-
5 nues associated with the lands and facilities to be con-
6 veyed.

7 (b) WITHDRAWN LANDS.—As consideration for any
8 conveyance of withdrawn lands required by section 3023,
9 the entity receiving title shall pay the United States (in
10 addition to amounts paid under subsection (a)) the fair
11 market value for any such lands conveyed that were with-
12 drawn from the public domain pursuant to the Secretarial
13 Orders dated March 16, 1934, and April 6, 1956.

14 (c) ADMINISTRATIVE COSTS.—Administrative costs
15 for conveyance of any land or facility under this subtitle
16 shall be paid in equal shares by the Secretary and the enti-
17 ty receiving title to the land or facility, except costs identi-
18 fied in subsections (d) and (e).

19 (d) REAL ESTATE TRANSFER COSTS.—As a condi-
20 tion of any conveyance of any land or facility required by
21 section 3023, costs of all boundary surveys, title searches,
22 cadastral surveys, appraisals, and other real estate trans-
23 actions required for the conveyance shall be paid by the
24 entity receiving title to the land or facility.

25 (e) NEPA COSTS.—Costs associated with any review
26 required under the National Environmental Policy Act of

1 1969 (42 U.S.C. 4231 et seq.) for conveyance of any land
2 or facility under section 3023 shall be paid in equal shares
3 by the Secretary and the entity receiving title to the land
4 or facility.

5 (f) STATE OF NEVADA.—The State shall not be re-
6 sponsible for any payments for land or facilities under this
7 section. Any proposal by the State to reconvey to another
8 entity land conveyed by the Secretary under this subtitle
9 shall be pursuant to an agreement with the Secretary pro-
10 viding for fair market value to the United States for the
11 lands, and for continued management of the lands for
12 recreation, wildlife habitat, wetlands, or resource con-
13 servation.

14 **SEC. 3025. COMPLIANCE WITH OTHER LAWS.**

15 Following the conveyance required by section 3023,
16 the district, the State, Pershing County, and Lander
17 County shall, with respect to the interests conveyed, com-
18 ply with all requirements of Federal, State, and local law
19 applicable to non-Federal water distribution systems.

20 **SEC. 3026. REVOCATION OF WITHDRAWALS.**

21 Effective on the date of the conveyance required by
22 section 3023, the Secretarial Orders dated March 16,
23 1934, and April 6, 1956, that withdrew public lands for
24 the Rye Patch Reservoir and the Humboldt Sink, are here-
25 by revoked.

1 **SEC. 3027. LIABILITY.**

2 Effective on the date of the conveyance required by
3 section 3023, the United States shall not be held liable
4 by any court for damages of any kind arising out of any
5 act, omission, or occurrence relating to the Humboldt
6 Project, except for damages caused by acts of negligence
7 committed by the United States or by its employees or
8 agents prior to the date of conveyance. Nothing in this
9 section shall be considered to increase the liability of the
10 United States beyond that currently provided in chapter
11 171 of title 28, United States Code, popularly known as
12 the Federal Tort Claims Act.

13 **SEC. 3028. NATIONAL ENVIRONMENTAL POLICY ACT.**

14 Prior to conveyance the Secretary shall complete all
15 actions as may be required under the National Environ-
16 mental Policy Act of 1969 (U.S.C. 4321 et seq.).

17 **SEC. 3029. FUTURE BENEFITS.**

18 Upon conveyance of the lands and facilities by the
19 Secretary under this subtitle, the Humboldt Project shall
20 no longer be a Federal reclamation project and the district
21 shall not be entitled to receive any future reclamation ben-
22 efits with respect to that project, except those benefits
23 that would be available to other nonreclamation districts.

1 **Subtitle C—Elephant Butte, New**
2 **Mexico, Property Conveyance**

3 **SEC. 3031. SHORT TITLE.**

4 This subtitle may be cited as the “Lease Lot Convey-
5 ance Act of 2002”.

6 **SEC. 3032. FINDINGS.**

7 The Congress finds that the conveyance of the Prop-
8 erties to the Lessees for fair market value would have the
9 beneficial results of—

10 (1) eliminating Federal payments in lieu of
11 taxes and associated management expenditures in
12 connection with the Government’s ownership of the
13 Properties, while increasing local tax revenues from
14 the new owners;

15 (2) sustaining existing economic conditions in
16 the vicinity of the Properties, while providing the
17 new owners of the Properties the security to invest
18 in permanent structures and improvements; and

19 (3) adding needed jobs to the county in which
20 the Properties are located and increasing revenue to
21 the county and surrounding communities through
22 property and gross receipt taxes, thereby increasing
23 economic stability and a sustainable economy in one
24 of the poorest counties in New Mexico.

1 **SEC. 3033. DEFINITIONS.**

2 In this subtitle:

3 (1) **FAIR MARKET VALUE.**—The term “fair
4 market value” means, with respect to a parcel of
5 property, the value of the property determined—

6 (A) without regard to improvements con-
7 structed by the Lessee of the property;

8 (B) by an appraisal in accordance with the
9 Uniform Standards for Federal Land Acquisi-
10 tions; and

11 (C) by an appraiser approved by the Sec-
12 retary and the purchaser.

13 (2) **IRRIGATION DISTRICTS.**—The term “Irriga-
14 tion Districts” means the Elephant Butte Irrigation
15 District and the El Paso County Water Improve-
16 ment District No. 1.

17 (3) **LESSEE.**—The term “Lessee” means the
18 leaseholder of a Property on the date of enactment
19 of this Act, and any heir, executor, or assign of the
20 leaseholder with respect to that leasehold interest.

21 (4) **PROPERTY.**—The term “Property” means
22 any of the cabin sites comprising the Properties.

23 (5) **PROPERTIES.**—The term “Properties”
24 means all the real property comprising 403 cabin
25 sites under the administrative jurisdiction of the Bu-
26 reau of Reclamation that are located along the west-

1 ern portion of the reservoirs in Elephant Butte State
2 Park and Caballo State Park, New Mexico, including
3 easements, roads, and other appurtenances. The
4 exact acreage and legal description of such real
5 property shall be determined by the Secretary after
6 consulting with the Purchaser.

7 (6) PURCHASER.—The term “Purchaser”
8 means the Elephant Butte/Caballo Leaseholders As-
9 sociation, Inc., a nonprofit corporation established
10 under the laws of New Mexico.

11 (7) RESERVOIRS.—The term “reservoirs”
12 means the Elephant Butte Reservoir and the Caballo
13 Reservoir in the State of New Mexico.

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 **SEC. 3034. CONVEYANCE OF PROPERTIES.**

17 (a) IN GENERAL.—The Secretary shall convey to the
18 Purchaser in accordance with this subtitle, subject to valid
19 existing rights, all right, title, and interest of the United
20 States in and to the Properties and all appurtenances
21 thereto, including specifically easements for—

22 (1) vehicular access to each Property;

23 (2) drainage; and

24 (3) access to and the use of all ramps, retaining
25 walls, and other improvements for which access is

1 provided under the leases that apply to the Prop-
2 erties as of the date of the enactment of this Act.

3 (b) CONSIDERATION.—As consideration for any con-
4 veyance under this section, the Secretary shall require the
5 Purchaser to pay to the United States fair market value
6 of the Properties.

7 **SEC. 3035. TERMS OF CONVEYANCE.**

8 (a) SPECIFIC CONDITIONS.—As conditions of any
9 conveyance to the Purchaser under this subtitle, the Sec-
10 retary shall require the following:

11 (1) LEASEHOLDERS' OPTION.—The Purchaser
12 shall grant to each Lessee of a Property an option—

13 (A) to purchase the Property at fair mar-
14 ket value; or

15 (B) to continue leasing the Property on
16 terms to be negotiated with the Purchaser.

17 (2) ADMINISTRATIVE COSTS.—Any reasonable
18 administrative cost incurred by the Secretary inci-
19 dent to the conveyance under section 3036 shall be
20 reimbursed by the Purchaser.

21 (b) RESTRICTIVE USE COVENANT.—

22 (1) IN GENERAL.—To maintain the unique
23 character of the area in the vicinity of the Res-
24 ervoirs, the Secretary shall establish, by the terms of

1 conveyance, use restrictions to carry out paragraph
2 (2) that—

3 (A) are appurtenant to, and run with, each
4 Property; and

5 (B) are binding upon each subsequent
6 owner of each Property.

7 (2) ACCESS TO RESERVOIRS.—The use restric-
8 tions required by paragraph (1) shall ensure that—

9 (A) public access to and along the shore-
10 line of the Reservoirs in existence on the date
11 of enactment of this Act is not obstructed;

12 (B) adequate public access to and along
13 the shoreline of the Reservoirs is maintained;
14 and

15 (C) the operation of the Reservoirs by the
16 Secretary or the Irrigation Districts shall not
17 result in liability of the United States or the Ir-
18 rigation Districts for damages incurred, as a di-
19 rect or indirect result of such operation, by the
20 owner of any Property conveyed under this sub-
21 title, including—

22 (i) damages for any loss of use or en-
23 joyment of a Property; and

1 (ii) damages resulting from any modi-
2 fications or construction of any reservoir
3 dam.

4 (c) TIMING.—

5 (1) IN GENERAL.—The Secretary shall convey
6 the Properties under this subtitle as soon as prac-
7 ticable after the date of enactment of this Act and
8 in accordance with all applicable law.

9 (2) REPORT.—If the Secretary has not com-
10 pleted conveyance of the Properties to the Purchaser
11 by the end of the 1-year period beginning on the
12 date of the enactment of this Act, the Secretary
13 shall, before the end of that period, submit a report
14 to the Congress explaining the reasons that convey-
15 ance has not been completed and stating the date by
16 which the conveyance will be completed.

17 (d) REIMBURSEMENT OF PURCHASER'S COSTS.—The
18 terms of conveyance shall authorize the Purchaser to re-
19 quire each Lessee to reimburse the Purchaser for a pro-
20 portionate share of the costs incurred by the Purchaser
21 in completing the transactions pursuant to this subtitle,
22 including any interest charges.

23 **SEC. 3036. RESOLUTION OF CLAIMS AND DISPUTES.**

24 After conveyance of the Properties to the Purchaser,
25 if any Lessee has a dispute with or claim against the Pur-

1 chaser or any of its officers, directors, or members arising
2 from the Properties, the Lessee shall promptly give writ-
3 ten notice of the dispute or claim to the Purchaser. If such
4 notice is not provided to the Purchaser within 20 days
5 after the date the Lessee knew or should have known of
6 such dispute or claim, then any right of the Lessee for
7 relief based on such dispute or claim shall be waived. If
8 the Lessee and the Purchaser are unable to resolve the
9 dispute or claim by mediation, the dispute or claim shall
10 be resolved by binding arbitration.

11 **SEC. 3037. FEDERAL RECLAMATION LAW.**

12 No conveyance under this subtitle shall restrict or
13 limit the authority or ability of the Secretary to fulfill the
14 duties of the Secretary under the Act of June 17, 1902
15 (32 Stat. 388, chapter 1093), and Acts supplemental to
16 and amendatory of that Act (43 U.S.C. 371 et seq.).

17 **Subtitle D—Miscellaneous**

18 **SEC. 3041. CONVEYANCE TO THE CITY OF FALLON, NEVADA.**

19 (a) CONVEYANCE.—

20 (1) IN GENERAL.—Subject to subsections (b)
21 and (c), the Secretary of the Interior shall convey to
22 the city of Fallon, Nevada, all right, title, and inter-
23 est of the United States in and to approximately 6.3
24 acres of real property in the Newlands Reclamation
25 Project, Nevada, generally known as “380 North

1 Taylor Street, Fallon, Nevada”, and identified for
2 disposition on the map entitled “Fallon Rail Freight
3 Loading Facility”.

4 (2) MAP.—The map referred to in paragraph
5 (1) shall be on file and available for public inspec-
6 tion in—

7 (A) the offices of the Commissioner of the
8 Bureau of Reclamation; and

9 (B) the offices of the Area Manager of the
10 Bureau of Reclamation, Carson City, Nevada.

11 (b) CONSIDERATION.—

12 (1) IN GENERAL.—The Secretary shall require
13 that, as consideration for the conveyance under sub-
14 section (a), the city of Fallon, Nevada, shall pay to
15 the United States an amount equal to the fair mar-
16 ket value of the real property, as determined—

17 (A) by an appraisal of the real property,
18 conducted not later than 60 days after the date
19 of enactment of this Act by an independent ap-
20 praiser approved by the Commissioner of Rec-
21 lamation and paid for by the city of Fallon, Ne-
22 vada; and

23 (B) without taking into consideration the
24 value of any structures or improvements on the
25 property.

1 (2) CREDIT OF PROCEEDS.—The amount paid
2 to the United States under paragraph (1) shall be
3 credited, in accordance with section 204(c) of the
4 Federal Property and Administrative Services Act of
5 1949 (40 U.S.C. 485(c)), to the appropriate fund in
6 the Treasury relating to the Newlands Reclamation
7 Project, Nevada.

8 (c) LIABILITY.—The conveyance under subsection (a)
9 shall not occur until such data as the Commissioner of
10 Reclamation certifies that all liability issues relating to the
11 property (including issues of environmental liability) have
12 been resolved.

13 **SEC. 3042. LAND CONVEYANCE, TUPELO, OKLAHOMA.**

14 (a) CONVEYANCE REQUIRED.—Except as required by
15 subsection (d), the Secretary of Energy shall convey, at
16 fair market value, to Rural Enterprises of Oklahoma, In-
17 corporated, all right, title, and interest of the United
18 States in and to a parcel of land, and any improvements
19 thereto, consisting of approximately 6.3 acres of the facil-
20 ity of the Southwestern Power Administration in Tupelo,
21 Oklahoma, for use in economic development within the
22 service area of the Tri-County Indian Nations Community
23 Development Corporation.

24 (b) DESCRIPTION OF PARCEL.—The exact acreage
25 and description of the parcel to be conveyed under sub-

1 section (a) shall be determined by a survey that is satisfac-
2 tory to the Secretary and to Rural Enterprises of Okla-
3 homa, Incorporated.

4 (c) CONDITIONS OF CONVEYANCE.—As conditions of
5 the conveyance under subsection (a), the Secretary shall
6 require that Rural Enterprises of Oklahoma, Incor-
7 porated—

8 (1) agree to honor the terms of any lease of the
9 parcel or portion thereof that is in existence on the
10 date of the conveyance; and

11 (2) agree to bear the costs of the conveyance,
12 including the cost of the survey required by sub-
13 section (b) and the appraisal required by subsection
14 (f).

15 (d) EASEMENT.—Under the terms of the conveyance
16 of the parcel under subsection (a), the Secretary shall re-
17 tain an easement to the parcel for the purpose of main-
18 taining a sewage connection to the electrical substation
19 and lagoon facility located adjacent to the parcel. Such
20 easement shall include telephone and telegraph rights.

21 (e) UNDEPRECIATED VALUE.—The Southwestern
22 Power Administration is authorized to remove the
23 undepreciated value of the facilities conveyed under sub-
24 section (a) from its repayable investment obligation.

1 (f) VALUATION OF LAND TO BE CONVEYED.—The
2 fair market value of the land to be conveyed under sub-
3 section (a) shall be determined by an appraisal acceptable
4 to the Secretary that is conducted by an appraiser agreed
5 upon by the Secretary and Rural Enterprises of Okla-
6 homa, Incorporated, and conducted in accordance with—

7 (1) the Uniform Relocation Assistance and Real
8 Property Acquisition Policies Act of 1970 (42
9 U.S.C. 4601; Public Law 91–646);

10 (2) the Uniform Appraisal Standards for Fed-
11 eral Land Acquisition; and

12 (3) the Uniform Standards of Professional Ap-
13 praisal Practice.

14 **TITLE II—JICARILLA APACHE**
15 **RESERVATION RURAL WATER**
16 **SYSTEM**

17 **SEC. 3201. SHORT TITLE.**

18 This title may be cited as the “Jicarilla Apache Res-
19 ervation Rural Water System Act”.

20 **SEC. 3202. PURPOSES.**

21 The purposes of this title are as follows:

22 (1) To ensure a safe and adequate rural, mu-
23 nicipal, and water supply and wastewater systems
24 for the residents of the Jicarilla Apache Reservation

1 in the State of New Mexico in accordance with Pub-
2 lic Law 106–243.

3 (2) To authorize the Secretary of the Interior,
4 through the Bureau of Reclamation, in consultation
5 and collaboration with the Jicarilla Apache Nation—

6 (A) to plan, design, and construct the
7 water supply, delivery, and wastewater collec-
8 tion systems on the Jicarilla Apache Reserva-
9 tion in the State of New Mexico; and

10 (B) to include service connections to facili-
11 ties within the town of Dulce and the sur-
12 rounding area, and to individuals as part of the
13 construction.

14 (3) To require the Secretary, at the request of
15 the Jicarilla Apache Nation, to enter into a self-de-
16 termination contract with the Jicarilla Apache Na-
17 tion under title I of the Indian Self-Determination
18 and Education Assistance Act (25 U.S.C. 450f et
19 seq.) under which—

20 (A) the Jicarilla Apache Nation shall plan,
21 design, and construct the water supply, deliv-
22 ery, and wastewater collection systems, includ-
23 ing service connections to communities and in-
24 dividuals; and

1 (B) the Bureau of Reclamation shall pro-
2 vide technical assistance and oversight responsi-
3 bility for such project.

4 (4) To establish a process in which the Jicarilla
5 Apache Nation shall assume title and responsibility
6 for the ownership, operation, maintenance, and re-
7 placement of the system.

8 **SEC. 3203. DEFINITIONS.**

9 As used in this title:

10 (1) BIA.—The term “BIA” means the Bureau
11 of Indian Affairs, an agency within the Department
12 of the Interior.

13 (2) IRRIGATION.—The term “irrigation” means
14 the commercial application of water to land for the
15 purpose of establishing or maintaining commercial
16 agriculture in order to produce field crops and vege-
17 tables for sale.

18 (3) RECLAMATION.—The term “Reclamation”
19 means the Bureau of Reclamation, an agency within
20 the Department of the Interior.

21 (4) REPORT.—The term “Report” means the
22 report entitled “Planning Report/Environmental As-
23 sessment, Water and Wastewater Improvements,
24 Jicarilla Apache Nation, Dulce, New Mexico”, dated

1 September 2001, which was completed pursuant to
2 Public Law 106–243.

3 (5) RESERVATION.—The term “Reservation”
4 means the Jicarilla Apache Reservation in the State
5 of New Mexico, including all lands and interests in
6 land that are held in trust by the United States for
7 the Tribe.

8 (6) RURAL WATER SUPPLY PROJECT.—The
9 term “Rural Water Supply Project” means a munic-
10 ipal, domestic, rural, and industrial water supply
11 and wastewater facility area and project identified to
12 serve a group of towns, communities, cities, tribal
13 reservations, or dispersed farmsteads with access to
14 clean, safe domestic and industrial water, to include
15 the use of livestock.

16 (7) STATE.—The term “State” means the State
17 of New Mexico.

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior, acting through the Bu-
20 reau of Reclamation.

21 (9) TRIBE.—The term “Tribe” means the
22 Jicarilla Apache Nation.

1 **SEC. 3204. JICARILLA APACHE RESERVATION RURAL**
2 **WATER SYSTEM.**

3 (a) CONSTRUCTION.—The Secretary, in consultation
4 and collaboration with the Tribe, shall plan, design, and
5 construct the Rural Water Supply Project to improve the
6 water supply, delivery, and wastewater facilities to the
7 town of Dulce, New Mexico, and surrounding communities
8 for the purpose of providing the benefits of clean, safe,
9 and reliable water supply, delivery, and wastewater facili-
10 ties.

11 (b) SCOPE OF PROJECT.—The Rural Water Supply
12 Project shall consist of the following:

13 (1) Facilities to provide water supply, delivery,
14 and wastewater services for the community of Dulce,
15 the Mundo Ranch Development, and surrounding
16 areas on the Reservation.

17 (2) Pumping and treatment facilities located on
18 the Reservation.

19 (3) Distribution, collection, and treatment fa-
20 cilities to serve the needs of the Reservation, includ-
21 ing, but not limited to, construction, replacement,
22 improvement, and repair of existing water and
23 wastewater systems, including systems owned by in-
24 dividual tribal members and other residents on the
25 Reservation.

26 (4) Appurtenant buildings and access roads.

1 (5) Necessary property and property rights.

2 (6) Such other electrical power transmission
3 and distribution facilities, pipelines, pumping plants,
4 and facilities as the Secretary deems necessary or
5 appropriate to meet the water supply, economic,
6 public health, and environmental needs of the Res-
7 ervation, including, but not limited to, water storage
8 tanks, water lines, maintenance equipment, and
9 other facilities for the Tribe on the Reservation.

10 (c) COST SHARING.—

11 (1) TRIBAL SHARE.—Subject to paragraph (3)
12 and subsection (d), the tribal share of the cost of the
13 Rural Water Supply Project is comprised of the
14 costs to design and initiate construction of the
15 wastewater treatment plant, to replace the diversion
16 structure on the Navajo River, and to construct raw
17 water settling ponds, a water treatment plant, water
18 storage plants, a water transmission pipeline, and
19 distribution pipelines, and has been satisfied.

20 (2) FEDERAL SHARE.—Subject to paragraph
21 (3) and subsection (d), the Federal share of the cost
22 of the Rural Water Supply Project shall be all re-
23 maining costs of the project identified in the Report.

24 (3) OPERATION AND MAINTENANCE.—The Fed-
25 eral share of the cost of operation and maintenance

1 of the Rural Water Supply Project shall continue to
2 be available for operation and maintenance in ac-
3 cordance with the Indian Self-Determination Act, as
4 set forth in this title.

5 (d) OPERATION, MAINTENANCE, AND REPLACEMENT
6 AFTER COMPLETION.—Upon determination by the Sec-
7 retary that the Rural Water Supply Project is substan-
8 tially complete, the Tribe shall assume responsibility for
9 and liability related to the annual operation, maintenance,
10 and replacement cost of the project in accordance with this
11 title and the Operation, Maintenance, and Replacement
12 Plan under chapter IV of the Report.

13 **SEC. 3205. GENERAL AUTHORITY.**

14 The Secretary is authorized to enter into contracts,
15 grants, cooperative agreements, and other such agree-
16 ments and to promulgate such regulations as may be nec-
17 essary to carry out the purposes and provisions of this
18 title and the Indian Self-Determination Act (Public Law
19 93–638; 25 U.S.C. 450 et seq.).

20 **SEC. 3206. PROJECT REQUIREMENTS.**

21 (a) PLANS.—

22 (1) PROJECT PLAN.—Not later than 60 days
23 after funds are made available for this purpose, the
24 Secretary shall prepare a recommended project plan,
25 which shall include a general map showing the loca-

1 tion of the proposed physical facilities, conceptual
2 engineering drawings of structures, and general
3 standards for design for the Rural Water Supply
4 Project.

5 (2) OM&R PLAN.—The Tribe shall develop an
6 operation, maintenance, and replacement plan, which
7 shall provide the necessary framework to assist the
8 Tribe in establishing rates and fees for customers of
9 the Rural Water Supply Project.

10 (b) CONSTRUCTION MANAGER.—The Secretary,
11 through Reclamation and in consultation with the Tribe,
12 shall select a project construction manager to work with
13 the Tribe in the planning, design, and construction of the
14 Rural Water Supply Project.

15 (c) MEMORANDUM OF AGREEMENT.—The Secretary
16 shall enter into a memorandum of agreement with the
17 Tribe that commits Reclamation and BIA to a transition
18 plan that addresses operations and maintenance of the
19 Rural Water Supply Project while the facilities are under
20 construction and after completion of construction.

21 (d) OVERSIGHT.—The Secretary shall have oversight
22 responsibility with the Tribe and its constructing entity
23 and shall incorporate value engineering analysis as appro-
24 priate to the Rural Water Supply Project.

1 (e) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide such technical assistance as may be necessary to
3 the Tribe to plan, develop, and construct the Rural Water
4 Supply Project, including, but not limited to, operation
5 and management training.

6 (f) SERVICE AREA.—The service area of the Rural
7 Water Supply Project shall be within the boundaries of
8 the Reservation.

9 (g) OTHER LAW.—The planning, design, construc-
10 tion, operation, and maintenance of the Rural Water Sup-
11 ply Project shall be subject to the provisions of the Indian
12 Self-Determination Act (25 U.S.C. 450 et seq.).

13 (h) REPORT.—During the year that construction of
14 the Rural Water Supply Project begins and annually until
15 such construction is completed, the Secretary, through
16 Reclamation and in consultation with the Tribe, shall re-
17 port to Congress on the status of the planning, design,
18 and construction of the Rural Water Supply Project.

19 (i) TITLE.—Title to the Rural Water Supply Project
20 shall be held in trust for the Tribe by the United States
21 and shall not be transferred or encumbered without a sub-
22 sequent Act of Congress.

23 **SEC. 3207. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated to carry out this title \$45,000,000 (January 2002

1 dollars) plus or minus such amounts, if any, as may be
2 justified by reason of changes in construction costs as in-
3 dicated by engineering cost indexes applicable to the types
4 of construction involved for the planning, design, and con-
5 struction of the Rural Water Supply Project as generally
6 described in the Report dated September 2001.

7 (b) CONDITIONS.—Funds may not be appropriated
8 for the construction of any project authorized under this
9 title until after—

10 (1) an appraisal investigation and a feasibility
11 study have been completed by the Secretary and the
12 Tribe; and

13 (2) the Secretary has determined that the plan
14 required by section 3206(a)(2) is completed.

15 (c) NEPA.—The Secretary shall not obligate funds
16 for construction until after the requirements of the Na-
17 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
18 et seq.) are met with respect to the Rural Water Supply
19 Project.

20 **SEC. 3208. PROHIBITION ON USE OF FUNDS FOR IRRIGA-**
21 **TION PURPOSES.**

22 None of the funds made available to the Secretary
23 for planning or construction of the Rural Water Supply
24 Project may be used to plan or construct facilities used
25 to supply water for the purposes of irrigation.

1 **SEC. 3209. WATER RIGHTS.**

2 The water rights of the Tribe are part of and in-
3 cluded in the Jicarilla Apache Tribe Water Rights Settle-
4 ment Act (Public Law 102–441). These rights are adju-
5 dicated under New Mexico State law as a partial final
6 judgment and decree entered in the Eleventh Judicial Dis-
7 trict Court of New Mexico. That Act and decree provide
8 for sufficient water rights under “historic and existing
9 uses” to supply water for the municipal water system.
10 These water rights are recognized depletions within the
11 San Juan River basin and no new depletions are associ-
12 ated with the Rural Water Supply Project. In consultation
13 with the United States Fish and Wildlife Service, Rec-
14 lamation has determined that there shall be no significant
15 impact to endangered species as a result of water deple-
16 tions associated with this project. No other water rights
17 of the Tribe shall be impacted by the Rural Water Supply
18 Project.

19 **TITLE III—UPPER MISSISSIPPI**
20 **RIVER BASIN PROTECTION**

21 **SEC. 3301. SHORT TITLE.**

22 This title may be cited as the “Upper Mississippi
23 River Basin Protection Act of 2002”.

24 **SEC. 3302. DEFINITIONS.**

25 In this title:

1 (1) The terms “Upper Mississippi River Basin”
2 and “Basin” mean the watershed portion of the
3 Upper Mississippi River and Illinois River basins,
4 from Cairo, Illinois, to the headwaters of the Mis-
5 sissippi River, in the States of Minnesota, Wis-
6 consin, Illinois, Iowa, and Missouri. The designation
7 includes the Kaskaskia watershed along the Illinois
8 River and the Meramec watershed along the Mis-
9 souri River.

10 (2) The terms “Upper Mississippi River Stew-
11 ardship Initiative” and “Initiative” mean the activi-
12 ties authorized or required by this title to monitor
13 nutrient and sediment loss in the Upper Mississippi
14 River Basin.

15 (3) The term “sound science” means a sci-
16 entific method that uses the best available technical
17 and scientific information and techniques to identify
18 and understand natural resource management needs
19 and appropriate treatments, to implement conserva-
20 tion measures, and to assess the results of treat-
21 ments on natural resource health and sustainability
22 in the Upper Mississippi River Basin.

1 **SEC. 3303. RELIANCE ON SOUND SCIENCE.**

2 It is the policy of Congress that Federal investments
3 in the Upper Mississippi River Basin must be guided by
4 sound science.

5 **Subtitle A—Sediment and Nutrient**
6 **Monitoring Network**

7 **SEC. 3311. ESTABLISHMENT OF MONITORING NETWORK.**

8 (a) ESTABLISHMENT.—As part of the Upper Mis-
9 sissippi River Stewardship Initiative, the Secretary of the
10 Interior shall establish a sediment and nutrient moni-
11 toring network for the Upper Mississippi River Basin for
12 the purposes of—

13 (1) identifying and evaluating significant
14 sources of sediment and nutrients in the Upper Mis-
15 sissippi River Basin;

16 (2) quantifying the processes affecting mobiliza-
17 tion, transport, and fate of those sediments and nu-
18 trients on land and in water;

19 (3) quantifying the transport of those sediments
20 and nutrients to and through the Upper Mississippi
21 River Basin;

22 (4) recording changes to sediment and nutrient
23 loss over time;

24 (5) providing coordinated data to be used in
25 computer modeling of the Basin, pursuant to section
26 3321; and

1 (6) identifying major sources of sediment and
2 nutrients within the Basin for the purpose of tar-
3 geting resources to reduce sediment and nutrient
4 loss.

5 (b) **ROLE OF UNITED STATES GEOLOGICAL SUR-**
6 **VEY.**—The Secretary of the Interior shall carry out this
7 title acting through the office of the Director of the United
8 States Geological Survey.

9 (c) **HEADQUARTERS.**—Sediment and nutrient moni-
10 toring information shall be headquartered at the Upper
11 Midwest Environmental Sciences Center in La Crosse,
12 Wisconsin.

13 **SEC. 3312. DATA COLLECTION AND STORAGE RESPONSIBIL-**
14 **ITIES.**

15 (a) **GUIDELINES FOR DATA COLLECTION AND STOR-**
16 **AGE.**—The Secretary of the Interior shall establish guide-
17 lines for the effective design of data collection activities
18 regarding sediment and nutrient monitoring, for the use
19 of suitable and consistent methods for data collection, and
20 for consistent reporting, data storage, and archiving prac-
21 tices.

22 (b) **RELEASE OF DATA.**—Data resulting from sedi-
23 ment and nutrient monitoring in the Upper Mississippi
24 River Basin shall be released to the public using generic
25 station identifiers and hydrologic unit codes. In the case

1 of a monitoring station located on private lands, informa-
2 tion regarding the location of the station shall not be dis-
3 seminated without the landowner's permission.

4 (c) PROTECTION OF PRIVACY.—Data resulting from
5 sediment and nutrient monitoring in the Upper Mis-
6 sissippi River Basin is not subject to the mandatory diselo-
7 sure provisions of section 552 of title V, United States
8 Code, but may be released only as provided in subsection
9 (b).

10 **SEC. 3313. RELATIONSHIP TO EXISTING SEDIMENT AND NU-**
11 **TRIENT MONITORING.**

12 (a) INVENTORY.—To the maximum extent prac-
13 ticable, the Secretary of the Interior shall inventory the
14 sediment and nutrient monitoring efforts, in existence as
15 of the date of the enactment of this Act, of Federal, State,
16 local, and nongovernmental entities for the purpose of cre-
17 ating a baseline understanding of overlap, data gaps, and
18 redundancies.

19 (b) INTEGRATION.—On the basis of the inventory,
20 the Secretary of the Interior shall integrate the existing
21 sediment and nutrient monitoring efforts, to the maximum
22 extent practicable, into the sediment and nutrient moni-
23 toring network required by section 3311.

24 (c) CONSULTATION AND USE OF EXISTING DATA.—
25 In carrying out this section, the Secretary of the Interior

1 shall make maximum use of data in existence as of the
2 date of the enactment of this Act and of ongoing programs
3 and efforts of Federal, State, tribal, local, and nongovern-
4 mental entities in developing the sediment and nutrient
5 monitoring network required by section 3311.

6 (d) **COORDINATION WITH LOWER ESTUARY ASSESS-**
7 **MENT GROUP.**—The Secretary of the Interior shall carry
8 out this section in coordination with the Lower Estuary
9 Assessment Group, as authorized by section 902 of the
10 Estuaries and Clean Waters Act of 2000 (Public Law
11 106–457; 33 U.S.C. 2901 note).

12 **SEC. 3314. COLLABORATION WITH OTHER PUBLIC AND PRI-**
13 **VATE MONITORING EFFORTS.**

14 To establish the sediment and nutrient monitoring
15 network, the Secretary of the Interior shall collaborate,
16 to the maximum extent practicable, with other Federal,
17 State, tribal, local and private sediment and nutrient mon-
18 itoring programs that meet guidelines prescribed under
19 section 3312(a), as determined by the Secretary.

20 **SEC. 3315. COST SHARE REQUIREMENTS.**

21 (a) **REQUIRED COST SHARING.**—The non-Federal
22 sponsors of the sediment and nutrient monitoring network
23 shall be responsible for not less than 25 percent of the
24 costs of maintaining the network.

1 (b) IN-KIND CONTRIBUTIONS.—Up to 80 percent of
2 the non-Federal share may be provided through in-kind
3 contributions.

4 (c) TREATMENT OF EXISTING EFFORTS.—A State or
5 local monitoring effort, in existence as of the date of the
6 enactment of this Act, that the Secretary of the Interior
7 finds adheres to the guidelines prescribed under section
8 3312(a) shall be deemed to satisfy the cost share require-
9 ments of this section.

10 **SEC. 3316. REPORTING REQUIREMENTS.**

11 The Secretary of the Interior shall report to Congress
12 not later than 180 days after the date of the enactment
13 of this Act on the development of the sediment and nutri-
14 ent monitoring network.

15 **SEC. 3317. NATIONAL RESEARCH COUNCIL ASSESSMENT.**

16 The National Research Council of the National Acad-
17 emy of Sciences shall conduct a comprehensive water re-
18 sources assessment of the Upper Mississippi River Basin.

19 **Subtitle B—Computer Modeling**
20 **and Research**

21 **SEC. 3321. COMPUTER MODELING AND RESEARCH OF SEDI-**
22 **MENT AND NUTRIENT SOURCES.**

23 (a) MODELING PROGRAM REQUIRED.—As part of the
24 Upper Mississippi River Stewardship Initiative, the Direc-
25 tor of the United States Geological Survey shall establish

1 a modeling program to identify significant sources of sedi-
2 ment and nutrients in the Upper Mississippi River Basin.

3 (b) ROLE.—Computer modeling shall be used to iden-
4 tify subwatersheds which are significant sources of sedi-
5 ment and nutrient loss and shall be made available for
6 the purposes of targeting public and private sediment and
7 nutrient reduction efforts.

8 (c) COMPONENTS.—Sediment and nutrient models
9 for the Upper Mississippi River Basin shall include the
10 following:

11 (1) Models to relate nutrient loss to landscape,
12 land use, and land management practices.

13 (2) Models to relate sediment loss to landscape,
14 land use, and land management practices.

15 (3) Models to define river channel nutrient
16 transformation processes.

17 (d) COLLECTION OF ANCILLARY INFORMATION.—
18 Ancillary information shall be collected in a GIS format
19 to support modeling and management use of modeling re-
20 sults, including the following:

21 (1) Land use data.

22 (2) Soils data.

23 (3) Elevation data.

24 (4) Information on sediment and nutrient re-
25 duction improvement actions.

1 (5) Remotely sense data.

2 (e) HEADQUARTERS.—Information developed by
3 computer modeling shall be headquartered at the Upper
4 Midwest Environmental Sciences Center in La Crosse,
5 Wisconsin.

6 **SEC. 3322. USE OF ELECTRONIC MEANS TO DISTRIBUTE**
7 **INFORMATION.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Director of the United States Geo-
10 logical Survey shall establish a system that uses the tele-
11 communications medium known as the Internet to provide
12 information regarding the following:

13 (1) Public and private programs designed to re-
14 duce sediment and nutrient loss in the Upper Mis-
15 sissippi River Basin.

16 (2) Information on sediment and nutrient levels
17 in the Upper Mississippi River and its tributaries.

18 (3) Successful sediment and nutrient reduction
19 projects.

20 **SEC. 3323. REPORTING REQUIREMENTS.**

21 (a) MONITORING ACTIVITIES.—Commencing one
22 year after the date of the enactment of this Act, the Direc-
23 tor of the United States Geological Survey shall provide
24 to the Congress and make available to the public an an-

1 nual report regarding monitoring activities conducted in
2 the Upper Mississippi River Basin.

3 (b) MODELING ACTIVITIES.—Every three years, the
4 Director of the United States Geological Survey shall pro-
5 vide to the Congress and make available to the public a
6 progress report regarding modeling activities.

7 **Subtitle C—Authorization of** 8 **Appropriations**

9 **SEC. 3331. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There is authorized to be appro-
11 priated to the Secretary of the Interior \$6,250,000 each
12 fiscal year to carry out this title.

13 (b) WATER RESOURCE AND WATER QUALITY MAN-
14 AGEMENT ASSESSMENT.—There is authorized to be ap-
15 propriated \$650,000 to allow the National Research Coun-
16 cil to perform the assessment required by section 3317.

17 **TITLE IV—ROCKY BOY’S RES-** 18 **ERVATION RURAL WATER** 19 **SYSTEM**

20 **SEC. 3401. SHORT TITLE.**

21 This title may be cited as the “Rocky Boy’s/North
22 Central Montana Regional Water System Act of 2002”.

23 **SEC. 3402. FINDINGS AND PURPOSES.**

24 (a) FINDINGS.—Congress finds that—

1 (1) the water systems serving residents of the
2 Rocky Boy's Reservation in the State of Montana—

3 (A) do not meet minimum health and safe-
4 ty standards;

5 (B) pose a threat to public health and
6 safety; and

7 (C) are inadequate to supply the water
8 needs of the Chippewa Cree Tribe;

9 (2) the United States has a trust responsibility
10 to ensure that adequate and safe water supplies are
11 available to meet the economic, environmental, water
12 supply, and public health needs of the Reservation;

13 (3) the entities administering the rural and mu-
14 nicipal water systems in North Central Montana are
15 having difficulty complying with regulations promul-
16 gated under the Safe Drinking Water Act (42
17 U.S.C. 300f et seq.); and

18 (4) Lake Elwell, near Chester, Montana, would
19 provide the most available, reliable, and safe rural
20 and municipal water supply for serving the needs of
21 the Reservation and north central Montana.

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

23 (1) to ensure a safe and adequate rural, munic-
24 ipal, and industrial water supply for the residents of

1 the Rocky Boy's Reservation in the State of Mon-
2 tana;

3 (2) to assist the citizens residing in Chouteau,
4 Hill, Liberty, Pondera, Teton, and Toole Counties,
5 Montana, but outside the Reservation, in developing
6 safe and adequate rural, municipal, and industrial
7 water supplies;

8 (3) to require the Secretary of the Interior, act-
9 ing through the Commissioner of Reclamation—

10 (A) to plan, design, and construct the core
11 and noncore systems of the Rocky Boy's/North
12 Central Montana Regional Water System in the
13 State of Montana; and

14 (B) to operate, maintain, and replace the
15 core system and the on-Reservation water dis-
16 tribution systems, including service connections
17 to communities and individuals; and

18 (4) to require the Secretary, at the request of
19 the Chippewa Cree Tribe, to enter into a self-govern-
20 ance agreement with the Tribe under title IV of the
21 Indian Self-Determination and Education Assistance
22 Act (25 U.S.C. 458aa et seq.), under which the
23 Tribe will plan, design, construct, operate, maintain,
24 and replace (including service connections to commu-
25 nities and individuals)—

1 (A) the core system of the water supply
2 system; and

3 (B) on-Reservation water distribution sys-
4 tems.

5 **SEC. 3403. DEFINITIONS.**

6 In this title:

7 (1) **AUTHORITY.**—The term “Authority” means
8 the North Central Montana Regional Water Author-
9 ity established under State law to allow public agen-
10 cies to join together to secure and provide water for
11 resale.

12 (2) **CORE SYSTEM.**—The term “core system”
13 means a component of the water system described in
14 section 3404(a)(5) and the study.

15 (3) **NONCORE SYSTEM.**—The term “noncore
16 system” means the rural water system for Chouteau,
17 Hill, Liberty, Pondera, Teton, and Toole Counties,
18 Montana, described in section 3405(c) and the
19 study.

20 (4) **RESERVATION.**—

21 (A) **IN GENERAL.**—The term “Reserva-
22 tion” means the Rocky Boy’s Reservation in the
23 State.

24 (B) **INCLUSIONS.**—The term “Reserva-
25 tion” includes all land and interests in land

1 that are held in trust by the United States for
2 the Tribe (including future additions to the
3 Reservation).

4 (5) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior, acting through the
6 Commissioner of Reclamation.

7 (6) STATE.—The term “State” means the State
8 of Montana.

9 (7) STUDY.—The term “study” means the
10 study entitled “North Central Montana Regional
11 Water System Planning/Environmental Report”
12 dated May 2000 (including the needs assessment,
13 environmental report, and feasibility level study).

14 (8) TRIBE.—The term “Tribe” means—

15 (A) the Chippewa Cree Tribe on the Res-
16 ervation; and

17 (B) all officers, agents, and departments of
18 the Tribe.

19 (9) WATER SYSTEM.—The term “water sys-
20 tem” means—

21 (A) the core system; and

22 (B) on-Reservation water distribution sys-
23 tems.

1 **SEC. 3404. ROCKY BOY'S RESERVATION RURAL WATER SYS-**
2 **TEM.**

3 (a) CORE SYSTEM.—

4 (1) IN GENERAL.—The Secretary shall plan, de-
5 sign, construct, operate, maintain, and replace the
6 core system.

7 (2) FEDERAL SHARE.—

8 (A) PLANNING, DESIGN, AND CONSTRU-
9 TION.—The Federal share of the cost of plan-
10 ning, design, and construction of the core sys-
11 tem shall be—

12 (i) 100 percent; and

13 (ii) funded through annual appropria-
14 tions to the Bureau of Reclamation.

15 (B) OPERATION, MAINTENANCE, AND RE-
16 PLACEMENT.—The Federal share of the cost of
17 operation, maintenance, and replacement of the
18 core system shall be—

19 (i) 100 percent of the Tribe's share of
20 the total capacity of the core pipeline of
21 the core system; and

22 (ii) funded through annual appropria-
23 tions to the Bureau of Indian Affairs.

24 (3) NON-FEDERAL SHARE.—The non-Federal
25 share of the cost of operation, maintenance, and re-
26 placement of the core shall be—

1 (A) prorated according to the nontribal
2 users' share of the total capacity of the core
3 pipeline of the core system; and

4 (B) fully reimbursable to the Secretary.

5 (4) AGREEMENTS.—Federal funds made avail-
6 able to carry out this subsection may be obligated
7 and expended only in accordance with an agreement
8 entered into under subsection (c).

9 (5) COMPONENTS.—The core system shall con-
10 sist of—

11 (A) intake, pumping, water storage, and
12 treatment facilities located at Tiber Reservoir,
13 with water obtained from Lake Elwell stored
14 behind Tiber Dam, near Chester, Montana;

15 (B) transmission pipelines, pumping sta-
16 tions, and storage reservoirs extending from
17 Lake Elwell near Chester, Montana, approxi-
18 mately 60 miles east to the communities
19 throughout the Reservation;

20 (C) appurtenant buildings and access
21 roads;

22 (D) all property and property rights nec-
23 essary for the facilities described in this sub-
24 section; and

1 (E) electrical power transmission and dis-
2 tribution facilities necessary for services to core
3 system facilities and noncore system facilities.

4 (b) ON-RESERVATION WATER DISTRIBUTION SYS-
5 TEMS.—

6 (1) IN GENERAL.—The Secretary shall operate,
7 maintain, and replace the water distribution systems
8 of the Reservation.

9 (2) FEDERAL SHARE.—The Federal share of
10 the cost of operation, maintenance, and replacement
11 of a water distribution system on the Reservation
12 shall be—

13 (A) 100 percent; and

14 (B) funded through annual appropriations
15 to the Bureau of Indian Affairs.

16 (3) AGREEMENTS.—Federal funds made avail-
17 able to carry out this subsection may be obligated
18 and expended only in accordance with an agreement
19 entered into under subsection (c).

20 (4) COMPONENTS.—The water distribution sys-
21 tems of the Reservation shall consist of—

22 (A) water systems in existence on the date
23 of enactment of this Act that may be pur-
24 chased, improved, and repaired in accordance

1 with an agreement entered into under sub-
2 section (c);

3 (B) water systems owned by individual
4 members of the Tribe and other residents of the
5 Reservation;

6 (C) any water distribution system that is
7 upgraded to current standards, disconnected
8 from low-quality wells, or expanded to serve in-
9 creased demands;

10 (D) interconnections; and

11 (E) such other pipelines, pumping plants,
12 power lines, and facilities as the Secretary de-
13 termines to be appropriate to meet the water
14 supply, economic, public health, and environ-
15 mental needs of the Reservation, including
16 water storage tanks, water lines, and other fa-
17 cilities for the Tribe and the villages, commu-
18 nities, and towns on the Reservation.

19 (c) AGREEMENTS.—

20 (1) IN GENERAL.—At the request of the Tribe,
21 the Secretary shall enter into a self-governance
22 agreement under title IV of the Indian Self-Deter-
23 mination and Education Assistance Act (25 U.S.C.
24 458aa et seq.) with the Tribe to, in accordance with
25 this title—

1 (A) plan, design, construct, operate, main-
2 tain, and replace the core system; and

3 (B) operate, maintain, and replace on-Res-
4 ervation water distribution systems.

5 (2) PROJECT OVERSIGHT ADMINISTRATION.—

6 The amount of Federal funds that may be used to
7 carry out paragraph (1)(A) shall not exceed the
8 amount that is equal to 3 percent of the total field
9 cost budget provided in the construction budget for
10 the core system prepared by the Tribe and approved
11 by the Secretary for the entire project construction
12 period.

13 (d) SERVICE AREA.—The service area of the core sys-
14 tem shall be the Reservation and those non-tribal commu-
15 nities and persons that are supplied with water directly
16 from the core transmission line of the core system.

17 (e) CONSTRUCTION REQUIREMENTS.—The compo-
18 nents of the core system shall be planned and constructed
19 to the extent necessary to meet the municipal, rural, and
20 industrial water supply requirements of the service area
21 of the core system as described in the study.

22 (f) TITLE TO CORE SYSTEM.—Title to the core sys-
23 tem—

24 (1) shall be held in trust by the United States
25 for the Tribe; and

1 (2) shall not be transferred unless a transfer is
2 authorized by an Act of Congress enacted after the
3 date of enactment of this Act.

4 (g) **TECHNICAL ASSISTANCE.**—The Secretary shall
5 provide such technical assistance as is necessary to enable
6 the Tribe to plan, design, construct, operate, maintain,
7 and replace the core system, including operation and man-
8 agement training.

9 **SEC. 3405. NONCORE SYSTEM.**

10 (a) **IN GENERAL.**—The Secretary shall enter into a
11 cooperative agreement with the Authority to provide Fed-
12 eral funds for the planning, design, and construction of
13 the noncore system in Chouteau, Hill, Liberty, Pondera,
14 Teton, and Toole Counties, Montana, outside the Reserva-
15 tion.

16 (b) **FEDERAL SHARE.**—

17 (1) **PLANNING, DESIGN, AND CONSTRUCTION.**—
18 The Federal share of the cost of planning, design,
19 and construction of the noncore system shall be not
20 more than 75 percent, as determined by the Sec-
21 retary.

22 (2) **OPERATION, MAINTENANCE, AND REPLACE-**
23 **MENT.**—The cost of operation, maintenance, and re-
24 placement of the noncore system shall be fully reim-
25 bursable to the Secretary.

1 (3) COOPERATIVE AGREEMENT.—Federal funds
2 made available to carry out this section may be obli-
3 gated and expended only in accordance with a coop-
4 erative agreement entered into under subsection (d).

5 (c) COMPONENTS.—The components of the noncore
6 system on which Federal funds may be obligated and ex-
7 pended under this section shall include—

8 (1) storage, pumping, and pipeline facilities;

9 (2) appurtenant buildings and access roads;

10 (3) all property and property rights necessary
11 for the facilities described in this subsection;

12 (4) electrical power transmission and distribu-
13 tion facilities necessary for service to noncore system
14 facilities;

15 (5) planning and design services for all such fa-
16 cilities; and

17 (6) other facilities and services customary to
18 the development of a rural water distribution system
19 in the State.

20 (d) COOPERATIVE AGREEMENT.—

21 (1) IN GENERAL.—At the request of the Chip-
22 pewa Cree Water Resources Subcommittee, the Sec-
23 retary shall enter into a cooperative agreement with
24 the Authority to provide Federal assistance for the

1 planning, design, and construction of the noncore
2 system.

3 (2) MANDATORY PROVISIONS.—The cooperative
4 agreement under paragraph (1) shall specify, in a
5 manner that is acceptable to the Secretary, the
6 Tribe, and the Authority—

7 (A) the responsibilities of each party to the
8 agreement for—

- 9 (i) the final engineering report;
10 (ii) engineering and design;
11 (iii) construction;
12 (iv) water conservation measures; and
13 (v) administration of contracts relat-
14 ing to performance of the activities de-
15 scribed in clauses (i) through (iv);

16 (B) the procedures and requirements for
17 approval and acceptance of the design and con-
18 struction and for carrying out other activities
19 described in subparagraph (A); and

20 (C) the rights, responsibilities, and liabil-
21 ities of each party to the agreement.

22 (3) PROJECT OVERSIGHT ADMINISTRATION.—
23 The amount of Federal funds that may be used to
24 carry out paragraph (1) shall not exceed the amount
25 that is equal to 3 percent of the total field cost

1 budget provided in the construction budget for the
2 noncore system prepared by the Authority and ap-
3 proved by the Secretary for the entire project con-
4 struction period.

5 (4) OVERSIGHT.—The Authority shall have
6 oversight responsibility over the noncore system.

7 (e) SERVICE AREA.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the service area of the noncore system
10 shall be generally defined as the area—

11 (A) north of the Missouri River and
12 Dutton, Montana;

13 (B) south of the border between the
14 United States and Canada;

15 (C) west of Havre, Montana; and

16 (D) east of Cut Bank, Montana.

17 (2) EXCLUSIONS FROM SERVICE AREA.—The
18 service area of the noncore system shall not include
19 the area inside the Reservation.

20 (f) LIMITATION ON USE OF FEDERAL FUNDS.—The
21 operation and maintenance expenses associated with non-
22 tribal water deliveries from the core system to the noncore
23 system—

24 (1) shall not be a Federal responsibility; and

25 (2) shall be borne by the noncore system.

1 (g) TITLE TO NONCORE SYSTEM.—Title to the
2 noncore system shall be held by the Authority.

3 **SEC. 3406. LIMITATION ON AVAILABILITY OF CONSTRUC-**
4 **TION FUNDS.**

5 The Secretary shall not obligate funds for construc-
6 tion of the core system or the noncore system until—

7 (1) the requirements of the National Environ-
8 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
9 are met with respect to the core system and the
10 noncore system; and

11 (2) the date that is 90 days after the date of
12 submission to Congress of a final engineering report
13 approved by the Secretary.

14 **SEC. 3407. INTERCONNECTION CHARGES.**

15 The cost of interconnection of nontribal community
16 water distribution systems and individual service systems
17 to transmission lines of the core system and noncore sys-
18 tem shall be the responsibility of the entities receiving
19 water from the transmission lines.

20 **SEC. 3408. NONDIMINISHMENT OF TIBER RESERVOIR ALLO-**
21 **CATION TO THE TRIBE.**

22 In providing for the delivery of water to the noncore
23 system, the Secretary shall not diminish the 10,000 acre-
24 feet per year of water stored for the Tribe pursuant to
25 section 201 of the Chippewa Cree Tribe of The Rocky

1 Boy's Reservation Indian Reserved Water Rights Settle-
2 ment and Water Supply Enhancement Act of 1999 (Public
3 Law 106–163; 113 Stat. 1789) in Lake Elwell, Lower
4 Marias Unit, Upper Missouri Division, Pick-Sloan Mis-
5 souri Basin Program, Montana.

6 **SEC. 3409. USE OF PICK-SLOAN POWER.**

7 (a) IN GENERAL.—The Secretary shall authorize and
8 provide for the use of power from the Pick-Sloan Eastern
9 Division to start up and operate the water system and the
10 noncore system.

11 (b) RESERVATION OF POWER.—The Secretary shall
12 reserve, and make available, for the purpose authorized
13 by subsection (a)—

14 (1) during the irrigation season, Pick-Sloan
15 Eastern Division power identified for future project
16 use pumping; and

17 (2) during the nonirrigation season, Pick-Sloan
18 Eastern Division preference power, to the extent
19 that the power is available.

20 (c) RATE.—The rate for project use power made
21 available under subsection (b) shall be—

22 (1) during the irrigation season, the project use
23 pumping power rate; and

24 (2) during the nonirrigation season, the whole-
25 sale firm power rate.

1 (d) ADDITIONAL POWER.—If power in addition to the
2 power made available under subsection (b) is required to
3 meet the pumping requirements of the service area of the
4 water system and the noncore system, the Administrator
5 of the Western Area Power Administration may purchase
6 the necessary additional power under such terms and con-
7 ditions as the Administrator determines to be appropriate.

8 (e) RECOVERY OF EXPENSES.—Expenses associated
9 with power purchases under subsections (a) and (d) shall
10 be included in the operation, maintenance, and replace-
11 ment costs and recovered in accordance with sections
12 3404(a)(3)(B) and 3405(b)(2).

13 **SEC. 3410. WATER CONSERVATION PLAN.**

14 (a) IN GENERAL.—The Tribe and the Authority shall
15 develop a water conservation plan that contains—

16 (1) a description of water conservation objec-
17 tives;

18 (2) a description of appropriate water conserva-
19 tion measures; and

20 (3) a time schedule for implementing the water
21 conservation measures to meet the water conserva-
22 tion objectives.

23 (b) PURPOSE.—The water conservation plan under
24 subsection (a) shall be designed to ensure that users of
25 water from the core system, on-Reservation water dis-

1 tribution systems, and the noncore system will use the best
2 practicable technology and management techniques to con-
3 serve water.

4 (c) PUBLIC PARTICIPATION.—Section 210(c) of the
5 Reclamation Reform Act of 1982 (43 U.S.C. 390jj(e))
6 shall apply to an activity authorized under this title.

7 **SEC. 3411. WATER RIGHTS.**

8 This title does not—

9 (1) impair the validity of or preempt any provi-
10 sion of State water law or any interstate compact
11 governing water;

12 (2) alter the right of any State to any appro-
13 priated share of the water of any body of surface or
14 ground water, whether determined by any past or
15 future interstate compact or by any past or future
16 legislative or final judicial allocation;

17 (3) preempt or modify any Federal or State law
18 or interstate compact concerning water quality or
19 disposal;

20 (4) confer on any non-Federal entity the au-
21 thority to exercise any Federal right to the water of
22 any stream or to any ground water resource;

23 (5) affect any right of the Tribe to water, lo-
24 cated within or outside the external boundaries of
25 the Reservation, based on a treaty, compact, Execu-

1 tive order, agreement, Act of Congress, aboriginal
2 title, the decision in *Winters v. United States*, 207
3 U.S. 564 (1908) (commonly known as the “Winters
4 Doctrine”), or other law; or

5 (6) validate or invalidate any assertion of the
6 existence, nonexistence, or extinguishment of any
7 water right held or Indian water compact entered
8 into by the Tribe or by any other Indian tribe or in-
9 dividual Indian under Federal or State law.

10 **SEC. 3412. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) **CORE SYSTEM.**—There are authorized to be ap-
12 propriated—

13 (1) \$120,000,000 for the planning, design, and
14 construction of the core system; and

15 (2) such sums as are necessary for the oper-
16 ation, maintenance, and replacement of the water
17 system, including power costs of the Western Area
18 Power Administration.

19 (b) **NONCORE SYSTEM.**—There is authorized to be
20 appropriated \$60,000,000 for the planning, design, and
21 construction of the noncore system.

22 (c) **COST INDEXING.**—The sums authorized to be ap-
23 propriated under this section may be increased or de-
24 creased by such amounts as are justified by reason of ordi-
25 nary fluctuations in development costs incurred after July

1 1, 1997, as indicated by engineering cost indices applica-
2 ble for the type of construction involved.

3 **TITLE V—KLAMATH BASIN** 4 **AUTHORIZATIONS**

5 **SEC. 3501. SHORT TITLE.**

6 This title may be cited as the “Klamath Basin Emer-
7 gency Operation and Maintenance Refund Act of 2002”.

8 **SEC. 3502. QUALIFIED KLAMATH PROJECT ENTITY DE-** 9 **FINED.**

10 In this title, the term “qualified Klamath Project en-
11 tity” means an entity that—

12 (1) has executed a water supply contract with
13 the United States for water from the Upper Klam-
14 ath Lake and the Klamath River of the Klamath
15 Project pursuant to the reclamation laws, including
16 the Act of June 17, 1902 (32 Stat. 388), and Acts
17 amendatory thereof or supplementary thereto;

18 (2) distributes water received under the con-
19 tract;

20 (3) received a severely limited irrigation supply
21 from the Upper Klamath Lake and the Klamath
22 River based on the Bureau of Reclamation 2001 an-
23 nual operations plan dated April 6, 2001; and

1 (4) was not reimbursed for its operation and
2 maintenance expenses for 2001 pursuant to State
3 law.

4 **SEC. 3503. REFUND AND WAIVER OF ASSESSMENTS AND**
5 **CHARGES FOR OPERATION AND MAINTEN-**
6 **NANCE OF KLAMATH PROJECT.**

7 (a) IN GENERAL.—The Secretary of the Interior is
8 authorized to pay to each qualified Klamath Project entity
9 an amount equal to the amount assessed or charged to
10 members of the qualified Klamath Project entity, or to
11 other persons receiving water or drainage service from
12 such an entity, for operation and maintenance of Klamath
13 Project transferred and reserved works for 2001.

14 (b) CONDITIONS.—Payment under this section may
15 be made to a qualified Klamath Project entity only after
16 the entity has—

17 (1) provided to the Secretary documentation
18 satisfactory to the Bureau of Reclamation, dem-
19 onstrating the total amount assessed or charged to
20 members of the entity or to persons receiving service
21 from the entity; and

22 (2) executed a binding agreement under which
23 the funds paid to the entity under this section shall
24 be distributed to each member of the entity or per-
25 sons receiving service from the entity in an amount

1 equal to the amount collected by the entity from the
2 member or person for operation and maintenance for
3 2001.

4 (c) WAIVER OF REMAINING AND ADDITIONAL
5 CHARGES.—The Secretary may waive any requirement
6 that a qualified Klamath Project entity pay remaining or
7 additional charges for operation and maintenance of
8 Klamath Project reserved works for 2001.

9 (d) PAYMENTS AND WAIVERS FOR INDIVIDUALS.—
10 The Secretary—

11 (1) may pay, to any individual within the Klam-
12 ath Project who holds a contract entered into pursu-
13 ant to the Act of February 21, 1911 (36 Stat. 925;
14 43 U.S.C. 523–525), popularly known as the “War-
15 ren Act”, and who is not within a district that re-
16 ceives a payment pursuant to subsection (a) and a
17 waiver under subsection (c), an amount equal to the
18 amount collected from such individual for operation
19 and maintenance of Klamath Project reserved works
20 for 2001; and

21 (2) may forego collection from such individual
22 of charges for operation and maintenance of such
23 works for the remainder of 2001.

1 **SEC. 3504. AUTHORIZATION OF APPROPRIATIONS.**

2 Amounts not paid by a qualified Klamath Project en-
3 tity to the Bureau of Reclamation for the operation and
4 maintenance of the reserved works for 2001 shall be fund-
5 ed from the appropriations authorized by this title. Costs
6 incurred by the Bureau of Reclamation in carrying out
7 this title shall not be reimbursable.

8 **SEC. 3505. NO SUPPLEMENTAL OR ADDITIONAL BENEFIT.**

9 Activities under this title or funded pursuant to this
10 title shall not be considered a supplemental or additional
11 benefit under the Act of June 17, 1902 (82 Stat. 388),
12 and all Acts amendatory thereof or supplementary thereto.

13 **TITLE VI—CENTRAL UTAH**
14 **PROJECT AMENDMENTS**

15 **SEC. 3601. AMENDMENTS TO THE CENTRAL UTAH PROJECT**
16 **COMPLETION ACT.**

17 (a) TREATMENT OF INVESTIGATION COSTS.—Section
18 201(b) of the Central Utah Project Completion Act (106
19 Stat. 4607) is amended following paragraph (2) by insert-
20 ing the following: “All amounts previously expended in
21 planning and developing the projects and features de-
22 scribed in this subsection including amounts previously ex-
23 pended for investigation of power features in the Bonne-
24 ville Unit shall be considered non-reimbursable and non-
25 returnable.”.

1 (b) CLARIFICATION OF SECRETARIAL RESPONSIBIL-
2 ITIES.—Section 201(e) of the Central Utah Project Com-
3 pletion Act (106 Stat. 4608) is amended—

4 (1) in the first sentence—

5 (A) by striking “identified in this Act” and
6 inserting “identified in this title and the Act of
7 April 11, 1956 (chapter 203; 70 Stat. 110 et
8 seq.), popularly known as the Colorado River
9 Storage Project Act,”;

10 (B) by inserting “relating to the Bonneville
11 Unit of the Central Utah Project including
12 oversight for all phases of the Bonneville Unit,
13 the administration of all prior and future con-
14 tracts, operation and maintenance of previously
15 constructed facilities” before “and may not del-
16 egate”;

17 (C) by striking “his responsibilities under
18 this Act” and inserting “such responsibilities”;
19 and

20 (D) by striking the period after “Reclama-
21 tion” and inserting: “, except through the pilot
22 management program hereby authorized. The
23 pilot management program will exist for a pe-
24 riod not to exceed 5 years and shall provide a
25 mechanism for the Secretary and the District to

1 create a mutually acceptable organization with-
2 in the Bureau of Reclamation to assist the Sec-
3 retary in his responsibilities for the long-term
4 management of the Bonneville Unit. Such pilot
5 management program may be extended indefi-
6 nitely by mutual agreement between the Sec-
7 retary and the District.”;

8 (2) in the second sentence—

9 (A) by inserting “technical” before “serv-
10 ices”; and

11 (B) by inserting “for engineering and con-
12 struction work” before “on any project fea-
13 tures”; and

14 (3) by inserting at the end thereof the following
15 new sentence: “These provisions shall not affect the
16 responsibilities of the Bureau of Reclamation and
17 the Western Area Power Administration regarding
18 all matters relating to all Colorado River Storage
19 Project power functions, including all matters affect-
20 ing the use of power revenues, power rates and rate-
21 making.”.

22 (c) MUNICIPAL AND INDUSTRIAL WATER.—Section
23 202(a)(1)(B) of the Central Utah Project Completion Act
24 (106 Stat. 4608) is amended in the last sentence by insert-

1 ing “and municipal and industrial water” after the word
2 “basin”.

3 (d) USE OF UNEXPENDED BUDGET AUTHORITY.—
4 Section 202(c) of the Central Utah Project Completion
5 Act (106 Stat. 4611) is amended to read as follows: “The
6 Secretary is authorized to utilize all unexpended budget
7 authority for units of the Central Utah Project up to
8 \$300,000,000 and the balance of such budget authority
9 in excess of this amount is deauthorized. Such
10 \$300,000,000 may be used to provide 65 percent Federal
11 share pursuant to section 204, to acquire water and water
12 rights for project purposes including instream flows, to
13 complete project facilities authorized in this title and title
14 III, to implement water conservation measures under sec-
15 tion 207, including use of reverse osmosis membrane tech-
16 nologies, water recycling, and conjunctive use, to stabilize
17 high mountain lakes and appurtenant facilities, to develop
18 power, and for other purposes. In addition, funds may be
19 provided by the Commission for fish and wildlife purposes.
20 The District shall comply with the provisions of sections
21 202(a)(1), 205(b), and Title VI with respect to the fea-
22 tures to be provided for in this subsection.”.

23 (e) PREPAYMENT OF REPAYMENT.—Section 210 of
24 the Central Utah Project Completion Act (106 Stat. 4624)
25 is amended—

1 (1) in the second sentence—

2 (A) by inserting “or any additional or sup-
3 plemental repayment contract” after “1985,”;
4 and

5 (B) by inserting “of the Central Utah
6 Project” after “water delivery facilities”; and

7 (2) by striking “The District shall exercise”
8 and all that follows through the end of that sen-
9 tence.

10 **SEC. 3602. USE OF PROJECT FACILITIES FOR NONPROJECT**
11 **WATER.**

12 The Secretary of the Interior may enter into con-
13 tracts with the Provo River Water Users Association or
14 any of its member unit contractors for water from Provo
15 River, Utah, under the Act of February 21, 1911 (43
16 U.S.C. 523), for—

17 (1) the impounding, storage, and carriage of
18 nonproject water for domestic, municipal, industrial,
19 and other beneficial purposes, using facilities associ-
20 ated with the Provo River Project, Utah; and

21 (2) the exchange of water among Provo River
22 Project contractors, for the purposes set forth in
23 paragraph (1), using facilities associated with the
24 Provo River Project, Utah.

1 **TITLE VII—BUREAU OF REC-**
2 **LAMATION RECREATION**
3 **PROJECTS**

4 **SEC. 3701. SHORT TITLE.**

5 This title may be cited as the “Reclamation Recre-
6 ation Management Act of 2002”.

7 **SEC. 3702. AMENDMENTS TO THE FEDERAL WATER**
8 **PROJECT RECREATION ACT.**

9 (a) CONGRESSIONAL POLICY.—The first section of
10 the Federal Water Project Recreation Act (16 U.S.C.
11 460l–12) is amended by striking “public bodies” and in-
12 serting “entities”.

13 (b) ALLOCATION OF COSTS.—Section 2 of the Fed-
14 eral Water Project Recreation Act (16 U.S.C. 460l–13)
15 is amended—

16 (1) in subsection (a) by striking “, before au-
17 thorization of a project,”;

18 (2) in subsection (a), by striking “public bod-
19 ies” and inserting “entities” and by striking
20 “Projects authorized during the calendar year” and
21 all that follows to the end of the subsection;

22 (3) in subsection (b) by striking “non-Federal
23 interests” each place it appears and inserting “non-
24 Federal entities”;

25 (4) in subsection (b)(2)—

1 (A) by striking “: *Provided*, That the
2 source of repayment may be limited to” and in-
3 serting “. The source of repayment may in-
4 clude”; and

5 (B) by inserting “and retained” after “col-
6 lected”; and

7 (5) in subsection (b)(2) by adding at the end
8 the following: “Fees and charges may be collected,
9 retained and used by the non-Federal entities for op-
10 eration, maintenance, and replacement of recreation
11 facilities on project lands and waters being managed
12 by the non-Federal entities. As established by the
13 Secretary, any excess revenues will be credited to the
14 Reclamation Fund to remain available, without fur-
15 ther Act of appropriation, to support recreation de-
16 velopment and management of Bureau of Reclama-
17 tion land and water areas.”.

18 (c) RECREATION AND FISH AND WILDLIFE EN-
19 HANCEMENT.—Section 3 of the Federal Water Project
20 Recreation Act (16 U.S.C. 460l–14) is amended—

21 (1) by striking subsection (a), redesignating
22 subsection (b) as subsection (a), and inserting after
23 subsection (a) (as so redesignated) the following:

24 “(b) In the absence of a non-Federal managing part-
25 ner, the Secretary of the Interior, acting through the Com-

1 missioner of Reclamation, is authorized, as a part of any
2 water resource development project under the Secretary’s
3 control heretofore or hereafter authorized or reauthorized,
4 to investigate, plan, construct, replace, manage, operate
5 and maintain or otherwise provide for public use and en-
6 joyment of project lands, facilities, and water areas in a
7 manner coordinated with the other project purposes; the
8 costs of which are nonreimbursable.”;

9 (2) in subsection (a) (as so redesignated)—

10 (A) by inserting “or enhance” after
11 “project construction to preserve”;

12 (B) by striking “enhancement potential”
13 each place it appears and inserting “resources”;

14 (C) by striking “public bodies” each place
15 it appears and inserting “entities”;

16 (D) by striking “public body” and insert-
17 ing “entity”; and

18 (E) by striking “or, in the absence thereof,
19 will not detract from that potential”;

20 (3) in subsection (c)(1)(B) by striking “public
21 body” each place it appears and inserting “entity”;

22 and

23 (4) by adding at the end of subsection (c) the
24 following:

1 “(3) In the absence of a non-Federal managing part-
2 ner, the Secretary of the Interior, acting through the Com-
3 missioner of Reclamation, may modify or expand existing
4 facilities, the costs of which are nonreimbursable.”.

5 (d) LEASE OF FACILITIES.—

6 (1) REPEAL.—Section 4 of the Federal Water
7 Project Recreation Act (16 U.S.C. 460*l*–15) is re-
8 pealed, and sections 5 through 12 of such Act are
9 redesignated as sections 4 through 11, respectively.

10 (2) CONFORMING AMENDMENT.—Section 6(e)
11 of the Federal Water Project Recreation Act (16
12 U.S.C. 460*l*–17(e)) is amended by striking “4, and
13 5” and inserting “, and 4”.

14 (e) POST AUTHORIZATION DEVELOPMENT.—Section
15 5 of the Federal Water Project Recreation Act (16 U.S.C.
16 460*l*–16) is amended by striking “public bodies” and in-
17 serting “entities”.

18 (f) PROVISION OF FACILITIES.—Section 7 of the
19 Federal Water Project Recreation Act (16 U.S.C. 460*l*–
20 18) is amended—

21 (1) in subsection (e) by striking “and 5” and
22 inserting “and between 3 and 4”;

23 (2) in subsection (g) by striking “3(b)” and in-
24 serting “3(a)”; and

1 (3) in subsection (h) by striking “public bodies”
2 and inserting “entities”; and by striking “3(b)” and
3 inserting “3(a)”.

4 (g) MISCELLANEOUS REPORTS.—Section 6 of the
5 Federal Water Project Recreation Act (16 U.S.C. 460l–
6 17) is amended by adding at the end the following:

7 “(i) Amounts collected under section 2805 of Public
8 Law 102–575 for admission to or recreation use of project
9 land and waters shall be deposited in a special account
10 in the Reclamation Fund and remain available to the
11 Commissioner of Reclamation without further appropria-
12 tion until expended. Such funds may be used for the devel-
13 opment, reconstruction, replacement, management, and
14 operation of recreation resources on project lands and wa-
15 ters with not less than 60 percent being used at the site
16 from which the fees were collected.”.

17 (h) MANAGEMENT FOR RECREATION, FISH AND
18 WILDLIFE, AND OTHER RESOURCES.—Section 7 of the
19 Federal Water Project Recreation Act (16 U.S.C. 460l–
20 18) is amended—

21 (1) by amending subsection (a) to read as fol-
22 lows:

23 “(a) The Secretary of the Interior, acting through the
24 Commissioner of Reclamation, is authorized, in conjunc-
25 tion with any water resource development project here-

1 tofore or hereafter constructed or which is otherwise under
2 the Secretary's control, to—

3 “(1) investigate, plan, design, construct, re-
4 place, manage, operate, and maintain or otherwise
5 provide for recreation and fish and wildlife enhance-
6 ment facilities and services, the costs of which may
7 be nonreimbursable;

8 “(2) provide for public use and enjoyment of
9 project lands, facilities, and water areas in a manner
10 coordinated with the other project purposes, includ-
11 ing by entering into grants, cooperative agreements,
12 and similar instruments with non-Federal entities,
13 without cost sharing, for recreation projects and ac-
14 tivities; and

15 “(3) to acquire or otherwise make available
16 such adjacent lands or interests therein as are nec-
17 essary for public recreation or fish and wildlife
18 use.”;

19 (2) in subsection (b)—

20 (A) by inserting “, acting through the
21 Commissioner of Reclamation,” after “the Sec-
22 retary of the Interior”;

23 (B) by inserting “and management” after
24 “administration”;

25 (C) by striking “lease”; and

1 (D) by adding at the end the following:

2 “All such agreements or contracts for adminis-
3 tration or management shall identify the terms
4 and conditions of administration, management,
5 and use, approvals required from Bureau of
6 Reclamation, and assure public access to
7 project lands managed for recreation.”;

8 (3) by adding at the end the following:

9 “(d) The Secretary of the Interior, acting through the
10 Commissioner of Reclamation, is also authorized to enter
11 into agreements with other non-Federal entities for recre-
12 ation and concession management at Bureau of Reclama-
13 tion projects. All such agreements or contracts for man-
14 agement shall identify the terms and conditions of man-
15 agement and use, approvals required from the Bureau of
16 Reclamation, and assure public access to project lands
17 managed for recreation.”; and

18 “(e) The Secretary of the Interior, acting through the
19 Commissioner of Reclamation, is authorized to approve
20 the administration, management, and use of Bureau of
21 Reclamation lands, waters, and the resources thereon by
22 means of easements, leases, licenses, contracts, permits,
23 and other forms of conveyance instruments.

24 “(f) The Secretary of the Interior, acting through the
25 Commissioner of Reclamation, is authorized to produce,

1 sell, or otherwise make available to the public: information
2 about Bureau of Reclamation programs including publica-
3 tions, photographs, computer discs, maps, brochures, post-
4 ers, videos, and other memorabilia related to the Bureau
5 of Reclamation, and the natural, historic, and cultural re-
6 sources of the area; and, other appropriate and suitable
7 merchandise to enhance the public's use of the area. In-
8 come from such sales shall be credited to the Reclamation
9 Fund to remain available, without further Act of appro-
10 priation, to pay costs associated with the production and
11 sale of items, and any remaining revenue shall be avail-
12 able, without further Act of appropriation, to support
13 recreation development and management of Bureau of
14 Reclamation land and water areas.”.

15 (i) DEFINITIONS.—Section 10 of the Federal Water
16 Project Recreation Act (16 U.S.C. 460l–21) is amended
17 by adding at the end the following:

18 “(f) The term ‘non-Federal entity’ means non-Fed-
19 eral public bodies, nonprofit organizations, Indian tribes,
20 or entities within the private sector.”.

21 (j) AUTHORIZATION OF APPROPRIATIONS.—The Fed-
22 eral Water Project Recreation Act (16 U.S.C. 460l–12 et
23 seq.) is amended by redesignating section 11 (as redesign-
24 ated by subsection (d) of this section) as section 12, and
25 by inserting after section 10 the following:

1 **“SEC. 11. AVAILABILITY OF APPROPRIATIONS.**

2 “Funds appropriated under this section may remain
3 available until expended.”.

4 (k) **LIMITATION ON APPLICATION.**—This section and
5 the amendments made by this section shall apply only to
6 water resource development projects under the control of
7 the Secretary of the Interior.

8 **SEC. 3703. RECREATIONAL FACILITIES AT LOST CREEK**
9 **RESERVOIR.**

10 (a) **CONSTRUCTION OF FACILITIES.**—As soon as
11 practicable after funds are made available for this section,
12 the Secretary of the Interior shall construct recreational
13 facilities at Lost Creek Reservoir in Utah.

14 (b) **MAINTENANCE AND OPERATION OF FACILI-**
15 **TIES.**—Construction of recreational facilities under sub-
16 section (a) shall begin only after the Secretary has entered
17 into a cooperative agreement with the State of Utah that
18 provides for the operation and maintenance of the rec-
19 reational facilities.

20 (c) **COST SHARING.**—The Federal share of the cost
21 of construction carried out under this section shall be 50
22 percent.

23 **SEC. 3704. TECHNICAL CORRECTION.**

24 Section 1(g) of Public Law 107–69 (115 Stat. 595)
25 is amended by striking “section 2(c)(1)” and inserting
26 “subsection (c)(1)”.

1 **SEC. 3705. AUTHORIZATION OF AUSTIN, TEXAS, WASTE-**
2 **WATER RECLAMATION AND REUSE PROJECT.**

3 (a) **AUTHORIZATION OF PROJECT.**—The Reclamation
4 Wastewater and Groundwater Study and Facilities Act
5 (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.)
6 is amended by adding at the end the following:

7 **“SEC. 1635. AUSTIN, TEXAS, WATER RECLAMATION AND**
8 **REUSE PROJECT.**

9 “(a) **AUTHORIZATION.**—The Secretary, in coopera-
10 tion with the City of Austin Water and Wastewater Util-
11 ity, Texas, is authorized to participate in the planning (in-
12 cluding an appraisal and feasibility study), design, and
13 construction of, and land acquisition for, a project to re-
14 claim and reuse wastewater, including degraded ground-
15 waters, within and outside of the service area of the City
16 of Austin Water and Wastewater Utility, Texas.

17 “(b) **COST SHARE.**—The Federal share of the cost
18 of the project authorized by this section shall not exceed
19 25 percent of the total cost of the project.

20 “(c) **LIMITATION.**—The Secretary shall not provide
21 funds for the operation and maintenance of the project
22 authorized by this section.”.

23 (b) **CLERICAL AMENDMENT.**—The table of contents
24 in section 2 of Public Law 102–575 (106 Stat. 4600) is

1 amended by adding at the end of the items relating to
2 chapter XVI the following:

“Sec. 1635. Austin, Texas, Water Reclamation and Reuse Project.”.

3 **SEC. 3706. WILLARD BAY RESERVOIR ENLARGEMENT**
4 **STUDY.**

5 (a) AUTHORIZATION OF FEASIBILITY STUDY.—Pur-
6 suant to the reclamation laws, the Secretary of the Inte-
7 rior, through the Bureau of Reclamation, may conduct a
8 feasibility study on raising the height of Arthur V. Wat-
9 kins Dam and thereby enlarging the Willard Bay Res-
10 ervoir for the development of additional storage to meet
11 water supply needs within the Weber Basin Project area.
12 The feasibility study shall include such environmental
13 evaluation as required under the National Environmental
14 Policy Act of 1969 and a cost allocation as required under
15 the Reclamation Projects Act of 1939.

16 (b) REPORT.—Not later than 180 days after the date
17 of enactment of this Act, the Secretary shall submit a re-
18 port on the results of the study to the Congress for review
19 and approval.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary to carry
22 out this section \$2,000,000.

1 **SEC. 3707. REAUTHORIZATION OF WATER DESALINATION**
2 **ACT OF 1996.**

3 (a) AUTHORIZATION OF COOPERATIVE AND INTER-
4 AGENCY AGREEMENTS.—Section 3(a) of the Water De-
5 salination Act of 1996 (42 U.S.C. 10301 note) is amended
6 in the first sentence by inserting “and cooperative and
7 interagency agreements” after “contracts”.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
9 8 of such Act is amended—

10 (1) in subsection (a) by striking “1997 through
11 2002” and inserting “2003 through 2008”; and

12 (2) in subsection (b) by striking “\$25,000,000
13 for fiscal years 1997 through 2002” and inserting
14 “\$25,000,000 for fiscal years 2003 through 2008”.

15 **TITLE VIII—MISCELLANEOUS**

16 **SEC. 3801. MNI WICONI RURAL WATER SUPPLY PROJECT,**
17 **SOUTH DAKOTA.**

18 Section 10(a) of the Mni Wiconi Project Act of 1988
19 (Public Law 100–516; 102 Stat. 2571), as amended by
20 section 813 of the Mni Wiconi Act Amendments of 1994
21 (Public Law 103–434; 108 Stat. 4545), is amended—

22 (1) in the first sentence, by inserting “(based
23 on October 1, 1992, price levels) and \$58,800,000
24 (based on October 1, 1997, price levels)” after
25 “\$263,241,000”;

1 **SEC. 3803. LOWER RIO GRANDE VALLEY WATER RE-**
2 **SOURCES CONSERVATION AND IMPROVE-**
3 **MENT.**

4 (a) AUTHORIZATION OF PROJECTS.—Section 4(a) of
5 the Lower Rio Grande Valley Water Resources Conserva-
6 tion and Improvement Act of 2000 (Public Law 106–576;
7 114 Stat. 3067) is amended by adding at the end the fol-
8 lowing:

9 “(5) In the United Irrigation District of Hi-
10 dalgo County, Texas, a pipeline and pumping system
11 as identified in the Sigler, Winston, Greenwood, As-
12 sociates, Incorporated, study dated January 2001.

13 “(6) In the Cameron County, Texas, Irrigation
14 District No. 2, proposed improvements to Canal C,
15 as identified in the February 8, 2001, engineering
16 report by Martin, Brown, and Perez.

17 “(7) In the Cameron County, Texas, Irrigation
18 District No. 2, a proposed Canal C and Canal 13
19 Inner Connect, as identified in the February 12,
20 2001, engineering report by Martin, Brown, and
21 Perez.

22 “(8) In Delta Lake Irrigation District of Hi-
23 dalgo and Willacy Counties, Texas, proposed water
24 conservation projects, as identified by the AW Blair
25 Engineering report of February 13, 2001.

1 “(9) In the Hidalgo and Cameron County,
2 Texas, Irrigation District No. 9, a proposed project
3 to salvage spill water using automatic control of
4 canal gates as identified in the AW Blair Engineer-
5 ing report dated February 14, 2001.

6 “(10) In the Brownsville Irrigation District of
7 Cameron County, Texas, a proposed main canal re-
8 placement as outlined in the Holdar-Garcia & Asso-
9 ciates engineering report dated February 14, 2001.

10 “(11) In the Hidalgo County, Texas, Irrigation
11 District No. 16, a proposed off-district pump station
12 project as identified by the Melden & Hunt, Incor-
13 porated, engineering report dated February 14,
14 2001.

15 “(12) In the Hidalgo County, Texas, Irrigation
16 District No. 1, a proposed canal replacement of the
17 North Branch East Main, as outlined in the Melden
18 & Hunt, Incorporated, engineering analysis dated
19 February, 2001.

20 “(13) In the Donna (Texas) Irrigation District,
21 a proposed improvement project as identified by the
22 Melden & Hunt, Incorporated, engineering analysis
23 dated February 13, 2001.

24 “(14) In the Hudspeth County, Texas, Con-
25 servation and Reclamation District No. 1, the Alamo

1 Arroyo Pumping Plant water quality project as identified
2 by the engineering report and drawings by
3 Gebhard-Sarma and Associates dated July 1996 and
4 the construction of a 1,000 acre-foot off-channel regulating
5 reservoir for the capture and conservation of
6 irrigation water, as identified in the engineering report
7 by AW Blair Engineering dated June 2002.

8 “(15) In the El Paso County, Texas, Water Improvement
9 District No. 1, the Riverside Canal Improvement Project
10 Phase I Reach A, a canal lining and water conservation project
11 as identified by the engineering report by AW Blair Engineering
12 dated June 2002.

14 “(16) In the Maverick County, Texas, Water Improvement
15 and Control District No. 1, the concrete lining project of 12
16 miles of the Maverick Main Canal, identified in the engineering
17 report by AW Blair Engineering dated June 2002.

19 “(17) In the Hidalgo County, Texas, Irrigation
20 District No. 6, rehabilitation of 10.2 miles of concrete lining
21 in the main canal between Lift Stations Nos. 2 and 3 as
22 identified in the engineering report by AW Blair Engineering
23 dated June 2002.

24 “(18) In the Hidalgo County, Texas, Irrigation
25 District No. 2, Wisconsin Canal Improvements as

1 identified in the Sigler, Winston, Greenwood & Asso-
2 ciates, Incorporated, engineering report dated Feb-
3 ruary 2001.

4 “(19) In the Hidalgo County, Texas, Irrigation
5 District No. 2, Lateral ‘A’ Canal Improvements as
6 identified in the Sigler, Winston, Greenwood & Asso-
7 ciates, Incorporated, engineering report dated July
8 25, 2001.”.

9 (b) AMENDMENTS TO THE LOWER RIO GRANDE VAL-
10 LEY WATER RESOURCES CONSERVATION AND IMPROVE-
11 MENT ACT OF 2000.—The Lower Rio Grande Valley
12 Water Resources Conservation and Improvement Act of
13 2000 (Public Law 106–576; 114 Stat. 3065 et seq.) is
14 further amended as follows:

15 (1) Section 3(a) is amended in the first sen-
16 tence by striking “The Secretary” and all that fol-
17 lows through “in cooperation” and inserting “The
18 Secretary, acting through the Bureau of Reclama-
19 tion, shall undertake a program under cooperative
20 agreements”.

21 (2) Section 3(b) is amended to read as follows:

22 “(b) PROJECT REVIEW.—Project proposals shall be
23 reviewed and evaluated under the guidelines set forth in
24 the document published by the Bureau of Reclamation en-
25 titled ‘Guidelines for Preparing and Reviewing Proposals

1 for Water Conservation and Improvement Projects Under
2 P.L. 106–576’, dated June 2001.”.

3 (3) Section 3(d) is amended by inserting before
4 the period at the end the following: “, including op-
5 eration, maintenance, repair, and replacement”.

6 (4) Section 3(e) is amended by striking “the
7 criteria established pursuant to this section” and in-
8 serting “the guidelines referred to in subsection
9 (b)”.

10 (5) Subsection (f) of section 3 is amended by
11 striking “to prepare” and all that follows through
12 the end of the subsection and inserting “to have the
13 Secretary prepare the reports required under this
14 section. The Federal share of the cost of such prepa-
15 ration by the Secretary shall not exceed 50 percent
16 of the total cost of such preparation.”.

17 (6) Section 3(g) is amended by striking
18 “\$2,000,000” and inserting “\$8,000,000”.

19 (7) Section 4(b) is amended—

20 (A) in the first sentence by striking “costs
21 of any construction” and inserting “total
22 project cost of any project”; and

23 (B) in the last sentence by inserting “the
24 actual” before “funds”.

1 (8) Section 4(c) is amended by striking
2 “\$10,000,000” and inserting “\$47,000,000 (2001
3 dollars)”.

4 **SEC. 3804. AUTHORIZATION OF LAKEHAVEN, WASHINGTON,**
5 **WASTEWATER RECLAMATION AND REUSE**
6 **PROJECT.**

7 (a) AUTHORIZATION.—The Reclamation Wastewater
8 and Groundwater Study and Facilities Act (Public Law
9 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended
10 by adding at the end the following:

11 **“SEC. 1635. LAKEHAVEN, WASHINGTON, WATER RECLAMA-**
12 **TION AND REUSE PROJECT.**

13 “(a) AUTHORIZATION.—The Secretary, in coopera-
14 tion with the Lakehaven Utility District, Washington, is
15 authorized to participate in the design, planning, and con-
16 struction of, and land acquisition for, a project to reclaim
17 and reuse wastewater, including degraded groundwaters,
18 within and outside of the service area of the Lakehaven
19 Utility District.

20 “(b) COST SHARE.—The Federal share of the cost
21 of the project authorized by this section shall not exceed
22 25 percent of the total cost of the project.

23 “(c) LIMITATION.—The Secretary shall not provide
24 funds for the operation and maintenance of the project
25 authorized by this section.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 in section 2 of such Act is amended by inserting after the
3 item relating to section 1634 the following:

“Sec. 1635. Lakehaven, Washington, Water Reclamation and Reuse Project.”.

4 **SEC. 3805. TOM GREEN COUNTY WATER CONTROL AND IM-**
5 **PROVEMENT DISTRICT NO. 1; REPAYMENT**
6 **PERIOD EXTENDED.**

7 The Secretary of the Interior may revise the repay-
8 ment contract with the Tom Green County Water Control
9 and Improvement District No. 1 numbered 14–06–500–
10 369, by extending the period authorized for repayment of
11 reimbursable constructions costs of the San Angelo project
12 from 40 years to 50 years.

13 **SEC. 3806. SANTEE SIOUX TRIBE, NEBRASKA, WATER SYS-**
14 **TEM STUDY.**

15 (a) STUDY.—Pursuant to reclamation laws, the Sec-
16 retary of the Interior (hereafter in this section referred
17 to as the “Secretary”), through the Bureau of Reclama-
18 tion and in consultation with the Santee Sioux Tribe of
19 Nebraska (hereafter in this section referred to as the
20 “Tribe”), shall conduct a feasibility study to determine the
21 most feasible method of developing a safe and adequate
22 municipal, rural, and industrial water treatment and dis-
23 tribution system for the Santee Sioux Tribe of Nebraska
24 that could serve the tribal community and adjacent com-

1 munities and incorporate population growth and economic
2 development activities for a period of 40 years.

3 (b) COOPERATIVE AGREEMENT.—At the request of
4 the Tribe, the Secretary shall enter into a cooperative
5 agreement with the Tribe for activities necessary to con-
6 duct the study required by subsection (a) regarding which
7 the Tribe has unique expertise or knowledge.

8 (c) REPORT.—Not later than 1 year after funds are
9 made available to carry out this section, the Secretary
10 shall transmit to Congress a report containing the results
11 of the study required by subsection (a).

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary \$500,000
14 to carry out this section.

15 **SEC. 3807. UPPER COLORADO RIVER FISH RECOVERY.**

16 Public Law 106–392 (114 Stat. 1602) is amended
17 as follows:

18 (1) Section 2(1) is amended by inserting “and
19 extended by the Extension of the Cooperative Agree-
20 ment dated December 6, 2001,” after “September
21 29, 1987,”.

22 (2) Section 3(a)(2) is amended by striking “fis-
23 cal year 2005” and inserting “fiscal year 2008”.

24 (3) Section 3(a)(3) is amended by striking “fis-
25 cal year 2007” and inserting “fiscal year 2008”.

1 (4) Section 3(b) is amended—

2 (A) in paragraph (1) by striking “fiscal
3 year 2005” and inserting “fiscal year 2008”;
4 and

5 (B) in paragraph (2) by striking “fiscal
6 year 2007” and inserting “fiscal year 2008”.

7 (5) Section 3(c)(1) is amended by striking
8 “with” and inserting “within”.

9 **SEC. 3808. INCREASE IN FEDERAL SHARE OF SAN GABRIEL**
10 **BASIN DEMONSTRATION PROJECT.**

11 Section 1631(d)(2) of the Reclamation Projects Au-
12 thorization and Adjustment Act of 1992 (43 U.S.C. 390h-
13 13) is amended—

14 (1) by striking “In the case” and inserting “(A)
15 Subject to subparagraph (B), in the case”; and

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

17 “(B) In the case of the San Gabriel Basin demonstra-
18 tion project authorized by section 1614, the Federal share
19 of the cost of such project may not exceed the sum deter-
20 mined by adding—

21 “(i) the amount that applies to that project
22 under subparagraph (A); and

23 “(ii) \$12,500,000.”.

1 **DIVISION D—ENERGY AND**
2 **MINERALS**

3 **SEC. 4101. REPEAL OF RESERVATION OF MINERAL RIGHTS,**
4 **LIVINGSTON PARISH, LOUISIANA.**

5 (a) AMENDMENTS.—Section 102 of Public Law 102–
6 562 (106 Stat. 4234) is amended—

7 (1) by striking “(a) IN GENERAL.—”;

8 (2) by striking “and subject to the reservation
9 in subsection (b),”; and

10 (3) by striking subsection (b).

11 (b) IMPLEMENTATION OF AMENDMENT.—The Sec-
12 retary of the Interior shall execute the legal instruments
13 necessary to effectuate the amendment made by sub-
14 section (a)(3).

15 **SEC. 4102. USE OF RECEIPTS FROM MINERAL LEASING AC-**
16 **TIVITIES ON CERTAIN NAVAL OIL SHALE RE-**
17 **SERVES.**

18 Section 7439 of title 10, United States Code, is
19 amended—

20 (1) in subsection (f)(1), by striking the second
21 sentence; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(g) USE OF RECEIPTS.—(1) The Secretary of the
25 Interior may use, without further appropriation, not more

1 than \$1,500,000 of the moneys covered into the Treasury
2 under subsection (f)(1) to cover the cost of any additional
3 analysis, site characterization, and geotechnical studies
4 deemed necessary by the Secretary to support environ-
5 mental restoration, waste management, or environmental
6 compliance with respect to Oil Shale Reserve Numbered
7 3. Upon the completion of such studies, the Secretary of
8 the Interior shall submit to Congress a report con-
9 taining—

10 “(A) the results and conclusions of such stud-
11 ies; and

12 “(B) an estimate of the total cost of the Sec-
13 retary’s preferred alternative to address environ-
14 mental restoration, waste management, and environ-
15 mental compliance needs at Oil Shale Reserve Num-
16 bered 3.

17 “(2) If the cost estimate required by paragraph
18 (1)(B) does not exceed the total of the moneys covered
19 into the Treasury under subsection (f)(1) and remaining
20 available for obligation as of the date of submission of the
21 report under paragraph (1), the Secretary of the Interior
22 may access such moneys, beginning 60 days after submis-
23 sion of the report and without further appropriation, to
24 cover the costs of implementing the preferred alternative
25 to address environmental restoration, waste management,

1 and environmental compliance needs at Oil Shale Reserve
2 Numbered 3. If the cost estimate exceeds such available
3 moneys, the Secretary of the Interior may only access such
4 moneys as authorized by subsequent Act of Congress.”.

5 **SEC. 4103. TREATMENT OF ABANDONED MINE RECLAMA-**
6 **TION FUND INTEREST.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, any interest credited to the fund established
9 by section 401 of the Surface Mining Control and Rec-
10 lamation Act of 1977 (30 U.S.C. 1231) shall be trans-
11 ferred to the Combined Fund identified in section
12 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)), up to such
13 amount as is estimated by the trustees of such Combined
14 Fund to offset the amount of any deficit in net assets in
15 the Combined Fund.

16 (b) PROHIBITION ON OTHER TRANSFERS.—Except
17 as provided in subsection (a), no principal amounts in or
18 credited to the fund established by section 401 of the Sur-
19 face Mining Control and Reclamation Act of 1977 (30
20 U.S.C. 1231) may be transferred to the Combine Fund
21 identified in section 402(h)(2) of such Act (30 U.S.C.
22 1232(h)(2)).

23 (c) LIMITATION.—This section shall cease to have
24 any force and effect after September 30, 2004.

1 **SEC. 4104. SENSE OF CONGRESS REGARDING FULL APPRO-**
2 **RIATION OF THE STATE AND TRIBAL**
3 **SHARES OF THE ABANDONED MINE REC-**
4 **LAMATION FUND.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The Surface Mining Control and Reclama-
7 tion Act of 1977 (33 U.S.C. 1201 et seq.) created
8 the Abandoned Mine Reclamation Fund capitalized
9 with a reclamation fee assessed on every ton of do-
10 mestic coal production, for the purposes of pro-
11 tecting the environment by restoring lands and wa-
12 ters adversely affected by past mining practices.

13 (2) Under the Act, each State and Indian tribe
14 having a federally approved abandoned mine rec-
15 lamation program is to be allocated 50 percent of
16 the reclamation fees collected in such State, or col-
17 lected with respect to Indian lands under the juris-
18 diction of such tribe, respectively, subject to appro-
19 priations.

20 (3) By the end of March 2002, \$6,400,000,000
21 in reclamation fees had been deposited into the
22 Abandoned Mine Reclamation Fund, but only
23 \$5,000,000,000 had been appropriated from the
24 fund, leaving an unappropriated balance of
25 \$1,400,000,000.

1 (4) By the end of March 2002, the State and
2 tribal share of the unappropriated balance in the
3 Abandoned Mine Reclamation Fund was
4 \$876,000,000.

5 (5) Of the unappropriated balance in the Aban-
6 doned Mine Reclamation Fund—

7 (A) the State of Alabama should have re-
8 ceived \$15,000,000;

9 (B) the State of Alaska should have re-
10 ceived \$1,800,000;

11 (C) the State of Arkansas should have re-
12 ceived \$4,000;

13 (D) the State of Colorado should have re-
14 ceived \$19,300,000;

15 (E) the State of Illinois should have re-
16 ceived \$26,000,000;

17 (F) the State of Iowa should have received
18 \$38,000;

19 (G) the State of Kansas should have re-
20 ceived \$393,000;

21 (H) the State of Kentucky should have re-
22 ceived \$109,800,000;

23 (I) the State of Louisiana should have re-
24 ceived \$1,100,000;

1 (J) the State of Maryland should have re-
2 ceived \$2,600,000;

3 (K) the State of Missouri should have re-
4 ceived \$901,000;

5 (L) the State of Montana should have re-
6 ceived \$39,800,000;

7 (M) the State of New Mexico should have
8 received \$18,200,200;

9 (N) the State of North Dakota should have
10 received \$10,200,000;

11 (O) the State of Ohio should have received
12 \$21,500,000;

13 (P) the State of Oklahoma should have re-
14 ceived \$1,900,000;

15 (Q) the State of Pennsylvania should have
16 received \$51,600,000;

17 (R) the State of Texas should have re-
18 ceived \$17,300,000;

19 (S) the State of Utah should have received
20 \$12,300,000;

21 (T) the State of Virginia should have re-
22 ceived \$23,200,000;

23 (U) the State of West Virginia should have
24 received \$107,400,000;

1 (V) the State of Wyoming should have re-
2 ceived \$323,900,000;

3 (W) the Crow Tribe should have received
4 \$6,200,000;

5 (X) the Hopi Tribe should have received
6 \$4,700,000; and

7 (Y) the Navajo Tribe should have received
8 \$26,000,000.

9 (6) Such States and tribes are being denied the
10 use of the unappropriated balance in the Abandoned
11 Mine Reclamation Fund for the benefit of their citi-
12 zenry and their environment.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the Federal budget for fiscal year 2004 should
15 keep faith with the goals of the Surface Mining Control
16 and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)
17 by providing to eligible States and Indian tribes their law-
18 ful share of the unappropriated balance in the Abandoned
19 Mine Reclamation Fund so that they may further protect
20 and enhance the environments of their States and tribal
21 lands.

1 **DIVISION E—WILDLIFE CON-**
2 **SERVATION AND SOUND**
3 **OCEANS FISHERY MANAGE-**
4 **MENT**

5 **TITLE I—MARINE FISHERIES**
6 **CONSERVATION AND MAN-**
7 **AGEMENT.**

8 **Subtitle A—Pacific Salmon Habitat**
9 **Restoration Grants**

10 **SEC. 5001. SHORT TITLE.**

11 This title may be cited as the “Pacific Salmon Recov-
12 ery Act”.

13 **SEC. 5002. SALMON CONSERVATION AND SALMON HABITAT**
14 **RESTORATION ASSISTANCE.**

15 (a) **REQUIREMENT TO PROVIDE ASSISTANCE.**—Sub-
16 ject to the availability of appropriations, the Secretary of
17 Commerce shall provide financial assistance in accordance
18 with this title to qualified States and qualified tribal gov-
19 ernments for salmon conservation and salmon habitat res-
20 toration activities.

21 (b) **ALLOCATION.**—Of the amounts available to pro-
22 vide assistance under this section each fiscal year (after
23 the application of section 5003(g)), the Secretary—

24 (1) shall allocate 85 percent among qualified
25 States, in equal amounts; and

1 (2) shall allocate 15 percent among qualified
2 tribal governments, in amounts determined by the
3 Secretary.

4 (c) TRANSFER.—

5 (1) IN GENERAL.—The Secretary shall promptly
6 transfer—

7 (A) to a qualified State that has submitted
8 a Conservation and Restoration Plan under section
9 5003(a) amounts allocated to the qualified
10 State under subsection (b)(1) of this section,
11 unless the Secretary determines, within 30 days
12 after the submittal of the plan to the Secretary,
13 that the plan is inconsistent with the requirements
14 of this title; and

15 (B) to a qualified tribal government that
16 has entered into a memorandum of understanding
17 with the Secretary under section
18 5003(b) amounts allocated to the qualified tribal
19 government under subsection (b)(2) of this
20 section.

21 (2) TRANSFERS TO QUALIFIED STATES.—The
22 Secretary shall make the transfer under paragraph
23 (1)(A)—

1 (A) to the Washington State Salmon Re-
2 covery Board, in the case of amounts allocated
3 to Washington;

4 (B) to the Oregon State Watershed En-
5 hancement Board, in the case of amounts allo-
6 cated to Oregon;

7 (C) to the California Department of Fish
8 and Game for the California Coastal Salmon
9 Recovery Program, in the case of amounts allo-
10 cated to California;

11 (D) to the Governor of Alaska, in the case
12 of amounts allocated to Alaska; and

13 (E) to the Office of Species Conservation,
14 in the case of amounts allocated to Idaho.

15 (d) REALLOCATION.—

16 (1) AMOUNTS ALLOCATED TO QUALIFIED
17 STATES.—Amounts that are allocated to a qualified
18 State for a fiscal year shall be reallocated under sub-
19 section (b)(1) among the other qualified States, if—

20 (A) the qualified State has not submitted
21 a plan in accordance with section 5003(a) as of
22 the end of the fiscal year; or

23 (B) the amounts remain unobligated at the
24 end of the subsequent fiscal year.

1 (2) AMOUNTS ALLOCATED TO QUALIFIED TRIB-
2 AL GOVERNMENTS.—Amounts that are allocated to a
3 qualified tribal government for a fiscal year shall be
4 reallocated under subsection (b)(2) among the other
5 qualified tribal governments, if the qualified tribal
6 government has not entered into a memorandum of
7 understanding with the Secretary in accordance with
8 section 5003(b) as of the end of the fiscal year.

9 **SEC. 5003. RECEIPT AND USE OF ASSISTANCE.**

10 (a) QUALIFIED STATE SALMON CONSERVATION AND
11 RESTORATION PLAN.—

12 (1) IN GENERAL.—To receive assistance under
13 this title, a qualified State shall develop and submit
14 to the Secretary a Salmon Conservation and Salmon
15 Habitat Restoration Plan.

16 (2) CONTENTS.—Each Salmon Conservation
17 and Salmon Restoration Plan shall, at a minimum—

18 (A) be consistent with other applicable
19 Federal laws;

20 (B) be consistent with the goal of salmon
21 recovery;

22 (C) except as provided in subparagraph
23 (D), give priority to use of assistance under this
24 section for projects that—

1 (i) provide a direct and demonstrable
2 benefit to salmon or their habitat;

3 (ii) provide the greatest benefit to
4 salmon conservation and salmon habitat
5 restoration relative to the cost of the
6 projects; and

7 (iii) conserve, and restore habitat,
8 for—

9 (I) salmon that are listed as en-
10 dangered species or threatened spe-
11 cies, proposed for such listing, or can-
12 didates for such listing, under the En-
13 dangered Species Act of 1973 (16
14 U.S.C. 1531 et seq.); or

15 (II) salmon that are given special
16 protection under the laws or regula-
17 tions of the qualified State;

18 (D) in the case of a plan submitted by a
19 qualified State in which, as of the date of the
20 enactment of this Act, there is no area at which
21 a salmon species referred to in subparagraph
22 (C)(iii)(I) spawns—

23 (i) give priority to use of assistance
24 for projects referred to in subparagraph
25 (C)(i) and (ii) that contribute to proactive

1 programs to conserve and enhance species
2 of salmon that intermingle with, or are
3 otherwise related to, species referred to in
4 subparagraph (C)(iii)(I), which may in-
5 clude (among other matters)—

6 (I) salmon-related research, data
7 collection, and monitoring;

8 (II) salmon supplementation and
9 enhancement;

10 (III) salmon habitat restoration;

11 (IV) increasing economic oppor-
12 tunities for salmon fishermen; and

13 (V) national and international co-
14 operative habitat programs; and

15 (ii) provide for revision of the plan
16 within one year after any date on which
17 any salmon species that spawns in the
18 qualified State is listed as an endangered
19 species or threatened species, proposed for
20 such listing, or a candidate for such list-
21 ing, under the Endangered Species Act of
22 1973 (16 U.S.C. 1531 et seq.);

23 (E) establish specific goals and timelines
24 for activities funded with such assistance;

1 (F) include measurable criteria by which
2 such activities may be evaluated;

3 (G) require that activities carried out with
4 such assistance shall—

5 (i) be scientifically based;

6 (ii) be cost effective;

7 (iii) not be conducted on private land
8 except with the consent of the owner of the
9 land; and

10 (iv) contribute to the conservation and
11 recovery of salmon;

12 (H) require that the qualified State main-
13 tain its aggregate expenditures of funds from
14 non-Federal sources for salmon habitat restora-
15 tion programs at or above the average level of
16 such expenditures in the 2 fiscal years pre-
17 ceeding the date of the enactment of this Act;
18 and

19 (I) ensure that activities funded under this
20 title are conducted in a manner in which, and
21 in areas where, the State has determined that
22 they will have long-term benefits.

23 (3) SOLICITATION OF COMMENTS.—In pre-
24 paring a plan under this subsection a qualified State

1 shall seek comments on the plan from local govern-
2 ments in the qualified State.

3 (b) TRIBAL MOU WITH SECRETARY.—

4 (1) IN GENERAL.—To receive assistance under
5 this title, a qualified tribal government shall enter
6 into a memorandum of understanding with the Sec-
7 retary regarding use of the assistance.

8 (2) CONTENTS.—Each memorandum of under-
9 standing shall, at a minimum—

10 (A) be consistent with other applicable
11 Federal laws;

12 (B) be consistent with the goal of salmon
13 recovery;

14 (C) give priority to use of assistance under
15 this title for activities that—

16 (i) provide a direct and demonstrable
17 benefit to salmon or their habitat;

18 (ii) provide the greatest benefit to
19 salmon conservation and salmon habitat
20 restoration relative to the cost of the
21 projects; and

22 (iii) conserve, and restore habitat,
23 for—

24 (I) salmon that are listed as en-
25 dangered species or threatened spe-

1 cies, proposed for such listing, or can-
2 didates for such listing, under the En-
3 dangered Species Act of 1973 (16
4 U.S.C. 1531 et seq.); or

5 (II) salmon that are given special
6 protection under the ordinances or
7 regulations of the qualified tribal gov-
8 ernment;

9 (D) in the case of a memorandum of un-
10 derstanding entered into by a qualified tribal
11 government for an area in which, as of the date
12 of the enactment of this Act, there is no area
13 at which a salmon species that is referred to in
14 subparagraph (C)(iii)(I) spawns—

15 (i) give priority to use of assistance
16 for projects referred to in subparagraph
17 (C)(i) and (ii) that contribute to proactive
18 programs described in subsection
19 (a)(2)(D)(i);

20 (ii) include a requirement that the
21 memorandum shall be revised within 1
22 year after any date on which any salmon
23 species that spawns in the area is listed as
24 an endangered species or threatened spe-
25 cies, proposed for such listing, or a can-

1 didate for such listing, under the Endan-
2 gered Species Act of 1973 (16 U.S.C.
3 1531 et seq.);

4 (E) establish specific goals and timelines
5 for activities funded with such assistance;

6 (F) include measurable criteria by which
7 such activities may be evaluated;

8 (G) establish specific requirements for re-
9 porting to the Secretary by the qualified tribal
10 government;

11 (H) require that activities carried out with
12 such assistance shall—

13 (i) be scientifically based;

14 (ii) be cost effective;

15 (iii) not be conducted on private land
16 except with the consent of the owner of the
17 land; and

18 (iv) contribute to the conservation or
19 recovery of salmon; and

20 (I) require that the qualified tribal govern-
21 ment maintain its aggregate expenditures of
22 funds from non-Federal sources for salmon
23 habitat restoration programs at or above the
24 average level of such expenditures in the 2 fis-

1 cal years preceding the date of the enactment
2 of this Act.

3 (c) ELIGIBLE ACTIVITIES.—

4 (1) IN GENERAL.—Assistance under this title
5 may be used by a qualified State in accordance with
6 a plan submitted by the State under subsection (a),
7 or by a qualified tribal government in accordance
8 with a memorandum of understanding entered into
9 by the government under subsection (b), to carry out
10 or make grants to carry out, among other activities,
11 the following:

12 (A) Watershed evaluation, assessment, and
13 planning necessary to develop a site-specific and
14 clearly prioritized plan to implement watershed
15 improvements, including for making multi-year
16 grants.

17 (B) Salmon-related research, data collec-
18 tion, and monitoring, salmon supplementation
19 and enhancement, and salmon habitat restora-
20 tion.

21 (C) Maintenance and monitoring of
22 projects completed with such assistance.

23 (D) Technical training and education
24 projects, including teaching private landowners
25 about practical means of improving land and

1 water management practices to contribute to
2 the conservation and restoration of salmon
3 habitat.

4 (E) Other activities related to salmon con-
5 servation and salmon habitat restoration.

6 (2) USE FOR LOCAL AND REGIONAL
7 PROJECTS.—Funds allocated to qualified States
8 under this title shall be used for local and regional
9 projects.

10 (d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE
11 OF JURISDICTION OF RECIPIENT.—Assistance under this
12 section provided to a qualified State or qualified tribal
13 government may be used for activities conducted outside
14 the areas under its jurisdiction if the activity will provide
15 conservation benefits to naturally produced salmon in
16 streams of concern to the qualified State or qualified tribal
17 government, respectively.

18 (e) COST SHARING BY QUALIFIED STATES.—

19 (1) IN GENERAL.—A qualified State shall
20 match, in the aggregate, the amount of any financial
21 assistance provided to the qualified State for a fiscal
22 year under this title, in the form of monetary con-
23 tributions or in-kind contributions of services for
24 projects carried out with such assistance. For pur-
25 poses of this paragraph, monetary contributions by

1 the State shall not be considered to include funds re-
2 ceived from other Federal sources.

3 (2) LIMITATION ON REQUIRING MATCHING FOR
4 EACH PROJECT.—The Secretary may not require a
5 qualified State to provide matching funds for each
6 project carried out with assistance under this title.

7 (3) TREATMENT OF MONETARY CONTRIBU-
8 TIONS.—For purposes of subsection (a)(2)(H), the
9 amount of monetary contributions by a qualified
10 State under this subsection shall be treated as ex-
11 penditures from non-Federal sources for salmon con-
12 servation and salmon habitat restoration programs.

13 (f) COORDINATION OF ACTIVITIES.—

14 (1) IN GENERAL.—Each qualified State and
15 each qualified tribal government receiving assistance
16 under this title is encouraged to carefully coordinate
17 salmon conservation activities of its agencies to
18 eliminate duplicative and overlapping activities.

19 (2) CONSULTATION.—Each qualified State and
20 qualified tribal government receiving assistance
21 under this title shall consult with the Secretary to
22 ensure there is no duplication in projects funded
23 under this title.

24 (g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

1 (1) FEDERAL ADMINISTRATIVE EXPENSES.—Of
2 the amount made available under this title each fis-
3 cal year, not more than 1 percent may be used by
4 the Secretary for administrative expenses incurred in
5 carrying out this title.

6 (2) STATE AND TRIBAL ADMINISTRATIVE EX-
7 PENSES.—Of the amount allocated under this title
8 to a qualified State or qualified tribal government
9 each fiscal year, not more than 3 percent may be
10 used by the qualified State or qualified tribal gov-
11 ernment, respectively, for administrative expenses in-
12 curred in carrying out this title.

13 **SEC. 5004. PUBLIC PARTICIPATION.**

14 (a) QUALIFIED STATE GOVERNMENTS.—Each quali-
15 fied State seeking assistance under this title shall establish
16 a citizens advisory committee or provide another similar
17 forum for local governments and the public to participate
18 in obtaining and using the assistance.

19 (b) QUALIFIED TRIBAL GOVERNMENTS.—Each
20 qualified tribal government receiving assistance under this
21 title shall hold public meetings to receive recommendations
22 on the use of the assistance.

23 **SEC. 5005. CONSULTATION NOT REQUIRED.**

24 Consultation under section 7 of the Endangered Spe-
25 cies Act of 1973 (16 U.S.C. 1531 et seq.) shall not be

1 required based solely on the provision of financial assist-
2 ance under this title.

3 **SEC. 5006. REPORTS.**

4 (a) QUALIFIED STATES.—Each qualified State shall,
5 by not later than December 31 of each year, submit to
6 the Committee on Commerce, Science, and Transportation
7 of the Senate and the Committee on Resources of the
8 House of Representatives an annual report on the use of
9 financial assistance received by the qualified State under
10 this title. The report shall contain an evaluation of the
11 success of this title in meeting the criteria listed in section
12 5003(a)(2).

13 (b) SECRETARY.—

14 (1) ANNUAL REPORT REGARDING QUALIFIED
15 TRIBAL GOVERNMENTS.—The Secretary shall, by not
16 later than December 31 of each year, submit to the
17 Committee on Commerce, Science, and Transpor-
18 tation of the Senate and the Committee on Re-
19 sources of the House of Representatives an annual
20 report on the use of financial assistance received by
21 qualified tribal governments under this title. The re-
22 port shall contain an evaluation of the success of
23 this title in meeting the criteria listed in section
24 5003(b)(2).

1 (2) BIENNIAL REPORT.—The Secretary shall,
2 by not later than December 31 of the second year
3 in which amounts are available to carry out this
4 title, and of every second year thereafter, submit to
5 the Committee on Commerce, Science, and Trans-
6 portation of the Senate and the Committee on Re-
7 sources of the House of Representatives a biennial
8 report on the use of funds allocated to qualified
9 States under this title. The report shall review pro-
10 grams funded by the States and evaluate the success
11 of this title in meeting the criteria listed in section
12 5003(a)(2).

13 **SEC. 5007. DEFINITIONS.**

14 In this title:

15 (1) INDIAN TRIBE.—The term “Indian tribe”
16 has the meaning given that term in section 4(e) of
17 the Indian Self-Determination and Education Assist-
18 ance Act (25 U.S.C. 450b(e)).

19 (2) QUALIFIED STATE.—The term “qualified
20 State” means each of the States of Alaska, Wash-
21 ington, Oregon, California, and Idaho.

22 (3) QUALIFIED TRIBAL GOVERNMENT.—The
23 term “qualified tribal government” means—

24 (A) a tribal government of an Indian tribe
25 in Washington, Oregon, California, or Idaho

1 that the Secretary of Commerce, in consultation
2 with the Secretary of the Interior, determines—

3 (i) is involved in salmon management
4 and recovery activities under the Endan-
5 gered Species Act of 1973 (16 U.S.C.
6 1531 et seq.); and

7 (ii) has the management and organi-
8 zational capability to maximize the benefits
9 of assistance provided under this title; and

10 (B) a village corporation as defined in or
11 established pursuant to the Alaska Native
12 Claims Settlement Act (43 U.S.C. 1601 et seq.)

13 that the Secretary of Commerce, in consultation
14 with the Secretary of the Interior, determines—

15 (i) is involved in salmon conservation
16 and management; and

17 (ii) has the management and organi-
18 zational capability to maximize the benefits
19 of assistance provided under this title.

20 (4) SALMON.—The term “salmon” means any
21 naturally produced salmon or naturally produced
22 trout of the following species:

23 (A) Coho salmon (*oncorhynchus kisutch*).

24 (B) Chinook salmon (*oncorhynchus*
25 *tshawytscha*).

1 (C) Chum salmon (*oncorhynchus keta*).

2 (D) Pink salmon (*oncorhynchus*
3 *gorbuscha*).

4 (E) Sockeye salmon (*oncorhynchus nerka*).

5 (F) Steelhead trout (*oncorhynchus*
6 *mykiss*).

7 (G) Sea-run cutthroat trout (*oncorhynchus*
8 *clarki clarki*).

9 (H) For purposes of application of this
10 title in Oregon—

11 (i) Lahontan cutthroat trout
12 (*oncorhynchus clarki henshawi*); and

13 (ii) Bull trout (*salvelinus confluentus*).

14 (I) For purposes of application of this title
15 in Washington and Idaho, Bull trout (*salvelinus*
16 *confluentus*).

17 (5) SECRETARY.—The term “Secretary” means
18 the Secretary of Commerce.

19 **SEC. 5008. REPORT REGARDING TREATMENT OF INTER-**
20 **NATIONAL FISHERY COMMISSION PEN-**
21 **SIONERS.**

22 The President shall—

23 (1) determine the number of United States citi-
24 zens who—

1 (A) served as employees of the Inter-
2 national Pacific Salmon Fisheries Commission
3 or the International North Pacific Fisheries
4 Commission; and

5 (B) worked in Canada in the course of em-
6 ployment with that commission;

7 (2) calculate for each such employee the dif-
8 ference between—

9 (A) the value, in United States currency,
10 of the annuity payments made and to be made
11 (determined by an actuarial valuation) by or on
12 behalf of each such commission to the em-
13 ployee; and

14 (B) the value, in Canadian currency, of
15 such annuity payments; and

16 (3) by not later than September 1, 2003, sub-
17 mit to the Committee on Resources of the House of
18 Representatives and the Committee on Commerce,
19 Science and Transportation of the Senate a report
20 on the determinations and calculations made under
21 paragraphs (1) and (2).

22 **SEC. 5009. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated
24 \$200,000,000 for each of the fiscal years 2002, 2003, and

1 2004 to carry out this Act. Funds appropriated under this
2 section may remain until expended.

3 **SEC. 5010. SENSE OF THE CONGRESS; REQUIREMENT RE-**
4 **GARDING NOTICE.**

5 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT
6 AND PRODUCTS.—In the case of any equipment or prod-
7 ucts that may be authorized to be purchased with financial
8 assistance provided under this title, it is the sense of the
9 Congress that entities receiving such assistance should, in
10 expending the assistance, purchase only equipment and
11 products made in the United States.

12 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
13 providing financial assistance under this title, the Sec-
14 retary shall provide to each recipient of the assistance a
15 notice describing the statement made in subsection (a) by
16 the Congress.

17 (c) REPORT.—Any entity that receives funds under
18 this title shall report any expenditures of such funds on
19 items made outside of the United States to the Congress
20 within 180 days of the expenditure.

21 **SEC. 5011. SENSE OF THE CONGRESS REGARDING BIPAR-**
22 **TISAN JULY 2000 GOALS.**

23 It is the sense of the Congress that the Congress sup-
24 ports the bipartisan July 2000 goals, objectives, and rec-
25 ommendations of the Governors of Idaho, Montana, Or-

1 egon and Washington to protect and restore salmon and
2 other aquatic species to sustainable and harvestable levels
3 while meeting the requirements of the Endangered Species
4 Act of 1973, the Clean Water Act, the Pacific Northwest
5 Electric Power Planning and Conservation Act, tribal
6 treaty rights, and executive orders and while taking into
7 account the need to preserve a sound economy in Alaska,
8 California, Idaho, Montana, Oregon, and Washington.

9 **SEC. 5012. REPORT ON EFFECTS ON PACIFIC SALMON**
10 **STOCKS OF CERTAIN TIMBER HARVESTING**
11 **IN CANADA.**

12 The Secretary, in conjunction with other Federal
13 agencies, shall by not later than December 31 of each year
14 report to the Congress to the best of the ability of the
15 Secretary regarding the effects on Pacific Salmon stocks
16 of timber harvesting on publicly owned lands in British
17 Columbia.

18 **Subtitle B—Various Fisheries**
19 **Conservation Reauthorizations**

20 **SEC. 5021. SHORT TITLE.**

21 This subtitle may be cited as the “Fisheries Con-
22 servation Act of 2002”.

1 **SEC. 5022. REAUTHORIZATION AND AMENDMENT OF THE**
2 **INTERJURISDICTIONAL FISHERIES ACT OF**
3 **1986.**

4 (a) REAUTHORIZATION.—Section 308 of the Inter-
5 jurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is
6 amended—

7 (1) by amending subsection (a) to read as fol-
8 lows:

9 “(a) GENERAL APPROPRIATIONS.—There are author-
10 ized to be appropriated to the Department of Commerce
11 for apportionment to carry out the purposes of this title—

12 “(1) \$4,900,000 for fiscal year 2002;

13 “(2) \$5,400,000 for each of fiscal years 2003
14 and 2004; and

15 “(3) \$5,900,000 for each of fiscal years 2005
16 and 2006.”; and

17 (2) in subsection (c) by striking “\$700,000 for
18 fiscal year 1997, and \$750,000 for each of the fiscal
19 years 1998, 1999, and 2000” and inserting
20 “\$800,000 for fiscal year 2002, \$850,000 for each
21 of fiscal years 2003 and 2004, and \$900,000 for
22 each of fiscal years 2005 and 2006”.

23 (b) PURPOSES OF THE INTERJURISDICTIONAL FISH-
24 ERIES ACT OF 1986.—Section 302 of the Interjurisdic-
25 tional Fisheries Act of 1986 (16 U.S.C. 4101) is amended
26 by striking “and” after the semicolon at the end of para-

1 graph (1), striking the period at the end of paragraph (2)
2 and inserting “; and”, and adding at the end the following:

3 “(3) to promote and encourage research in
4 preparation for the implementation of the use of eco-
5 systems and interspecies approaches to the conserva-
6 tion and management of interjurisdictional fishery
7 resources throughout their range.”.

8 **SEC. 5023. REAUTHORIZATION AND AMENDMENT OF THE**
9 **ANADROMOUS FISH CONSERVATION ACT.**

10 (a) REAUTHORIZATION.—Section 4 of the Anad-
11 romous Fish Conservation Act (16 U.S.C. 757d) is
12 amended to read as follows:

13 “AUTHORIZATION OF APPROPRIATIONS

14 “SEC. 4. (a)(1) There are authorized to be appro-
15 priated to carry out the purposes of this Act not to exceed
16 the following sums:

17 “(A) \$4,500,000 for fiscal year 2002;

18 “(B) \$4,750,000 for each of fiscal years 2003
19 and 2004; and

20 “(C) \$5,000,000 for each of fiscal years 2005
21 and 2006.

22 “(2) Sums appropriated under this subsection are au-
23 thorized to remain available until expended.

24 “(b) Not more than \$625,000 of the funds appro-
25 priated under this section in any one fiscal year shall be
26 obligated in any one State.”.

1 (b) RESEARCH ON AND USE OF ECOSYSTEMS AND
2 INTERSPECIES APPROACHES TO CONSERVATION AND
3 MANAGEMENT.—The first section of the Anadromous
4 Fish Conservation Act (16 U.S.C. 757a) is amended in
5 subsection (b) by inserting “(1)” after “(b)”, and by add-
6 ing at the end the following:

7 “(2) In carrying out responsibilities under this sec-
8 tion, the Secretary shall conduct, promote, and encourage
9 research in preparation for the implementation of the use
10 of ecosystems and interspecies approaches to the conserva-
11 tion and management of anadromous and Great Lakes
12 fishery resources.”.

13 **SEC. 5024. REAUTHORIZATION OF THE ATLANTIC STRIPED**
14 **BASS CONSERVATION ACT.**

15 Section 7(a) of the Atlantic Striped Bass Conserva-
16 tion Act (16 U.S.C. 1851 note) is amended by striking
17 “and 2003” and inserting “2003, 2004, 2005, and 2006”.

18 **SEC. 5025. REAUTHORIZATION AND AMENDMENT OF THE**
19 **ATLANTIC COASTAL FISHERIES COOPERA-**
20 **TIVE MANAGEMENT ACT.**

21 (a) REAUTHORIZATION.—Section 811(a) of the At-
22 lantic Coastal Fisheries Cooperative Management Act (16
23 U.S.C. 5108) is amended by striking “2005” and insert-
24 ing “2006”.

1 (b) FINDINGS.—Section 802(a) of the Atlantic Coast-
2 al Fisheries Cooperative Management Act (16 U.S.C.
3 5101(a)) is amended by adding at the end the following:

4 “(7) The understanding of the interactions of
5 species in the maritime environment and the devel-
6 opment of ecosystems-based approaches to fishery
7 conservation and management lead to better stew-
8 ardsip and sustainability of coastal fishery re-
9 sources.

10 “(8) Federal and State scientists should gather
11 information on the interaction of species in the ma-
12 rine environment and provide this scientific informa-
13 tion to Federal and State managers.”.

14 (c) PURPOSE.—Section 802(b) of such Act (16
15 U.S.C. 5101(b)) is amended to read as follows:

16 “(b) PURPOSE.—The purpose of this title is to sup-
17 port and encourage the development, implementation, and
18 enforcement of effective interstate conservation and man-
19 agement of Atlantic coastal fishery resources through the
20 use of sound science and multispecies, adaptive, and eco-
21 system-based management measures.”.

22 (d) STATE-FEDERAL COOPERATION IN MULTISPE-
23 CIES AND ECOSYSTEMS INTERACTION RESEARCH.—Sec-
24 tion 804(a) of such Act (16 U.S.C. 5103(a)) is amended

1 by inserting “multispecies and ecosystems interaction re-
2 search;” after “biological and socioeconomic research;”.

3 (e) ASSISTANCE FOR RESEARCH REGARDING INTER-
4 RELATIONSHIPS AMONG ATLANTIC COASTAL FISHERY
5 RESOURCES AND THEIR ECOSYSTEMS.—Section 808 of
6 such Act (16 U.S.C. 5107) is amended by striking “and”
7 after the semicolon at the end of paragraph (1), redesignig-
8 nating paragraph (2) as paragraph (3), and inserting after
9 paragraph (1) the following:

10 “(2) research to understand the interrelation-
11 ships among Atlantic coastal fishery resources and
12 their ecosystems; and”.

13 **SEC. 5026. REAUTHORIZATION OF THE ATLANTIC TUNAS**
14 **CONVENTION ACT OF 1975.**

15 Section 10 of the Atlantic Tunas Convention Act of
16 1975 (16 U.S.C. 971h) is amended to read as follows:

17 “AUTHORIZATION OF APPROPRIATIONS

18 “SEC. 10. (a) IN GENERAL.—There are authorized
19 to be appropriated to carry out this Act, including use for
20 payment of the United States share of the joint expenses
21 of the Commission as provided in Article X of the Conven-
22 tion, the following sums:

23 “(1) For each of fiscal years 2002, 2003, and
24 2004, \$5,480,000.

25 “(2) For each of fiscal years 2005 and 2006,
26 \$5,495,000.

1 “(b) ALLOCATION.—Of amounts available under this
2 section for each fiscal year—

3 “(1) \$150,000 are authorized for the advisory
4 committee established under section 4 and the spe-
5 cies working groups established under section 4A;
6 and

7 “(2) \$4,240,000 are authorized for research ac-
8 tivities under this Act and the Act of September 4,
9 1980 (16 U.S.C. 971i).”.

10 **SEC. 5027. REAUTHORIZATION OF THE NORTHWEST ATLANTIC**
11 **FISHERIES CONVENTION ACT OF 1995.**

12 Section 211 of the Northwest Atlantic Fisheries Con-
13 vention Act of 1995 (16 U.S.C. 5610) is amended by strik-
14 ing “2001” and inserting “2006”.

15 **SEC. 5028. EXTENSION OF DEADLINE.**

16 (a) EXTENSION OF DEADLINE.—The Oceans Act of
17 2000 (Public Law 106–256) is amended—

18 (1) in section 3(i) (114 Stat. 648) by striking
19 “30 days” and inserting “90 days”; and

20 (2) in section 4(a) (114 Stat. 648; 33 U.S.C.
21 857–19 note) by striking “120 days” and inserting
22 “90 days”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
24 3(j) of such Act (114 Stat. 648) is amended by striking
25 “\$6,000,000” and inserting “\$8,500,000”.

1 (c) TECHNICAL CORRECTIONS.—Section 3(e) of such
2 Act (114 Stat. 646) is amended—

3 (1) in paragraph (1) by striking the colon in
4 the third sentence and inserting a period;

5 (2) by inserting immediately after such period
6 the following:

7 “(2) NOTICE; MINUTES; PUBLIC AVAILABILITY
8 OF DOCUMENTS.—”; and

9 (3) by redesignating the subsequent paragraphs
10 in order as paragraphs (3) and (4), respectively.

11 **TITLE II—NATIONAL SEA GRANT** 12 **COLLEGE PROGRAM**

13 **SEC. 5201. SHORT TITLE.**

14 This Act may be cited as the “National Sea Grant
15 College Program Act Amendments of 2002”.

16 **SEC. 5202. AMENDMENTS TO FINDINGS.**

17 Section 202(a)(6) of the National Sea Grant College
18 Program Act (33 U.S.C. 1121(a)(6)) is amended by strik-
19 ing the period at the end and inserting “, including strong
20 collaborations between Administration scientists and sci-
21 entists at academic institutions.”.

1 **SEC. 5203. REQUIREMENTS APPLICABLE TO NATIONAL SEA**
2 **GRANT COLLEGE PROGRAM.**

3 (a) QUADRENNIAL STRATEGIC PLAN.—Section 204
4 (c)(1) of the National Sea Grant College Program Act (33
5 U.S.C. 1123 (c)(1)) is amended to read as follows:

6 “(1) The Secretary, in consultation with the
7 panel, sea grant colleges, and sea grant institutes,
8 shall develop at least every 4 years a strategic plan
9 that establishes priorities for the national sea grant
10 college program, provides an appropriately balanced
11 response to local, regional, and national needs, and
12 is reflective of integration with the relevant portions
13 of the strategic plans of the Department of Com-
14 merce and of the Administration.”.

15 (b) PROGRAM EVALUATION AND RATING.—

16 (1) EVALUATION AND RATING REQUIRE-
17 MENT.—Section 204(d)(3)(A) of the National Sea
18 Grant College Program Act (33 U.S.C.
19 1123(d)(3)(A)) is amended to read as follows:

20 “(A)(i) evaluate the performance of the
21 programs of sea grant colleges and sea grant
22 institutes, using the priorities, guidelines, and
23 qualifications established by the Secretary
24 under subsection (c), and determine which of
25 the programs are the best managed and carry

1 out the highest quality research, education, ex-
2 tension, and training activities; and

3 “(ii) rate the programs according to their
4 relative performance (as determined under
5 clause (i)) into no less than 5 categories, with
6 each of the 2 best-performing categories con-
7 taining no more than 25 percent of the pro-
8 grams;”.

9 (2) REVIEW OF EVALUATION AND RATING
10 PROCESS.—(A) After 3 years after the date of the
11 enactment of this Act, the Secretary of Commerce,
12 acting through the Under Secretary of Commerce
13 for Oceans and Atmosphere, shall contract with the
14 National Academy of Sciences—

15 (i) to review the effectiveness of the eval-
16 uation and rating system under the amendment
17 made by paragraph (1) in determining the rel-
18 ative performance of programs of sea grant col-
19 leges and sea grant institutes;

20 (ii) to evaluate whether the sea grant pro-
21 grams have improved as a result of the evalua-
22 tion process; and

23 (iii) to make appropriate recommendations
24 to improve the overall effectiveness of the eval-
25 uation process.

1 (B) The National Academy of Sciences shall
2 submit a report to the Congress on the findings and
3 recommendations of the panel under subparagraph
4 (A) by not later than 4 years after the date of the
5 enactment of this Act.

6 (c) ALLOCATION OF FUNDING.—Section
7 204(d)(3)(B) of the National Sea Grant College Program
8 Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking
9 “and” after the semicolon at the end of clause (ii) and
10 by adding at the end the following:

11 “(iv) encourage and promote coordi-
12 nation and cooperation between the re-
13 search, education, and outreach programs
14 of the Administration and those of aca-
15 demic institutions; and”.

16 **SEC. 5204. COST SHARE.**

17 Section 205(a) of the National Sea Grant College
18 Program Act (33 U.S.C. 1124(a)) is amended by striking
19 “section 204(d)(6)” and inserting “section 204(c)(4)(F)”.

20 **SEC. 5205. FELLOWSHIPS.**

21 (a) ENSURING EQUAL ACCESS.—Section 208(a) of
22 the National Sea Grant College Program Act (33 U.S.C.
23 1127(a)) is amended by adding at the end the following:
24 “The Secretary shall strive to ensure equal access for mi-
25 nority and economically disadvantaged students to the

1 program carried out under this subsection. Not later than
2 1 year after the date of the enactment of the National
3 Sea Grant College Program Act Amendments of 2002,
4 and every 2 years thereafter, the Secretary shall submit
5 a report to the Congress describing the efforts by the Sec-
6 retary to ensure equal access for minority and economi-
7 cally disadvantaged students to the program carried out
8 under this subsection, and the results of such efforts.”.

9 (b) POSTDOCTORAL FELLOWS.—Section 208(c) of
10 the National Sea Grant College Program Act (33 U.S.C.
11 1127(c)) is repealed.

12 **SEC. 5206. TERMS OF MEMBERSHIP FOR SEA GRANT RE-**
13 **VIEW PANEL.**

14 Section 209(c)(2) of the National Sea Grant College
15 Program Act (33 U.S.C. 1128(c)(2)) is amended by strik-
16 ing the first sentence and inserting the following: “The
17 term of office of a voting member of the panel shall be
18 3 years for a member appointed before the date of enact-
19 ment of the National Sea Grant College Program Act
20 Amendments of 2002, and 4 years for a member ap-
21 pointed or reappointed after the date of enactment of the
22 National Sea Grant College Program Act Amendments of
23 2002. The Director may extend the term of office of a
24 voting member of the panel appointed before the date of

1 enactment of the National Sea Grant College Program Act
2 Amendments of 2002 by up to 1 year.”.

3 **SEC. 5207. AUTHORIZATION OF APPROPRIATIONS.**

4 Subsections (a), (b), and (c) of section 212 of the
5 National Sea Grant College Program Act (33 U.S.C.
6 1131) are amended to read as follows:

7 “(a) AUTHORIZATION.—

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated to the Secretary to carry out this
10 title—

11 “(A) \$60,000,000 for fiscal year 2003;

12 “(B) \$75,000,000 for fiscal year 2004;

13 “(C) \$77,500,000 for fiscal year 2005;

14 “(D) \$80,000,000 for fiscal year 2006;

15 “(E) \$82,500,000 for fiscal year 2007; and

16 “(F) \$85,000,000 for fiscal year 2008.

17 “(2) PRIORITY ACTIVITIES.—In addition to the
18 amounts authorized under paragraph (1), there are
19 authorized to be appropriated for each of fiscal years
20 2003 through 2008—

21 “(A) \$5,000,000 for competitive grants for
22 university research on the biology and control
23 of zebra mussels and other important aquatic
24 nonnative species;

1 “(B) \$5,000,000 for competitive grants for
2 university research on oyster diseases, oyster
3 restoration, and oyster-related human health
4 risks;

5 “(C) \$5,000,000 for competitive grants for
6 university research on the biology, prevention,
7 and forecasting of harmful algal blooms, includ-
8 ing *Pfiesteria piscicida*; and

9 “(D) \$3,000,000 for competitive grants for
10 fishery extension activities conducted by sea
11 grant colleges or sea grant institutes to en-
12 hance, and not supplant, existing core program
13 funding.

14 “(b) LIMITATIONS.—

15 “(1) ADMINISTRATION.—There may not be
16 used for administration of programs under this title
17 in a fiscal year more than 5 percent of the lesser
18 of—

19 “(A) the amount authorized to be appro-
20 priated under this title for the fiscal year; or

21 “(B) the amount appropriated under this
22 title for the fiscal year.

23 “(2) USE FOR OTHER OFFICES OR PRO-
24 GRAMS.—Sums appropriated under the authority of
25 subsection (a)(2) shall not be available for adminis-

1 tration of this title by the National Sea Grant Of-
2 fice, for any other Administration or department
3 program, or for any other administrative expenses.

4 “(c) DISTRIBUTION OF FUNDS.—In any fiscal year
5 in which the appropriations made under subsection (a)(1)
6 exceed the amounts appropriated for fiscal year 2003 for
7 the purposes described in such subsection, the Secretary
8 shall distribute any excess amounts (except amounts used
9 for the administration of the sea grant program) to any
10 combination of the following:

11 “(1) Sea grant programs, according to their
12 rating under section 204(d)(3)(A).

13 “(2) National strategic investments authorized
14 under section 204(b)(4).

15 “(3) A college, university, institution, associa-
16 tion, or alliance for activities that are necessary for
17 it to be designated as a sea grant college or sea
18 grant institute.

19 “(4) A sea grant college or sea grant institute
20 designated after the date of enactment of the Na-
21 tional Sea Grant College Program Act Amendments
22 of 2002 but not yet evaluated under section
23 204(d)(3)(A).”.

1 **SEC. 5208. ANNUAL REPORT ON PROGRESS IN BECOMING**
2 **DESIGNATED AS SEA GRANT COLLEGES AND**
3 **SEA GRANT INSTITUTES.**

4 Section 207 of the National Sea Grant College Pro-
5 gram Act (16 U.S.C. 1126) is amended by adding at the
6 end the following:

7 “(e) ANNUAL REPORT ON PROGRESS.—

8 “(1) REPORT REQUIREMENT.—The Secretary
9 shall report annually to the Committee on Resources
10 and the Committee on Science of the House of Rep-
11 resentatives, and to the Committee on Commerce,
12 Science, and Transportation of the Senate, on ef-
13 forts and progress made by colleges, universities, in-
14 stitutions, associations, and alliances to become des-
15 igned under this section as sea grant colleges or
16 sea grant institutes, including efforts and progress
17 made by sea grant institutes in being designated as
18 sea grant colleges.

19 “(2) TERRITORIES AND FREELY ASSOCIATED
20 STATES.—The report shall include description of—

21 “(A) efforts made by colleges, universities,
22 associations, institutions, and alliances in
23 United States territories and freely associated
24 States to develop the expertise necessary to be
25 designated as a sea grant institute or sea grant
26 college;

1 “(B) the administrative, technical, and fi-
2 nancial assistance provided by the Secretary to
3 those entities seeking to be designated; and

4 “(C) the additional actions or activities
5 necessary for those entities to meet the quali-
6 fications for such designation under subsection
7 (a)(1).”.

8 **SEC. 5209. COORDINATION.**

9 Not later than February 15 of each year, the Under
10 Secretary of Commerce for Oceans and Atmosphere and
11 the Director of the National Science Foundation shall
12 jointly submit to the Committees on Resources and
13 Science of the House of Representatives and the Com-
14 mittee on Commerce, Science, and Transportation of the
15 Senate a report on how the oceans and coastal research
16 activities of the National Oceanic and Atmospheric Ad-
17 ministration, including the Coastal Ocean Program and
18 the National Sea Grant College Program, and of the Na-
19 tional Science Foundation will be coordinated during the
20 fiscal year following the fiscal year in which the report
21 is submitted. The report shall describe in detail any over-
22 lapping ocean and coastal research interests between the
23 agencies and specify how such research interests will be
24 pursued by the programs in a complementary manner.

1 **TITLE III—NOAA COMMISSIONED**
2 **OFFICER CORPS**

3 **SEC. 5300. SHORT TITLE.**

4 This title may be cited as the “National Oceanic and
5 Atmospheric Administration Commissioned Officer Corps
6 Act of 2002”.

7 **Subtitle A—General Provisions**

8 **SEC. 5301. COMMISSIONED OFFICER CORPS.**

9 There shall be in the National Oceanic and Atmos-
10 pheric Administration a commissioned officer corps.

11 **SEC. 5302. DEFINITIONS.**

12 (a) **APPLICABILITY OF DEFINITIONS IN TITLE 10,**
13 **UNITED STATES CODE.**—Except as provided in subsection
14 (b), the definitions provided in section 101 of title 10,
15 United States Code, apply to the provisions of this title.

16 (b) **ADDITIONAL DEFINITIONS.**—In this title:

17 (1) **ACTIVE DUTY.**—The term “active duty”
18 means full-time duty in the active service of a uni-
19 formed service.

20 (2) **GRADE.**—The term “grade” means a step
21 or degree, in a graduated scale of office or rank,
22 that is established and designated as a grade by law
23 or regulation.

24 (3) **OFFICER.**—The term “officer” means an
25 officer of the commissioned corps.

1 (4) FLAG OFFICER.—The term “flag officer”
2 means an officer serving in, or having the grade of,
3 vice admiral, rear admiral, or rear admiral (lower
4 half).

5 (5) SECRETARY.—The term “Secretary” means
6 the Secretary of Commerce.

7 (6) ADMINISTRATION.—The term “Administra-
8 tion” means the National Oceanic and Atmospheric
9 Administration.

10 **SEC. 5303. AUTHORIZED NUMBER ON THE ACTIVE LIST.**

11 (a) ANNUAL STRENGTH ON ACTIVE LIST.—The an-
12 nual strength of the commissioned corps in officers on the
13 lineal list of active duty officers of the corps shall be pre-
14 scribed by law.

15 (b) LINEAL LIST.—The Secretary shall maintain a
16 list, known as the “lineal list”, of officers on active duty.
17 Officers shall be carried on the lineal list by grade and,
18 within grade, by seniority in grade.

19 **SEC. 5304. STRENGTH AND DISTRIBUTION IN GRADE.**

20 (a) RELATIVE RANK; PROPORTION.—Of the total au-
21 thorized number of officers on the lineal list of the com-
22 missioned corps, there are authorized numbers in perma-
23 nent grade, in relative rank with officers of the Navy, in
24 proportions as follows:

25 (1) 8 in the grade of captain.

1 (2) 14 in the grade of commander.

2 (3) 19 in the grade of lieutenant commander.

3 (4) 23 in the grade of lieutenant.

4 (5) 18 in the grade of lieutenant (junior grade).

5 (6) 18 in the grade of ensign.

6 (b) COMPUTATION OF NUMBER IN GRADE.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 whenever a final fraction occurs in computing the
9 authorized number of officers in a grade, the nearest
10 whole number shall be taken, and if the fraction is
11 one-half the next higher whole number shall be
12 taken.

13 (2) LIMITATION ON INCREASE IN TOTAL NUM-
14 BER.—The total number of officers on the lineal list
15 authorized by law may not be increased as the result
16 of the computations prescribed in this section, and
17 if necessary the number of officers in the lowest
18 grade shall be reduced accordingly.

19 (c) PRESERVATION OF GRADE AND PAY, ETC.—No
20 officer may be reduced in grade or pay or separated from
21 the commissioned corps as the result of a computation
22 made to determine the authorized number of officers in
23 the various grades.

24 (d) FILLING OF VACANCIES; ADDITIONAL NUM-
25 BERS.—Nothing in this section may be construed as re-

1 quiring the filling of any vacancy or as prohibiting addi-
 2 tional numbers in any grade to compensate for vacancies
 3 existing in higher grades.

4 (e) TEMPORARY INCREASE IN NUMBERS.—The total
 5 number of officers authorized by law to be on the lineal
 6 list during a fiscal year may be temporarily exceeded so
 7 long as the average number on that list during that fiscal
 8 year does not exceed the authorized number.

9 **SEC. 5305. AUTHORIZED NUMBER FOR FISCAL YEARS 2003**
 10 **THROUGH 2008.**

11 There are authorized to be not less than 264 and not
 12 more than 299 officers on the lineal list of the commis-
 13 sioned corps of the National Oceanic and Atmospheric Ad-
 14 ministration for each of fiscal years 2003 through 2008.

15 **Subtitle B—Appointment and**
 16 **Promotion of Officers**

17 **SEC. 5311. ORIGINAL APPOINTMENTS.**

18 (a) IN GENERAL.—

19 (1) GRADES.—Original appointments may be
 20 made in the grades of ensign, lieutenant (junior
 21 grade), and lieutenant.

22 (2) QUALIFICATIONS.—Under regulations pre-
 23 scribed by the Secretary, such an appointment may
 24 be given only to a person who—

1 (A) meets the qualification requirements
2 specified in paragraphs (1) through (4) of sec-
3 tion 532(a) of title 10, United States Code; and

4 (B) has such other special qualifications as
5 the Secretary may prescribe by regulation.

6 (3) EXAMINATION.—A person may be given
7 such an appointment only after passage of a mental
8 and physical examination given in accordance with
9 regulations prescribed by the Secretary.

10 (4) REVOCATION OF COMMISSION OF OFFICERS
11 FOUND NOT QUALIFIED.—The President may revoke
12 the commission of any officer appointed under this
13 section during the officer's first three years of serv-
14 ice if the officer is found not qualified for the serv-
15 ice. Any such revocation shall be made under regula-
16 tions prescribed by the President.

17 (b) LINEAL LIST.—Each person appointed under this
18 section shall be placed on the lineal list in a position com-
19 mensurate with that person's age, education, and experi-
20 ence, in accordance with regulations prescribed by the Sec-
21 retary.

22 (c) SERVICE CREDIT UPON ORIGINAL APPOINTMENT
23 IN GRADE ABOVE ENSIGN.—

24 (1) IN GENERAL.—For the purposes of basic
25 pay, a person appointed under this section in the

1 grade of lieutenant shall be credited as having, on
2 the date of that appointment, three years of service,
3 and a person appointed under this section in the
4 grade of lieutenant (junior grade) shall be credited
5 as having, as of the date of that appointment, 1½
6 years of service.

7 (2) HIGHER CREDIT UNDER OTHER LAW.—If a
8 person appointed under this section is entitled to
9 credit for the purpose of basic pay under any other
10 provision of law that would exceed the amount of
11 credit authorized by paragraph (1), that person shall
12 be credited with that amount of service in lieu of the
13 credit authorized by paragraph (1).

14 **SEC. 5312. PERSONNEL BOARDS.**

15 (a) CONVENING.—At least once a year and at such
16 other times as the Secretary determines necessary, the
17 Secretary shall convene a personnel board. A personnel
18 board shall consist of not less than five officers on the
19 lineal list in the permanent grade of commander or above.

20 (b) DUTIES.—Each personnel board shall—

21 (1) recommend to the Secretary such changes
22 in the lineal list as the board may determine; and

23 (2) make selections and recommendations to
24 the Secretary and President for the appointment,
25 promotion, separation, continuation, and retirement

1 of officers as prescribed in this subtitle and subtitle
2 C.

3 (c) ACTION ON RECOMMENDATIONS NOT ACCEPT-
4 ABLE.—In a case in which any recommendation by a
5 board convened under subsection (a) is not accepted by
6 the Secretary or the President, the board shall make such
7 further recommendations as are acceptable.

8 **SEC. 5313. PROMOTION OF ENSIGNS TO GRADE OF LIEU-**
9 **TENANT (JUNIOR GRADE).**

10 (a) IN GENERAL.—An officer in the permanent grade
11 of ensign shall be promoted to and appointed in the grade
12 of lieutenant (junior grade) upon completion of three years
13 of service. The authorized number of officers in the grade
14 of lieutenant (junior grade) shall be temporarily increased
15 as necessary to authorize such appointment.

16 (b) SEPARATION OF ENSIGNS FOUND NOT FULLY
17 QUALIFIED.—If an officer in the permanent grade of en-
18 sign is at any time found not fully qualified, the officer's
19 commission shall be revoked and the officer shall be sepa-
20 rated from the commissioned service.

21 **SEC. 5314. PROMOTION BY SELECTION TO PERMANENT**
22 **GRADES ABOVE LIEUTENANT (JUNIOR**
23 **GRADE).**

24 Promotion to fill vacancies in each permanent grade
25 above the grade of lieutenant (junior grade) shall be made

1 by selection from the next lower grade upon recommenda-
2 tion of the personnel board.

3 **SEC. 5315. LENGTH OF SERVICE FOR PROMOTION PUR-**
4 **POSES.**

5 (a) GENERAL RULE.—Each officer shall be assumed
6 to have, for promotion purposes, at least the same length
7 of service as any other officer below that officer on the
8 lineal list.

9 (b) EXCEPTION.—Notwithstanding subsection (a), an
10 officer who has lost numbers shall be assumed to have,
11 for promotion purposes, no greater service than the officer
12 next above such officer in such officer's new position on
13 the lineal list.

14 **SEC. 5316. APPOINTMENTS AND PROMOTIONS TO PERMA-**
15 **NENT GRADES.**

16 Appointments in and promotions to all permanent
17 grades shall be made by the President, by and with the
18 advice and consent of the Senate.

19 **SEC. 5317. GENERAL QUALIFICATION OF OFFICERS FOR**
20 **PROMOTION TO HIGHER PERMANENT**
21 **GRADE.**

22 No officer may be promoted to a higher permanent
23 grade on the active list until the officer has passed a satis-
24 factory mental and physical examination in accordance
25 with regulations prescribed by the Secretary.

1 **SEC. 5318. POSITIONS OF IMPORTANCE AND RESPONSIB-**
2 **BILITY.**

3 (a) DESIGNATION OF POSITIONS.—The Secretary
4 may designate positions in the Administration as being po-
5 sitions of importance and responsibility for which it is ap-
6 propriate that officers of the Administration, if serving in
7 those positions, serve in the grade of vice admiral, rear
8 admiral, or rear admiral (lower half), as designated by the
9 Secretary for each position.

10 (b) ASSIGNMENT OF OFFICERS TO DESIGNATED PO-
11 SITIONS.—The Secretary may assign officers to positions
12 designated under subsection (a).

13 (c) DIRECTOR OF NOAA CORPS AND OFFICE OF MA-
14 RINE AND AVIATION OPERATIONS.—The Secretary shall
15 designate one position under this section as responsible
16 for oversight of the vessel and aircraft fleets and for the
17 administration of the commissioned officer corps. That po-
18 sition shall be filled by an officer on the lineal list serving
19 in or above the grade of rear admiral (lower half). For
20 the specific purpose of administering the commissioned of-
21 ficer corps, that position shall carry the title of Director
22 of the National Oceanic and Atmospheric Administration
23 Commissioned Officer Corps. For the specific purpose of
24 administering the vessel and aircraft fleets, that position
25 shall carry the title of Director of the Office of Marine
26 and Aviation Operations.

1 (d) GRADE.—

2 (1) TEMPORARY APPOINTMENT TO GRADE DES-
3 IGNATED FOR POSITION.—An officer assigned to a
4 position under this section while so serving has the
5 grade designated for that position, if appointed to
6 that grade by the President, by and with the advice
7 and consent of the Senate.

8 (2) REVERSION TO PERMANENT GRADE.—An
9 officer who has served in a grade above captain,
10 upon termination of the officer's assignment to the
11 position for which that appointment was made, shall,
12 unless appointed or assigned to another position for
13 which a higher grade is designated, revert to the
14 grade and number the officer would have occupied
15 but for serving in a grade above that of captain. In
16 such a case, the officer shall be an extra number in
17 that grade.

18 (e) NUMBER OF OFFICERS APPOINTED.—

19 (1) OVERALL LIMIT.—The total number of offi-
20 cers serving on active duty at any one time in the
21 grade of rear admiral (lower half) or above may not
22 exceed four.

23 (2) LIMIT BY GRADE.—The number of officers
24 serving on active duty under appointments under
25 this section may not exceed—

- 1 (A) one in the grade of vice admiral;
2 (B) two in the grade of rear admiral; and
3 (C) two in the grade of rear admiral (lower
4 half).

5 (f) PAY AND ALLOWANCES.—An officer appointed to
6 a grade under this section, while serving in that grade,
7 shall have the pay and allowances of the grade to which
8 appointed.

9 (g) EFFECT OF APPOINTMENT.—An appointment of
10 an officer under this section—

11 (1) does not vacate the permanent grade held
12 by the officer; and

13 (2) creates a vacancy on the active list.

14 **SEC. 5319. TEMPORARY APPOINTMENTS AND PROMOTIONS**
15 **GENERALLY.**

16 (a) ENSIGN.—Temporary appointments in the grade
17 of ensign may be made by the President alone. Each such
18 temporary appointment terminates at the close of the next
19 regular session of the Congress unless the Senate sooner
20 gives its advice and consent to the appointment.

21 (b) LIEUTENANT (JUNIOR GRADE).—Officers in the
22 permanent grade of ensign may be temporarily promoted
23 to and appointed in the grade of lieutenant (junior grade)
24 by the President alone whenever vacancies exist in higher
25 grades.

1 (c) ANY ONE GRADE.—When determined by the Sec-
2 retary to be in the best interest of the service, officers
3 in any permanent grade may be temporarily promoted one
4 grade by the President alone. Any such temporary pro-
5 motion terminates upon the transfer of the officer to a
6 new assignment.

7 **SEC. 5320. TEMPORARY APPOINTMENT OR ADVANCEMENT**
8 **OF COMMISSIONED OFFICERS IN TIME OF**
9 **WAR OR NATIONAL EMERGENCY.**

10 (a) IN GENERAL.—Officers of the Administration
11 shall be subject in like manner and to the same extent
12 as personnel of the Navy to all laws authorizing temporary
13 appointment or advancement of commissioned officers in
14 time of war or national emergency.

15 (b) LIMITATIONS.—Subsection (a) shall be applied
16 subject to the following limitations:

17 (1) A commissioned officer in the service of a
18 military department under section 5341 may, upon
19 the recommendation of the Secretary of the military
20 department concerned, be temporarily promoted to a
21 higher rank or grade.

22 (2) A commissioned officer in the service of the
23 Administration may be temporarily promoted to fill
24 vacancies in ranks and grades caused by the transfer

1 of commissioned officers to the service and jurisdic-
2 tion of a military department under section 5341.

3 (3) Temporary appointments may be made in
4 all grades to which original appointments in the Ad-
5 ministration are authorized, except that the number
6 of officers holding temporary appointments may not
7 exceed the number of officers transferred to a mili-
8 tary department under section 5341.

9 **SEC. 5321. PAY AND ALLOWANCES; DATE OF ACCEPTANCE**
10 **OF PROMOTION.**

11 (a) ACCEPTANCE AND DATE OF PROMOTION.—An of-
12 ficer of the commissioned corps who is promoted to a high-
13 er grade—

14 (1) is deemed for all purposes to have accepted
15 the promotion upon the date the promotion is made
16 by the President, unless the officer expressly declines
17 the promotion; and

18 (2) shall receive the pay and allowances of the
19 higher grade from that date unless the officer is en-
20 titled under another provision of law to receive the
21 pay and allowances of the higher grade from an ear-
22 lier date.

23 (b) OATH OF OFFICE.—An officer who subscribed to
24 the oath of office required by section 3331 of title 5,
25 United States Code, shall not be required to renew such

1 oath or to take a new oath upon promotion to a higher
2 grade, if the service of the officer after the taking of such
3 oath is continuous.

4 **SEC. 5322. SERVICE CREDIT AS DECK OFFICER OR JUNIOR**
5 **ENGINEER FOR PROMOTION PURPOSES.**

6 For purposes of promotion, there shall be counted in
7 addition to active commissioned service, service as deck
8 officer or junior engineer.

9 **SEC. 5323. SUSPENSION DURING WAR OR EMERGENCY.**

10 In time of emergency declared by the President or
11 by the Congress, and in time of war, the President is au-
12 thorized, in the President's discretion, to suspend the op-
13 eration of all or any part of the provisions of law per-
14 taining to promotion of commissioned officers of the Ad-
15 ministration.

16 **Subtitle C—Separation and**
17 **Retirement of Officers**

18 **SEC. 5331. INVOLUNTARY RETIREMENT OR SEPARATION.**

19 (a) **TRANSFER OF OFFICERS TO RETIRED LIST; SEP-**
20 **ARATION FROM SERVICE.**—As recommended by a per-
21 sonnel board convened under section 5312—

22 (1) an officer in the permanent grade of captain
23 or commander may be transferred to the retired list;
24 and

1 (2) an officer in the permanent grade of lieu-
2 tenant commander, lieutenant, or lieutenant (junior
3 grade) who is not qualified for retirement may be
4 separated from the service.

5 (b) COMPUTATIONS.—In any fiscal year, the total
6 number of officers selected for retirement or separation
7 under subsection (a) plus the number of officers retired
8 for age may not exceed the whole number nearest 4 per-
9 cent of the total number of officers authorized to be on
10 the active list, except as otherwise provided by law.

11 (c) EFFECTIVE DATE OF RETIREMENTS AND SEPA-
12 RATIONS.—A retirement or separation under subsection
13 (a) shall take effect on the first day of the sixth month
14 beginning after the date on which the Secretary approves
15 the retirement or separation, except that if the officer con-
16 cerned requests an earlier retirement or separation date,
17 the date shall be as determined by the Secretary.

18 **SEC. 5332. SEPARATION PAY.**

19 (a) AUTHORIZATION OF PAYMENT.—An officer who
20 is separated under section 5331(a)(2) and who has com-
21 pleted more than three years of continuous active service
22 immediately before that separation is entitled to separa-
23 tion pay computed under subsection (b) unless the Sec-
24 retary determines that the conditions under which the offi-
25 cer is separated do not warrant payment of that pay.

1 (b) AMOUNT OF SEPARATION PAY.—

2 (1) SIX OR MORE YEARS.—In the case of an of-
3 ficer who has completed six or more years of contin-
4 uous active service immediately before that separa-
5 tion, the amount of separation pay to be paid to the
6 officer under this section is 10 percent of the prod-
7 uct of—

8 (A) the years of active service creditable to
9 the officer; and

10 (B) 12 times the monthly basic pay to
11 which the officer was entitled at the time of
12 separation.

13 (2) THREE TO SIX YEARS.—In the case of an
14 officer who has completed three or more but fewer
15 than six years of continuous active service imme-
16 diately before that separation, the amount of separa-
17 tion pay to be paid to the officer under this section
18 is one-half of the amount computed under paragraph
19 (1).

20 (c) OTHER CONDITIONS, REQUIREMENTS, AND AD-
21 MINISTRATIVE PROVISIONS.—The provisions of sub-
22 sections (f), (g), and (h) of section 1174 of title 10, United
23 States Code, shall apply to separation pay under this sec-
24 tion in the same manner as such provisions apply to sepa-
25 ration pay under that section.

1 **SEC. 5333. MANDATORY RETIREMENT FOR AGE.**

2 (a) OFFICERS BELOW GRADE OF REAR ADMIRAL
3 (LOWER HALF).—Unless retired or separated earlier,
4 each officer on the lineal list of the commissioned corps
5 who is serving in a grade below the grade of rear admiral
6 (lower half) shall be retired on the first day of the month
7 following the month in which the officer becomes 62 years
8 of age.

9 (b) FLAG OFFICERS.—Notwithstanding subsection
10 (a), the President may defer the retirement of an officer
11 serving in a position that carries a grade above captain
12 for such period as the President considers advisable, but
13 such a deferment may not extend beyond the first day of
14 the month following the month in which the officer be-
15 comes 64 years of age.

16 **SEC. 5334. RETIREMENT FOR LENGTH OF SERVICE.**

17 An officer who has completed 20 years of service, of
18 which at least 10 years was service as a commissioned offi-
19 cer, may at any time thereafter, upon application by such
20 officer and in the discretion of the President, be placed
21 on the retired list.

22 **SEC. 5335. COMPUTATION OF RETIRED PAY.**

23 (a) OFFICERS FIRST BECOMING MEMBERS BEFORE
24 SEPTEMBER 8, 1980.—Each officer on the retired list who
25 first became a member of a uniformed service before Sep-

1 tember 8, 1980, shall receive retired pay at the rate deter-
2 mined by multiplying—

3 (1) the retired pay base determined under sec-
4 tion 1406(g) of title 10, United States Code; by

5 (2) 2½ percent of the number of years of serv-
6 ice that may be credited to the officer under section
7 1405 of such title as if the officer's service were
8 service as a member of the Armed Forces.

9 The retired pay so computed may not exceed 75 percent
10 of the retired pay base.

11 (b) OFFICERS FIRST BECOMING MEMBERS ON OR
12 AFTER SEPTEMBER 8, 1980.—Each officer on the retired
13 list who first became a member of a uniformed service on
14 or after September 8, 1980, shall receive retired pay at
15 the rate determined by multiplying—

16 (1) the retired pay base determined under sec-
17 tion 1407 of title 10, United States Code; by

18 (2) the retired pay multiplier determined under
19 section 1409 of such title for the number of years
20 of service that may be credited to the officer under
21 section 1405 of such title as if the officer's service
22 were service as a member of the Armed Forces.

23 (c) TREATMENT OF FULL AND FRACTIONAL PARTS
24 OF MONTHS IN COMPUTING YEARS OF SERVICE.—

1 (1) IN GENERAL.—In computing the number of
2 years of service of an officer for the purposes of sub-
3 section (a)—

4 (A) each full month of service that is in
5 addition to the number of full years of service
6 creditable to the officer shall be credited as $\frac{1}{12}$
7 of a year; and

8 (B) any remaining fractional part of a
9 month shall be disregarded.

10 (2) ROUNDING.—Retired pay computed under
11 this section, if not a multiple of \$1, shall be rounded
12 to the next lower multiple of \$1.

13 **SEC. 5336. RETIRED GRADE AND RETIRED PAY.**

14 Each officer retired pursuant to law shall be placed
15 on the retired list with the highest grade satisfactorily held
16 by that officer while on active duty including active duty
17 pursuant to recall, under permanent or temporary ap-
18 pointment, and shall receive retired pay based on such
19 highest grade, if—

20 (1) the officer's performance of duty in such
21 highest grade has been satisfactory, as determined
22 by the Secretary of the department or departments
23 under whose jurisdiction the officer served; and

24 (2) unless retired for disability, the officer's
25 length of service in such highest grade is no less

1 than that required by the Secretary of officers retir-
2 ing under permanent appointment in that grade.

3 **SEC. 5337. RETIRED RANK AND PAY HELD PURSUANT TO**
4 **OTHER LAWS UNAFFECTED.**

5 Nothing in this subtitle shall prevent an officer from
6 being placed on the retired list with the highest rank and
7 with the highest retired pay to which the officer is entitled
8 under any other provision of law.

9 **SEC. 5338. CONTINUATION ON ACTIVE DUTY; DEFERRAL OF**
10 **RETIREMENT.**

11 The provisions of subchapter IV of chapter 36 of title
12 10, United States Code, relating to continuation on active
13 duty and deferral of retirement shall apply to commis-
14 sioned officers of the Administration.

15 **SEC. 5339. RECALL TO ACTIVE DUTY.**

16 The provisions of chapter 39 of title 10, United
17 States Code, relating to recall of retired officers to active
18 duty, including the limitations on such recalls, shall apply
19 to commissioned officers of the Administration.

20 **Subtitle D—Service of Officers**
21 **With the Military Departments**

22 **SEC. 5341. COOPERATION WITH AND TRANSFER TO MILI-**
23 **TARY DEPARTMENTS.**

24 (a) IN GENERAL.—The President may, whenever in
25 the judgment of the President a sufficient national emer-

1 gency exists, transfer to the service and jurisdiction of a
2 military department such vessels, equipment, stations, and
3 officers of the Administration as the President considers
4 to be in the best interest of the country. After any such
5 transfer all expenses connected therewith shall be defrayed
6 out of the appropriations for the department to which the
7 transfer is made. Such transferred vessels, equipment, sta-
8 tions, and officers shall be returned to the Administration
9 when the national emergency ceases, in the opinion of the
10 President. Nothing in this section shall be construed as
11 transferring the Administration or any of its functions
12 from the Department of Commerce except in time of na-
13 tional emergency and to the extent provided in this sec-
14 tion.

15 (b) STATUS OF TRANSFERRED OFFICERS.—An offi-
16 cer of the Administration transferred under this section,
17 shall, while under the jurisdiction of a military depart-
18 ment, have proper military status and shall be subject to
19 the laws, regulations, and orders for the government of
20 the Army, Navy, or Air Force, as the case may be, insofar
21 as the same may be applicable to persons whose retention
22 permanently in the military service of the United States
23 is not contemplated by law.

1 **SEC. 5342. RELATIVE RANK OF OFFICERS WHEN SERVING**
2 **WITH ARMY, NAVY, OR AIR FORCE.**

3 When serving with the Army, Navy, or Air Force, an
4 officer of the Administration shall rank with and after of-
5 ficers of corresponding grade in the Army, Navy, or Air
6 Force of the same length of service in grade. Nothing in
7 this subtitle shall be construed to affect or alter an offi-
8 cer's rates of pay and allowances when not assigned to
9 military duty.

10 **SEC. 5343. RULES AND REGULATIONS WHEN COOPERATING**
11 **WITH MILITARY DEPARTMENTS.**

12 (a) **JOINT REGULATIONS.**—The Secretary of Defense
13 and the Secretary of Commerce shall jointly prescribe reg-
14 ulations—

15 (1) governing the duties to be performed by the
16 Administration in time of war; and

17 (2) providing for the cooperation of the Admin-
18 istration with the military departments in time of
19 peace in preparation for its duties in time of war.

20 (b) **APPROVAL.**—Regulations under subsection (a)
21 shall not be effective unless approved by each of those Sec-
22 retaries.

23 (c) **COMMUNICATIONS.**—Regulations under sub-
24 section (a) may provide procedures for making reports and
25 communications between a military department and the
26 Administration.

1 **Subtitle E—Rights and Benefits**

2 **SEC. 5351. APPLICABILITY OF CERTAIN PROVISIONS OF**
3 **TITLE 10, UNITED STATES CODE.**

4 (a) PROVISIONS MADE APPLICABLE TO THE
5 CORPS.—The rules of law that apply to the Armed Forces
6 under the following provisions of title 10, United States
7 Code, as those provisions are in effect from time to time,
8 apply also to the commissioned officer corps of the Admin-
9 istration:

10 (1) Chapter 40, relating to leave.

11 (2) Section 716, relating to transfers between
12 the armed forces and to and from National Oceanic
13 and Atmospheric Administration.

14 (3) Section 1035, relating to deposits of sav-
15 ings.

16 (4) Section 1036, relating to transportation and
17 travel allowances for escorts for dependents of mem-
18 bers.

19 (5) Section 1052, relating to reimbursement for
20 adoption expenses.

21 (6) Section 1174a, relating to special separation
22 benefits (except that benefits under subsection
23 (b)(2)(B) of such section are subject to the avail-
24 ability of appropriations for such purpose and are

1 provided at the discretion of the Secretary of Com-
2 merce).

3 (7) Chapter 61, relating to retirement or sepa-
4 ration for physical disability.

5 (8) Chapter 69, relating to retired grade, except
6 sections 1370, 1375, and 1376.

7 (9) Chapter 71, relating to computation of re-
8 tired pay.

9 (10) Chapter 73, relating to annuities based on
10 retired or retainer pay.

11 (11) Subchapter II of chapter 75, relating to
12 death benefits.

13 (12) Section 2634, relating to transportation of
14 motor vehicles for members on permanent change of
15 station.

16 (13) Sections 2731 and 2735, relating to prop-
17 erty loss incident to service.

18 (14) Section 2771, relating to final settlement
19 of accounts of deceased members.

20 (15) Such other provisions of subtitle A of that
21 title as may be adopted for applicability to the com-
22 missioned officer corps of the National Oceanic and
23 Atmospheric Administration by any other provision
24 of law.

1 (b) REFERENCES.—The authority vested by title 10,
2 United States Code, in the “military departments”, “the
3 Secretary concerned”, or “the Secretary of Defense” with
4 respect to the provisions of law referred to in subsection
5 (a) shall be exercised, with respect to the commissioned
6 officer corps of the Administration, by the Secretary of
7 Commerce or the Secretary’s designee.

8 **SEC. 5352. ELIGIBILITY FOR VETERANS BENEFITS AND**
9 **OTHER RIGHTS, PRIVILEGES, IMMUNITIES,**
10 **AND BENEFITS UNDER CERTAIN PROVISIONS**
11 **OF LAW.**

12 (a) IN GENERAL.—Active service of officers of the
13 Administration shall be deemed to be active military serv-
14 ice for the purposes of all rights, privileges, immunities,
15 and benefits under the following:

16 (1) Laws administered by the Secretary of Vet-
17 erans Affairs.

18 (2) The Soldiers’ and Sailors’ Civil Relief Act
19 of 1940 (50 App. U.S.C. 501 et seq.).

20 (3) Section 210 of the Social Security Act (42
21 U.S.C. 410), as in effect before September 1, 1950.

22 (b) EXERCISE OF AUTHORITY.—In the administra-
23 tion of the laws and regulations referred to in subsection
24 (a), with respect to the Administration, the authority vest-
25 ed in the Secretary of Defense and the Secretaries of the

1 military departments and their respective departments
2 shall be exercised by the Secretary of Commerce.

3 **SEC. 5353. MEDICAL AND DENTAL CARE.**

4 The Secretary may provide medical and dental care,
5 including care in private facilities, for personnel of the Ad-
6 ministration entitled to that care by law or regulation.

7 **SEC. 5354. COMMISSARY PRIVILEGES.**

8 (a) **EXTENSION OF PRIVILEGE.**—Commissioned offi-
9 cers, ships' officers, and members of crews of vessels of
10 the Administration shall be permitted to purchase com-
11 missary and quartermaster supplies as far as available
12 from the Armed Forces at the prices charged officers and
13 enlisted members of the Armed Forces.

14 (b) **SALES OF RATIONS, STORES, UNIFORMS, AND**
15 **RELATED EQUIPMENT.**—The Secretary may purchase ra-
16 tion supplies for messes, stores, uniforms, accouterments,
17 and related equipment for sale aboard ship and shore sta-
18 tions of the Administration to members of the uniformed
19 services and to personnel assigned to such ships or shore
20 stations. Sales shall be in accordance with regulations pre-
21 scribed by the Secretary, and proceeds therefrom shall, as
22 far as is practicable, fully reimburse the appropriations
23 charged without regard to fiscal year.

24 (c) **SURVIVING SPOUSES' RIGHTS.**—Rights extended
25 to members of the uniformed services in this section are

1 extended to their surviving spouses and to such others as
2 are designated by the Secretary concerned.

3 **SEC. 5355. AUTHORITY TO USE APPROPRIATED FUNDS FOR**
4 **TRANSPORTATION AND REIMBURSEMENT OF**
5 **CERTAIN ITEMS.**

6 (a) **TRANSPORTATION OF EFFECTS OF DECEASED**
7 **OFFICERS.**—In the case of an officer who dies on active
8 duty, the Secretary may provide, from appropriations
9 made available to the Administration, transportation (in-
10 cluding packing, unpacking, crating, and uncrating) of
11 personal and household effects of that officer to the offi-
12 cial residence of record of that officer. However, upon ap-
13 plication by the dependents of such an officer, such trans-
14 portation may be provided to such other location as may
15 be determined by the Secretary.

16 (b) **REIMBURSEMENT FOR SUPPLIES FURNISHED BY**
17 **OFFICERS TO DISTRESSED AND SHIPWRECKED PER-**
18 **SONS.**—Under regulations prescribed by the Secretary, ap-
19 propriations made available to the Administration may be
20 used to reimburse an officer for food, clothing, medicines,
21 and other supplies furnished by the officer—

22 (1) for the temporary relief of distressed per-
23 sons in remote localities; or

24 (2) to shipwrecked persons who are temporarily
25 provided for by the officer.

1 **SEC. 5356. PRESENTATION OF UNITED STATES FLAG UPON**
2 **RETIREMENT.**

3 (a) PRESENTATION OF FLAG UPON RETIREMENT.—
4 Upon the release of a commissioned officer from active
5 commissioned service for retirement, the Secretary shall
6 present a United States flag to the officer.

7 (b) MULTIPLE PRESENTATIONS NOT AUTHOR-
8 IZED.—An officer is not eligible for presentation of a flag
9 under subsection (a) if the officer has previously been pre-
10 sented a flag under this section or any other provision of
11 law providing for the presentation of a United States flag
12 incident to release from active service for retirement.

13 (c) NO COST TO RECIPIENT.—The presentation of a
14 flag under this section shall be at no cost to the recipient.

15 **Subtitle F—Repeals and**
16 **Conforming Amendments**

17 **SEC. 5361. REPEALS.**

18 The following provisions of law are repealed:

19 (1) The Coast and Geodetic Survey Commis-
20 sioned Officers' Act of 1948 (33 U.S.C. 853a et
21 seq.).

22 (2) Section 3 of the Act of August 10, 1956
23 (33 U.S.C. 857a).

24 (3) Public Law 91–621 (33 U.S.C. 857–1 et
25 seq.).

1 (4) Section 16 of the Act of May 22, 1917 (33
2 U.S.C. 854, 855, 856, 857, and 858).

3 (5) Section 1 of the Act of July 22, 1947 (33
4 U.S.C. 874).

5 (6) Section 11 of the Act entitled “An Act to
6 increase the efficiency of the commissioned and en-
7 listed personnel of the Army, Navy, Marine Corps,
8 Coast Guard, Coast and Geodetic Survey, and Public
9 Health Service”, enacted May 18, 1920 (33 U.S.C.
10 864).

11 (7) Section 636(a)(17) of the Foreign Assist-
12 ance Act of 1961 (22 U.S.C. 2396(a)(17)).

13 **SEC. 5362. CONFORMING AMENDMENTS.**

14 (a) TITLE 10, UNITED STATES CODE.—Section
15 1406(g) of title 10, United States Code, is amended by
16 striking “section 16 of the Coast and Geodetic Survey
17 Commissioned Officers’ Act of 1948 (33 U.S.C. 853o)”
18 and inserting “section 5335 of the National Oceanic and
19 Atmospheric Administration Commissioned Officers Act of
20 2002”.

21 (b) PUBLIC LAW 104–106.—Section 566(c) of the
22 National Defense Authorization Act for Fiscal Year 1996
23 (Public Law 104–106; 110 Stat. 328; 10 U.S.C. 1293
24 note) is amended by striking “the Coast and Geodetic Sur-
25 vey Commissioned Officers’ Act of 1948” and inserting

1 “the National Oceanic and Atmospheric Administration
2 Commissioned Officer Corps Act of 2002”.

3 **TITLE IV—NOAA HYDRO-**
4 **GRAPHIC SERVICES IM-**
5 **PROVEMENT**

6 **SEC. 5421. SHORT TITLE; REFERENCES.**

7 (a) **SHORT TITLE.**—This title may be cited as the
8 “Hydrographic Services Improvement Act Amendments of
9 2002”.

10 (b) **REFERENCES.**—Except as otherwise expressly
11 provided, whenever in this title an amendment or repeal
12 is expressed in terms of an amendment to, or repeal of,
13 a section or other provision, the reference shall be consid-
14 ered to be made to a section or other provision of the Hy-
15 drographic Services Improvement Act of 1998 (33 U.S.C.
16 892 et seq.).

17 **SEC. 5422. DEFINITIONS.**

18 Section 302 (33 U.S.C. 892) is amended—

19 (1) in paragraph (3) by inserting “, geospatial,
20 or geomagnetic” after “geodetic”; and

21 (2) in paragraph (4) by inserting “geospatial,
22 geomagnetic,” after “geodetic,”.

1 **SEC. 5423. FUNCTIONS OF ADMINISTRATOR.**

2 (a) HYDROGRAPHIC MONITORING SYSTEMS.—Sec-
3 tion 303(b)(4) (33 U.S.C. 892a(b)(4)) is amended to read
4 as follows:

5 “(4) shall, subject to the availability of appro-
6 priations, design, install, maintain, and operate real-
7 time hydrographic monitoring systems to enhance
8 navigation safety and efficiency.”.

9 (b) CONSERVATION AND MANAGEMENT OF COASTAL
10 AND OCEAN RESOURCES.—Section 303 (33 U.S.C. 892a)
11 is further amended by adding at the end the following:

12 “(c) CONSERVATION AND MANAGEMENT OF COASTAL
13 AND OCEAN RESOURCES.—Where appropriate and to the
14 extent that it does not detract from the promotion of safe
15 and efficient navigation, the Secretary may use hydro-
16 graphic data and services to support the conservation and
17 management of coastal and ocean resources.”.

18 **SEC. 5424. QUALITY ASSURANCE PROGRAM.**

19 (a) IN GENERAL.—Section 304(b)(1) (33 U.S.C.
20 892b(b)(1)) is amended to read as follows:

21 “(1) IN GENERAL.—The Administrator—
22 “(A) by not later than 2 years after the
23 date of enactment of the Hydrographic Services
24 Improvement Act Amendments of 2002, shall,
25 subject to the availability of appropriations, de-
26 velop and implement a quality assurance pro-

1 gram that is equally available to all applicants,
2 under which the Administrator may certify hy-
3 drographic products that satisfy the standards
4 promulgated by the Administrator under section
5 303(a)(3) of this Act;

6 “(B) may authorize the use of the emblem
7 or any trademark of the Administration on a
8 hydrographic product certified under subpara-
9 graph (A); and

10 “(C) may charge a fee for such certifi-
11 cation and use.”.

12 (b) ACCEPTANCE AND RECOGNITION OF CERTIFI-
13 CATIONS.—Section 304(b) (33 U.S.C. 892b(b)) is amend-
14 ed by adding at the end the following:

15 “(3) ACCEPTANCE AND RECOGNITION OF CER-
16 TIFICATIONS.—The Administrator shall, to the max-
17 imum extent practicable, assure that any inter-
18 national organizations and agreements to which the
19 United States is a party which affect hydrographic
20 products and nautical charts accept or recognize, re-
21 spectively, hydrographic products certified by the
22 Administrator under this subsection.”.

23 (c) IMPLEMENTATION OF EXECUTIVE ORDER AND
24 OMB CIRCULAR.—Section 304 (33 U.S.C. 892b) is
25 amended by adding at the end the following:

1 “(f) ANNUAL STUDY AND REPORT REGARDING IM-
2 PLEMENTATION OF EXECUTIVE ORDER AND OMB CIR-
3 CULAR.—

4 “(1) IN GENERAL.—The Administrator shall
5 annually conduct a study of, and report to the panel
6 established under section 305 regarding, steps taken
7 to comply with section 3(d) of Executive Order
8 12906 and Office of Management and Budget Cir-
9 cular A-16 with respect to the collection and produc-
10 tion of new hydrographic data and products by the
11 Administration.

12 “(2) CONSULTATION.—In carrying out the
13 study and report, the Administrator shall consult
14 with the Federal Geographic Data Committee.”.

15 **SEC. 5425. HYDROGRAPHIC SERVICES REVIEW PANEL.**

16 Section 305 (33 U.S.C. 892c) is amended to read as
17 follows:

18 **“SEC. 305. HYDROGRAPHIC SERVICES REVIEW PANEL.**

19 “(a) ESTABLISHMENT.—No later than 1 year after
20 the date of enactment of the Hydrographic Services Im-
21 provement Act Amendments of 2002, the Secretary shall
22 establish the Hydrographic Services Review Panel.

23 “(b) DUTIES.—

24 “(1) IN GENERAL.—The panel shall advise the
25 Administrator on matters related to the responsibil-

1 ities and authorities set forth in section 303 of this
2 Act and such other appropriate matters as the Ad-
3 ministrator refers to the panel for review and advice.

4 “(2) ADMINISTRATIVE RESOURCES.—The Ad-
5 ministrator shall make available to the panel such
6 information, personnel, and administrative services
7 and assistance as it may reasonably require to carry
8 out its duties.

9 “(c) MEMBERSHIP.—

10 “(1) IN GENERAL.—

11 “(A) The panel shall consist of 15 voting
12 members who shall be appointed by the Admin-
13 istrator. The Director of the Joint Hydro-
14 graphic Institute and no more than 2 employees
15 of the National Oceanic and Atmospheric Ad-
16 ministration appointed by the Administrator
17 shall serve as nonvoting members of the panel.
18 The voting members of the panel shall be indi-
19 viduals who, by reason of knowledge, experi-
20 ence, or training, are especially qualified in one
21 or more of the disciplines and fields relating to
22 hydrographic surveying, tide, current geodetic
23 and geospatial measurement, marine transpor-
24 tation, port administration, vessel pilotage, and
25 coastal and fishery management.

1 “(B) An individual may not be appointed
2 as a voting member of the panel if the indi-
3 vidual is a full-time officer or employee of the
4 United States.

5 “(C) Any voting member of the panel who
6 is an applicant for, or beneficiary (as deter-
7 mined by the Secretary) of, any assistance
8 under this Act shall disclose to the panel that
9 relationship, and may not vote on any matter
10 pertaining to that assistance.

11 “(2) TERMS.—

12 “(A) The term of office of a voting mem-
13 ber of the panel shall be 4 years, except that of
14 the original appointees, five shall be appointed
15 for a term of 2 years, five shall be appointed
16 for a term of 3 years, and five shall be ap-
17 pointed for a term of 4 years, as specified by
18 the Administrator at the time of appointment.

19 “(B) Any individual appointed to a partial
20 or full term may be reappointed for one addi-
21 tional full term. A voting member may serve
22 after the date of the expiration of the term of
23 office for which appointed until his or her suc-
24 cessor has taken office.

1 “(3) NOMINATIONS.—At least once each year,
2 the Secretary shall publish a notice in the Federal
3 Register soliciting nominations for membership on
4 the panel.

5 “(4) CHAIRMAN AND VICE CHAIRMAN.—

6 “(A) The panel shall select one voting
7 member to serve as the Chairman and another
8 voting member to serve as the Vice Chairman.

9 “(B) The Vice Chairman shall act as
10 Chairman in the absence or incapacity of the
11 Chairman.

12 “(d) COMPENSATION.—Voting members of the panel
13 shall—

14 “(1) receive compensation at a rate established
15 by the Secretary, not to exceed the maximum daily
16 rate payable under section 5376 of title 5, United
17 States Code, when actually engaged in the perform-
18 ance of duties for such panel; and

19 “(2) be reimbursed for actual and reasonable
20 expenses incurred in the performance of such duties.

21 “(e) MEETINGS.—The panel shall meet on a biannual
22 basis and, at any other time, at the call of the Chairman
23 or upon the request of a majority of the voting members
24 or of the Secretary.

1 “(f) POWERS.—The panel may exercise such powers
2 as are reasonably necessary in order to carry out its duties
3 under subsection (b).”.

4 **SEC. 5426. PLAN REGARDING PHOTOGRAMMETRY AND RE-**
5 **MOTE SENSING.**

6 (a) IN GENERAL.—Not later than 6 months after the
7 date of enactment of this Act, the Administrator of the
8 National Oceanic and Atmospheric Administration shall
9 submit to the Congress a plan for increasing, consistent
10 with this title, contracting with the private sector for pho-
11 togrammetric, remote sensing, and other geospatial ref-
12 erence services related to hydrographic data acquisition or
13 hydrographic services activities performed by the National
14 Ocean Service. In preparing the plan, the Administrator
15 shall consult with private sector entities knowledgeable in
16 photogrammetry and remote sensing.

17 (b) CONTENTS.—The plan shall include the following:

18 (1) An assessment of which of the photo-
19 grammetric, remote sensing, and other geospatial
20 reference services related to hydrographic data ac-
21 quisition or hydrographic services activities per-
22 formed by the National Ocean Service can be per-
23 formed adequately by private-sector entities.

1 (2) An evaluation of the relative cost-effective-
2 ness of the Federal Government and private-sector
3 entities in performing those activities.

4 (3) A strategy for enhancing and improving the
5 acquisition and contract management capabilities of
6 the National Oceanic and Atmospheric Administra-
7 tion to assist in the utilization of private sector enti-
8 ties for photogrammetric, remote sensing, and other
9 geospatial reference services related to hydrographic
10 data acquisition or hydrographic services activities
11 performed by the National Ocean Service, includ-
12 ing—

13 (A) the transfer and retraining of per-
14 sonnel to become contracting officer technical
15 representatives;

16 (B) education in the use of contracting
17 procedures in accordance with section 303(b)(3)
18 of the Hydrographic Services Improvement Act
19 of 1998, as amended by this Act; and

20 (C) the utilization of training, education,
21 and acquisition and contract management capa-
22 bilities of other Federal agencies that are expert
23 and experienced in contracting for such serv-
24 ices.

1 **SEC. 5427. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 306 (33 U.S.C. 892d) is amended to read as
3 follows:

4 **“SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to the Ad-
6 ministrator the following:

7 “(1) To carry out nautical mapping and chart-
8 ing functions under sections 303 and 304 of this
9 Act, except for conducting hydrographic surveys—

10 “(A) \$50,000,000 for fiscal year 2003;

11 “(B) \$55,000,000 for fiscal year 2004;

12 “(C) \$60,000,000 for fiscal year 2005;

13 “(D) \$65,000,000 for fiscal year 2006;

14 and

15 “(E) \$70,000,000 for fiscal year 2007.

16 “(2) To contract for hydrographic surveys
17 under section 303(b)(1), including the leasing or
18 time chartering of vessels—

19 “(A) \$40,000,000 for fiscal year 2003;

20 “(B) \$42,500,000 for fiscal year 2004;

21 “(C) \$45,000,000 for fiscal year 2005;

22 “(D) \$47,500,000 for fiscal year 2006;

23 and

24 “(E) \$50,000,000 for fiscal year 2007.

25 “(3) To carry out geodetic functions under this
26 title—

1 “(A) \$27,500,000 for fiscal year 2003;

2 “(B) \$30,000,000 for fiscal year 2004;

3 “(C) \$32,500,000 for fiscal year 2005;

4 “(D) \$35,000,000 for fiscal year 2006;

5 and

6 “(E) \$35,500,000 for fiscal year 2007.

7 “(4) To carry out tide and current measure-
8 ment functions under this title—

9 “(A) \$25,000,000 for fiscal year 2003;

10 “(B) \$27,500,000 for fiscal year 2004;

11 “(C) \$30,000,000 for fiscal year 2005;

12 “(D) \$32,500,000 for fiscal year 2006;

13 and

14 “(E) \$35,000,000 for fiscal year 2007.

15 “(5) To carry out activities authorized under
16 this title that enhance homeland security, including
17 electronic navigation charts, hydrographic surveys,
18 real time tide and current measurements, and geo-
19 detic functions, in addition to other amounts author-
20 ized by this section, \$50,000,000.”.

1 **TITLE V—FISH AND WILDLIFE**
2 **CONSERVATION**
3 **Subtitle A—Bear River Migratory**
4 **Bird Refuge Education and Ad-**
5 **ministrative Center**

6 **SEC. 5501. SHORT TITLE.**

7 This subtitle may be cited as the “Bear River Migra-
8 tory Bird Refuge Visitor Center Act”.

9 **SEC. 5502. FINDINGS.**

10 The Congress finds the following:

11 (1) The Bear River marshes have been a histor-
12 ical waterfowl oasis and an important inland water-
13 fowl flyway for thousands of years.

14 (2) The Congress created the Bear River Mi-
15 gratory Bird Refuge as one of the first National
16 Wildlife Refuges, for the purpose of protecting wa-
17 terfowl habitat and migratory birds, educating the
18 public regarding, and enhancing public appreciation
19 of, waterfowl habitat and migratory birds.

20 (3) The Bear River Migratory Bird Refuge was
21 virtually destroyed by the devastating floods that oc-
22 curred between 1983 and 1985.

23 (4) Refuge employees, aided by volunteers, have
24 taken valiant actions to rebuild the Refuge by re-
25 storing habitat, increasing its attractiveness to wa-

1 terfowl, reducing waterfowl botulism, and providing
2 recreational and educational opportunities to the
3 public.

4 (5) The Bear River Migratory Bird Refuge
5 lacks a functional education and administrative cen-
6 ter.

7 (6) The creation of such a facility would signifi-
8 cantly enhance public appreciation of waterfowl and
9 the need to preserve waterfowl habitat.

10 (7) The Congress has taken significant steps to
11 provide funding for the construction of an education
12 and administrative center.

13 **SEC. 5503. DEFINITIONS.**

14 For the purpose of this subtitle, the following defini-
15 tions apply:

16 (1) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 (2) REFUGE.—The term “Refuge” means the
19 Bear River Migratory Bird Refuge in Box Elder
20 County, Utah.

21 (3) EDUCATION AND ADMINISTRATIVE CEN-
22 TER.—The term “Education and Administrative
23 Center” means the facility identified in the Environ-
24 mental Assessment dated 1991 and entitled “Res-

1 **Subtitle B—North American Wet-**
2 **lands Conservation Reauthor-**
3 **ization Act**

4 **SEC. 5521. SHORT TITLE.**

5 This subtitle may be cited as the “North American
6 Wetlands Conservation Reauthorization Act”.

7 **SEC. 5522. AMENDMENT OF NORTH AMERICAN WETLANDS**
8 **CONSERVATION ACT.**

9 Except as otherwise expressly provided, whenever in
10 this subtitle an amendment or repeal is expressed in terms
11 of an amendment to, or repeal of, a section or other provi-
12 sion, the reference shall be considered to be made to a
13 section or other provision of the North American Wetlands
14 Conservation Act (16 U.S.C. 4401 et seq.).

15 **SEC. 5523. FINDINGS AND STATEMENT OF PURPOSE.**

16 (a) **FINDING.**—Section 2(a)(1) (16 U.S.C.
17 4401(a)(1)) is amended by striking “and other habitats”
18 and inserting “and associated habitats”.

19 (b) **PURPOSES.**—Section 2(b) (16 U.S.C. 4401(b)) is
20 amended—

21 (1) in paragraph (1) by striking “and other
22 habitats for migratory birds” and inserting “and as-
23 sociated habitats for wetland dependent migratory
24 birds”;

1 (2) in paragraph (2) by inserting “wetland de-
2 pendent” before “migratory bird”; and

3 (3) in paragraph (3)—

4 (A) by inserting “wetland dependent” be-
5 fore “migratory birds”; and

6 (B) by inserting “, the United States
7 Shorebird Conservation Plan, the North Amer-
8 ican Waterbird Conservation Plan, the Partners
9 In Flight Conservation Plans,” after “North
10 American Waterfowl Management Plan”.

11 **SEC. 5524. DEFINITION OF WETLANDS CONSERVATION**
12 **PROJECT.**

13 Section 3(9) (16 U.S.C. 4402(9)) is amended—

14 (1) in subparagraph (A) by inserting “of a wet-
15 land ecosystem and associated habitat” after “in-
16 cluding water rights,”; and

17 (2) in subparagraph (B) by striking “and other
18 habitat” and inserting “and associated habitat”.

19 **SEC. 5525. REAUTHORIZATION.**

20 Section 7(e) (16 U.S.C. 4406(e)) is amended by strik-
21 ing “not to exceed” and all that follows and inserting “not
22 to exceed—

23 “(1) \$55,000,000 for fiscal year 2003;

24 “(2) \$60,000,000 for fiscal year 2004;

25 “(3) \$65,000,000 for fiscal year 2005;

1 “(4) \$70,000,000 for fiscal year 2006; and
2 “(5) \$75,000,000 for fiscal year 2007.”.

3 **SEC. 5526. ALLOCATION.**

4 Section 8(a) (16 U.S.C. 4407(a)) is amended—

5 (1) in paragraph (1)—

6 (A) by striking “(but at least 50 per cen-
7 tum and not more than 70 per centum there-
8 of)” and inserting “(but at least 25 percent and
9 not more than 50 percent thereof)”; and

10 (B) by striking “4 per centum” and insert-
11 ing “4 percent”; and

12 (2) in paragraph (2) by striking “(but at least
13 30 per centum and not more than 50 per centum
14 thereof)” and inserting “(but at least 50 percent
15 and not more than 75 percent thereof)”.

16 **SEC. 5527. CLARIFICATION OF NON-FEDERAL SHARE OF**
17 **THE COST OF APPROVED WETLANDS CON-**
18 **SERVATION PROJECTS.**

19 Section 8(b) (16 U.S.C. 4407(b)) is amended by
20 striking so much as precedes the second sentence and in-
21 serting the following:

22 “(b) COST SHARING.—(1) Except as provided in
23 paragraph (2), as a condition of providing assistance
24 under this Act for any approved wetlands conservation
25 project, the Secretary shall require that the portion of the

1 costs of the project paid with amounts provided by non-
2 Federal United States sources is equal to at least the
3 amount allocated under subsection (a) that is used for the
4 project.

5 “(2) Federal moneys allocated under subsection (a)
6 may be used to pay 100 percent of the costs of such
7 projects located on Federal lands and waters, including
8 the acquisition of inholdings within such lands and waters.

9 “(3)”.

10 **SEC. 5528. TECHNICAL CORRECTIONS.**

11 (a) The North American Wetlands Conservation Act
12 is amended as follows:

13 (1) In section 2(a)(10) (16 U.S.C.
14 4401(a)(10)), by inserting “of 1973” after “Species
15 Act”.

16 (2) In section 3(2) (16 U.S.C. 4402(2)), by
17 striking “Committee on Merchant Marine and Fish-
18 eries of the United States House of Representatives”
19 and inserting “Committee on Resources of the
20 House of Representatives”.

21 (3) In section 3(5) (16 U.S.C. 4402(5)), by in-
22 serting “of 1973” after “Species Act”.

23 (4) In section 4(a)(1)(B) (16 U.S.C.
24 4403(a)(1)(B)), by striking “section 3(2)(B)” and
25 inserting “section 3(g)(2)(B)”.

1 (5) In section 4(c) (16 U.S.C. 4403(c)), in the
2 matter preceding paragraph (1), by striking “Com-
3 mission” and inserting “Council”.

4 (6) In section 5(a)(5) (16 U.S.C. 4404(a)(5)),
5 by inserting “of 1973” after “Species Act”.

6 (7) In section 5(f) (16 U.S.C. 4404(f)), by
7 striking “subsection (d)” and inserting “subsection
8 (e)”.

9 (8) In section 10(1)(C) (16 U.S.C. 4409(1)(C)),
10 by striking “western hemisphere pursuant to section
11 17 of this Act” and inserting “Western Hemisphere
12 pursuant to section 16”.

13 (9) In section 10(1)(D) (16 U.S.C.
14 4409(1)(D)), by striking the period and inserting “;
15 and”.

16 (10) In section 16(a) (16 U.S.C. 4413), by
17 striking “western hemisphere” and inserting “West-
18 ern Hemisphere”.

19 (b)(1) Section 112(1) of Public Law 101–593 (104
20 Stat. 2962) is amended by striking “and before the pe-
21 riod”.

22 (2) Paragraph (1) of this subsection shall be effective
23 on and after the effective date of section 112(1) of Public
24 Law 101–593 (104 Stat. 2962).

1 **Subtitle C—Bear River Migratory**
2 **Bird Refuge Claims Settlement**

3 **SEC. 5531. SHORT TITLE.**

4 This subtitle may be cited as the “Bear River Migra-
5 tory Bird Refuge Settlement Act of 2002”.

6 **SEC. 5532. FINDINGS.**

7 The Congress finds the following:

8 (1) The Secretary of the Interior and the State
9 of Utah have negotiated a preliminary agreement
10 concerning the ownership of lands within the Bear
11 River Migratory Bird Refuge located in Bear River
12 Bay of the Great Salt Lake, Utah.

13 (2) The State is entitled to ownership of those
14 sovereign lands constituting the bed of the Great
15 Salt Lake, and, generally, the location of the sov-
16 ereign lands boundary was set by an official survey
17 of the Great Salt Lake meander line.

18 (3) The establishment of the Refuge in 1928
19 along the shore of the Great Salt Lake, and lack of
20 a meander line survey within the Refuge, has led to
21 uncertainty of ownership of some those sovereign
22 lands.

23 (4) In order to settle the uncertainty concerning
24 the sovereign land boundary caused by the gap in
25 the surveyed Great Salt Lake meander line within

1 the Refuge, the Secretary and the State have agreed
2 to the establishment of a fixed sovereign land bound-
3 ary along the southern boundary of the Refuge and
4 the State has agreed to release any claim to the lake
5 bed above such boundary line.

6 (5) The Secretary and the State have expressed
7 their intentions to establish a mutually agreed upon
8 procedure to address the conflicting claims to owner-
9 ship of the lands and interests in land within the
10 Refuge.

11 **SEC. 5533. DEFINITIONS.**

12 In this subtitle:

13 (1) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (2) REFUGE.—The term “Refuge” means the
16 Bear River Migratory Bird Refuge located in Bear
17 River Bay of the Great Salt Lake, Utah.

18 (3) AGREEMENT.—The term “agreement”
19 means the agreement to be signed by the Secretary
20 and the State to establish a mutually agreeable pro-
21 cedure for addressing the conflicting claims to own-
22 ership of the lands and interests in land within the
23 Refuge.

24 (4) STATE.—The term “State” means the State
25 of Utah.

1 **SEC. 5534. REQUIRED TERMS OF LAND CLAIMS SETTLE-**
2 **MENT, BEAR RIVER MIGRATORY BIRD REF-**
3 **UGE, UTAH.**

4 (a) SPECIFIC TERMS REQUIRED IN AGREEMENT.—

5 The Secretary shall not enter into an agreement with the
6 State for the quitclaim or other transfer of lands or inter-
7 ests in lands within the Refuge unless the terms of the
8 agreement include each of the following provisions:

9 (1) Nothing in the agreement shall be construed
10 to impose upon the State or any of agency of the
11 State any obligation to convey to the United States
12 any interest in water owned or controlled by the
13 State, except upon appropriate terms and for ade-
14 quate consideration.

15 (2) Nothing in the agreement shall constitute
16 admission or denial of the United States claim to a
17 Federal reserved water right.

18 (3) The State shall support the United States
19 application to add an enlarged Hyrum Reservoir, or
20 another storage facility, as an alternate place of
21 storage under the Refuge's existing 1000 cubic feet
22 per second State certified water right. Such support
23 shall be contingent upon demonstration by the
24 United States that no injury to water rights shall
25 occur as a result of the addition.

1 (4) Nothing in the agreement shall affect juris-
2 diction by the State or the United States Fish and
3 Wildlife Service over wildlife resources management,
4 including fishing, hunting and trapping, within the
5 Refuge.

6 (5) If the State elects to bring suit against the
7 United States challenging the validity of the deed
8 issued pursuant to the agreement, and if such suit
9 is successful in invalidating such deed, the State
10 will—

11 (A) pay the United States for the fair mar-
12 ket value of all real property improvements on
13 the property at the time of invalidation, such as
14 dikes, water control structures and buildings;

15 (B) repay any amounts paid by the United
16 States because of ownership of the land by the
17 United States from the date of establishment of
18 the Refuge, such as payments in lieu of taxes;
19 and

20 (C) repay any amounts paid to the State
21 pursuant to the agreement.

22 (6) Subject to the availability of funds for this
23 purpose, the Secretary shall agree to pay
24 \$15,000,000 to the State upon delivery by the State
25 of a quitclaim deed that meets all applicable stand-

1 ards of the Department of Justice and covers all
2 lands and interests in lands claimed by the State
3 within the Refuge. Such payment shall be subject to
4 the condition that the State use the payment for the
5 purposes, and in the amounts, specified in sub-
6 sections (b) and (c).

7 (b) WETLANDS AND WILDLIFE PROTECTION PRO-
8 GRAMS.—

9 (1) DEPOSIT.—The State shall deposit
10 \$10,000,000 of the amount paid pursuant to the
11 agreement, as required by subsection (a)(6), in a re-
12 stricted account, known as the Wetlands and Habi-
13 tat Protection Account, to be used as provided in
14 paragraph (2).

15 (2) AUTHORIZED USES.—The Executive Direc-
16 tor of the Utah Department of Natural Resources
17 may withdraw from the Wetlands and Habitat Pro-
18 tection Account, on an annual basis, amounts equal
19 to the interest earned on the amount deposited
20 under paragraph (1) for the following purposes:

21 (A) Wetland or open space protection in
22 and near the Great Salt Lake.

23 (B) Enhancement and acquisition of wild-
24 life habitat in and near the Great Salt Lake.

1 (c) RECREATIONAL TRAILS DEVELOPMENT AND
2 STREAM PRESERVATION.—Of the amount paid to the
3 State in accordance with the terms of an agreement speci-
4 fied in subsection (a)(6), the Utah Department of Natural
5 Resources shall use—

6 (1) \$2,000,000 for the development, improve-
7 ment, and expansion of the James V. Hansen Sho-
8 shone Trail;

9 (2) \$1,000,000 for the development, improve-
10 ment, and expansion of the Ogden-Weber Trail Sys-
11 tem;

12 (3) \$1,000,000 for the non-motorized trails pro-
13 gram of the Utah State Division of Parks and
14 Recreation; and

15 (4) \$1,000,000 for the preservation, reclama-
16 tion, enhancement, and conservation of streams in
17 the State.

18 (d) COORDINATION OF PROJECTS.—The Executive
19 Director of the Utah Department of Natural Resources
20 shall seek to maximize the use of funds under subsections
21 (b) and (c) through coordination with nonprofit organiza-
22 tions, Federal agencies, other agencies of the State, and
23 local governments, and shall give priority to those projects
24 under such subsections that include Federal, State, or pri-
25 vate matching funds.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$15,000,000 for the pay-
3 ment required by subsection (a)(6) to be included as a
4 term of the agreement.

5 **Subtitle D—Nutria Eradication or**
6 **Control**

7 **SEC. 5541. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—The Congress finds the following:

9 (1) Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana provide significant cultural, economic, and ecological benefits to the Nation.
10
11
12

13 (2) The South American nutria (*Myocastor coypus*) is directly contributing to substantial marsh loss in Maryland and Louisiana on Federal, State, and private land.
14
15
16

17 (3) Traditional harvest methods to control or eradicate nutria have failed in Maryland and have had limited success in the eradication of nutria in Louisiana. Consequently, marsh loss is accelerating.
18
19
20

21 (4) The nutria eradication and control pilot program authorized by Public Law 105–322 is to develop new and effective methods for eradication of nutria.
22
23
24

1 (b) PURPOSE.—The purpose of this subtitle is to au-
2 thorize the Secretary of the Interior to provide financial
3 assistance to the State of Maryland and the State of Lou-
4 isiana for a program to implement measures to eradicate
5 or control nutria and restore marshland damaged by nu-
6 tria.

7 **SEC. 5542. NUTRIA ERADICATION PROGRAM.**

8 (a) GRANT AUTHORITY.—The Secretary of the Inte-
9 rior (in this section referred to as the “Secretary”), sub-
10 ject to the availability of appropriations, may provide fi-
11 nancial assistance to the State of Maryland and the State
12 of Louisiana for a program to implement measures to
13 eradicate or control nutria and restore marshland dam-
14 aged by nutria.

15 (b) GOALS.—The goals of the program shall be to—

16 (1) eradicate nutria in Maryland;

17 (2) eradicate or control nutria in Louisiana and
18 other States; and

19 (3) restore marshland damaged by nutria.

20 (c) ACTIVITIES.—In the State of Maryland, the Sec-
21 retary shall require that the program consist of manage-
22 ment, research, and public education activities carried out
23 in accordance with the document published by the United
24 States Fish and Wildlife Service entitled “Eradication

1 Strategies for Nutria in the Chesapeake and Delaware
2 Bay Watersheds”, dated March 2002.

3 (d) COST SHARING.—

4 (1) FEDERAL SHARE.—The Federal share of
5 the costs of the program may not exceed 75 percent
6 of the total costs of the program.

7 (2) IN-KIND CONTRIBUTIONS.—The non-Fed-
8 eral share of the costs of the program may be pro-
9 vided in the form of in-kind contributions of mate-
10 rials or services.

11 (e) LIMITATION ON ADMINISTRATIVE EXPENSES.—
12 Not more than 5 percent of financial assistance provided
13 by the Secretary under this section may be used for ad-
14 ministrative expenses.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—For fi-
16 nancial assistance under this section, there is authorized
17 to be appropriated to the Secretary \$4,000,000 for the
18 State of Maryland program and \$2,000,000 for the State
19 of Louisiana program for each of fiscal years 2003, 2004,
20 2005, 2006, and 2007.

21 **SEC. 5543. REPORT.**

22 No later than 6 months after the date of the enact-
23 ment of this Act, the Secretary and the National Invasive
24 Species Council shall—

1 (1) give consideration to the 2002 report for
2 the Louisiana Department of Wildlife and Fisheries
3 titled “Nutria in Louisiana”, and the 2002 docu-
4 ment entitled “Eradication Strategies for Nutria in
5 the Chesapeake and Delaware Bay Watersheds”;
6 and

7 (2) develop, in cooperation with the State of
8 Louisiana Department of Wildlife and Fisheries and
9 the State of Maryland Department of Natural Re-
10 sources, a long-term nutria control or eradication
11 program, as appropriate, with the objective to sig-
12 nificantly reduce and restore the damage nutria
13 cause to coastal wetlands in the States of Louisiana
14 and Maryland.

15 **Subtitle E—Expansion of Ottawa**
16 **National Wildlife Refuge Com-**
17 **plex and Detroit River Inter-**
18 **national Wildlife Refuge**

19 **SEC. 5561. SHORT TITLE.**

20 This subtitle may be cited as the “Ottawa National
21 Wildlife Refuge Complex Expansion and Detroit River
22 International Wildlife Refuge Expansion Act”.

23 **SEC. 5562. FINDINGS.**

24 The Congress finds the following:

1 (1) The western basin of Lake Erie, as part of
2 the Great Lakes ecosystem, the largest freshwater
3 ecosystem on the face of the Earth, is vitally impor-
4 tant to the economic and environmental future of
5 the United States.

6 (2) Over the past three decades, the citizens
7 and governmental institutions of both the United
8 States and Canada have devoted increasing attention
9 and resources to the restoration of the water quality
10 and fisheries of the Great Lakes, including the west-
11 ern basin. This increased awareness has been accom-
12 panied by a gradual shift to a holistic “ecosystem
13 approach” that highlights a growing recognition that
14 shoreline areas—the nearshore terrestrial eco-
15 systems—are an integral part of the western basin
16 and the Great Lakes ecosystem as a whole.

17 (3) The Great Lakes account for more than 90
18 percent of the surface freshwater in the nation. The
19 western basin receives approximately 90 percent of
20 its flow from the Detroit River and only approxi-
21 mately 10 percent from tributaries.

22 (4) The western basin of Lake Erie is an im-
23 portant ecosystem that includes a number of distinct
24 islands, channels, rivers, and shoals that support

1 dense populations of fish, wildlife, and aquatic
2 plants.

3 (5) The coastal wetlands of Lake Erie support
4 the largest diversity of plant and wildlife species in
5 the Great Lakes. The moderate climate of Lake Erie
6 and its more southern latitude allow for many spe-
7 cies that are not found in or along the northern
8 Great Lakes. More than 300 species of plants, in-
9 cluding 37 significant species, have been identified in
10 the aquatic and wetland habitats of the western
11 basin.

12 (6) The shallow western basin of Lake Erie,
13 from the Lower Detroit River to Sandusky Bay, is
14 home to the largest concentration of marshes in
15 Lake Erie, including Mouille, Metzger, and Magee
16 marshes, the Maumee Bay wetland complex, the
17 wetland complexes flanking Locust Point, and the
18 wetlands in Sandusky Bay. The larger United States
19 islands in western Lake Erie have wetlands in their
20 small embayments.

21 (7) The wetlands in the western basin of Lake
22 Erie comprise as some of the most important water-
23 fowl habitat in the Great Lakes. Waterfowl, wading
24 birds, shore birds, gulls and terns, raptors, and
25 perching birds all use the western basin wetlands for

1 migration, nesting, and feeding. Hundreds of thou-
2 sands of diving ducks stop to rest in the Lake Erie
3 area on their fall migration from Canada to the east
4 and south. The wetlands of the western basin of
5 Lake Erie provide a major stopover for ducks such
6 as migrating bufflehead, common goldeneye, com-
7 mon mergansers, and ruddy duck.

8 (8) The international importance of Lake Erie
9 is manifested in the United States congressional des-
10 ignation of the Ottawa and Cedar Point National
11 Wildlife Refuges.

12 (9) Lake Erie has an international reputation
13 for walleye, perch, and bass fishing, recreational
14 boating, birding, photography, and duck hunting. On
15 an economic basis, Lake Erie tourism accounts for
16 an estimated \$1,500,000,000 in retail sales and
17 more than 50,000 jobs.

18 (10) Many of the 417,000 boats that are reg-
19 istered in Ohio are used in the western basin of
20 Lake Erie, in part to fish for the estimated
21 10,000,000 walleye that migrate from other areas of
22 the lake to spawn. This internationally renowned
23 walleye fishery drives much of Ohio's
24 \$2,000,000,000 sport fishing industry.

1 (11) Coastal wetlands in the western basin of
2 Lake Erie have been subjected to intense pressure
3 for 150 years. Prior to 1850, the western basin was
4 part of an extensive coastal marsh and swamp sys-
5 tem of approximately 122,000 hectares that com-
6 prised a portion of the Great Black Swamp. By
7 1951, only 12,407 wetland hectares remained in the
8 western basin. Half of that acreage was destroyed
9 between 1972 and 1987. Therefore, today only ap-
10 proximately 5,000 hectares remain. Along the Michi-
11 gan shoreline, coastal wetlands were reduced by 62
12 percent between 1916 and the early 1970s. The de-
13 velopment of the city of Monroe, Michigan, has had
14 a particularly significant impact on the coastal wet-
15 lands at the mouth of the Raisin River: only ap-
16 proximately 100 hectares remain physically
17 unaltered today in an area where 70 years ago
18 marshes were 10 times more extensive. In addition
19 to the actual loss of coastal wetland acreage along
20 the shores of Lake Erie, the quality of many remain-
21 ing diked wetlands has been degraded by numerous
22 stressors, especially excessive loadings of sediments
23 and nutrients, contaminants, shoreline modification,
24 exotic species, and the diking of wetlands. Protective
25 peninsula beach systems, such as the former Bay

1 Point and Woodtick, at the border of Ohio and
2 Michigan near the mouth of the Ottawa River and
3 Maumee Bay, have been eroded over the years, exac-
4 erbating erosion along the shorelines and impacting
5 the breeding and spawning grounds.

6 **SEC. 5563. DEFINITIONS.**

7 For purposes of this subtitle:

8 (1) The term “Refuge Complex” means the Ot-
9 tawa National Wildlife Refuge Complex and the
10 lands and waters therein, as described in the docu-
11 ment entitled “The Comprehensive Conservation
12 Plan for the Ottawa National Wildlife Refuge Com-
13 plex” and dated September 22, 2000, including Ot-
14 tawa National Wildlife Refuge, West Sister Island
15 National Wildlife Refuge, and Cedar Point National
16 Wildlife Refuge.

17 (2) The term “Secretary” means the Secretary
18 of the Interior.

19 (3) The term “International Refuge” means the
20 Detroit River International Wildlife Refuge estab-
21 lished by the Detroit River International Wildlife
22 Refuge Establishment Act (Public Law 107–91).

23 **SEC. 5564. EXPANSION OF BOUNDARIES.**

24 (a) REFUGE COMPLEX BOUNDARIES.—

1 (1) EXPANSION.—The boundaries of the Refuge
2 Complex are expanded to include lands and waters
3 in the State of Ohio from the eastern boundary of
4 Maumee Bay State Park to the eastern boundary of
5 the Darby Unit, including the Bass Island archi-
6 pelago, as depicted on the map entitled “Ottawa Na-
7 tional Wildlife Refuge Complex Expansion and De-
8 troit River International Wildlife Refuge Expansion
9 Act”, dated September 6, 2002.

10 (2) BOUNDARY REVISIONS.—The Secretary may
11 make such revisions to the boundaries of the Refuge
12 Complex as may be appropriate to carry out the pur-
13 poses of the Refuge Complex or to facilitate the ac-
14 quisition of property within the Refuge Complex.

15 (b) INTERNATIONAL REFUGE BOUNDARIES.—The
16 southern boundary of the International Refuge is extended
17 south to include additional lands and waters in the State
18 of Michigan east of Interstate Highway 75 from the south-
19 ern boundary of Sterling State Park to the Ohio State
20 boundary, as depicted on the map referred to in subsection
21 (a)(1).

22 (c) AVAILABILITY OF MAP.—The Secretary shall
23 keep the map referred to in subsection (a)(1) available for
24 inspection in appropriate offices of the United States Fish
25 and Wildlife Service.

1 **SEC. 5565. ACQUISITION AND TRANSFER OF LANDS FOR**
2 **REFUGE COMPLEX.**

3 (a) ACQUISITIONS.—The Secretary may acquire by
4 donation, purchase with donated or appropriated funds,
5 or exchange the lands and waters, or interests therein (in-
6 cluding conservation easements), within the boundaries of
7 the Refuge Complex as expanded by this title. No such
8 lands, waters, or interests therein may be acquired without
9 the consent of the owner thereof.

10 (b) TRANSFERS FROM OTHER AGENCIES.—Any Fed-
11 eral property located within the boundaries of the Refuge
12 Complex, as expanded by this title, that is under the ad-
13 ministrative jurisdiction of a department or agency of the
14 United States other than the Department of the Interior
15 may, with the concurrence of the head of administering
16 department or agency, be transferred without consider-
17 ation to the administrative jurisdiction of the Secretary
18 for the purposes of this title.

19 **SEC. 5566. ADMINISTRATION OF REFUGE COMPLEX.**

20 (a) IN GENERAL.—The Secretary shall administer all
21 federally owned lands, waters, and interests therein that
22 are within the boundaries of the Refuge Complex, as ex-
23 panded by this title, in accordance with the National Wild-
24 life Refuge System Administration Act of 1966 (16 U.S.C.
25 668dd et seq.) and this title. The Secretary may use such
26 additional statutory authority as may be available for the

1 conservation of fish and wildlife, and the provision of fish
2 and wildlife dependent recreational opportunities as the
3 Secretary considers appropriate to implement this title.

4 (b) ADDITIONAL PURPOSES.—In addition to the pur-
5 poses of the Refuge Complex under other laws, regula-
6 tions, executive orders, and comprehensive conservation
7 plans, the Refuge Complex shall be managed for the fol-
8 lowing purposes:

9 (1) To strengthen and complement existing re-
10 source management, conservation, and education
11 programs and activities at the Refuge Complex in a
12 manner consistent with the primary purpose of the
13 Refuge Complex to provide major resting, feeding,
14 and wintering habitats for migratory birds and other
15 wildlife, and to enhance national resource conserva-
16 tion and management in the western basin of Lake
17 Erie.

18 (2) To conserve, enhance, and restore the na-
19 tive aquatic and terrestrial community characteris-
20 tics of the western basin of Lake Erie (including as-
21 sociated fish, wildlife, and plant species), both in the
22 United States and Canada in partnership with non-
23 governmental and private organizations, as well as
24 private individuals dedicated to habitat enhance-
25 ment.

1 (3) To facilitate partnerships among the United
2 States Fish and Wildlife Service, Canadian national
3 and provincial authorities, State and local govern-
4 ments, local communities in the United States and
5 in Canada, conservation organizations, and other
6 non-Federal entities to promote public awareness of
7 the resources of the western basin of Lake Erie.

8 (4) To advance the collective goals and prior-
9 ities established in the “Great Lakes Strategy
10 2002—A Plan for the New Millennium”, by the
11 United States Policy Committee comprised of var-
12 ious Federal agencies, including the United States
13 Fish and Wildlife Service, the National Oceanic and
14 Atmospheric Administration, the United States Geo-
15 logical Survey, the Forest Service, and the Great
16 Lakes Fishery Commission, as well as the State gov-
17 ernments and tribal governments in the Great
18 Lakes. These goals, broadly stated, include working
19 together to protect and restore the chemical, phys-
20 ical, and biological integrity of the Great Lakes
21 basin ecosystem.

22 (c) PRIORITY USES.—In providing opportunities for
23 compatible fish and wildlife dependent recreation, the Sec-
24 retary, in accordance with paragraphs (3) and (4) of sec-
25 tion 4(a) of the National Wildlife Refuge System Adminis-

1 tration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure
2 that hunting, fishing, wildlife observation and photog-
3 raphy, and environmental education and interpretation are
4 the priority public uses of the Refuge Complex.

5 (d) COOPERATIVE AGREEMENTS REGARDING NON-
6 FEDERAL LANDS.—The Secretary may enter into cooper-
7 ative agreements with the State of Ohio or the State of
8 Michigan, or any political subdivision thereof, and with
9 any other person or entity for the management in a man-
10 ner consistent with this title of lands that are owned by
11 such State, subdivision, or other person or entity and lo-
12 cated within the boundaries of the Refuge Complex and
13 to promote public awareness of the resources of the west-
14 ern basin of Lake Erie and encourage public participation
15 in the conservation of those resources.

16 (e) USE OF EXISTING GREENWAY AUTHORITY.—The
17 Secretary shall encourage the State of Ohio to use existing
18 authorities under the Transportation Equity Act for the
19 21st Century to provide funding for acquisition and devel-
20 opment of trails within the boundaries of the Refuge Com-
21 plex.

22 **SEC. 5567. STUDY OF ASSOCIATED AREA.**

23 (a) IN GENERAL.—The Secretary, acting through the
24 Director of the United States Fish and Wildlife Service,
25 shall conduct a study of fish and wildlife habitat and

1 aquatic and terrestrial communities of the 2 dredge spoil
3 disposal sites referred to by the Toledo-Lucas County Port
4 Authority as Port Authority Facility Number Three and
5 Grassy Island, located within Toledo Harbor near the
6 mouth of the Maumee River.

6 (b) REPORT.—Not later than 18 months after the
7 date of the enactment of the Act, the Secretary shall com-
8 plete such study and submit a report containing the re-
9 sults thereof to the Congress.

10 **SEC. 5568. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the De-
12 partment of the Interior—

13 (1) such sums as may be necessary for the ac-
14 quisition of lands and waters within the Refuge
15 Complex;

16 (2) such sums as may be necessary for the de-
17 velopment, operation, and maintenance of the Ref-
18 uge Complex; and

19 (3) such sums as may be necessary to carry out
20 the study under section 5567.

21 **Subtitle F—Blackwater National**
22 **Wildlife Refuge Expansion**

23 **SEC. 5561. SHORT TITLE.**

24 This subtitle may be cited as the “Blackwater Na-
25 tional Wildlife Refuge Expansion Act”.

1 **SEC. 5562. FINDINGS.**

2 The Congress finds the following:

3 (1) Garrett Island, located at the mouth of the
4 Susquehanna River in Cecil County, Maryland, is a
5 microcosm of the geology and geography of the re-
6 gion, including hard rock piedmont, coastal plain,
7 and volcanic formations.

8 (2) Garrett Island is the only rocky island in
9 the tidal waters of the Chesapeake.

10 (3) Garrett Island and adjacent waters provide
11 high-quality habitat for bird and fish species.

12 (4) Garrett Island contains significant archeo-
13 logical sites reflecting human history and prehistory
14 of the region.

15 **SEC. 5563. AUTHORITY TO ACQUIRE PROPERTY FOR INCLU-**
16 **SION IN THE SUSQUEHANNA NATIONAL WILD-**
17 **LIFE REFUGE.**

18 (a) ACQUISITION.—The Secretary of the Interior may
19 use otherwise available amounts to acquire the area known
20 as Garrett Island, consisting of approximately 198 acres
21 located at the mouth of the Susquehanna River in Cecil
22 County, Maryland.

23 (b) ADMINISTRATION.—Lands and interests acquired
24 by the United States under this section shall be managed
25 by the Secretary as the Garrett Island Unit of the
26 Blackwater National Wildlife Refuge.

1 (c) PURPOSES.—The purposes for which the Garrett
2 Island Unit is established and shall be managed are the
3 following:

4 (1) To support the Delmarva Conservation Cor-
5 ridor Demonstration Program.

6 (2) To conserve, restore, and manage habitats
7 as necessary to contribute to the migratory bird pop-
8 ulations prevalent in the Atlantic Flyway.

9 (3) To conserve, restore, and manage the sig-
10 nificant aquatic resource values associated with sub-
11 merged land adjacent to the unit and to achieve the
12 habitat objectives of the agreement known as the
13 Chesapeake 2000 Agreement.

14 (4) To conserve the archeological resources on
15 the unit.

16 (5) To provide public access to the unit in a
17 manner that does not adversely impact natural re-
18 sources on and around the unit.

19 **TITLE VI—MISCELLANEOUS**

20 **SEC. 5601. CHESAPEAKE BAY OFFICE.**

21 (a) REAUTHORIZATION OF OFFICE.—Section 307 of
22 the National Oceanic and Atmospheric Administration Au-
23 thorization Act of 1992 (15 U.S.C. 1511d) is amended
24 to read as follows:

1 **“SEC. 307. CHESAPEAKE BAY OFFICE.**

2 “(a) ESTABLISHMENT.—(1) The Secretary of Com-
3 merce shall establish, within the National Oceanic and At-
4 mospheric Administration, an office to be known as the
5 Chesapeake Bay Office (in this section referred to as the
6 ‘Office’).

7 “(2) The Office shall be headed by a Director who
8 shall be appointed by the Secretary of Commerce, in con-
9 sultation with the Chesapeake Executive Council. Any in-
10 dividual appointed as Director shall have knowledge and
11 experience in research or resource management efforts in
12 the Chesapeake Bay.

13 “(3) The Director may appoint such additional per-
14 sonnel for the Office as the Director determines necessary
15 to carry out this section.

16 “(b) FUNCTIONS.—The Office, in consultation with
17 the Chesapeake Executive Council, shall—

18 “(1) provide technical assistance to the Admin-
19 istrator, to other Federal departments and agencies,
20 and to State and local government agencies in—

21 “(A) assessing the processes that shape
22 the Chesapeake Bay system and affect its living
23 resources;

24 “(B) identifying technical and management
25 alternatives for the restoration and protection

1 of living resources and the habitats they depend
2 upon; and

3 “(C) monitoring the implementation and
4 effectiveness of management plans;

5 “(2) develop and implement a strategy for the
6 National Oceanic and Atmospheric Administration
7 that integrates the science, research, monitoring,
8 data collection, regulatory, and management respon-
9 sibilities of the Secretary of Commerce in such a
10 manner as to assist the cooperative, intergovern-
11 mental Chesapeake Bay Program to meet the com-
12 mitments of the Chesapeake Bay Agreement;

13 “(3) coordinate the programs and activities of
14 the various organizations within the National Oce-
15 anic and Atmospheric Administration, the Ches-
16 apeake Bay Regional Sea Grant Programs, and the
17 Chesapeake Bay units of the National Estuarine Re-
18 search Reserve System, including—

19 “(A) programs and activities in—

20 “(i) coastal and estuarine research,
21 monitoring, and assessment;

22 “(ii) fisheries research and stock as-
23 sessments;

24 “(iii) data management;

25 “(iv) remote sensing;

1 “(v) coastal management;
2 “(vi) habitat conservation and restora-
3 tion; and
4 “(vii) atmospheric deposition; and
5 “(B) programs and activities of the Coop-
6 erative Oxford Laboratory of the National
7 Ocean Service with respect to—
8 “(i) nonindigenous species;
9 “(ii) estuarine and marine species pa-
10 thology;
11 “(iii) human pathogens in estuarine
12 and marine environments; and
13 “(iv) ecosystem health;
14 “(4) coordinate the activities of the National
15 Oceanic and Atmospheric Administration with the
16 activities of the Environmental Protection Agency
17 and other Federal, State, and local agencies;
18 “(5) establish an effective mechanism which
19 shall ensure that projects have undergone appro-
20 priate peer review and provide other appropriate
21 means to determine that projects have acceptable
22 scientific and technical merit for the purpose of
23 achieving maximum utilization of available funds
24 and resources to benefit the Chesapeake Bay area;

1 “(6) remain cognizant of ongoing research,
2 monitoring, and management projects and assist in
3 the dissemination of the results and findings of
4 those projects; and

5 “(7) submit a biennial report to the Congress
6 and the Secretary of Commerce with respect to the
7 activities of the Office and on the progress made in
8 protecting and restoring the living resources and
9 habitat of the Chesapeake Bay, which report shall
10 include an action plan consisting of—

11 “(A) a list of recommended research, moni-
12 toring, and data collection activities necessary
13 to continue implementation of the strategy de-
14 scribed in paragraph (2); and

15 “(B) proposals for—

16 “(i) continuing any new National Oce-
17 anic and Atmospheric Administration ac-
18 tivities in the Chesapeake Bay; and

19 “(ii) the integration of those activities
20 with the activities of the partners in the
21 Chesapeake Bay Program to meet the
22 commitments of the Chesapeake 2000
23 agreement and subsequent agreements.

24 “(c) CHESAPEAKE BAY FISHERY AND HABITAT RES-
25 TIGATION SMALL WATERSHED GRANTS PROGRAM.—

1 “(1) IN GENERAL.—The Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (in this section referred to as the ‘Director’), in cooperation with the Chesapeake Executive Council, shall carry out a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed.

9 “(2) PROJECTS.—

10 “(A) SUPPORT.—The Director shall make grants under this subsection to pay the Federal share of the cost of projects that are carried out by entities eligible under paragraph (3) for the restoration of fisheries and habitats in the Chesapeake Bay.

16 “(B) FEDERAL SHARE.—The Federal share under subparagraph (A) shall not exceed 75 percent.

19 “(C) TYPES OF PROJECTS.—Projects for which grants may be made under this subsection include—

22 “(i) the improvement of fish passageways;

24 “(ii) the creation of natural or artificial reefs or substrata for habitats;

1 “(iii) the restoration of wetland or sea
2 grass;

3 “(iv) the production of oysters for res-
4 toration projects; and

5 “(v) the prevention, identification, and
6 control of nonindigenous species.

7 “(3) ELIGIBLE ENTITIES.—The following enti-
8 ties are eligible to receive grants under this sub-
9 section:

10 “(A) The government of a political subdivi-
11 sion of a State in the Chesapeake Bay water-
12 shed, and the government of the District of Co-
13 lumbia.

14 “(B) An organization in the Chesapeake
15 Bay watershed (such as an educational institu-
16 tion or a community organization)—

17 “(i) that is described in section 501(c)
18 of the Internal Revenue Code of 1986 and
19 is exempt from taxation under section
20 501(a) of that Code; and

21 “(ii) that will administer such grants
22 in coordination with a government referred
23 to in subparagraph (A).

24 “(4) ADDITIONAL REQUIREMENTS.—The Direc-
25 tor may prescribe any additional requirements, in-

1 including procedures, that the Director considers nec-
2 essary to carry out the program under this sub-
3 section.

4 “(d) BUDGET LINE ITEM.—The Secretary of Com-
5 merce shall identify, in the President’s annual budget to
6 the Congress, the funding request for the Office.

7 “(e) CHESAPEAKE EXECUTIVE COUNCIL.—For pur-
8 poses of this section, ‘Chesapeake Executive Council’
9 means the representatives from the Commonwealth of Vir-
10 ginia, the State of Maryland, the Commonwealth of Penn-
11 sylvania, the Environmental Protection Agency, the Dis-
12 trict of Columbia, and the Chesapeake Bay Commission,
13 who are signatories to the Chesapeake Bay Agreement,
14 and any future signatories to that Agreement.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to the Department of
17 Commerce for the Chesapeake Bay Office \$6,000,000 for
18 each of fiscal years 2002 through 2006.”.

19 (b) CONFORMING AMENDMENT.—Section 2 of the
20 National Oceanic and Atmospheric Administration Marine
21 Fisheries Program Authorization Act (Public Law 98–
22 210; 97 Stat. 1409) is amended by striking subsection (e).

23 (c) MULTIPLE SPECIES MANAGEMENT STRATEGY.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Director

1 of the Chesapeake Bay Office of the National Oce-
2 anic and Atmospheric Administration shall begin a
3 5-year study, in cooperation with the scientific com-
4 munity of the Chesapeake Bay, appropriate State
5 and interstate resource management entities, and
6 appropriate Federal agencies—

7 (A) to determine and expand the under-
8 standing of the role and response of living re-
9 sources in the Chesapeake Bay ecosystem; and

10 (B) to develop a multiple species manage-
11 ment strategy for the Chesapeake Bay.

12 (2) REQUIRED ELEMENTS OF STUDY.—In order
13 to improve the understanding necessary for the de-
14 velopment of the strategy under paragraph (1)(B),
15 the study shall—

16 (A) determine the current status and
17 trends of fish and shellfish that live in the
18 Chesapeake Bay and its tributaries and are se-
19 lected for study;

20 (B) evaluate and assess interactions among
21 the fish and shellfish referred to in subpara-
22 graph (A) and other living resources, with par-
23 ticular attention to the impact of changes with-
24 in and among trophic levels; and

1 (C) recommend management actions to op-
2 timize the return of a healthy and balanced eco-
3 system for the Chesapeake Bay.

4 **SEC. 5602. LEASES, PERMITS, AND CONTRACTS FOR BUILD-**
5 **INGS, FACILITIES, AND PROPERTIES IN THE**
6 **NATIONAL WILDLIFE REFUGE SYSTEM.**

7 (a) IN GENERAL.—The National Wildlife Refuge
8 System Administration Act of 1966 (16 U.S.C. 668dd et
9 seq.) is amended by—

10 (1) striking section 6 (relating to amendments
11 to other laws, which have executed);

12 (2) redesignating section 5 (16 U.S.C. 668ee)
13 as section 6; and

14 (3) inserting after section 4 the following:

15 **“SEC. 5. CONCESSION CONTRACTS.**

16 “(a) CONTRACT REQUIREMENT.—(1) The Secretary
17 shall not award any concession that authorizes a person
18 to use any land or water in the System for any activity
19 described in subsection (b), except under a contract that
20 complies with the requirements established under sub-
21 section (c).

22 “(2) The Secretary may not award a contract re-
23 quired under this subsection except under a competitive
24 bidding process.

1 “(b) COVERED CONCESSION ACTIVITIES.—(1) The
2 activity referred to in subsection (a) is any activity con-
3 ducted to provide accommodations, facilities, or services
4 to members of the public who are visiting lands or waters
5 in the System, for the purpose of providing such visitors
6 recreational, educational, or interpretive enjoyment of
7 lands or waters in the System.

8 “(2) Such activity does not include—

9 “(A) any activity carried out under a procure-
10 ment contract, grant agreement, or cooperative
11 agreement required under chapter 63 of title 31,
12 United States Code;

13 “(B) the performance of volunteer services; and

14 “(C) any activity by a governmental entity.

15 “(c) STANDARDIZED CONTRACT.—(1) The Secretary,
16 acting through the Director, shall issue regulations that
17 establish a standardized contract for purposes of sub-
18 section (a).

19 “(2) Regulations under this subsection shall author-
20 ize a contract to use a provision other than those specified
21 by the regulations only if—

22 “(A) the provision addresses extenuating cir-
23 cumstances that are specific to a refuge or the con-
24 tract; and

1 “(B) the provision is approved by the Director
2 in writing.

3 “(3) Regulations under this subsection shall require
4 in each contract provisions that require that any activity
5 conducted in the System under the contract—

6 “(A) must be a compatible use; and

7 “(B) must be designed to—

8 “(i) conserve the natural and cultural re-
9 sources of the System;

10 “(ii) facilitate the enjoyment of the lands
11 and waters of the System by visitors to the Sys-
12 tem; and

13 “(iii) enhance the such visitors’ knowledge
14 of the natural resources of the System.

15 “(d) MAINTENANCE AND REPAIR.—(1) Notwith-
16 standing any other provision of law, the Secretary shall
17 include, in each contract that authorizes a person to use
18 any land or water in the System for any activity described
19 in subsection (b), provisions that—

20 “(A) authorize the person to maintain or repair
21 any improvement on or in such land or water that
22 the person is authorized to use for such activity; and

23 “(B) treat costs incurred by the person for such
24 maintenance or repair as consideration otherwise re-
25 quired to be paid to the United States for such use.

1 “(2) This subsection does not authorize any mainte-
2 nance or repair that is not directly related to an activity
3 described in subsection (b) that is authorized by the con-
4 tract.

5 “(3) The United States shall retain title to all prop-
6 erty that is maintained or repaired under this subsection.

7 “(e) NO COMPENSABLE INTEREST.—Nothing in this
8 Act shall be considered to convey to any person any right
9 to compensation for—

10 “(1) the value of any maintenance activities, re-
11 pairs, construction, or improvements on or in land
12 or water in the System; or

13 “(2) buildings, facilities, fixtures, and non-mov-
14 able equipment that the person is authorized to use
15 under this Act.

16 “(f) EXPENDITURE OF FEES AND OTHER PAY-
17 MENTS.—(1) Amounts received by the United States as
18 fees or other payments required under any agreement,
19 lease, permit, or contract for use of real property located
20 in an area in the System shall be available to the Secretary
21 for expenditure in accordance with this subsection, without
22 further appropriation.

23 “(2) Amounts available for expenditure under this
24 subsection may only be used—

1 “(A) at the refuge or refuge complex with re-
2 spect to which the amounts were received as fees or
3 other payments;

4 “(B) to increase the quality of the visitor expe-
5 rience; and

6 “(C) for purposes of—

7 “(i) backlogged repair and maintenance
8 projects (including projects relating to health
9 and safety);

10 “(ii) interpretation, signage, habitat, or fa-
11 cility enhancement;

12 “(iii) resource protection and preservation;

13 or

14 “(iv) administration of agreements, leases,
15 permits, and contracts from which such
16 amounts are derived.

17 “(3) Paragraph (1) shall not affect the application
18 of the Act of June 15, 1935 (chapter 261; 16 U.S.C.
19 715s), commonly referred to as the Refuge Revenue Shar-
20 ing Act, to amounts referred to in paragraph (1) that are
21 not expended by the Secretary under paragraph (1).”.

22 (b) APPLICATION.—Section 5(a) of the National
23 Wildlife Refuge System Administration Act of 1966, as
24 amended by this section, shall apply only with respect to
25 a concession that is—

1 (1) first awarded after the date of the publica-
2 tion of regulations under section 5(c) of the National
3 Wildlife Refuge System Administration Act of 1966,
4 as amended by this section; or

5 (2) renewed after the end of the 3-year period
6 beginning on the date of the enactment of this Act.

7 (c) DEADLINE FOR REGULATIONS ESTABLISHING
8 STANDARDIZED CONTRACT REQUIREMENTS.—The Sec-
9 retary of the Interior shall issue regulations under section
10 5(c) of the National Wildlife Refuge System Administra-
11 tion Act of 1966, as amended by this section, by not later
12 than 18 months after the date of the enactment of this
13 Act.

14 (d) COMPREHENSIVE CONSERVATION PLAN RE-
15 QUIREMENT.—Section 4(e) of the National Wildlife Ref-
16 uge System Administration Act of 1966 (16 U.S.C.
17 668dd) is amended by adding at the end the following:

18 “(5) The Secretary shall include, in the comprehen-
19 sive conservation plan for each refuge under this sub-
20 section, a description of the activities that may be con-
21 ducted in the refuge, and the lands, waters, and facilities
22 of the refuge that may be used, under concession contracts
23 awarded under section 5(a).”.

24 (e) PRIOR AMENDMENTS NOT AFFECTED.—Nothing
25 in this section shall be construed to affect any amendment

1 made by section 6 of the National Wildlife Refuge System
2 Administration Act of 1966, as in effect before the enact-
3 ment of this Act, or any provision of law amended by such
4 section.

5 (f) ANNUAL REPORT ON NATIONAL WILDLIFE REF-
6 UGE CONCESSIONS.—

7 (1) REPORTING REQUIREMENT.—The National
8 Wildlife Refuge System Administration Act of 1966
9 (16 U.S.C. 668dd et seq.) is further amended by
10 adding at the end the following:

11 **“SEC. 7. ANNUAL REPORT ON CONCESSION ACTIVITIES IN**
12 **THE SYSTEM.**

13 “(a) IN GENERAL.—The Secretary shall submit by
14 December 31 each year, to the Committee on Resources
15 of the House of Representatives and the Committee on
16 Environment and Public Works of the Senate, a report
17 on concessions activities conducted in the System.

18 “(b) CONTENTS.—Each report under this section
19 shall describe the following with respect to the period cov-
20 ered by the report:

21 “(1) The number of refuge units in which con-
22 cessions activities were conducted.

23 “(2) The names and descriptions of services of-
24 fered in the System by each concessionaire.

1 “(3) A listing of the different types of legal ar-
2 rangements under which concessionaires operated in
3 the System, including contracts, memoranda of un-
4 derstanding, permits, letters of agreement, and other
5 arrangements.

6 “(4) Amounts of fees or other payments re-
7 ceived by the United States with respect to such ac-
8 tivities from each concessionaire, and the portion of
9 such funds expended for purposes under this Act.

10 “(5) An accounting of the amount of monies
11 deposited into the fund established by section 401 of
12 the Act of June 15, 1935 (chapter 261; 16 U.S.C.
13 715s), popularly known as the refuge revenue shar-
14 ing fund, and of the balance remaining in the fund
15 at the end of the reporting period.

16 “(6) A listing of all concession contracts and
17 other arrangements that were terminated or not re-
18 newed within the reporting period.

19 “(7) A summary of all improvements in visitor
20 services in the System that were completed by con-
21 cessionaires and volunteers during the reporting pe-
22 riod.

23 “(8) A summary of all backlogged repair and
24 maintenance, facility enhancement, and resource

1 preservation projects completed by concessionaires
2 and volunteers during the reporting period.”.

3 (2) DEADLINE FOR FIRST REPORT.—The Secretary
4 of the Interior shall submit the first report under the
5 amendment made by paragraph (1) by not later than 1
6 year after the date of the enactment of this Act.

7 **SEC. 5603. EXTENSION OF AUTHORITY OF STATES OF WASH-**
8 **INGTON, OREGON, AND CALIFORNIA TO MAN-**
9 **AGE DUNGENESS CRAB FISHERY.**

10 Section 203 of the Act entitled “An Act to approve
11 a governing international fishery agreement between the
12 United States and the Republic of Poland, and for other
13 purposes”, approved November 13, 1998 (Public Law
14 105–384; 16 U.S.C. 1856 note), is amended by striking
15 subsection (i).

16 **SEC. 5604. REAUTHORIZATION OF CONNECTICUT RIVER AT-**
17 **LANTIC SALMON COMMISSION.**

18 Public Law 98–138 (97 Stat. 866) is amended by
19 adding at the end the following:

20 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21 “There is authorized to be appropriated to the Secretary
22 of the Interior to carry out the activities of the Con-
23 necticut River Atlantic Salmon Commission \$5,000,000
24 for each of fiscal years 2002 through 2010.”.

1 **SEC. 5605. CONVEYANCE OF NOAA LABORATORY IN**
2 **TIBURON, CALIFORNIA.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (c), the Secretary of Commerce shall convey to the Board
5 of Trustees of the California State University, by suitable
6 instrument, in accordance with this section, by as soon
7 as practicable, but not later than 180 days after the date
8 of the enactment of this Act, and without consideration,
9 all right, title, and interest of the United States in the
10 balance of the National Oceanic and Atmospheric Admin-
11 istration property known as the Tiburon Laboratory, lo-
12 cated in Tiburon, California, as described in Exhibit A of
13 the notarized, revocable license between the Administra-
14 tion and Romberg Tiburon Center for Environmental
15 Studies at San Francisco State University dated Novem-
16 ber 5, 2001 (license number 01ABF779–N).

17 (b) CONDITIONS.—As a condition of any conveyance
18 by the Secretary under this section the Secretary shall re-
19 quire the following:

20 (1) The property conveyed shall be adminis-
21 tered by the Romberg Tiburon Center for Environ-
22 mental Studies at San Francisco State University
23 and used only for the following purposes:

24 (A) To enhance estuarine scientific re-
25 search and estuary restoration activities within
26 San Francisco Bay.

1 (B) To administer and coordinate manage-
2 ment activities at the San Francisco Bay Na-
3 tional Estuarine Research Reserve.

4 (C) To conduct education and interpreta-
5 tion and outreach activities to enhance public
6 awareness and appreciation of estuary re-
7 sources, and for other purposes.

8 (2) The Board shall—

9 (A) take title to the property as is;

10 (B) assume full responsibility for all facil-
11 ity maintenance and repair, security, fire pre-
12 vention, utilities, signs, and grounds mainte-
13 nance;

14 (C) allow the Secretary to have all nec-
15 essary ingress and egress over the property of
16 the Board to access Department of Commerce
17 building and related facilities, equipment, im-
18 provements, modifications, and alterations; and

19 (D) not erect or allow to be erected any
20 structure or structures or obstruction of what-
21 ever kind that will interfere with the access to
22 or operation of property retained for the United
23 States under subsection (c)(1), unless prior
24 written consent has been provided by the Sec-
25 retary to the Board.

1 (c) RETAINED INTERESTS.—The Secretary shall re-
2 tain for the United States—

3 (1) all right, title, and interest in and to the
4 portion of the property referred to in subsection (a)
5 comprising Building 86, identified as Parcel C on
6 Exhibit A of the license referred to in subsection (a),
7 including all facilities, equipment, fixtures, improve-
8 ments, modifications, or alterations made by the
9 Secretary;

10 (2) rights-of-way and easements that are deter-
11 mined by the Secretary to be reasonable and conven-
12 ient to ensure all necessary ingress, egress, utilities,
13 drainage, and sewage disposal for the property re-
14 tained under paragraph (1), including access to the
15 existing boat launch ramp (or equivalent) and park-
16 ing that is suitable to the Secretary;

17 (3) the exclusive right to install, maintain, re-
18 pair, replace, and remove its facilities, fixtures, and
19 equipment on the retained property, and to author-
20 ize other persons to take any such action;

21 (4) the right to grade, condition, and install
22 drainage facilities, and to seed soil on the retained
23 property, if necessary; and

24 (5) the right to remove all obstructions from
25 the retained property that may constitute a hin-

1 drance to the establishment and maintenance of the
2 retained property.

3 (d) EQUIVALENT ALTERNATIVE.—

4 (1) IN GENERAL.—At any time, either the Sec-
5 retary or the Board may request of each other to
6 enter into negotiations pursuant to which the Board
7 may convey if appropriate to the United States, in
8 exchange for property conveyed by the United States
9 under subsection (a), another building that is equiv-
10 alent in function to the property retained under sub-
11 section (c) that is acceptable to the Secretary.

12 (2) LOCATION.—Property conveyed by the
13 Board under this subsection is not required to be lo-
14 cated on the property referred to in subsection (a).

15 (3) COSTS.—If the Secretary and the Board en-
16 gage in a property exchange under this subsection,
17 all costs for repair, removal, and moving of facilities,
18 equipment, fixtures, improvements, modifications, or
19 alterations, including power, control, and utilities,
20 that are necessary for the exchange—

21 (A) shall be the responsibility of the Sec-
22 retary, if the action to seek an equivalent alter-
23 native was requested by the Secretary in re-
24 sponse to factors unrelated to the activities of

1 the Board or its operatives in the operation of
2 its facilities; or

3 (B) shall be the responsibility of the
4 Board, if the Secretary's request for an equiva-
5 lent alternative was in response to changes or
6 modifications made by the Board or its
7 operatives that adversely affected the Sec-
8 retary's interest in the property retained under
9 subsection (c).

10 (e) ADDITIONAL CONDITIONS.—As conditions of any
11 conveyance under subsection (a)—

12 (1) the Secretary shall require that—

13 (A) the Board remediate, or have remedi-
14 ated, at its sole cost, all hazardous or toxic sub-
15 stance contamination found on the property
16 conveyed under subsection (a), whether known
17 or unknown at the time of the conveyance or
18 later discovered; and

19 (B) the Board of Trustees hold harmless
20 the Secretary for any and all costs, liabilities, or
21 claims by third parties that arise out of any
22 hazardous or toxic substance contamination
23 found on the property conveyed under sub-
24 section (a) that are not directly attributable to
25 the installation, operation, or maintenance of

1 the Secretary's facilities, equipment, fixtures,
2 improvements, modifications, or alterations;

3 (2) the Secretary shall remediate, at the sole
4 cost of the United States, all hazardous or toxic sub-
5 stance contamination on the property retained under
6 subsection (c) that is found to have occurred as a di-
7 rect result of the installation, operation, or mainte-
8 nance of the Secretary's facilities, equipment, fix-
9 tures, improvements, modifications, or alterations;
10 and

11 (3) if the Secretary decides to terminate future
12 occupancy and interest of the property retained
13 under subsection (c), the Secretary shall—

14 (A) provide written notice to the Board at
15 least 60 days prior to the scheduled date when
16 the property will be vacated;

17 (B) remove facilities, equipment, fixtures,
18 improvements, modifications, or alterations and
19 restore the property to as good a condition as
20 existed at the time the property was retained
21 under subsection (c), taking into account ordi-
22 nary wear and tear and exposure to natural ele-
23 ments or phenomena; or

24 (C) surrender all facilities, equipment, fix-
25 tures, improvements, modifications, or alter-

1 ations to the Board in lieu of restoration,
2 whereupon title shall vest in the Board of
3 Trustees, and whereby all obligations of res-
4 toration under this subsection shall be waived,
5 and all interests retained under subsection (c)
6 shall be revoked.

7 (f) REVERSIONARY INTEREST.—

8 (1) IN GENERAL.—All right, title, and interest
9 in and to all property and interests conveyed by the
10 United States under this section shall revert to the
11 United States on the date on which the Board uses
12 any of the property for any purpose other than the
13 purposes described in subsection (b)(1).

14 (2) ADMINISTRATION OF REVERTED PROP-
15 ERTY.—Any property that reverts to the United
16 States under this subsection shall be under the ad-
17 ministrative jurisdiction of the Administrator of
18 General Services.

19 (3) ANNUAL CERTIFICATION.—One year after
20 the date of a conveyance made pursuant to sub-
21 section (a), and annually thereafter, the Board shall
22 certify to the Administrator of General Services or
23 his or her designee that the Board and its designees
24 are in compliance with the conditions of conveyance
25 under subsections (b) and (c).

1 (g) DEFINITIONS.—In this section:

2 (1) BOARD.—The term “Board” means the
3 Board of Trustees of the California State University.

4 (2) CENTER.—The term “Center” means the
5 Romberg Tiburon Center for Environmental Studies
6 at San Francisco State University.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of Commerce.

9 **DIVISION F—NATIVE AMERI-**
10 **CANS AND INSULAR AFFAIRS**
11 **TITLE I—PROVISIONS RELATING**
12 **TO TERRITORIES OF THE**
13 **UNITED STATES**
14 **Subtitle A—Guam War Claims**
15 **Review Commission**

16 **SEC. 6101. SHORT TITLE.**

17 This subtitle may be cited as the “Guam War Claims
18 Review Commission Act”.

19 **SEC. 6102. ESTABLISHMENT OF COMMISSION.**

20 (a) ESTABLISHMENT.—There is hereby established a
21 commission to be known as the “Guam War Claims Re-
22 view Commission” (in this subtitle referred to as the
23 “Commission”).

24 (b) MEMBERS.—The Commission shall be composed
25 of five members who by virtue of their background and

1 experience are particularly suited to contribute to the
2 achievement of the purposes of the Commission. The mem-
3 bers shall be appointed by the Secretary of the Interior
4 not later than 60 days after funds are made available for
5 this subtitle. Two of the members shall be selected as fol-
6 lows:

7 (1) One member appointed from a list of three
8 names submitted by the Governor of Guam.

9 (2) One member appointed from a list of three
10 names submitted by the Guam Delegate to the
11 United States House of Representatives.

12 (c) CHAIRPERSON.—The Commission shall select a
13 Chairman from among its members. The term of office
14 shall be for the life of the Commission.

15 (d) COMPENSATION.—Notwithstanding section 6103,
16 members of the Commission shall not be paid for their
17 service as members, but in the performance of their duties,
18 shall receive travel expenses, including per diem in lieu
19 of subsistence, in accordance with sections 5702 and 5703
20 of title 5, United States Code.

21 (e) VACANCY.—Any vacancy in the Commission shall
22 be filled in the same manner as the original appointment.

23 **SEC. 6103. EMPLOYEES.**

24 The Commission may appoint an executive director
25 and other employees as it may require. The executive di-

1 rector and other employees of the Commission may be ap-
2 pointed without regard to the provisions of title 5, United
3 States Code, governing appointments in the competitive
4 service. Section 3161 of title 5, United States Code, shall
5 apply to the executive director and other employees of the
6 Commission.

7 **SEC. 6104. ADMINISTRATIVE.**

8 The Secretary of the Interior shall provide the Com-
9 mission, on a reimbursable basis, such administrative sup-
10 port services as the Commission may request.

11 **SEC. 6105. DUTIES OF COMMISSION.**

12 The Commission shall—

13 (1) review the facts and circumstances sur-
14 rounding the implementation and administration of
15 the Guam Meritorious Claims Act and the effective-
16 ness of such Act in addressing the war claims of
17 American nationals residing on Guam between De-
18 cember 8, 1941, and July 21, 1944;

19 (2) review all relevant Federal and Guam terri-
20 torial laws, records of oral testimony previously
21 taken, and documents in Guam and the Archives of
22 the Federal Government regarding Federal pay-
23 ments of war claims in Guam;

24 (3) receive oral testimony of persons who per-
25 sonally experienced the taking and occupation of

1 Guam by Japanese military forces, noting especially
2 the effects of infliction of death, personal injury,
3 forced labor, forced march, and internment;

4 (4) determine whether there was parity of war
5 claims paid to the residents of Guam under the
6 Guam Meritorious Claims Act as compared with
7 awards made to other similarly affected United
8 States citizens or nationals in territory occupied by
9 the Imperial Japanese military forces during World
10 War II;

11 (5) advise on any additional compensation that
12 may be necessary to compensate the people of Guam
13 for death, personal injury, forced labor, forced
14 march, and internment; and

15 (6) not later than 9 months after the Commis-
16 sion is established submit a report, including any
17 comments or recommendations for action, to the
18 Secretary of the Interior, the Committee on Re-
19 sources and the Committee on the Judiciary of the
20 House of Representatives and the Committee on En-
21 ergy and Natural Resources and the Committee on
22 the Judiciary of the Senate.

1 **SEC. 6106. POWERS OF THE COMMISSION.**

2 (a) **AUTHORITY OF CHAIRMAN.**—Subject to general
3 policies that the Commission may adopt, the Chairman of
4 the Commission—

5 (1) shall exercise the executive and administra-
6 tive powers of the Commission; and

7 (2) may delegate such powers to the staff of the
8 Commission.

9 (b) **HEARINGS AND SESSIONS.**—For the purpose of
10 carrying out its duties under section 6105, the Commis-
11 sion may hold hearings, sit and act at times and places,
12 take testimony, and receive evidence as the Commission
13 considers appropriate. The Commission may administer
14 oaths or affirmations to witnesses appearing before it.

15 (c) **EXPERTS AND CONSULTANTS.**—The Commission
16 may procure temporary and intermittent services under
17 section 3109(b) of title 5, United States Code, but at rates
18 for individuals not to exceed the daily equivalent of the
19 maximum annual rate of basic pay for GS-15 of the Gen-
20 eral Schedule. The services of an expert or consultant may
21 be procured without compensation if the expert or consult-
22 ant agrees to such an arrangement, in writing, in advance.

23 (d) **SUPPORT OF FEDERAL AGENCIES.**—Upon re-
24 quest of the Commission, the head of any Federal depart-
25 ment or agency may provide support to the Commission
26 to assist it in carrying out its duties under section 6105.

1 **SEC. 6107. TERMINATION OF COMMISSION.**

2 The Commission shall terminate 30 days after sub-
3 mission of its report under section 6105(6).

4 **SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated \$500,000 to
6 carry out this subtitle.

7 **Subtitle B—Samoa Bonds**

8 **SEC. 6121. CLARIFICATION OF TAX TREATMENT OF BONDS**

9 **AND OTHER OBLIGATIONS ISSUED BY GOV-**
10 **ERNMENT OF AMERICAN SAMOA.**

11 (a) EXEMPTION OF ALL BONDS FROM INCOME TAX-
12 ATION BY STATE AND LOCAL GOVERNMENTS.—Sub-
13 section (b) of section 202 of Public Law 98-454 (48
14 U.S.C. 1670) is amended to read as follows:

15 “(b) EXEMPTION OF ALL BONDS FROM INCOME
16 TAXATION BY STATE AND LOCAL GOVERNMENTS.—

17 “(1) IN GENERAL.—The interest on any bond
18 or other obligation issued by or on behalf of the
19 Government of American Samoa shall be exempt
20 from taxation by the Government of American
21 Samoa and the governments of any of the several
22 States, the District of Columbia, any territory or
23 possession of the United States, and any subdivision
24 thereof.

25 “(2) EXEMPTION APPLICABLE ONLY TO INCOME
26 TAXES.—The exemption provided by paragraph (1)

1 shall not apply to gift, estate, inheritance, legacy,
2 succession, or other wealth transfer taxes.”.

3 **SEC. 6122. EFFECTIVE DATE.**

4 This subtitle shall apply to obligations issued after
5 the date of the enactment of this title.

6 **Subtitle C—Grants to Territories of**
7 **the United States**

8 **SEC. 6131. WAIVER OF LOCAL MATCHING REQUIREMENTS.**

9 (a) WAIVER OF CERTAIN MATCHING REQUIRE-
10 MENTS.—Section 501 of the Act entitled “An Act to au-
11 thorize certain appropriations for the territories of the
12 United States, to amend certain Acts relating thereto, and
13 for other purposes”, approved October 15, 1977 (48
14 U.S.C. 1469a; 91 Stat. 1164) is amended—

15 (1) in the last sentence of subsection (d), by
16 striking “by law”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(e) Notwithstanding any other provision of law, in
20 the case of American Samoa, Guam, the Virgin Islands,
21 and the Northern Mariana Islands, each department or
22 agency of the United States shall waive any requirement
23 for local matching funds (including in-kind contributions)
24 that the insular area would otherwise be required to pro-
25 vide for any grant as follows:

1 “(1) For a grant requiring matching funds (in-
2 cluding in-kind contributions) of \$500,000 or less,
3 the entire matching requirement shall be waived.

4 “(2) For a grant requiring matching funds (in-
5 cluding in-kind contributions) of more than
6 \$500,000, \$500,000 of the matching requirement
7 shall be waived.”.

8 (b) CONFORMING AMENDMENT.—Section 601 of the
9 Act entitled “An Act to authorize appropriations for cer-
10 tain insular areas of the United States, and for other pur-
11 poses”, approved March 12, 1980 (48 U.S.C. 1469a note;
12 94 Stat. 90), is amended by striking “, and adding the
13 following sentence” and all that follows through “Is-
14 lands.’”.

15 (c) STUDY.—Not later than 2 years after the date
16 of the enactment of this title, the Secretary of the Interior
17 shall complete and submit to the Committee on Resources
18 of the House of Representatives and the Committee on
19 Energy and Natural Resources of the Senate the results
20 of a study of the implementation of the amendments made
21 by subsection (a).

1 **TITLE II—YANKTON SIOUX AND**
2 **SANTEE SIOUX TRIBES EQUI-**
3 **TABLE COMPENSATION**

4 **SEC. 6201. SHORT TITLE.**

5 This title may be cited as the “Yankton Sioux Tribe
6 and Santee Sioux Tribe Equitable Compensation Act”.

7 **SEC. 6202. FINDINGS.**

8 Congress finds that—

9 (1) by enacting the Act of December 22, 1944,
10 commonly known as the “Flood Control Act of
11 1944” (58 Stat. 887, chapter 665; 33 U.S.C. 701–
12 1 et seq.) Congress approved the Pick-Sloan Mis-
13 souri River Basin program (referred to in this sec-
14 tion as the “Pick-Sloan program”)—

15 (A) to promote the general economic devel-
16 opment of the United States;

17 (B) to provide for irrigation above Sioux
18 City, Iowa;

19 (C) to protect urban and rural areas from
20 devastating floods of the Missouri River; and

21 (D) for other purposes;

22 (2) the waters impounded for the Fort Randall
23 and Gavins Point projects of the Pick-Sloan pro-
24 gram have inundated the fertile, wooded bottom
25 lands along the Missouri River that constituted the

1 most productive agricultural and pastoral lands of,
2 and the homeland of, the members of the Yankton
3 Sioux Tribe and the Santee Sioux Tribe;

4 (3) the Fort Randall project (including the Fort
5 Randall Dam and Reservoir) overlies the western
6 boundary of the Yankton Sioux Tribe Indian Res-
7 ervation;

8 (4) the Gavins Point project (including the Gav-
9 ins Point Dam and Reservoir) overlies the eastern
10 boundary of the Santee Sioux Tribe;

11 (5) although the Fort Randall and Gavins Point
12 projects are major components of the Pick-Sloan
13 program, and contribute to the economy of the
14 United States by generating a substantial amount of
15 hydropower and impounding a substantial quantity
16 of water, the reservations of the Yankton Sioux
17 Tribe and the Santee Sioux Tribe remain undevel-
18 oped;

19 (6) the United States Army Corps of Engineers
20 took the Indian lands used for the Fort Randall and
21 Gavins Point projects by condemnation proceedings;

22 (7) the Federal Government did not give the
23 Yankton Sioux Tribe and the Santee Sioux Tribe an
24 opportunity to receive compensation for direct dam-
25 ages from the Pick-Sloan program, even though the

1 Federal Government gave 5 Indian reservations up-
2 stream from the reservations of those Indian tribes
3 such an opportunity;

4 (8) the Yankton Sioux Tribe and the Santee
5 Sioux Tribe did not receive just compensation for
6 the taking of productive agricultural Indian lands
7 through the condemnation referred to in paragraph
8 (6);

9 (9) the settlement agreement that the United
10 States entered into with the Yankton Sioux Tribe
11 and the Santee Sioux Tribe to provide compensation
12 for the taking by condemnation referred to in para-
13 graph (6) did not take into account the increase in
14 property values over the years between the date of
15 taking and the date of settlement; and

16 (10) in addition to the financial compensation
17 provided under the settlement agreements referred
18 to in paragraph (9)—

19 (A) the Yankton Sioux Tribe should re-
20 ceive an aggregate amount equal to
21 \$23,023,743 for the loss value of 2,851.40
22 acres of Indian land taken for the Fort Randall
23 Dam and Reservoir of the Pick-Sloan program;
24 and

1 (b) FUNDING.—On the first day of the 11th fiscal
2 year that begins after the date of enactment of this Act,
3 the Secretary of the Treasury shall, from the General
4 Fund of the Treasury, deposit into the Fund established
5 under subsection (a)—

6 (1) \$23,023,743; and

7 (2) an additional amount that equals the
8 amount of interest that would have accrued on the
9 amount described in paragraph (1) if such amount
10 had been invested in interest-bearing obligations of
11 the United States, or in obligations guaranteed as to
12 both principal and interest by the United States, on
13 the first day of the first fiscal year that begins after
14 the date of enactment of this Act and compounded
15 annually thereafter.

16 (c) INVESTMENT OF TRUST FUND.—It shall be the
17 duty of the Secretary of the Treasury to invest such por-
18 tion of the Fund as is not, in the Secretary of Treasury's
19 judgment, required to meet current withdrawals. Such in-
20 vestments may be made only in interest-bearing obliga-
21 tions of the United States or in obligations guaranteed as
22 to both principal and interest by the United States. The
23 Secretary of the Treasury shall deposit interest resulting
24 from such investments into the Fund.

25 (d) PAYMENT OF INTEREST TO TRIBE.—

1 (1) WITHDRAWAL OF INTEREST.—Beginning on
2 the first day of the 11th fiscal year after the date
3 of enactment of this Act and, on the first day of
4 each fiscal year thereafter, the Secretary of the
5 Treasury shall withdraw the aggregate amount of in-
6 terest deposited into the Fund for that fiscal year
7 and transfer that amount to the Secretary of the In-
8 terior for use in accordance with paragraph (2).
9 Each amount so transferred shall be available with-
10 out fiscal year limitation.

11 (2) PAYMENTS TO YANKTON SIOUX TRIBE.—

12 (A) IN GENERAL.—The Secretary of the
13 Interior shall use the amounts transferred
14 under paragraph (1) only for the purpose of
15 making payments to the Yankton Sioux Tribe,
16 as such payments are requested by that Indian
17 tribe pursuant to tribal resolution.

18 (B) LIMITATION.—Payments may be made
19 by the Secretary of the Interior under subpara-
20 graph (A) only after the Yankton Sioux Tribe
21 has adopted a tribal plan under section 6206.

22 (C) USE OF PAYMENTS BY YANKTON
23 SIOUX TRIBE.—The Yankton Sioux Tribe shall
24 use the payments made under subparagraph
25 (A) only for carrying out projects and programs

1 under the tribal plan prepared under section
2 6206.

3 (e) TRANSFERS AND WITHDRAWALS.—Except as
4 provided in subsections (c) and (d)(1), the Secretary of
5 the Treasury may not transfer or withdraw any amount
6 deposited under subsection (b).

7 **SEC. 6205. SANTEE SIOUX TRIBE DEVELOPMENT TRUST**
8 **FUND.**

9 (a) ESTABLISHMENT.—There is established in the
10 Treasury of the United States a fund to be known as the
11 “Santee Sioux Tribe Development Trust Fund” (referred
12 to in this section as the “Fund”). The Fund shall consist
13 of any amounts deposited in the Fund under this title.

14 (b) FUNDING.—On the first day of the 11th fiscal
15 year that begins after the date of enactment of this Act,
16 the Secretary of the Treasury shall, from the General
17 Fund of the Treasury, deposit into the Fund established
18 under subsection (a)—

19 (1) \$4,789,010; and

20 (2) an additional amount that equals the
21 amount of interest that would have accrued on the
22 amount described in paragraph (1) if such amount
23 had been invested in interest-bearing obligations of
24 the United States, or in obligations guaranteed as to
25 both principal and interest by the United States, on

1 the first day of the first fiscal year that begins after
2 the date of enactment of this Act and compounded
3 annually thereafter.

4 (c) INVESTMENT OF TRUST FUND.—It shall be the
5 duty of the Secretary of the Treasury to invest such por-
6 tion of the Fund as is not, in the Secretary of Treasury’s
7 judgment, required to meet current withdrawals. Such in-
8 vestments may be made only in interest-bearing obliga-
9 tions of the United States or in obligations guaranteed as
10 to both principal and interest by the United States. The
11 Secretary of the Treasury shall deposit interest resulting
12 from such investments into the Fund.

13 (d) PAYMENT OF INTEREST TO TRIBE.—

14 (1) WITHDRAWAL OF INTEREST.—Beginning on
15 the first day of the 11th fiscal year after the date
16 of enactment of this Act and, on the first day of
17 each fiscal year thereafter, the Secretary of the
18 Treasury shall withdraw the aggregate amount of in-
19 terest deposited into the Fund for that fiscal year
20 and transfer that amount to the Secretary of the In-
21 terior for use in accordance with paragraph (2).
22 Each amount so transferred shall be available with-
23 out fiscal year limitation.

24 (2) PAYMENTS TO SANTEE SIOUX TRIBE.—

1 (A) IN GENERAL.—The Secretary of the
2 Interior shall use the amounts transferred
3 under paragraph (1) only for the purpose of
4 making payments to the Santee Sioux Tribe, as
5 such payments are requested by that Indian
6 tribe pursuant to tribal resolution.

7 (B) LIMITATION.—Payments may be made
8 by the Secretary of the Interior under subpara-
9 graph (A) only after the Santee Sioux Tribe has
10 adopted a tribal plan under section 6206.

11 (C) USE OF PAYMENTS BY SANTEE SIOUX
12 TRIBE.—The Santee Sioux Tribe shall use the
13 payments made under subparagraph (A) only
14 for carrying out projects and programs under
15 the tribal plan prepared under section 6206.

16 (e) TRANSFERS AND WITHDRAWALS.—Except as
17 provided in subsections (c) and (d)(1), the Secretary of
18 the Treasury may not transfer or withdraw any amount
19 deposited under subsection (b).

20 **SEC. 6206. TRIBAL PLANS.**

21 (a) IN GENERAL.—Not later than 24 months after
22 the date of enactment of this Act, the tribal council of
23 each of the Yankton Sioux and Santee Sioux Tribes shall
24 prepare a plan for the use of the payments to the tribe

1 under section 6204(d) or 6205(d) (referred to in this sub-
2 section as a “tribal plan”).

3 (b) CONTENTS OF TRIBAL PLAN.—Each tribal plan
4 shall provide for the manner in which the tribe covered
5 under the tribal plan shall expend payments to the tribe
6 under section 6204(d) or 6205(d) to promote—

7 (1) economic development;

8 (2) infrastructure development;

9 (3) the educational, health, recreational, and so-
10 cial welfare objectives of the tribe and its members;

11 or

12 (4) any combination of the activities described
13 in paragraphs (1), (2), and (3).

14 (c) TRIBAL PLAN REVIEW AND REVISION.—

15 (1) IN GENERAL.—Each tribal council referred
16 to in subsection (a) shall make available for review
17 and comment by the members of the tribe a copy of
18 the tribal plan for the Indian tribe before the tribal
19 plan becomes final, in accordance with procedures
20 established by the tribal council.

21 (2) UPDATING OF TRIBAL PLAN.—Each tribal
22 council referred to in subsection (a) may, on an an-
23 nual basis, revise the tribal plan prepared by that
24 tribal council to update the tribal plan. In revising
25 the tribal plan under this paragraph, the tribal

1 council shall provide the members of the tribe oppor-
2 tunity to review and comment on any proposed revi-
3 sion to the tribal plan.

4 (3) CONSULTATION.—In preparing the tribal
5 plan and any revisions to update the plan, each trib-
6 al council shall consult with the Secretary of the In-
7 terior and the Secretary of Health and Human Serv-
8 ices.

9 (4) ANNUAL REPORTS.—Each tribe shall sub-
10 mit an annual report to the Secretary describing any
11 expenditures of funds withdrawn by that tribe under
12 this title.

13 (d) PROHIBITION ON PER CAPITA PAYMENTS.—No
14 portion of any payment made under this title may be dis-
15 tributed to any member of the Yankton Sioux Tribe or
16 the Santee Sioux Tribe of Nebraska on a per capita basis.

17 **SEC. 6207. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS**
18 **AND SERVICES.**

19 (a) IN GENERAL.—No payment made to the Yankton
20 Sioux Tribe or Santee Sioux Tribe pursuant to this title
21 shall result in the reduction or denial of any service or
22 program to which, pursuant to Federal law—

23 (1) the Yankton Sioux Tribe or Santee Sioux
24 Tribe is otherwise entitled because of the status of
25 the tribe as a federally recognized Indian tribe; or

1 (2) any individual who is a member of a tribe
2 under paragraph (1) is entitled because of the status
3 of the individual as a member of the tribe.

4 (b) EXEMPTIONS FROM TAXATION.—No payment
5 made pursuant to this title shall be subject to any Federal
6 or State income tax.

7 (c) POWER RATES.—No payment made pursuant to
8 this title shall affect Pick-Sloan Missouri River Basin
9 power rates.

10 **SEC. 6208. STATUTORY CONSTRUCTION.**

11 Nothing in this title may be construed as diminishing
12 or affecting any water right of an Indian tribe, except as
13 specifically provided in another provision of this title, any
14 treaty right that is in effect on the date of enactment of
15 this Act, or any authority of the Secretary of the Interior
16 or the head of any other Federal agency under a law in
17 effect on the date of enactment of this Act.

18 **SEC. 6209. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated such sums
20 as are necessary to carry out this title, including such
21 sums as may be necessary for the administration of the
22 Yankton Sioux Tribe Development Trust Fund under sec-
23 tion 6204 and the Santee Sioux Tribe Development Trust
24 Fund under section 6205.

1 **SEC. 6210. EXTINGUISHMENT OF CLAIMS.**

2 Upon the deposit of funds under sections 6204(b)
3 and 6205(b), all monetary claims that the Yankton Sioux
4 Tribe or the Santee Sioux Tribe of Nebraska has or may
5 have against the United States for loss of value or use
6 of land related to lands described in section 6202(a)(10)
7 resulting from the Fort Randall and Gavins Point projects
8 of the Pick-Sloan Missouri River Basin program shall be
9 extinguished.

10 **TITLE III—OKLAHOMA NATIVE**
11 **AMERICAN CULTURAL CEN-**
12 **TER AND MUSEUM**

13 **SEC. 6301. OKLAHOMA NATIVE AMERICAN CULTURAL CEN-**
14 **TER AND MUSEUM.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) In order to promote better understanding
18 between Indian and non-Indian citizens of the
19 United States, and in light of the Federal Govern-
20 ment's continuing trust responsibilities to Indian
21 tribes, it is appropriate, desirable, and a proper
22 function of the Federal Government to provide
23 grants for the development of a museum designated
24 to display the heritage and culture of Indian tribes.

25 (2) In recognition of the unique status and his-
26 tory of Indian tribes in the State of Oklahoma and

1 the role of the Federal Government in such history,
2 it is appropriate and proper for the museum referred
3 to in paragraph (1) to be located in the State of
4 Oklahoma.

5 (b) GRANT.—

6 (1) IN GENERAL.—The Secretary shall offer to
7 award financial assistance equaling not more than
8 \$33,000,000 and technical assistance to the Author-
9 ity to be used for the development and construction
10 of a Native American Cultural Center and Museum
11 in Oklahoma City, Oklahoma.

12 (2) AGREEMENT.—To be eligible to receive a
13 grant under paragraph (1), the appropriate official
14 of the Authority shall—

15 (A) enter into a grant agreement with the
16 Secretary which shall specify the duties of the
17 Authority under this section, including provi-
18 sions for continual maintenance of the Center
19 by the Authority without the use of Federal
20 funds; and

21 (B) demonstrate, to the satisfaction of the
22 Secretary, that the Authority has raised, or has
23 commitments from private persons or State or
24 local government agencies for, an amount that
25 is equal to not less than 66 percent of the cost

1 to the Authority of the activities to be carried
2 out under the grant.

3 (3) LIMITATION.—The amount of any grant
4 awarded under paragraph (1) shall not exceed 33
5 percent of the cost of the activities to be funded
6 under the grant.

7 (4) IN-KIND CONTRIBUTION.—When calculating
8 the cost share of the Authority under this title, the
9 Secretary shall reduce such cost share obligation by
10 the fair market value of the approximately 300 acres
11 of land donated by Oklahoma City for the Center, if
12 such land is used for the Center.

13 (c) DEFINITIONS.—For the purposes of this title:

14 (1) AUTHORITY.—The term “Authority” means
15 the Native American Cultural and Educational Au-
16 thority of Oklahoma, and agency of the State of
17 Oklahoma.

18 (2) CENTER.—The term “Center” means the
19 Native American Cultural Center and Museum au-
20 thorized pursuant to this section.

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

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Secretary to

1 grant assistance under subsection (b)(1), \$8,250,000 for
2 each of fiscal years 2003 through 2006.

3 **TITLE IV—TRANSMISSION OF**
4 **POWER FROM INDIAN LANDS**
5 **IN OKLAHOMA**

6 **SEC. 6401. TRANSMISSION OF POWER FROM INDIAN LANDS**
7 **IN OKLAHOMA.**

8 To the extent the Southwestern Power Administra-
9 tion makes transmission capacity available without replac-
10 ing the present capacity of existing users of the Adminis-
11 tration's transmission system, the Administrator of the
12 Southwestern Power Administration shall take such ac-
13 tions as may be necessary, in accordance with all applica-
14 ble Federal law, to make the transmission services of the
15 Administration available for the transmission of electric
16 power generated at facilities located on land within the
17 jurisdictional area of any Oklahoma Indian tribe (as deter-
18 mined by the Secretary of the Interior) recognized by the
19 Secretary as eligible for trust land status under 25 CFR
20 Part 151. The owner or operator of the generation facili-
21 ties concerned shall reimburse the Administrator for all
22 costs of such actions in accordance with standards applica-
23 ble to payment of such costs by other users of the South-
24 western Power Administration transmission system.

1 **TITLE V—RUSSIAN RIVER LANDS**

2 **SEC. 6501. SHORT TITLE.**

3 This title may be cited as the “Russian River Land
4 Act”.

5 **SEC. 6502. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Certain lands adjacent to the Russian River
9 in the area of its confluence with the Kenai River
10 contain abundant archaeological resources of signifi-
11 cance to the Native people of the Cook Inlet Region,
12 the Kenaitze Indian Tribe, and the citizens of the
13 United States.

14 (2) Those lands at the confluence of the Rus-
15 sian River and Kenai River contain abundant fish-
16 eries resources of great significance to the citizens of
17 Alaska.

18 (3) Cook Inlet Region, Inc., an Alaska Native
19 Regional Corporation formed under the provisions of
20 the Alaska Native Claims Settlement Act of 1971
21 (43 U.S.C. 1601 et. seq.) (hereinafter in this title
22 referred to as “ANCSA”), has selected lands in the
23 area pursuant to section 14(h)(1) of such Act (43
24 U.S.C. 1613(h)(1)), for their values as historic and
25 cemetery sites.

1 (4) The United States Bureau of Land Man-
2 agement, the Federal agency responsible for the ad-
3 judication of ANCSA selections has not finished ad-
4 judicating Cook Inlet Region, Inc.'s selections under
5 section 14(h)(1) of that Act as of the date of the en-
6 actment of this title.

7 (5) The Bureau of Indian Affairs has certified
8 a portion of Cook Inlet Region, Inc.'s selections
9 under section 14(h)(1) of ANCSA as containing pre-
10 historic and historic cultural artifacts, and meeting
11 the requirements of section 14(h)(1) of that Act.

12 (6) A portion of the selections under section
13 14(h)(1) of ANCSA made by Cook Inlet Region,
14 Inc., and certified by the Bureau of Indian Affairs
15 lies within the Chugach National Forest over which
16 the United States Forest Service is the agency cur-
17 rently responsible for the administration of public
18 activities, archaeological features, and natural re-
19 sources.

20 (7) A portion of the selections under section
21 14(h)(1) of ANCSA and the lands certified by the
22 Bureau of Indian Affairs lies within the Kenai Na-
23 tional Wildlife Refuge over which the United States
24 Fish and Wildlife Service is the land managing
25 agency currently responsible for the administration

1 of public activities, archaeological features, and nat-
2 ural resources.

3 (8) The area addressed by this title lies within
4 the Sqilantnu Archaeological District which was de-
5 termined eligible for the National Register of His-
6 toric Places on December 31, 1981.

7 (9) Both the Forest Service and the Fish and
8 Wildlife Service dispute the validity and timeliness of
9 Cook Inlet Region, Inc.'s selections under section
10 14(h)(1) of ANCSA.

11 (10) The Forest Service, Fish and Wildlife
12 Service, and Cook Inlet Region, Inc., determined
13 that it was in the interest of the United States and
14 Cook Inlet Region, Inc., to—

15 (A) protect and preserve the outstanding
16 historic, cultural, and natural resources of the
17 area;

18 (B) resolve their disputes concerning the
19 validity of Cook Inlet Region, Inc.'s selections
20 under section 14(h)(1) of ANCSA without liti-
21 gation; and

22 (C) provide for the management of public
23 use of the area and protection of the cultural
24 resources within the Sqilantnu Archaeological
25 District, particularly the management of the

1 area at the confluence of the Russian and
2 Kenai Rivers.

3 (11) Legislation is required to enact the resolu-
4 tion reached by the Forest Service, the Fish and
5 Wildlife Service, and Cook Inlet Region, Inc.

6 (b) PURPOSE.—It is the purpose of this title to ratify
7 an agreement between the Department of Agriculture, the
8 Department of the Interior, and Cook Inlet Region, Inc.

9 **SEC. 6503. RATIFICATION OF AGREEMENT BETWEEN THE**
10 **UNITED STATES FOREST SERVICE, UNITED**
11 **STATES FISH AND WILDLIFE SERVICE, AND**
12 **COOK INLET REGION, INC.**

13 (a) RATIFICATION OF AGREEMENT.—

14 (1) IN GENERAL.—The terms, conditions, cov-
15 enants, and procedures set forth in the document
16 entitled “Russian River Section 14(h)(1) Selection
17 Agreement”, which was executed by Cook Inlet Re-
18 gion, Inc., the United States Department of Agri-
19 culture, and the United States Department of the
20 Interior on July 26, 2001, (hereinafter in this title
21 referred to as the “Agreement”), are hereby incor-
22 porated in this section, and are ratified, as to the
23 duties and obligations of the United States and the
24 Cook Inlet Region, Inc., as a matter of Federal law.

1 (2) SECTION 5.—The ratification of section 5 of
2 the Agreement is subject to the following conditions:

3 (A) The Fish and Wildlife Service shall
4 consult with interested parties when developing
5 an exchange under section 5 of the Agreement.

6 (B) The Secretary of the Interior shall
7 submit to the Committee on Resources of the
8 House of Representatives and the Committee
9 on Energy and Natural Resources of the Senate
10 a copy of the agreement implementing any ex-
11 change under section 5 of the Agreement not
12 less than 30 days before the exchange becomes
13 effective.

14 (3) AGREEMENT CONTROLS.—In the event any
15 of the terms of the Agreement conflict with any
16 other provision of law, the terms of the Agreement
17 shall be controlling.

18 (b) AUTHORIZATION OF ACTIONS.—The Secretaries
19 of Agriculture and the Interior are authorized to take all
20 actions required under the terms of the Agreement.

21 **SEC. 6504. AUTHORIZATION OF APPROPRIATION.**

22 (a) IN GENERAL.—There is authorized to be appro-
23 priated to the Department of Agriculture, Office of State
24 and Private Forestry, \$13,800,000, to remain available

1 until expended, for Cook Inlet Region, Inc., for the fol-
2 lowing:

3 (1) Costs for the planning and design of the
4 Joint Visitor's Interpretive Center.

5 (2) Planning and design of the Sqilantnu Ar-
6 chaeological Research Center.

7 (3) Construction of these facilities to be estab-
8 lished in accordance with and for the purposes set
9 forth in the Agreement.

10 (b) LIMITATION ON USE OF FUNDS.—Of the amount
11 appropriated under this section, not more than 1 percent
12 may be used to reimburse the Forest Service, the Fish
13 and Wildlife Service, and the Kenaitze Indian Tribe for
14 the costs they incur in assisting Cook Inlet Region, Inc.
15 in the planning and design of the Joint Visitor's Interpre-
16 tive Center and the Sqilantnu Archaeological Research
17 Center.

18 **TITLE VI—PECHANGA TRIBE**

19 **SEC. 6601. LAND OF PECHANGA BAND OF LUISENO MISSION** 20 **INDIANS.**

21 (a) LIMITATION ON CONVEYANCE.—Land described
22 in subsection (b) (or any interest in that land) shall not
23 be voluntarily or involuntarily transferred or otherwise
24 made available for condemnation until the date on
25 which—

1 (1)(A) the Secretary of the Interior renders a
2 final decision on the fee to trust application pending
3 on the date of the enactment of this title concerning
4 the land; and

5 (B) final decisions have been rendered regard-
6 ing all appeals relating to that application decision;
7 or

8 (2) the fee to trust application described in
9 paragraph (1)(A) is withdrawn.

10 (b) DESCRIPTION OF LAND.—The land referred to in
11 subsection (a) is land located in Riverside County, Cali-
12 fornia, that is held in fee by the Pechanga Band of
13 Luiseno Mission Indians, as described in Document No.
14 211130 of the Office of the Recorder, Riverside County,
15 California, and recorded on May 15, 2001.

16 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion designates, or shall be used to construe, any land de-
18 scribed in subsection (b) (or any interest in that land) as
19 an Indian reservation, Indian country, Indian land, or res-
20 ervation land (as those terms are defined under any Fed-
21 eral law (including a regulation)) for any purpose under
22 any Federal law.

1 **TITLE VII—CHEROKEE, CHOCTAW,**
2 **TAW, AND CHICKASAW NA-**
3 **TIONS CLAIMS SETTLEMENT**
4 **ACT**

5 **SEC. 6701. SHORT TITLE.**

6 This title may be cited as the “Cherokee, Choctaw,
7 and Chickasaw Nations Claims Settlement Act”.

8 **SEC. 6702. FINDINGS.**

9 The Congress finds the following:

10 (1) It is the policy of the United States to pro-
11 mote tribal self-determination and economic self-suf-
12 ficiency and to encourage the resolution of disputes
13 over historical claims through mutually agreed-to
14 settlements between Indian Nations and the United
15 States.

16 (2) There are pending before the United States
17 Court of Federal Claims certain lawsuits against the
18 United States brought by the Cherokee, Choctaw,
19 and Chickasaw Nations seeking monetary damages
20 for the alleged use and mismanagement of tribal re-
21 sources along the Arkansas River in eastern Okla-
22 homa.

23 (3) The Cherokee Nation, a federally recognized
24 Indian tribe with its present tribal headquarters
25 south of Tahlequah, Oklahoma, having adopted its

1 most recent constitution on June 26, 1976, and hav-
2 ing entered into various treaties with the United
3 States, including but not limited to the Treaty at
4 Hopewell, executed on November 28, 1785 (7 Stat.
5 18), and the Treaty at Washington, D.C., executed
6 on July 19, 1866 (14 Stat. 799), has maintained a
7 continuous government-to-government relationship
8 with the United States since the earliest years of the
9 Union.

10 (4) The Choctaw Nation, a federally recognized
11 Indian tribe with its present tribal headquarters in
12 Durant, Oklahoma, having adopted its most recent
13 constitution on July 9, 1983, and having entered
14 into various treaties with the United States of Amer-
15 ica, including but not limited to the Treaty at Hope-
16 well, executed on January 3, 1786 (7 Stat. 21), and
17 the Treaty at Washington, D.C., executed on April
18 28, 1866 (7 Stat. 21), has maintained a continuous
19 government-to-government relationship with the
20 United States since the earliest years of the Union.

21 (5) The Chickasaw Nation, a federally recog-
22 nized Indian tribe with its present tribal head-
23 quarters in Ada, Oklahoma, having adopted its most
24 recent constitution on August 27, 1983, and having
25 entered into various treaties with the United States

1 of America, including but not limited to the Treaty
2 at Hopewell, executed on January 10, 1786 (7 Stat.
3 24), and the Treaty at Washington, D.C., executed
4 on April 28, 1866 (7 Stat. 21), has maintained a
5 continuous government-to-government relationship
6 with the United States since the earliest years of the
7 Union.

8 (6) In the first half of the 19th century, the
9 Cherokee, Choctaw, and Chickasaw Nations were
10 forcibly removed from their homelands in the south-
11 eastern United States to lands west of the Mis-
12 sissippi in the Indian Territory that were ceded to
13 them by the United States. From the “Three Forks”
14 area near present day Muskogee, Oklahoma, down-
15 stream to the point of confluence with the Canadian
16 River, the Arkansas River flowed entirely within the
17 territory of the Cherokee Nation. From that point of
18 confluence downstream to the Arkansas territorial
19 line, the Arkansas River formed the boundary be-
20 tween the Cherokee Nation on the left side of the
21 thread of the river and the Choctaw and Chickasaw
22 Nations on the right.

23 (7) Pursuant to the Act of April 30, 1906 (34
24 Stat. 137), tribal property not allotted to individuals
25 or otherwise disposed of, including the bed and

1 banks of the Arkansas River, passed to the United
2 States in trust for the use and benefit of the respec-
3 tive Indian Nations in accordance with their respec-
4 tive interests therein.

5 (8) For more than 60 years after Oklahoma
6 statehood, the Bureau of Indian Affairs believed
7 that Oklahoma owned the Riverbed from the Arkan-
8 sas State line to Three Forks, and therefore took no
9 action to protect the Indian Nations' Riverbed re-
10 sources such as oil, gas, and Drybed Lands suitable
11 for grazing and agriculture.

12 (9) Third parties with property near the Arkan-
13 sas River began to occupy the 3 Indian Nations'
14 Drybed Lands—lands that were under water at the
15 time of statehood but that are now dry due to
16 changes in the course of the river.

17 (10) In 1966, the 3 Indian Nations sued the
18 State of Oklahoma to recover their lands. In 1970,
19 the Supreme Court of the United States decided in
20 the case of Choctaw Nation vs. Oklahoma (396 U.S.
21 620), that the Indian Nations retained title to their
22 respective portions of the Riverbed along the navi-
23 gable reach of the river.

24 (11) In 1987, the Supreme Court of the United
25 States in the case of United States vs. Cherokee Na-

1 tion (480 U.S. 700) decided that the riverbed lands
2 did not gain an exemption from the Federal Govern-
3 ment's navigational servitude and that the Cherokee
4 Nation had no right to compensation for damage to
5 its interest by exercise of the Government's ser-
6 vitude.

7 (12) In 1989, the Indian Nations filed lawsuits
8 against the United States in the United States
9 Court of Federal Claims (Case Nos. 218-89L and
10 630-89L), seeking damages for the United States'
11 use and mismanagement of tribal trust resources
12 along the Arkansas River. Those actions are still
13 pending.

14 (13) In 1997, the United States filed quiet title
15 litigation against individuals occupying some of the
16 Indian Nations' Drybed Lands. That action, filed in
17 the United States District Court for the Eastern
18 District of Oklahoma, was dismissed without preju-
19 dice on technical grounds.

20 (14) Much of the Indian Nations' Drybed
21 Lands have been occupied by a large number of ad-
22 jacent landowners in Oklahoma. Without Federal
23 legislation, further litigation against thousands of
24 such landowners would be likely and any final reso-
25 lution of disputes would take many years and entail

1 great expense to the United States, the Indian Na-
2 tions, and the individuals and entities occupying the
3 Drybed Lands and would seriously impair long-term
4 economic planning and development for all parties.

5 (15) The Councils of the Cherokee and Choctaw
6 Nations and the Legislature of the Chickasaw Na-
7 tion have each enacted tribal resolutions which
8 would, contingent upon the passage of this title and
9 the satisfaction of its terms and in exchange for the
10 moneys appropriated hereunder—

11 (A) settle and forever release their respec-
12 tive claims against the United States asserted
13 by them in United States Court of Federal
14 Claims Case Nos. 218–89L and 630–89L; and

15 (B) forever disclaim any and all right,
16 title, and interest in and to the Disclaimed
17 Drybed Lands, as set forth in those enactments
18 of the respective councils of the Indian Nations.

19 (16) The resolutions adopted by the respective
20 Councils of the Cherokee, Choctaw, and Chickasaw
21 Nations each provide that, contingent upon the pas-
22 sage of the settlement legislation and satisfaction of
23 its terms, each Indian Nation agrees to dismiss, re-
24 lease, and forever discharge its claims asserted
25 against the United States in the United State Court

1 of Federal Claims, Case Nos. 218–89L and 630–
2 89L, and to forever disclaim any right, title, or in-
3 terest of the Indian Nation in the Disclaimed
4 Drybed Lands, in exchange for the funds appro-
5 priated and allocated to the Indian Nation under the
6 provisions of the settlement legislation, which funds
7 the Indian Nation agrees to accept in full satisfac-
8 tion and settlement of all claims against the United
9 States for the damages sought in the aforementioned
10 claims asserted in the United States Court of Fed-
11 eral Claims, and as full and fair compensation for
12 disclaiming its right, title, and interest in the Dis-
13 claimed Drybed Lands.

14 (17) In those resolutions, each Indian Nation
15 expressly reserved all of its beneficial interest and
16 title to all other Riverbed lands, including minerals,
17 as determined by the Supreme Court in *Choctaw*
18 *Nation v. Oklahoma*, 397 U.S. 620 (1970), and fur-
19 ther reserved any and all right, title, or interest that
20 each Nation may have in an to the water flowing in
21 the Arkansas River and its tributaries.

22 **SEC. 6703. PURPOSES.**

23 The purposes of this title are to resolve all claims that
24 have been or could have been brought by the Cherokee,
25 Choctaw, and Chickasaw Nations against the United

1 States, and to confirm that the 3 Indian Nations are for-
2 ever disclaiming any right, title, or interest in the Dis-
3 claimed Drybed Lands, which are contiguous to the chan-
4 nel of the Arkansas River as of the date of the enactment
5 of this title in certain townships in eastern Oklahoma.

6 **SEC. 6704. DEFINITIONS.**

7 For the purposes of this title, the following defini-
8 tions apply:

9 (1) **DISCLAIMED DRYBED LANDS.**—The term
10 “Disclaimed Drybed Lands” means all Drybed
11 Lands along the Arkansas River that are located in
12 Township 10 North in Range 24 East, Townships 9
13 and 10 North in Range 25 East, Township 10
14 North in Range 26 East, and Townships 10 and 11
15 North in Range 27 East, in the State Oklahoma.

16 (2) **DRYBED LANDS.**—The term “Drybed
17 Lands” means those lands which, on the date of en-
18 actment of this title, lie above and contiguous to the
19 mean high water mark of the Arkansas River in the
20 State of Oklahoma. The term “Drybed Lands” is in-
21 tended to have the same meaning as the term “Up-
22 land Claim Area” as used by the Bureau of Land
23 Management Cadastral Survey Geographic Team in
24 its preliminary survey of the Arkansas River. The

1 term “Drybed Lands” includes any lands so identi-
2 fied in the “Holway study.”

3 (3) INDIAN NATION; INDIAN NATIONS.—The
4 term “Indian Nation” means the Cherokee Nation,
5 Choctaw Nation, or Chickasaw Nation, and the term
6 “Indian Nations” means all 3 tribes collectively.

7 (4) RIVERBED.—The term “Riverbed” means
8 the Drybed Lands and the Wetbed Lands and in-
9 cludes all minerals therein.

10 (5) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (6) WETBED LANDS.—The term “Wetbed
13 Lands” means those Riverbed lands which lie below
14 the mean high water mark of the Arkansas River in
15 the State of Oklahoma as of the date of the enact-
16 ment of this title, exclusive of the Drybed Lands.
17 The term Wetbed Land is intended to have the same
18 meaning as the term “Present Channel Claim
19 Areas” as utilized by the Bureau of Land Manage-
20 ment Cadastral Survey Geographic Team in its pre-
21 liminary survey of the Arkansas River.

22 **SEC. 6705. SETTLEMENT AND CLAIMS; APPROPRIATIONS;**
23 **ALLOCATION OF FUNDS.**

24 (a) EXTINGUISHMENT OF CLAIMS.—Pursuant to
25 their respective tribal resolutions, and in exchange for the

1 benefits conferred under this title, the Indian Nations
2 shall, on the date of enactment of this title, enter into
3 a consent decree with the United States that waives, re-
4 leases, and dismisses all the claims they have asserted or
5 could have asserted in their cases numbered 218–89L and
6 630–89L pending in the United States Court of Federal
7 Claims against the United States, including but not lim-
8 ited to claims arising out of any and all of the Indian Na-
9 tions’ interests in the Disclaimed Drybed Lands and aris-
10 ing out of construction, maintenance and operation of the
11 McClellan-Kerr Navigation Way. The Indian Nations and
12 the United States shall lodge the consent decree with the
13 Court of Federal Claims within 30 days of the enactment
14 of this title, and shall move for entry of the consent decree
15 at such time as all appropriations by Congress pursuant
16 to the authority of this title have been made and deposited
17 into the appropriate tribal trust fund account of the In-
18 dian Nations as described in section 6706. Upon entry of
19 the consent decree, all the Indian Nations’ claims and all
20 their past, present, and future right, title, and interest to
21 the Disclaimed Drybed Lands, shall be deemed extin-
22 guished. No claims may be asserted in the future against
23 the United States pursuant to sections 1491, 1346(a)(2),
24 or 1505 of title 28, United States Code, for actions taken
25 or failed to have been taken by the United States for

1 events occurring prior to the date of the extinguishment
2 of claims with respect to the Riverbed.

3 (b) RELEASE OF TRIBAL CLAIMS TO CERTAIN
4 DRYBED LANDS.—

5 (1) IN GENERAL.—Upon the deposit of all
6 funds authorized for appropriation under subsection
7 (c) for an Indian Nation into the appropriate trust
8 fund account described in section 6706—

9 (A) all claims now existing or which may
10 arise in the future with respect to the Dis-
11 claimed Drybed lands and all right, title, and
12 interest that the Indian Nations and the United
13 States as trustee on behalf of the Indian Nation
14 may have to the Disclaimed Drybed Lands,
15 shall be deemed extinguished;

16 (B) any interest of the Indian Nations or
17 the United States as trustee on their behalf in
18 the Disclaimed Drybed Lands shall further be
19 extinguished pursuant to the Trade and Inter-
20 course Act of 1790, Act of July 22, 1790 (ch.
21 33, 1 Stat. 137), and all subsequent amend-
22 ments thereto (as codified at 25 U.S.C. 177);

23 (C) to the extent parties other than the In-
24 dian Nations have transferred interests in the
25 Disclaimed Drybed Lands in violation of the

1 Trade and Intercourse Act, Congress does here-
2 by approve and ratify such transfers of inter-
3 ests in the Disclaimed Drybed Lands to the ex-
4 tent that such transfers otherwise are valid
5 under law; and

6 (D) the Secretary is authorized to execute
7 an appropriate document citing this title, suit-
8 able for filing with the county clerks, or such
9 other county official as appropriate, of those
10 counties wherein the foregoing described lands
11 are located, disclaiming any tribal or Federal
12 interest on behalf of the Indian Nations in such
13 Disclaimed Drybed Lands. The Secretary is au-
14 thorized to file with the counties a plat or map
15 of the disclaimed lands should the Secretary de-
16 termine that such filing will clarify the extent
17 of lands disclaimed. Such a plat or map may be
18 filed regardless of whether the map or plat has
19 been previously approved for filing, whether or
20 not the map or plat has been filed, and regard-
21 less of whether the map or plat constitutes a
22 final determination by the Secretary of the ex-
23 tent of the Indian Nations' original claim to the
24 Disclaimed Drybed Lands. The disclaimer filed
25 by the United States shall constitute a dis-

1 claimer of the Disclaimed Drybed Lands for
2 purposes of the Trade and Intercourse Act (25
3 U.S.C. 177).

4 (2) SPECIAL PROVISIONS.—Notwithstanding
5 any provision of this title—

6 (A) the Indian Nations do not relinquish
7 any right, title, or interest in any lands which
8 constitute the Wetbed Lands subject to the
9 navigational servitude exercised by the United
10 States on the Wetbed Lands. By virtue of the
11 exercise of the navigational servitude, the
12 United States shall not be liable to the Indian
13 Nations for any loss they may have related to
14 the minerals in the Wetbed Lands;

15 (B) no provision of this title shall be con-
16 strued to extinguish or convey any water rights
17 of the Indian Nations in the Arkansas River or
18 any other stream or the beneficial interests or
19 title of any of the Indian Nations in and to
20 lands held in trust by the United States on the
21 date of enactment of this title which lie above
22 or below the mean high water mark of the Ar-
23 kansas River, except for the Disclaimed Drybed
24 Lands; and

1 (C) the Indian Nations do not relinquish
2 any right, title, or interest in any lands or min-
3 erals of certain unallotted tracts which are iden-
4 tified in the official records of the Eastern
5 Oklahoma Regional Office, Bureau of Indian
6 Affairs. The disclaimer to be filed by the Sec-
7 retary of the Interior under section 6705(b)(1)
8 of this title shall reflect the legal description of
9 the unallotted tracts retained by the Nations.

10 (3) SETOFF.—In the event the Court of Fed-
11 eral Claims does not enter the consent decree as set
12 forth in subsection (a), the United States shall be
13 entitled to setoff against any claims of the Indian
14 Nations as set forth in subsection (a), any funds
15 transferred to the Indian Nations pursuant to sec-
16 tion 6706, and any interest accrued thereon up to
17 the date of setoff.

18 (4) QUIET TITLE ACTIONS.—Notwithstanding
19 any other provision of law, neither the United States
20 nor any department of the United States nor the In-
21 dian Nations shall be made parties to any quiet title
22 lawsuit or other lawsuit to determine ownership of
23 or an interest in the Disclaimed Drybed Lands initi-
24 ated by any private person or private entity after
25 execution of the disclaimer set out in section

1 6705(b)(1). The United States will have no obliga-
2 tion to undertake any future quiet title actions or
3 actions for the recovery of lands or funds relating to
4 any Drybed Lands retained by the Indian Nation or
5 Indian Nations under this title, including any lands
6 which are Wetbed Lands on the date of enactment
7 of this title, but which subsequently lie above the
8 mean high water mark of the Arkansas River and
9 the failure or declination to initiate any quiet title
10 action or to manage any such Drybed Lands shall
11 not constitute a breach of trust by the United States
12 or be compensable to the Indian Nation or Indian
13 Nations in any manner.

14 (5) LAND TO BE CONVEYED IN FEE.—To the
15 extent that the United States determines that it is
16 able to effectively maintain the McClellan-Kerr Navi-
17 gation Way without retaining title to lands above the
18 high water mark of the Arkansas River as of the
19 date of enactment of this title, said lands, after
20 being declared surplus, shall be conveyed in fee to
21 the Indian Nation within whose boundary the land
22 is located. The United States shall not be obligated
23 to accept such property in trust.

1 (c) AUTHORIZATION FOR SETTLEMENT APPROPRIA-
2 TIONS.—There is authorized to be appropriated an aggre-
3 gate sum of \$40,000,000 as follows:

4 (1) \$10,000,000 for fiscal year 2004.

5 (2) \$10,000,000 for fiscal year 2005.

6 (3) \$10,000,000 for fiscal year 2006.

7 (4) \$10,000,000 for fiscal year 2007.

8 (d) ALLOCATION AND DEPOSIT OF FUNDS.—After
9 payment pursuant to section 6707, the remaining funds
10 authorized for appropriation under subsection (c) shall be
11 allocated among the Indian Nations as follows:

12 (1) 50 percent to be deposited into the trust
13 fund account established under section 6706 for the
14 Cherokee Nation.

15 (2) 37.5 percent to be deposited into the trust
16 fund account established under section 6706 for the
17 Choctaw Nation.

18 (3) 12.5 percent to be deposited into the trust
19 fund account established under section 6706 for the
20 Chickasaw Nation.

21 **SEC. 6706. TRIBAL TRUST FUNDS.**

22 (a) ESTABLISHMENT, PURPOSE, AND MANAGEMENT
23 OF TRUST FUNDS.—

24 (1) ESTABLISHMENT.—There are hereby estab-
25 lished in the United States Treasury 3 separate trib-

1 al trust fund accounts for the benefit of each of the
2 Indian Nations, respectively, for the purpose of re-
3 ceiving all appropriations made pursuant to section
4 6705(e), and allocated pursuant to section 6705(d).

5 (2) AVAILABILITY OF AMOUNTS IN TRUST FUND
6 ACCOUNTS.—Amounts in the tribal trust fund ac-
7 counts established by this section shall be available
8 to the Secretary for management and investment on
9 behalf of the Indian Nations and distribution to the
10 Indian Nations in accordance with this title. Funds
11 made available from the tribal trust funds under this
12 section shall be available without fiscal year limita-
13 tion.

14 (b) MANAGEMENT OF FUNDS.—

15 (1) LAND ACQUISITION.—

16 (A) TRUST LAND STATUS PURSUANT TO
17 REGULATIONS.—The funds appropriated and
18 allocated to the Indian Nations pursuant to sec-
19 tions 6205(c) and (d), and deposited into trust
20 fund accounts pursuant to section 6706(a), to-
21 gether with any interest earned thereon, may be
22 used for the acquisition of land by the 3 Indian
23 Nations. The Secretary may accept such lands
24 into trust for the beneficiary Indian Nation
25 pursuant to the authority provided in section 5

1 of the Act of June 18, 1934 (25 U.S.C. 465)
2 and in accordance with the Secretary's trust
3 land acquisition regulations at part 151 of title
4 25, Code of Federal Regulations, in effect at
5 the time of the acquisition, except for those ac-
6 quisitions covered by paragraph (1)(B).

7 (B) REQUIRED TRUST LAND STATUS.—

8 Any such trust land acquisitions on behalf of
9 the Cherokee Nation shall be mandatory if the
10 land proposed to be acquired is located within
11 Township 12 North, Range 21 East, in
12 Sequoyah County, Township 11 North, Range
13 18 East, in McIntosh County, Townships 11
14 and 12 North, Range 19 East, or Township 12
15 North, Range 20 East, in Muskogee County,
16 Oklahoma, and not within the limits of any in-
17 corporated municipality as of January 1, 2002,
18 if—

19 (i) the land proposed to be acquired
20 meets the Department of the Interior's
21 minimum environmental standards and re-
22 quirements for real estate acquisitions set
23 forth in 602 DM 2.6, or any similar suc-
24 cessor standards or requirements for real

1 estate acquisitions in effect on the date of
2 acquisition; and

3 (ii) the title to such land meets appli-
4 cable Federal title standards in effect on
5 the date of the acquisition.

6 (C) OTHER EXPENDITURE OF FUNDS.—

7 The Indian Nations may elect to expend all or
8 a portion of the funds deposited into its trust
9 account for any other purposes authorized
10 under paragraph (2).

11 (2) INVESTMENT OF TRUST FUNDS; NO PER
12 CAPITA PAYMENT.—

13 (A) NO PER CAPITA PAYMENTS.—No
14 money received by the Indian Nations here-
15 under may be used for any per capita payment.

16 (B) INVESTMENT BY SECRETARY.—Except
17 as provided in this section and section 6707,
18 the principal of such funds deposited into the
19 accounts established hereunder and any interest
20 earned thereon shall be invested by the Sec-
21 retary in accordance with current laws and reg-
22 ulations for the investing of tribal trust funds.

23 (C) USE OF PRINCIPAL FUNDS.—The prin-
24 cipal amounts of said funds and any amounts
25 earned thereon shall be made available to the

1 Indian Nation for which the account was estab-
2 lished for expenditure for purposes which may
3 include construction or repair of health care fa-
4 cilities, law enforcement, cultural or other edu-
5 cational activities, economic development, social
6 services, and land acquisition. Land acquisition
7 using such funds shall be subject to the provi-
8 sions of subsections (b) and (d).

9 (3) DISBURSEMENT OF FUNDS.—The Secretary
10 shall disburse the funds from a trust account estab-
11 lished under this section pursuant to a budget
12 adopted by the Council or Legislature of the Indian
13 Nation setting forth the amount and an intended
14 use of such funds.

15 (4) ADDITIONAL RESTRICTION ON USE OF
16 FUNDS.—None of the funds made available under
17 this title may be allocated or otherwise assigned to
18 authorized purposes of the Arkansas River Multipur-
19 pose Project as authorized by the River and Harbor
20 Act of 1946, as amended by the Flood Control Act
21 of 1948 and the Flood Control Act of 1950.

22 **SEC. 6707. ATTORNEY FEES.**

23 (a) PAYMENT.—At the time the funds are paid to the
24 Indian Nations, from funds authorized to be appropriated
25 pursuant to section 6705(c), the Secretary shall pay to

1 the Indian Nations' attorneys those fees provided for in
2 the individual tribal attorney fee contracts as approved by
3 the respective Indian Nations.

4 (b) LIMITATIONS.—Notwithstanding subsection (a),
5 the total fees payable to attorneys under such contracts
6 with an Indian Nation shall not exceed 10 percent of that
7 Indian Nation's allocation of funds appropriated under
8 section 6705(c).

9 **TITLE VIII—SEMINOLE TRIBE**

10 **SEC. 6801. APPROVAL NOT REQUIRED TO VALIDATE CER-** 11 **TAIN LAND TRANSACTIONS.**

12 (a) TRANSACTIONS.—The Seminole Tribe of Florida
13 may mortgage, lease, sell, convey, warrant, or otherwise
14 transfer all or any part of any interest in any real property
15 that—

16 (1) was held by the Tribe on September 1,
17 2002; and

18 (2) is not held in trust by the United States for
19 the benefit of the Tribe.

20 (b) NO FURTHER APPROVAL REQUIRED.—Trans-
21 actions under subsection (a) shall be valid without further
22 approval, ratification, or authorization by the United
23 States.

24 (c) TRUST LAND NOT AFFECTED.—Nothing in this
25 section is intended or shall be construed to—

1 (1) authorize the Seminole Tribe of Florida to
2 mortgage, lease, sell, convey, warrant, or otherwise
3 transfer all or any part of an interest in any real
4 property that is held in trust by the United States
5 for the benefit of the Tribe; or

6 (2) affect the operation of any law governing
7 mortgaging, leasing, selling, conveying, warranting,
8 or otherwise transferring any interest in such trust
9 land.

10 **TITLE IX—PROVISIONS RELAT-**
11 **ING TO LEASING OF INDIAN**
12 **LANDS**

13 **SEC. 6901. YUOK TRIBE AND HOPLAND BAND INCLUDED**
14 **IN LONG TERM LEASING.**

15 (a) IN GENERAL.—The first section of the Act enti-
16 tled “An Act to authorize the leasing of restricted Indian
17 lands for public, religious, educational, recreational, resi-
18 dential, business, and other purposes requiring the grant
19 of long-term leases”, approved August 9, 1955 (25 U.S.C.
20 415(a)) is amended by inserting “lands held in trust for
21 the Yurok Tribe, lands held in trust for the Hopland Band
22 of Pomo Indians of the Hopland Rancheria,” after “Pueb-
23 lo of Santa Clara,”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall apply to any lease entered into or re-

1 newed after the date of the enactment of this title.Strike
2 all after the enacting clause and insert the following:

3 **SEC. 6902. RESTRICTION ON RELINQUISHMENT OF LEASE.**

4 Prior to January 1, 2005, the Secretary of the Inte-
5 rior shall not approve the relinquishment of any lease en-
6 tered into for the establishment of a health care facility
7 for the members of 7 Indian tribes or bands in San Diego
8 County, California, unless the Secretary has determined
9 that the relinquishment of such lease has been approved,
10 by tribal resolution, by each of the 7 Indian tribes or
11 bands.

12 **TITLE X—HAWAIIAN HOMES**
13 **COMMISSION**

14 **SEC. 6905. CONSENT TO AMENDMENTS.**

15 As required by section 4 of the Act entitled “An Act
16 to provide for the admission of the State of Hawaii into
17 the Union”, approved March 18, 1959 (73 Stat. 4), the
18 United States hereby consents to the following amend-
19 ments to the Hawaiian Homes Commission Act, 1920,
20 adopted by the State of Hawaii in the manner required
21 for State legislation: Act 302 of the Session Laws of Ha-
22 waii, 2001.

1 **DIVISION G—MISCELLANEOUS**
2 **TITLE I—FULL PILT FUNDING**

3 **SEC. 7101. SHORT TITLE.**

4 This title may be cited as the “PILT and Refuge
5 Revenue Sharing Permanent Funding Act”.

6 **SEC. 7102. PERMANENT FUNDING FOR PILT AND REFUGE**
7 **REVENUE SHARING.**

8 (a) PAYMENTS IN LIEU OF TAXES.—Section 6906 of
9 title 31, United States Code, is amended to read as fol-
10 lows:

11 **“§ 6901. Authorization of appropriations**

12 “There is authorized to be appropriated such sums
13 as may be necessary to the Secretary of the Interior to
14 carry out this chapter. Beginning in fiscal year 2002 and
15 each fiscal year thereafter, amounts authorized under this
16 chapter shall be made available to the Secretary of the
17 Interior, out of any other funds in the Treasury not other-
18 wise appropriated and without further appropriation, for
19 obligation or expenditure in accordance with this chap-
20 ter.”.

21 (b) REFUGE REVENUE SHARING.—Section 401(d) of
22 the Act of June 15, 1935 (16 U.S.C. 715s(d)), relating
23 to refuge revenue sharing, is amended by adding at the
24 end the following: “Beginning in fiscal year 2002 and each
25 fiscal year thereafter, such amount shall be made available

1 to the Secretary, out of any other funds in the Treasury
2 not otherwise appropriated and without further appropria-
3 tion, for obligation or expenditure in accordance with this
4 section.”.

5 **TITLE II—HARMFUL INVASIVE**
6 **WEED CONTROL**

7 **SEC. 7201. SHORT TITLE.**

8 This title may be cited as the “Harmful Invasive
9 Weed Control Act of 2002”.

10 **SEC. 7202. FINDINGS AND PURPOSES.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) There exists no dedicated, coordinated Fed-
13 eral effort to address, control, or eradicate harmful,
14 invasive weeds.

15 (2) Public and private land in the United
16 States faces unprecedented and severe stress from
17 harmful, invasive weeds.

18 (3) The economic and resource value of the
19 land is being destroyed as harmful invasive weeds
20 overtake native vegetation, making the land unus-
21 able for forage and for diverse plant and animal
22 communities.

23 (4) Damage caused by harmful invasive weeds
24 has been estimated to run in the hundreds of mil-
25 lions of dollars annually.

1 (5) Successfully fighting this scourge will re-
2 quire coordinated action by all affected stakeholders,
3 which may include Federal, State, and local govern-
4 ments, private landowners, and nongovernmental or-
5 ganizations.

6 (6) The fight must begin at the local level, since
7 it is at the local level that persons feel the loss
8 caused by harmful invasive weeds and will therefore
9 have the greatest motivation to take effective action.

10 (7) To date, effective action has been hampered
11 by inadequate funding at all levels of government
12 and by inadequate coordination.

13 (b) PURPOSES.—The purposes of this title are the
14 following:

15 (1) To direct the Secretary to coordinate with
16 the Federal Interagency Committee for the Manage-
17 ment of Noxious and Exotic Weeds to develop a
18 dedicated program to combat harmful, invasive
19 weeds.

20 (2) To provide assistance to eligible weed man-
21 agement entities in carrying out projects to control
22 or eradicate harmful, invasive weeds on public and
23 private land.

1 (3) To coordinate projects with existing weed
2 management entities, areas, districts, and ongoing
3 partnerships.

4 (4) In locations in which no weed management
5 entity, area, or district exists, to stimulate the for-
6 mation of additional local or regional cooperative
7 weed management entities, such as entities for weed
8 management areas or districts, that organize locally
9 affected stakeholders to control or eradicate weeds.

10 (5) To leverage additional funds from a variety
11 of public and private sources to control or eradicate
12 weeds through local stakeholders.

13 (6) To promote healthy, diverse, and desirable
14 plant communities by abating through a variety of
15 measures the threat posed by harmful, invasive
16 weeds.

17 **SEC. 7203. DEFINITIONS.**

18 In this title:

19 (1) COMMITTEE.—The term “Committee”
20 means the Federal Interagency Committee for the
21 Management of Noxious and Exotic Weeds estab-
22 lished through a memorandum of agreement entered
23 into in August 1994 to implement the requirements
24 of section 15 of the Federal Noxious Weed Act of
25 1974 (7 U.S.C. 2814).

1 (2) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given the term in section 4 of the
3 Indian Self-Determination and Education Assistance
4 Act (25 U.S.C. 450b).

5 (3) LOCAL STAKEHOLDER.—

6 (A) IN GENERAL.—The term “local stake-
7 holder” means an interested party that partici-
8 pates in the establishment of a weed manage-
9 ment entity in a State.

10 (B) INCLUSIONS.—The term “local stake-
11 holder” includes a Federal, State, local, tribal,
12 or private landowner.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (5) STATE.—The term “State” means each of
16 the several States of the United States, the District
17 of Columbia, the Commonwealth of Puerto Rico, the
18 Virgin Islands, Guam, the Commonwealth of the
19 Northern Mariana Islands, and any other territory
20 or possession of the United States.

21 (6) WEED.—The term “weed” means any para-
22 sitic or other kind of plant at any living stage (in-
23 cluding seeds and reproductive parts of such a
24 plant), that—

25 (A) is of foreign origin;

1 (B) is new or not widely prevalent in a re-
2 gion, State, or the United States; and

3 (C) can directly or indirectly impact other
4 useful plants, livestock, wildlife resources, or
5 the public health.

6 (7) WEED MANAGEMENT ENTITY.—The term
7 “weed management entity” means an entity that—

8 (A) is recognized by the State in which it
9 is established;

10 (B) is established by and includes local
11 stakeholders;

12 (C) is established for the purpose of con-
13 trolling or eradicating harmful, invasive weeds
14 on public or private land and increasing public
15 knowledge and education concerning the need to
16 control or eradicate harmful, invasive weeds on
17 public or private land; and

18 (D) is multijurisdictional and multidisci-
19 plinary in nature.

20 **SEC. 7204. ESTABLISHMENT OF PROGRAM.**

21 The Secretary, in coordination with the Committee,
22 shall establish in the Office of the Secretary a program
23 to provide financial assistance through States to eligible
24 weed management entities to control or eradicate harmful,
25 invasive weeds on public and private land.

1 **SEC. 7205. ALLOCATION OF FUNDS TO STATES AND INDIAN**
2 **TRIBES.**

3 (a) ALLOCATION.—

4 (1) IN GENERAL.—Subject to paragraph (2), in
5 consultation with the Committee, the Secretary shall
6 allocate funds made available for each fiscal year
7 under section 7212 to States and Indian tribes to
8 provide funding in accordance with sections 7206
9 and 7207 to weed management entities to carry out
10 projects approved by States and Indian tribes to
11 control or eradicate harmful, invasive weeds on pub-
12 lic and private land.

13 (2) FEDERAL ALLOCATION TO INDIAN
14 TRIBES.—Of the funds made available for allocation
15 under section 7212 for each fiscal year, 5 percent
16 shall be—

17 (A) reserved for allocation to Indian tribes;

18 and

19 (B) administered by the Committee.

20 (b) AMOUNT.—The Secretary shall determine the
21 amount of Federal funds allocated to a State or Indian
22 tribe for a fiscal year under this section to be used to ad-
23 dress a harmful, invasive weed problem in the State or
24 portion of the State, or on land or in water under the
25 jurisdiction of the Indian tribe, on the basis of—

1 (1) the severity or potential severity of the
2 harmful, invasive weed problem;

3 (2) the extent to which the Federal funds will
4 be used to leverage non-Federal funds to address the
5 harmful, invasive weed problem;

6 (3) the extent to which the State or Indian
7 tribe has made progress in addressing harmful,
8 invasive weed problems; and

9 (4) other factors recommended by the Com-
10 mittee and approved by the Secretary.

11 **SEC. 7206. USE OF FUNDS ALLOCATED TO STATES.**

12 (a) IN GENERAL.—A State that receives an allocation
13 of funds under section 5 for a fiscal year shall use—

14 (1) not more than 25 percent of the allocation
15 to make an incentive payment to each weed manage-
16 ment entity established in the State, in accordance
17 with subsection (b); and

18 (2) not less than 75 percent of the allocation to
19 make financial awards to weed management entities
20 established in the State, in accordance with sub-
21 section (c).

22 (b) INCENTIVE PAYMENTS.—

23 (1) USE BY WEED MANAGEMENT ENTITIES.—

1 (A) IN GENERAL.—Incentive payments
2 under subsection (a)(1) shall be used by weed
3 management entities—

4 (i) to encourage the formation of new
5 weed management entities; or

6 (ii) to carry out 1 or more projects de-
7 scribed in subsection (d) to improve the ef-
8 fectiveness of existing weed management
9 entities or programs.

10 (B) DURATION OF PAYMENTS.—A weed
11 management entity is eligible to receive an in-
12 centive payment under subparagraph (A) for
13 not more than 3 years in the aggregate.

14 (C) FEDERAL SHARE.—

15 (i) IN GENERAL.—Except as provided
16 in clause (ii), for purposes of subparagraph
17 (A), the Federal share of the cost of car-
18 rying out a project described in subsection
19 (d) shall not exceed 50 percent.

20 (ii) ADJUSTMENT.—After consultation
21 with the Secretary, the Governor of a State
22 that makes either an incentive payment or
23 financial award under subsection (a) may
24 increase, to a maximum of 100 percent,
25 such Federal share of a project that the

1 Governor determines is necessary to meet
2 the needs of an underserved area.

3 (iii) FORM OF MATCHING FUNDS.—

4 Under subparagraph (A), the non-Federal
5 share of the cost of carrying out a project
6 described in subsection (d) may be pro-
7 vided—

8 (I) in cash or in kind; or

9 (II) in the form of Federal funds
10 made available under a Federal law
11 other than this title.

12 (2) ELIGIBILITY OF WEED MANAGEMENT ENTI-
13 TIES.—To be eligible to obtain an incentive payment
14 under paragraph (1) for a fiscal year, a weed man-
15 agement entity in a State shall—

16 (A)(i) for the first fiscal year for which the
17 entity receives an incentive payment under this
18 subsection, provide to the State in which it is
19 established a description of—

20 (I) the purposes for which the entity
21 was established; and

22 (II) any projects to be carried out to
23 accomplish those purposes; and

1 (ii) for any subsequent fiscal year for
2 which the entity receives an incentive payment,
3 provide to the State—

4 (I) a description of the activities car-
5 ried out by the entity in the previous fiscal
6 year—

7 (aa) to control or eradicate harm-
8 ful, invasive weeds on public or pri-
9 vate land; or

10 (bb) to increase public knowledge
11 and education concerning the need to
12 control or eradicate harmful, invasive
13 weeds on public or private land; and

14 (II) the results of each such activity;

15 and

16 (B) meet such additional eligibility require-
17 ments, and conform to such process for deter-
18 mining eligibility, as the State may establish.

19 (c) FINANCIAL AWARDS.—

20 (1) USE BY WEED MANAGEMENT ENTITIES.—

21 (A) IN GENERAL.—Financial awards under
22 subsection (a)(2) shall be used by weed man-
23 agement entities to pay the Federal share of
24 the cost of carrying out projects described in

1 subsection (d) that are selected by the State in
2 accordance with subsection (d).

3 (B) FEDERAL SHARE.—

4 (i) IN GENERAL.—Except as provided
5 in clause (ii), for purposes of subparagraph
6 (A), the Federal share of the cost of car-
7 rying out a project described in subsection
8 (d) shall not exceed 50 percent.

9 (ii) ADJUSTMENT.—After consultation
10 with the Secretary, the Governor of a State
11 that makes either an incentive payment or
12 financial award under subsection (a) may
13 increase, to a maximum of 100 percent,
14 such Federal share of a project that the
15 Governor determines is necessary to meet
16 the needs of an underserved area.

17 (iii) FORM OF MATCHING FUNDS.—
18 Under subparagraph (A), the non-Federal
19 share of the cost of carrying out a project
20 described in subsection (d) may be pro-
21 vided—

22 (I) in cash or in kind; or

23 (II) in the form of Federal funds
24 made available under a Federal law
25 other than this title.

1 (2) ELIGIBILITY OF WEED MANAGEMENT ENTI-
2 TIES.—To be eligible to obtain a financial award
3 under paragraph (1) for a fiscal year, a weed man-
4 agement entity in a State shall—

5 (A) meet the requirements for eligibility
6 for an incentive payment under subsection
7 (b)(2); and

8 (B) submit to the State a description of
9 the project for which the financial award is
10 sought.

11 (d) PROJECTS.—

12 (1) IN GENERAL.—A weed management entity
13 may use a financial award received under this sec-
14 tion to carry out a project to control or eradicate
15 harmful, invasive weeds on public or private land, in-
16 cluding—

17 (A) education, inventories and mapping,
18 management, monitoring, and similar activities,
19 including the payment of the cost of personnel
20 and equipment that promote such control or
21 eradication; and

22 (B) other activities to promote such control
23 or eradication, if the results of the activities are
24 disseminated to the public.

1 (2) SELECTION OF PROJECTS.—A State shall
2 select projects for funding under this section on a
3 competitive basis, taking into consideration—

4 (A) the seriousness of the harmful,
5 invasive weed problem or potential problem ad-
6 dressed by the project;

7 (B) the likelihood that the project will pre-
8 vent or resolve the problem, or increase knowl-
9 edge about resolving similar problems in the fu-
10 ture;

11 (C) the extent to which the payment will
12 leverage non-Federal funds to address the
13 harmful, invasive weed problem addressed by
14 the project;

15 (D) the extent to which the recipient weed
16 management entity has made progress in ad-
17 dressing harmful, invasive weed problems;

18 (E) the extent to which the project will
19 provide a comprehensive approach to the con-
20 trol or eradication of harmful, invasive weeds;

21 (F) the extent to which the project will re-
22 duce the total population of a harmful, invasive
23 weed within the State;

1 (G) the extent to which the project uses
2 the principles of integrated vegetation manage-
3 ment and sound science; and

4 (H) other factors that the State deter-
5 mines to be relevant.

6 (3) SCOPE OF PROJECTS.—

7 (A) IN GENERAL.—A weed management
8 entity shall determine the geographic scope of
9 the harmful, invasive weed problem to be ad-
10 dressed through a project using an incentive
11 payment or financial award received under this
12 section.

13 (B) MULTIPLE STATES.—A weed manage-
14 ment entity may use an incentive payment or fi-
15 nancial award under this section to carry out a
16 project to address the harmful, invasive weed
17 problem of more than 1 State only if the entity
18 meets the requirements of all applicable State
19 laws.

20 (4) LAND.—A weed management entity may
21 use an incentive payment or financial award received
22 under this section to carry out a project to control
23 or eradicate weeds on any public land, or on any pri-
24 vate land with the approval of the owner or operator
25 of the land.

1 (5) PROHIBITION ON USE OF FUNDS.—An in-
2 centive payment or financial award under this title
3 may not be used to carry out a project—

4 (A) to control or eradicate animal pests; or

5 (B) to protect an agricultural commodity
6 (as defined in section 102 of the Agricultural
7 Trade Act of 1978 (7 U.S.C. 5602)) other
8 than—

9 (i) livestock (as defined in section 602
10 of the Agricultural Trade Act of 1949 (7
11 U.S.C. 1471); or

12 (ii) an animal- or insect-based prod-
13 uct.

14 (e) ADMINISTRATIVE COSTS.—Not more than 5 per-
15 cent of the funds made available under section 7212 for
16 a fiscal year may be used by the Federal Government to
17 pay the administrative costs of the program established
18 by this title, including the costs of complying with Federal
19 environmental laws.

20 (f) REPORT.—As a condition of the receipt of an in-
21 centive payment or financial award under this title, a weed
22 management entity in a State that received such a pay-
23 ment or award shall submit to the Committee a report
24 that describes the purposes and results of each project for

1 which the payment or award was used, by not later than
2 6 months after completion of the projects.

3 **SEC. 7207. USE OF FUNDS ALLOCATED TO INDIAN TRIBES.**

4 (a) IN GENERAL.—The requirements for the use of
5 funds allocated to States described in section 7206 shall
6 apply to the use of funds allocated to Indian tribes under
7 section 7205(a)(2).

8 (b) INSUFFICIENT OR EXCESS FUNDS.—

9 (1) INSUFFICIENT FUNDS.—If, in any fiscal
10 year, the funds allocated to Indian tribes under sec-
11 tion 7205(a)(2) are not sufficient to provide incen-
12 tive payments or financial awards to each weed man-
13 agement entity of an Indian tribe, an Indian tribe
14 may seek additional funds by participating as a local
15 stakeholder in the establishment of a weed manage-
16 ment entity that receives assistance under section
17 7206.

18 (2) EXCESS FUNDS.—Any excess funds remain-
19 ing after the provision of incentive payments or fi-
20 nancial awards to weed management entities of In-
21 dian tribes shall be reserved by the Committee for
22 use in carrying out this title in the following fiscal
23 year.

24 (c) REPORT.—As a condition of the receipt of an in-
25 centive payment or financial award under this title, not

1 later than October 30 of each year, a weed management
2 entity of an Indian tribe that received such a payment or
3 award in the preceding fiscal year shall submit to the
4 Committee a report that describes, for that preceding fis-
5 cal year, the purposes for which the payment or award
6 was used.

7 **SEC. 7208. FUNDING RECOMMENDATIONS.**

8 The Secretary of Agriculture and the Committee shall
9 make recommendations to the Secretary regarding—

10 (1) the annual allocation of funds to States and
11 Indian tribes under section 7205; and

12 (2) other issues related to funding under this
13 title.

14 **SEC. 7209. LAND-RELATED CONDITIONS.**

15 (a) **CONSENT OF LANDOWNER.**—Any activity involv-
16 ing real property may be carried out under this title only
17 with the consent of the landowner.

18 (b) **NO EFFECT ON PILT PAYMENTS.**—The provi-
19 sion of funds to any entity under this title shall have no
20 effect on the amount of any payment received by a county
21 from the Federal Government under chapter 69 of title
22 31, United States Code (commonly known as “payments
23 in lieu of taxes”).

1 **SEC. 7210. APPLICABILITY OF OTHER LAWS.**

2 Any activity carried out under this title shall comply
3 with all other Federal laws (including regulations), includ-
4 ing the Endangered Species Act of 1973 (16 U.S.C. 1531
5 et seq.).

6 **SEC. 7211. RELATIONSHIP TO OTHER PROGRAMS.**

7 Assistance authorized under this title is intended to
8 supplement, and not replace, assistance available to weed
9 management entities, areas, and districts for control or
10 eradication of harmful, invasive weeds on public lands and
11 private lands, including funding available under the Pull-
12 ing Together Initiative of the National Fish and Wildlife
13 Foundation.

14 **SEC. 7212. AUTHORIZATION OF APPROPRIATIONS.**

15 To carry out this title there is authorized to be appro-
16 priated to the Secretary \$100,000,000 for each of fiscal
17 years 2002 through 2006.

18 **TITLE III—PARK PASSES FOR**
19 **FAMILIES OF 9/11 VICTIMS**

20 **SEC. 7301. SHORT TITLE.**

21 This title may be cited as the “Healing Opportunities
22 in Parks and the Environment Pass Act”.

23 **SEC. 7302. FINDINGS AND PURPOSE.**

24 (a) FINDINGS.—Congress finds the following:

25 (1) The trauma associated with the terrorist hi-
26 jackings and attacks of September 11, 2001, has

1 been significant for the survivors, victims' immediate
2 families, and police, fire, rescue, recovery, and med-
3 ical personnel directly involved in this national trag-
4 edy.

5 (2) America's system of national parks, forests,
6 and public lands provides significant opportunities to
7 renew, refresh, and strengthen the physical, mental,
8 and spiritual well-being of those who use them.

9 (b) PURPOSE.—It is the purpose of this title to help
10 those directly impacted by the tragic events of September
11 11, 2001, by enhancing opportunities for the use of Amer-
12 ica's national parks, forests, and public lands as a means
13 of aiding in their recovery from the trauma associated with
14 these tragic events.

15 **SEC. 7303. HOPE PASS.**

16 (a) ISSUANCE.—The Secretary of the Interior shall
17 make available at no cost to qualified individuals a special
18 entrance pass which shall be known as the “Hope Pass”
19 and shall provide for free admission into any federally
20 owned area which is operated and maintained by a Federal
21 agency and used for outdoor recreation purposes.

22 (b) QUALIFIED INDIVIDUALS.—A qualified individual
23 shall be—

24 (1) an individual who was present at the World
25 Trade Center, the Pentagon, or the site of the air-

1 craft crash at Shanksville, Pennsylvania, at the time,
2 or in the immediate aftermath of the terrorist-re-
3 lated aircraft crashes of September 11, 2001;

4 (2) an individual who had an immediate family
5 member killed as a direct result of the terrorist-re-
6 lated aircraft crashes of September 11, 2001; or

7 (3) any police, fire, rescue, recovery, or medical
8 personnel who directly responded to the terrorist-re-
9 lated aircraft crashes of September 11, 2001.

10 (c) CONDITIONS.—Each Hope Pass shall—

11 (1) be issued upon acceptance by the Secretary
12 of the Interior of an application from a qualified ap-
13 plicant which shall include a signed statement attest-
14 ing to the applicant’s eligibility for the pass;

15 (2) be valid for the life of the qualified pass
16 holder; and

17 (3) provide free admission to qualified pass
18 holders and their immediate family when accom-
19 panied by the qualified pass holder.

20 (d) NONELIGIBILITY.—No individual identified by
21 the Attorney General of the United States to have been
22 a participant or conspirator in the terrorist-related air-
23 craft crashes of September 11, 2001, or their family shall
24 be eligible to receive a Hope Pass.

1 **TITLE IV—CONTROL OF HARM-**
2 **FUL NONNATIVE SPECIES ON**
3 **FEDERAL LANDS**

4 **SEC. 7401. SHORT TITLE.**

5 This title may be cited as the “Species Protection and
6 Conservation of the Environment Act”.

7 **SEC. 7402. PURPOSE.**

8 The purpose of this title is to control harmful non-
9 native species on Federal lands.

10 **SEC. 7403. DEFINITIONS.**

11 For the purposes of this title:

12 (1) **APPROPRIATE COMMITTEES.**—The term
13 “appropriate Committees” means the Committee on
14 Resources of the House of Representatives and the
15 Committee on Environment and Public Works of the
16 Senate.

17 (2) **CONTROL.**—The term “control” means, as
18 appropriate, eradicating, suppressing, reducing, or
19 managing harmful nonnative species populations,
20 preventing the spread of harmful nonnative species
21 from areas where they are present, and taking steps
22 to restore native species and habitats to reduce the
23 effects of harmful nonnative species.

1 (3) COUNCIL.—The term “Council” means the
2 National Invasive Species Council created by Execu-
3 tive Order 13112 of February 3, 1999.

4 (4) ENVIRONMENTAL SOUNDNESS.—The term
5 “environmental soundness” means the extent of in-
6 clusion of methods, efforts, actions, or programs to
7 prevent or control infestations of harmful nonnative
8 species, that—

9 (A) minimize adverse impacts to the struc-
10 ture and function of an ecosystem and adverse
11 effects on nontarget species and ecosystems;
12 and

13 (B) emphasize integrated management
14 techniques.

15 (5) FEDERAL LANDS.—The term “Federal
16 lands” means all lands and waters that are owned
17 and administered by the Department of the Interior
18 or the National Forest Service or are held in trust
19 by the Federal Government for an Indian tribe.

20 (6) HARMFUL NONNATIVE SPECIES.—The term
21 “harmful nonnative species”—

22 (A) subject to subparagraphs (B) and (C),
23 means, with respect to a particular ecosystem in
24 a particular region, any species, including its
25 seeds, eggs, spores, or other biological material

1 capable of propagating that species, that is not
2 native to that ecosystem and has a demon-
3 strable or potentially demonstrable negative en-
4 vironmental or economic impact in that region;

5 (B) does not include any plant or plant
6 product that can directly or indirectly injure or
7 cause damage to crops (including nursery stock
8 or plant products), livestock, poultry, or other
9 interests of agriculture; and

10 (C) does not include non-feral livestock.

11 (7) INDIAN TRIBE.—The term “Indian tribe”
12 has the meaning given that term in section 4 of the
13 Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 450b).

15 (8) NATIONAL MANAGEMENT PLAN.—The term
16 “National Management Plan” means the manage-
17 ment plan referred to in section 5 of Executive
18 Order 13112 of February 3, 1999, and entitled
19 “Meeting the Invasive Species Challenge”.

20 (9) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (10) STATE.—The term “State” means each of
23 the several States of the United States, the District
24 of Columbia, the Commonwealth of Puerto Rico, the
25 Virgin Islands, Guam, American Samoa, the Com-

1 monwealth of the Northern Mariana Islands, any
2 other territory or possession of the United States,
3 and any Indian tribe.

4 **SEC. 7404. ALDO LEOPOLD NATIVE HERITAGE GRANT PRO-**
5 **GRAM.**

6 (a) IN GENERAL.—The Secretary may provide—

7 (1) a grant to any eligible applicant to carry
8 out a qualified control project in accordance with
9 this section; and

10 (2) a grant to any State to carry out an assess-
11 ment project in accordance with this section to as-
12 sess, consistent with relevant State plans that have
13 been developed in whole or in part for the conserva-
14 tion of fish, wildlife, and their habitats—

15 (A) the needs to restore, manage, or en-
16 hance native fish or wildlife and their natural
17 habitats and processes in the State through
18 control of harmful nonnative species; and

19 (B) priorities for actions to address such
20 needs.

21 Such program shall be known as the “Aldo Leopold Native
22 Heritage Grant Program”.

23 (b) FUNCTIONS OF THE SECRETARY.—

24 (1) IN GENERAL.—The Secretary shall—

1 (A) solicit, receive, review, evaluate, and
2 approve applications for grants under this sec-
3 tion;

4 (B) consult with the Council on the
5 projects proposed for grants under this section,
6 including regarding the priority of proposed
7 projects for such grants; and

8 (C) consult with the Council regarding the
9 development of the database required under
10 subsection (j).

11 (2) ADVICE.—To obtain advice regarding pro-
12 posed grants under this section, including advice on
13 the scientific merit, technical merit, and feasibility of
14 a proposed grant, the Secretary shall consult with
15 the advisory committee established under section
16 3(b) of Executive Order 13112 of February 3, 1999.

17 (3) DELEGATION OF AUTHORITY.—The Sec-
18 retary may delegate to another Federal instrumen-
19 tality the authority of the Secretary under this sec-
20 tion, other than the authority to approve applica-
21 tions for grants and make grants.

22 (c) FUNCTIONS OF THE COUNCIL.—The Council
23 shall—

24 (1) consult with the Secretary to create criteria
25 and guidelines for grants under this section;

1 (2) consult with the Secretary regarding wheth-
2 er proposed control projects are qualified control
3 projects; and

4 (3) carry out functions relating to monitoring
5 control projects under subsection (j).

6 (d) ELIGIBLE APPLICANT.—To be an eligible appli-
7 cant for purposes of subsection (a)(1), an applicant
8 shall—

9 (1) be a State, local government, interstate or
10 regional agency, or private person; and

11 (2) have adequate personnel, funding, and au-
12 thority to carry out and monitor or maintain a con-
13 trol project.

14 (e) QUALIFIED CONTROL PROJECT.—

15 (1) IN GENERAL.—To be a qualified control
16 project under this section, a project shall—

17 (A) control harmful nonnative species on
18 the lands or waters on which it is conducted;

19 (B) include a plan for monitoring the
20 project area and maintaining effective control of
21 harmful nonnative species after the completion
22 of the project, that is consistent with standards
23 for monitoring developed under subsection (j);

24 (C) be conducted in partnership with a
25 Federal agency; and

1 (D) be conducted on non-Federal lands or
2 waters that, for purposes of carrying out the
3 project, are under the control of the eligible ap-
4 plicant applying for the grant under this section
5 and on adjacent Federal lands or waters admin-
6 istered by the Federal agency referred to in
7 subparagraph (C), that are—

8 (i) administered for the long-term
9 conservation of such lands and waters and
10 the native fish and wildlife dependent
11 thereon; and

12 (ii) managed to prevent the future re-
13 introduction or dispersal of harmful non-
14 native species from the lands and waters
15 on which the project is carried out.

16 (2) OTHER FACTORS FOR SELECTION OF
17 PROJECTS.—In ranking qualified control projects,
18 the Secretary may consider the following:

19 (A) The extent to which a project would
20 address the operational backlog of the National
21 Wildlife Refuge System attributed to nonnative
22 species.

23 (B) Whether a project will encourage in-
24 creased coordination and cooperation among
25 one or more Federal agencies and State or local

1 government agencies or nongovernmental or
2 other private entities to control harmful non-
3 native species.

4 (C) Whether a project fosters public-pri-
5 vate partnerships and uses Federal resources to
6 encourage increased private sector involvement,
7 including consideration of the amount of private
8 funds or in-kind contributions to control harm-
9 ful nonnative species.

10 (D) The extent to which a project would
11 aid the conservation of species that are listed
12 under the Endangered Species Act of 1973 (16
13 U.S.C. 1531 et seq.).

14 (E) Whether a project includes pilot test-
15 ing or a demonstration of an innovative tech-
16 nology having the potential for improved cost-
17 effectiveness in controlling harmful nonnative
18 species.

19 (f) DISTRIBUTION OF CONTROL GRANT AWARDS.—
20 In making grants for control projects under this section
21 the Secretary shall, to the greatest extent practicable, en-
22 sure—

23 (1) a balance of smaller and larger projects
24 conducted with grants under this section; and

1 (2) an equitable geographic distribution of
2 projects carried out with grants under this section,
3 among all States within which such projects are pro-
4 posed to be conducted.

5 (g) GRANT DURATION.—

6 (1) IN GENERAL.—Each grant under this sec-
7 tion shall be to provide funding for the Federal
8 share of the cost of a project carried out with the
9 grant for up to 2 fiscal years.

10 (2) RENEWAL.—(A) If the Secretary, after re-
11 viewing the reports under subsection (h) regarding a
12 control project, finds that the project is making sat-
13 isfactory progress, the Secretary may renew a grant
14 under this section for the project for an additional
15 3 fiscal years.

16 (B) The Secretary may renew a grant under
17 this section to implement the monitoring and main-
18 tenance plan required for a control project under
19 subsection (e)(1)(B) for up to 5 fiscal years after
20 the project is otherwise completed.

21 (h) REPORTING BY GRANTEE.—

22 (1) IN GENERAL.—(A) A grantee carrying out
23 a control project with a grant under this section
24 shall report annually to the Secretary.

1 (B) A State carrying out assessment project
2 with a grant under this section shall submit the as-
3 sessment to the Secretary no later than 24 months
4 after the grant is awarded.

5 (2) REPORT CONTENTS.—Each report under
6 this subsection shall include the following informa-
7 tion with respect to each project covered by the re-
8 port:

9 (A) In the case of a control project—

10 (i) the information described in sub-
11 paragraphs (B), (D), and (F) of subsection
12 (k)(2); and

13 (ii) specific information on the meth-
14 ods and techniques used to control harmful
15 nonnative species in the project area, in-
16 cluding any specific information on the
17 methods and techniques used to restore
18 native fish, wildlife, or their habitats in the
19 project area.

20 (B) A detailed report of the funding for
21 the grant and the expenditures made.

22 (i) COST SHARING FOR PROJECTS.—

23 (1) FEDERAL SHARE.—Except as provided in
24 paragraphs (2) and (3), the Federal share of the

1 cost of a project carried out with a grant under this
2 section shall not exceed 75 percent of such cost.

3 (2) INNOVATIVE TECHNOLOGY COSTS.—The
4 Federal share of the incremental additional cost of
5 including in a control project any pilot testing or a
6 demonstration of an innovative technology described
7 in subsection (e)(2)(E) shall be 85 percent.

8 (3) PROJECTS ON FEDERAL LANDS OR WA-
9 TERS.—The Federal share of the cost of the portion
10 of a control project funded with a grant under this
11 section that is carried out on Federal lands or wa-
12 ters, including the cost of acquisition by the Federal
13 Government of inholdings within Federal lands or
14 waters for use for such a project, shall be 100 per-
15 cent.

16 (4) APPLICATION OF IN-KIND CONTRIBU-
17 TIONS.—The Secretary may apply to the non-Fed-
18 eral share of costs of a control project carried out
19 with a grant under this section the fair market value
20 of services or any other form of in-kind contribution
21 to the project made by non-Federal interests that
22 the Secretary determines to be an appropriate con-
23 tribution equivalent to the monetary amount re-
24 quired for the non-Federal share of the activity.

1 (5) DERIVATION OF NON-FEDERAL SHARE.—

2 The non-Federal share of the cost of a control
3 project carried out with a grant under this section
4 may not be derived from a Federal grant program
5 or other Federal funds.

6 (j) MONITORING AND MAINTENANCE OF CONTROL
7 GRANT PROJECTS.—

8 (1) REQUIREMENTS.—The Council, in consulta-
9 tion with the Secretary, shall develop requirements
10 for the monitoring and maintenance of a control
11 project to ensure that the requirements under sub-
12 sections (e)(1)(A) and (B) are achieved.

13 (2) DATABASE OF GRANT PROJECT INFORMA-
14 TION.—The Council shall develop and maintain an
15 appropriate database of information concerning con-
16 trol projects carried out with grants under this sub-
17 section, including information on project techniques,
18 project completion, monitoring data, and other rel-
19 evant information.

20 (3) USE OF EXISTING PROGRAMS.—The Council
21 shall use existing programs within the Federal Gov-
22 ernment to create and maintain the database re-
23 quired under this subsection.

1 (4) PUBLIC AVAILABILITY.—The Council shall
2 make the information collected and maintained
3 under this subsection available to the public.

4 (k) REPORTING BY SECRETARY.—

5 (1) IN GENERAL.—The Secretary shall, by not
6 later than 2 years after the date of the enactment
7 of this title and every 2 years thereafter, report to
8 the appropriate Committees on the implementation
9 of this section.

10 (2) REPORT CONTENTS.—A report under para-
11 graph (1) shall include a biennial assessment of—

12 (A) trends in the population size and dis-
13 tribution of harmful nonnative species in the
14 project area for each control project carried out
15 with a grant under this section, and in the ad-
16 jacent areas as defined by the Secretary;

17 (B) data on the number of acres of native
18 fish and wildlife habitat restored, protected, or
19 enhanced under this section, including descrip-
20 tions of, and partners involved with, control
21 projects selected, in progress, and completed
22 under this section with respect to those acres by
23 Federal, State, and local agencies and other en-
24 tities;

1 (C) trends in the population size and dis-
2 tribution of native species in the project areas,
3 and in adjacent areas as defined by the Sec-
4 retary;

5 (D) an estimate of the long-term success of
6 varying conservation techniques used in car-
7 rying out control projects with grants under
8 this section;

9 (E) an annual assessment of the status of
10 control projects carried out with grants under
11 this section, including an accounting of expendi-
12 tures by Federal, State, regional, and local gov-
13 ernment agencies and other entities to carry out
14 such projects;

15 (F) a review of the environmental sound-
16 ness of the control projects carried out with
17 grants under this section;

18 (G) a review of efforts made to maintain
19 an appropriate database of grants under this
20 section; and

21 (H) a review of the geographical distribu-
22 tion of Federal money, matching funds, and in-
23 kind contributions for control projects carried
24 out with grants under this section.

1 (l) COOPERATION OF NON-FEDERAL INTERESTS.—
2 The Secretary may not make a grant under this section
3 for a control project on Federal lands before a non-Fed-
4 eral interest has entered into a written agreement with
5 the Secretary under which the non-Federal interest agrees
6 to—

7 (1) monitor and maintain the control project in
8 accordance with the plan required under subsection
9 (e)(1)(B); and

10 (2) provide any other items of cooperation the
11 Secretary considers necessary to carry out the
12 project.

13 **SEC. 7405. CREATION OF A RAPID RESPONSE CAPABILITY**
14 **TO HARMFUL NONNATIVE SPECIES.**

15 (a) ESTABLISHMENT.—The Secretary may provide fi-
16 nancial assistance to enable a rapid response to outbreaks
17 of harmful nonnative species that are at a stage at which
18 rapid eradication or control is possible, and ensure eradi-
19 cation or immediate control of the harmful nonnative spe-
20 cies.

21 (b) REQUIREMENTS FOR ASSISTANCE.—The Sec-
22 retary shall provide assistance under this section, at the
23 request of the Governor of a State, to local and State
24 agencies or nongovernmental entities for the eradication

1 of an immediate harmful nonnative species threat in the
2 State only if—

3 (1) there is a demonstrated need for the assist-
4 ance;

5 (2) the harmful nonnative species is considered
6 to be an immediate threat to native fish, wildlife, or
7 their habitats, as determined by the Secretary; and

8 (3) the proposed response to such threat—

9 (A) is technically feasible; and

10 (B) minimizes adverse impacts to the
11 structure and function of an ecosystem and ad-
12 verse effects on non-target species and eco-
13 systems.

14 (c) AMOUNT OF FINANCIAL ASSISTANCE.—The Sec-
15 retary shall determine the amount of financial assistance
16 to be provided under this section with respect to an out-
17 break of a harmful nonnative species, subject to the avail-
18 ability of appropriations.

19 (d) COST SHARE.—The Federal share of the cost of
20 any activity carried out with assistance under this section
21 may be up to 100 percent.

22 (e) MONITORING AND REPORTING.—The Secretary
23 shall—

24 (1) require that persons receiving assistance
25 under this section report on activities carried out

1 with such assistance in the same manner as control
2 project grantees under section 7404; and

3 (2) monitor and report on activities carried out
4 with assistance under this section in accordance with
5 the requirements that apply with respect to control
6 projects carried out with assistance under section
7 7404.

8 **SEC. 7406. RELATIONSHIP TO OTHER AUTHORITIES.**

9 Nothing in this title affects authorities, responsibil-
10 ities, obligations, or powers of the Secretary under any
11 other statute.

12 **SEC. 7407. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) ALDO LEOPOLD NATIVE HERITAGE PROGRAM
14 GRANTS.—There is authorized to be appropriated to the
15 Secretary to carry out section 7404 \$62,000,000 for each
16 of fiscal years 2003 through 2008.

17 (b) RAPID RESPONSE ASSISTANCE.—There is au-
18 thorized to be appropriated to the Secretary to carry out
19 section 7405 \$10,000,000 for each of fiscal years 2003
20 through 2008.

21 (c) MONITORING.—There is authorized to be appro-
22 priated to the Secretary to support the Council in its ac-
23 quisition, maintenance, and management of monitoring
24 data on grant projects carried out under this title,
25 \$3,000,000 for each of fiscal years 2003 through 2008.

1 (d) CONTINUING AVAILABILITY.—Amounts appro-
2 priated under this title may remain available until ex-
3 pended.

4 (e) ADMINISTRATIVE EXPENSES OF SECRETARY.—
5 Of amounts available each fiscal year to carry out this
6 title, the Secretary may expend not more than 5 percent
7 to pay the administrative expenses necessary to carry out
8 this title, including such expenses incurred by the Council.

9 **TITLE V—GATEWAY** 10 **COMMUNITIES**

11 **SEC. 7501. SHORT TITLE.**

12 This title may be cited as the “Gateway Communities
13 Cooperation Act”.

14 **SEC. 7502. IMPROVED RELATIONSHIP BETWEEN FEDERAL** 15 **LAND MANAGERS AND GATEWAY COMMU-** 16 **NITIES TO SUPPORT COMPATIBLE LAND** 17 **MANAGEMENT OF BOTH FEDERAL AND ADJA-** 18 **CENT LANDS.**

19 (a) FINDINGS.—The Congress finds the following:

20 (1) Communities that are adjacent to or near
21 Federal lands, including units of the National Park
22 System, units of the National Wildlife Refuge Sys-
23 tem, units of the National Forest System, and lands
24 administered by the Bureau of Land Management,

1 are vitally impacted by the management and public
2 use of these Federal lands.

3 (2) These communities, commonly known as
4 gateway communities, fulfill an integral part in the
5 mission of the Federal lands by providing necessary
6 services, such as schools, roads, search and rescue,
7 emergency, medical, provisioning, logistical support,
8 living quarters, and drinking water and sanitary sys-
9 tems, for both visitors to the Federal lands and em-
10 ployees of Federal land management agencies.

11 (3) Provision of these vital services by gateway
12 communities is an essential ingredient for a mean-
13 ingful and enjoyable experience by visitors to the
14 Federal lands because Federal land management
15 agencies are unable to provide, or are prevented
16 from providing, these services.

17 (4) Gateway communities serve as an entry
18 point for persons who visit the Federal lands and
19 are ideal for establishment of visitor services, includ-
20 ing lodging, food service, fuel and auto repairs,
21 emergency services, and visitor information.

22 (5) Development in these gateway communities
23 affect the management and protection of these Fed-
24 eral lands, depending on the extent to which advance

1 planning for the local development is coordinated be-
2 tween the communities and Federal land managers.

3 (6) The planning and management decisions of
4 Federal land managers can have unintended con-
5 sequences for gateway communities and the Federal
6 lands, when the decisions are not adequately commu-
7 nicated to, or coordinated with, the elected officials
8 and residents of gateway communities.

9 (7) Experts in land management planning are
10 available to Federal land managers, but persons with
11 technical planning skills are often not readily avail-
12 able to gateway communities, particularly small
13 gateway communities.

14 (8) Gateway communities are often affected by
15 the policies and actions of several Federal land agen-
16 cies and both the communities and the agencies
17 would benefit from greater interagency coordination
18 of those policies and actions.

19 (9) Persuading gateway communities to make
20 decisions and undertake actions in their communities
21 that would also be in the best interest of the Federal
22 lands is most likely to occur when such decision-
23 making and actions are built upon a foundation of
24 cooperation and coordination.

1 (b) PURPOSE.—It is the purpose of this title to re-
2 quire Federal land managers to communicate, coordinate,
3 and cooperate with gateway communities in order to—

4 (1) improve the relationships among Federal
5 land managers, elected officials, and residents of
6 gateway communities;

7 (2) enhance the facilities and services in gate-
8 way communities available to visitors to Federal
9 lands, when compatible with the management of
10 these lands; and

11 (3) result in better local land use planning and
12 decisions by Federal land managers.

13 (c) DEFINITIONS.—In this section:

14 (1) GATEWAY COMMUNITY.—The term “gate-
15 way community” means a county, city, town, village,
16 or other subdivision of a State, or a federally recog-
17 nized American Indian tribe or Alaska Native vil-
18 lage, that—

19 (A) is incorporated or recognized in a
20 county or regional land use plan; and

21 (B) a Federal land manager (or the head
22 of the tourism office for the State) determines
23 is significantly affected economically, socially,
24 or environmentally by planning and manage-

1 ment decisions regarding Federal lands admin-
2 istered by that Federal land manager.

3 (2) FEDERAL LAND AGENCIES.—The term
4 “Federal land agencies” means the National Park
5 Service, United States Forest Service, United States
6 Fish and Wildlife Service, and the Bureau of Land
7 Management.

8 (3) FEDERAL LAND MANAGER.—The term
9 “Federal land manager” means—

10 (A) the superintendent of a unit of the Na-
11 tional Park System;

12 (B) the manager of a national wildlife ref-
13 uge;

14 (C) the field office manager of a Bureau of
15 Land Management area; or

16 (D) the supervisor of a unit of the Na-
17 tional Forest System.

18 (d) PARTICIPATION IN FEDERAL PLANNING AND
19 LAND USE.—

20 (1) PARTICIPATION IN PLANNING.—The Fed-
21 eral land agencies shall provide for meaningful pub-
22 lic involvement at the earliest possible time by elect-
23 ed and appointed officials of governments of local
24 gateway communities in the development of land use
25 plans, programs, land use regulations, land use deci-

1 sions, transportation plans, general management
2 plans, and any other plans, decisions, projects, or
3 policies for Federal public lands under the jurisdic-
4 tion of these agencies that will have a significant im-
5 pact on these gateway communities. To facilitate
6 such involvement, the Federal land agencies shall
7 provide these officials, at the earliest possible time,
8 with a summary in nontechnical language of the as-
9 sumptions, purposes, goals, and objectives of such a
10 plan, decision, project, or policy and a description of
11 any anticipated significant impact of the plan, deci-
12 sion, or policy on gateway communities.

13 (2) EARLY NOTICE OF PROPOSED DECISIONS.—
14 To the extent practicable, the Federal land agencies
15 shall provide local gateway communities with early
16 public notice of proposed decisions of these agencies
17 that may have a significant impact on gateway com-
18 munities.

19 (3) TRAINING SESSIONS.—The Federal land
20 agencies shall offer training sessions for elected and
21 appointed officials of gateway communities at which
22 such officials can obtain a better understanding of—

23 (A) agency planning processes; and

24 (B) the methods by which they can partici-
25 pate most meaningfully in the development of

1 the agency plans, decisions, and policies re-
2 ferred to in paragraph (1).

3 (4) TECHNICAL ASSISTANCE.—At the request of
4 the government of a gateway community, a Federal
5 land agency shall assign, to the extent practicable,
6 an agency employee or contractor to work with the
7 community to develop data and analysis relevant to
8 the preparation of agency plans, decisions, and poli-
9 cies referred to in paragraph (1).

10 (5) REVIEW OF FEDERAL LAND MANAGEMENT
11 PLANNING.—At the request of a gateway commu-
12 nity, and to the extent practicable, a Federal land
13 manager shall assist the gateway community to con-
14 duct a review of land use, management, or transpor-
15 tation plans of the Federal land manager likely to
16 affect the gateway community.

17 (6) COORDINATION OF LAND USE.—To the ex-
18 tent consistent with the laws governing the adminis-
19 tration of the Federal public lands, a Federal land
20 manager may enter into a cooperative agreement
21 with a gateway community to provide for coordina-
22 tion between—

23 (A) the land use inventory, planning, and
24 management activities for the Federal lands ad-
25 ministered by the Federal land manager; and

1 (B) the land use planning and manage-
2 ment activities of other Federal agencies, agen-
3 cies of the State in which the Federal lands are
4 located, and local and tribal governments in the
5 vicinity of the Federal lands.

6 (7) INTERAGENCY COOPERATION AND COORDI-
7 NATION.—To the extent practicable, when the plans
8 and activities of two or more Federal land agencies
9 are anticipated to have a significant impact on a
10 gateway community, the Federal land agencies in-
11 volved shall consolidate and coordinate their plans
12 and planning processes to facilitate the participation
13 of the gateway community in the planning processes.

14 (8) TREATMENT AS COOPERATING AGENCIES.—
15 When a proposed action is determined to require the
16 preparation of an environmental impact statement,
17 the Federal land agencies shall, as soon as prac-
18 ticable, but not later than the scoping process, ac-
19 tively solicit the participation of gateway commu-
20 nities as cooperating agencies under the National
21 Environmental Policy Act of 1969 (42 U.S.C. 4321
22 et seq.).

23 (e) GRANTS TO ASSIST GATEWAY COMMUNITIES.—

24 (1) GRANTS AUTHORIZED; PURPOSES.—A Fed-
25 eral land manager may make grants to an eligible

1 gateway community to enable the gateway commu-
2 nity—

3 (A) to participate in Federal land planning
4 or management processes;

5 (B) to obtain professional land use or
6 transportation planning assistance necessary as
7 a result of Federal action;

8 (C) to address and resolve public infra-
9 structure impacts that are identified through
10 these processes as a likely result of the Federal
11 land management decisions and for which suffi-
12 cient funds are not otherwise available; and

13 (D) to provide public information and in-
14 terpretive services about the Federal lands ad-
15 ministered by the Federal land manager and
16 the gateway community.

17 (2) ELIGIBLE GATEWAY COMMUNITIES.—To be
18 eligible for a grant under this subsection, a gateway
19 community may not have a population in excess of
20 10,000 persons.

21 (f) FUNDING SOURCES.—

22 (1) GENERAL AGENCY FUNDS.—A Federal land
23 agency may use amounts available for the general
24 operation of the agency to provide funds to Federal

1 land managers of that agency to make grants under
2 subsection (e).

3 (2) OTHER PLANNING OR PROJECT DEVELOP-
4 MENT FUNDS.—Funds available to a Federal land
5 manager for planning, construction, or project devel-
6 opment may also be used to fund programs under
7 subsection (d) and make grants under subsection
8 (e).

9 (3) COMBINATION OF FUNDS.—Federal land
10 managers from different Federal land agencies may
11 combine financial resources to make grants under
12 subsection (e).

13 **TITLE VI—CLARIFICATION OF**
14 **FAIR MARKET RENTAL VALUE**
15 **DETERMINATIONS FOR PUB-**
16 **LIC LANDS AND FOREST**
17 **SERVICE RIGHTS-OF-WAY**

18 **SEC. 7601. CLARIFICATION OF FAIR MARKET RENTAL**
19 **VALUE DETERMINATIONS FOR PUBLIC**
20 **LANDS AND FOREST SERVICE RIGHTS-OF-**
21 **WAY.**

22 (a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL
23 LAND POLICY AND MANAGEMENT ACT.—Section 504 of
24 the Federal Land Policy and Management Act of 1976

1 (43 U.S.C. 1764) is amended by adding at the end the
2 following new subsection:

3 “(k) DETERMINATION OF FAIR MARKET VALUE OF
4 LINEAR RIGHTS-OF-WAY.—(1) Effective upon the
5 issuance of the rules required by paragraph (2), for pur-
6 poses of subsection (g), the Secretary concerned shall de-
7 termine the fair market rental for the use of land encum-
8 bered by a linear right-of-way granted, issued, or renewed
9 under this title using the valuation method described in
10 paragraphs (2), (3), and (4).

11 “(2) Not later than one year after the date of enact-
12 ment of this subsection, and in accordance with this sub-
13 section, the Secretary of the Interior shall amend section
14 2803.1–2 of title 43, Code of Federal Regulations, as in
15 effect on the date of enactment, to revise the per acre rent-
16 al fee zone value schedule by State, county, and type of
17 linear right-of-way use to reflect current values of land
18 in each zone. The Secretary of Agriculture shall make the
19 same revisions for linear rights-of-way granted, issued, or
20 renewed under this title on National Forest System lands.

21 “(3) The Secretary concerned shall update annually
22 the schedule revised under paragraph (2) by multiplying
23 the current year’s rental per acre by the annual change,
24 second quarter to the second quarter (June 30 to June
25 30) in the Gross National Product Implicit Price Deflator

1 Index published in the Survey of Current Business of the
2 Department of Commerce, Bureau of Economic Analysis.

3 “(4) Whenever the cumulative change in the index
4 referred to in paragraph (3) exceeds 30 percent, or the
5 change in the 3-year average of the 1-year Treasury inter-
6 est rate used to determine per acre rental fee zone values
7 exceeds plus or minus 50 percent, the Secretary concerned
8 shall conduct a review of the zones and rental per acre
9 figures to determine whether the value of Federal land has
10 differed sufficiently from the index referred to in para-
11 graph (3) to warrant a revision in the base zones and rent-
12 al per acre figures. If, as a result of the review, the Sec-
13 retary concerned determines that such a revision is war-
14 ranted, the Secretary concerned shall revise the base zones
15 and rental per acre figures accordingly.”

16 (b) RIGHTS-OF-WAY UNDER MINERAL LEASING
17 ACT.—Section 28(l) of the Mineral Leasing Act (30
18 U.S.C. 185(l)) is amended by inserting before the period
19 at the end the following: “using the valuation method de-
20 scribed in section 2803.1–2 of title 43, Code of Federal
21 Regulations, as revised pursuant to section 504(k) of the
22 Federal Land Policy and Management Act of 1976 (43
23 U.S.C. 1764(k))”.

1 **TITLE VII—INCREASE IN PEN-**
2 **ALTIES FOR VIOLATING FIRE**
3 **REGULATIONS**

4 **SEC. 7701. PENALTIES FOR VIOLATION OF PUBLIC LAND**
5 **FIRE REGULATIONS RESULTING IN PROP-**
6 **ERTY DAMAGE.**

7 (a) INCREASED PENALTIES ON INTERIOR LANDS.—
8 Notwithstanding section 303(a) of the Federal Land Pol-
9 icy and Management Act of 1976 (43 U.S.C. 1733(a)) or
10 section 3 of the Act of August 25, 1916 (16 U.S.C. 3),
11 a violation of the rules regulating the use of fire by visitors
12 and other users of lands administered by the Bureau of
13 Land Management or National Park System lands shall
14 be punished by a fine of not less than \$1,000 or imprison-
15 ment for not more than one year, or both, if the violation
16 results in damage to public or private property.

17 (b) INCREASED PENALTIES ON NATIONAL FOREST
18 SYSTEM LANDS.—Notwithstanding the eleventh undesig-
19 nated paragraph under the heading “SURVEYING THE
20 PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C.
21 551), a violation of the rules regulating the use of fire
22 by visitors and other users of National Forest System
23 lands shall be punished by a fine of not less than \$1,000
24 or imprisonment for not more than one year, or both, if

1 the violation results in damage to public or private prop-
2 erty.

3 (c) USE OF COLLECTED FINES.—Any moneys re-
4 ceived by the United States as a result of a fine imposed
5 for a violation of fire rules applicable to lands adminis-
6 tered by the Bureau of Land Management, National Park
7 System lands, or National Forest System lands shall be
8 available to the Secretary of the Interior or the Secretary
9 of Agriculture, as the case may be, without further appro-
10 priation and until expended, for the purpose of conducting
11 hazardous fuels reduction activities under the National
12 Fire Plan.

13 **TITLE VIII—USE OF FINES IM-**
14 **POSED FOR VIOLATION OF**
15 **FIRE RULES**

16 **SEC. 7801. USE OF COLLECTED FINES.**

17 Any moneys received by the United States as a result
18 of a fine imposed for a violation of fire rules applicable
19 to lands administered by the Bureau of Land Manage-
20 ment, National Park System lands, or National Forest
21 System lands shall be available to the Secretary of the In-
22 terior or the Secretary of Agriculture, as the case may
23 be, without further appropriation and until expended, for
24 the following purposes:

1 (1) To cover the cost to the United States of
2 any improvement, protection, or rehabilitation work
3 rendered necessary by the action that resulted in the
4 fine.

5 (2) To reimburse the affected agency for the
6 cost of the response to the action that resulted in
7 the fine, including investigations, damage assess-
8 ments, and legal actions.

9 (3) To increase public awareness of rules, regu-
10 lations, and other requirements regarding the use of
11 fire on public lands.

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