

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 198

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## AN ACT

To require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

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

1           **TITLE I—NOXIOUS WEED**  
2           **CONTROL ACT OF 2002**

3 **SEC. 101. SHORT TITLE.**

4           This title may be cited as the “Noxious Weed Control  
5 Act of 2002”.

6 **SEC. 102. DEFINITIONS.**

7           In this title:

8           (1) **NOXIOUS WEED.**—The term “noxious weed”  
9           has the same meaning as in the Plant Protection  
10          Act (7 U.S.C. 7702(10)).

11          (2) **SECRETARY.**—The term “Secretary” means  
12          the Secretary of the Interior.

13          (3) **STATE.**—The term “State” means each of  
14          the several States of the United States, the District  
15          of Columbia, the Commonwealth of Puerto Rico, the  
16          Virgin Islands, Guam, the Commonwealth of the  
17          Northern Mariana Islands, and any other territory  
18          or possession of the United States.

19          (4) **INDIAN TRIBE.**—The term “Indian tribe”  
20          has the meaning given the term in section 4 of the  
21          Indian Self-Determination and Education Assistance  
22          Act (25 U.S.C. 450b).

23          (5) **WEED MANAGEMENT ENTITY.**—The term  
24          “weed management entity” means an entity that—

1 (A) is recognized by the State in which it  
2 is established;

3 (B) is established for the purpose of con-  
4 trolling or eradicating harmful, invasive weeds  
5 and increasing public knowledge and education  
6 concerning the need to control or eradicate  
7 harmful, invasive weeds; and

8 (C) is multijurisdictional and multidisci-  
9 plinary in nature.

10 **SEC. 103. ESTABLISHMENT OF PROGRAM.**

11 The Secretary shall establish a program to provide  
12 financial assistance through States to eligible weed man-  
13 agement entities to control or eradicate weeds. In devel-  
14 oping the program, the Secretary shall consult with the  
15 National Invasive Species Council, the Invasive Species  
16 Advisory Committee, representatives from States and In-  
17 dian tribes with weed management entities or that have  
18 particular problems with noxious weeds, and public and  
19 private entities with experience in noxious weed manage-  
20 ment.

21 **SEC. 104. ALLOCATION OF FUNDS TO STATES AND INDIAN**  
22 **TRIBES.**

23 The Secretary shall allocate funds to States to pro-  
24 vide funding to weed management entities to carry out  
25 projects approved by States to control or eradicate weeds

1 on the basis of the severity or potential severity of the  
2 noxious weed problem, the extent to which the Federal  
3 funds will be used to leverage non-Federal funds, the ex-  
4 tent to which the State has made progress in addressing  
5 noxious weed problems, and such other factors as the Sec-  
6 retary deems relevant. The Secretary shall provide special  
7 consideration for States with approved weed management  
8 entities established by Indian tribes, and may provide an  
9 additional allocation to a State to meet the particular  
10 needs and projects that such a weed management entity  
11 will address.

12 **SEC. 105. ELIGIBILITY AND USE OF FUNDS.**

13 (a) REQUIREMENTS.—The Secretary shall prescribe  
14 requirements for applications by States for funding, in-  
15 cluding provisions for auditing of and reporting on the use  
16 of funds and criteria to ensure that weed management en-  
17 tities recognized by the States are capable of carrying out  
18 projects, monitoring and reporting on the use of funds,  
19 and are knowledgeable about and experienced in noxious  
20 weed management and represent private and public inter-  
21 ests adversely affected by noxious weeds. Eligible activities  
22 for funding shall include—

23 (1) applied research to solve locally significant  
24 weed management problems and solutions, except

1 that such research may not exceed 8 percent of the  
2 available funds in any year;

3 (2) incentive payments to encourage the forma-  
4 tion of new weed management entities, except that  
5 such payments may not exceed 25 percent of the  
6 available funds in any year; and

7 (3) projects relating to the control or eradi-  
8 cation of noxious weeds, including education, inven-  
9 tories and mapping, management, monitoring, and  
10 similar activities, including the payment of the cost  
11 of personnel and equipment that promote such con-  
12 trol or eradication, and other activities to promote  
13 such control or eradication, if the results of the ac-  
14 tivities are disseminated to the public.

15 (b) PROJECT SELECTION.—A State shall select  
16 projects for funding to a weed management entity on a  
17 competitive basis considering—

18 (1) the seriousness of the noxious weed problem  
19 or potential problem addressed by the project;

20 (2) the likelihood that the project will prevent  
21 or resolve the problem, or increase knowledge about  
22 resolving similar problems in the future;

23 (3) the extent to which the payment will lever-  
24 age non-Federal funds to address the noxious weed  
25 problem addressed by the project;

1           (4) the extent to which the weed management  
2           entity has made progress in addressing noxious weed  
3           problems;

4           (5) the extent to which the project will provide  
5           a comprehensive approach to the control or eradi-  
6           cation of noxious weeds;

7           (6) the extent to which the project will reduce  
8           the total population of a noxious weed;

9           (7) the extent to which the project uses the  
10          principles of integrated vegetation management and  
11          sound science; and

12          (8) such other factors that the State determines  
13          to be relevant.

14          (c) INFORMATION AND REPORT.—As a condition of  
15          the receipt of funding, States shall require such informa-  
16          tion from grant recipients as necessary and shall submit  
17          to the Secretary a report that describes the purposes and  
18          results of each project for which the payment or award  
19          was used, by not later than 6 months after completion of  
20          the projects.

21          (d) FEDERAL SHARE.—The Federal share of any  
22          project or activity approved by a State or Indian tribe  
23          under this title may not exceed 50 percent unless the State  
24          meets criteria established by the Secretary that accommo-  
25          dates situations where a higher percentage is necessary

1 to meet the needs of an underserved area or addresses  
2 a critical need that cannot be met otherwise.

3 **SEC. 106. LIMITATIONS.**

4 (a) **LANDOWNER CONSENT; LAND UNDER CULTIVA-**  
5 **TION.**—Any activity involving real property, either private  
6 or public, may be carried out under this title only with  
7 the consent of the landowner and no project may be under-  
8 taken on property that is devoted to the cultivation of row  
9 crops, fruits, or vegetables.

10 (b) **COMPLIANCE WITH STATE LAW.**—A weed man-  
11 agement entity may carry out a project to address the nox-  
12 ious weed problem in more than one State only if the enti-  
13 ty meets the requirements of the State laws in all States  
14 in which the entity will undertake the project.

15 (c) **USE OF FUNDS.**—Funding under this title may  
16 not be used to carry out a project—

17 (1) to control or eradicate animals, pests, or  
18 submerged or floating noxious aquatic weeds; or

19 (2) to protect an agricultural commodity (as de-  
20 fined in section 102 of the Agricultural Trade Act  
21 of 1978 (7 U.S.C. 5602)) other than—

22 (A) livestock (as defined in section 602 of  
23 the Agricultural Trade Act of 1949 (7 U.S.C.  
24 1471)); or

25 (B) an animal- or insect-based product.

1 **SEC. 107. RELATIONSHIP TO OTHER PROGRAMS.**

2 Assistance authorized under this title is intended to  
 3 supplement, and not replace, assistance available to weed  
 4 management entities, areas, and districts for control or  
 5 eradication of harmful, invasive weeds on public lands and  
 6 private lands, including funding available under the Pull-  
 7 ing Together Initiative of the National Fish and Wildlife  
 8 Foundation; and the provision of funds to any entity  
 9 under this title shall have no effect on the amount of any  
 10 payment received by a county from the Federal Govern-  
 11 ment under chapter 69 of title 31, United States Code  
 12 (commonly known as the Payments in Lieu of Taxes Act).

13 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

14 To carry out this title there is authorized to be appro-  
 15 priated to the Secretary \$100,000,000 for each of fiscal  
 16 years 2002 through 2006, of which not more than 5 per-  
 17 cent of the funds made available for a fiscal year may be  
 18 used by the Secretary for administrative costs of Federal  
 19 agencies.

20 **TITLE II—NEWTOK LAND**  
 21 **EXCHANGE**

22 **SEC. 201. FINDINGS.**

23 Congress finds that:

- 24 (1) The continued existence of the village of  
 25 Newtok, Alaska is threatened by the eroding banks  
 26 of the Ninglick River.



1           (2) A relocation of the village will become nec-  
2           essary for the health and safety of the residents of  
3           Newtok within the next 8 years.

4           (3) Lands previously conveyed to the Newtok  
5           Native Corporation contain habitat of high value for  
6           waterfowl.

7           (4) An opportunity exists for an exchange of  
8           lands between the Newtok Native Corporation and  
9           the Yukon Delta National Wildlife Refuge that  
10          would address the relocation needs of the village  
11          while enhancing the quality of waterfowl habitat  
12          within the boundaries of the Refuge.

13          (5) An exchange of lands between Newtok and  
14          the United States on an other than equal value basis  
15          pursuant to the terms of this Act is in the public in-  
16          terest.

17 **SEC. 202. DEFINITIONS.**

18          For the purposes of this title, the term:

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

21           (2) “ANILCA” means the Alaska National In-  
22          terest Lands Conservation Act of 1980 (16 USC  
23          410hh–3233, 43 U.S.C. 1602 et seq.);

1           (3) “Calista” means the Calista Corporation, an  
2 Alaska Native Regional Corporation established pur-  
3 suant to ANCSA;

4           (4) “Identified Lands” means approximately  
5 10,943 acres of lands (including surface and sub-  
6 surface) designated as “Proposed Village Site” upon  
7 a map entitled “Proposed Newtok Exchange”, dated  
8 September 2002, and available for inspection in the  
9 Anchorage office of the United States Fish and  
10 Wildlife Service;

11           (5) “limited warranty deed” means a warranty  
12 deed which is, with respect to its warranties, limited  
13 to that portion of the chain of title from the moment  
14 of conveyance from the United States to Newtok to  
15 and including the moment at which such title is val-  
16 idly reconveyed to the United States of America and  
17 its assigns;

18           (6) “Newtok” means the Newtok Native Cor-  
19 poration, an Alaska Native Village Corporation es-  
20 tablished pursuant to ANCSA;

21           (7) “Newtok lands” means approximately  
22 12,101 acres of surface estate comprising conveyed  
23 lands and selected lands identified as Aknerkochik  
24 on the map referred to in paragraph (4) and that

1 surface estate selected by Newtok on Baird Inlet Is-  
2 land as shown on said map; and

3 (8) “Secretary” means the Secretary of the In-  
4 terior.

5 **SEC. 203. LANDS TO BE EXCHANGED.**

6 (a) LANDS EXCHANGED TO THE UNITED STATES.—

7 If, within 180 days after the date of enactment of this  
8 title, Newtok expresses to the Secretary in writing its in-  
9 tent to enter into a land exchange with the United States,  
10 the Secretary shall accept from Newtok a valid,  
11 unencumbered conveyance, by limited warranty deed, of  
12 the Newtok lands previously conveyed to Newtok. The Sec-  
13 retary shall also accept from Newtok a relinquishment of  
14 irrevocable prioritized selections for approximately 4,956  
15 acres for those validly selected lands not yet conveyed to  
16 Newtok. The reconveyance of lands by Newtok to the  
17 United States and the prioritized, relinquished selections  
18 shall be 1.1 times the number of acres conveyed to Newtok  
19 under this title. The number of acres reconveyed to the  
20 United States and the prioritized, relinquished selections  
21 shall be charged to the entitlement of Newtok.

22 (b) LANDS EXCHANGED TO NEWTOK.—(1) In ex-  
23 change for the Newtok lands conveyed and selections relin-  
24 quished under subsection (a), the Secretary shall, subject  
25 to valid existing rights and notwithstanding section 14(f)

1 of ANCSA, convey to Newtok the surface and subsurface  
2 estate of the Identified Lands. The conveyance shall be  
3 by interim conveyance. Subsequent to the interim convey-  
4 ance, the Secretary shall survey the Identified Lands at  
5 no cost to Newtok and issue a patent to the Identified  
6 Lands subject to the provisions of ANCSA and this title.  
7 At the time of survey the charge against Newtok's entitle-  
8 ment for acres conveyed or irrevocable priorities relin-  
9 quished by Newtok may be adjusted to conform to the  
10 standard of 1.1 acres relinquished by Newtok for each one  
11 acre received.

12 **SEC. 204. CONVEYANCE.**

13 (a) **TIMING.**—The Secretary shall issue interim con-  
14 veyances pursuant to section 203(b) at the earliest pos-  
15 sible time after acceptance of the Newtok conveyance and  
16 relinquishment of selections under section 203(a).

17 (b) **RELATIONSHIP TO ANCSA.**—Lands conveyed to  
18 Newtok under this title shall be deemed to have been con-  
19 veyed under the provisions of ANCSA, except that the pro-  
20 visions of 14(c) of ANCSA shall not apply to these lands,  
21 and to the extent that section 22(g) of ANCSA would oth-  
22 erwise be applicable to these lands, the provisions of 22(g)  
23 of ANCSA shall also not apply to these lands. Consistent  
24 with section 103(c) of ANILCA, these lands shall not be  
25 deemed to be included as a portion of the Yukon National

1 Wildlife Refuge and shall not be subject to regulations ap-  
2 plicable solely to public lands within this Conservation  
3 System Unit.

4 (c) EFFECT ON ENTITLEMENT.—Nothing in this title  
5 shall be construed to change the total acreage of land to  
6 which Newtok is entitled under ANCSA.

7 (d) EFFECT ON NEWTOK LANDS.—The Newtok  
8 Lands shall be included in the Yukon Delta National Wild-  
9 life Refuge as of the date of acceptance of the conveyance  
10 of those lands from Newtok, except that residents of the  
11 Village of Newtok, Alaska, shall retain access rights to  
12 subsistence resources on those public lands as guaranteed  
13 under ANILCA section 811 (16 U.S.C. 3121), and to sub-  
14 sistence uses, such as traditional subsistence fishing, hunt-  
15 ing and gathering, consistent with ANILCA section 803  
16 (16 U.S.C. 3113).

17 (e) ADJUSTMENT TO CALISTA CORPORATION ANCSA  
18 ENTITLEMENT FOR RELINQUISHED NEWTOK SELEC-  
19 TIONS.—To the extent that Calista subsurface rights are  
20 affected by this title, Calista shall be entitled to an equiva-  
21 lent acreage of in lieu subsurface entitlement for the  
22 Newtok selections relinquished in the exchange as set  
23 forth in section 203(a) of this title. This additional entitle-  
24 ment shall come from subsurface lands already selected  
25 by Calista, but which have not been conveyed. If Calista

1 does not have sufficient subsurface selections to accommo-  
 2 date this additional entitlement, Calista Corporation is  
 3 hereby authorized to make an additional in lieu selection  
 4 for the deficient acreage.

5 (f) ADJUSTMENT TO EXCHANGE.—If requested by  
 6 Newtok, the Secretary is authorized to consider and make  
 7 adjustments to the original exchange to meet the purposes  
 8 of this title, subject to all the same terms and conditions  
 9 of this title.

10 **TITLE III—FLORIDA NATIONAL**  
 11 **FOREST LAND MANAGEMENT**  
 12 **ACT**

13 **SEC. 301. SHORT TITLE.**

14 This title may be cited as the “Florida National For-  
 15 est Land Management Act of 2002”.

16 **SEC. 302. DEFINITIONS.**

17 In this title:

18 (1) SECRETARY.—The term “Secretary” means  
 19 the Secretary of Agriculture.

20 (2) STATE.—The term “State” means the State  
 21 of Florida.

22 **SEC. 303. SALE OR EXCHANGE OF LAND.**

23 (a) IN GENERAL.—The Secretary may, under such  
 24 terms and conditions as the Secretary may prescribe, sell  
 25 or exchange any right, title, and interest of the United

1 States in and to the parcels of Federal land in the State  
2 described in subsection (b).

3 (b) DESCRIPTION OF LAND.—The parcels of Federal  
4 land in the State referred to in subsection (a) consist of—

5 (1) tract A-942a, East Bay, Santa Rosa Coun-  
6 ty, consisting of approximately 61 acres, and more  
7 particularly described as T. 1 S., R. 27 W., Sec. 31,  
8 W 1/2 of SW 1/4;

9 (2) tract A-942b, East Bay, Santa Rosa Coun-  
10 ty, consisting of approximately 40 acres, and more  
11 particularly described as T. 1 S., R. 27 W., Sec. 38;

12 (3) tract A-942c, Ft. Walton, Okaloosa County,  
13 located southeast of the intersection of and adjacent  
14 to State Road 86 and Mooney Road, consisting of  
15 approximately 0.59 acre, and more particularly de-  
16 scribed as T. 1 S., R. 24 W., Sec. 26;

17 (4) tract A-942d, located southeast of  
18 Crestview, Okaloosa County, consisting of approxi-  
19 mately 79.90 acres, and more particularly described  
20 as T. 2 N., R. 23 W., Sec. 2, NW 1/4 NE 1/4 and  
21 NE 1/4 NW 1/4 ;

22 (5) tract A-943, Okaloosa County Fairgrounds,  
23 Ft. Walton, Okaloosa County, consisting of approxi-  
24 mately 30.14 acres, and more particularly described  
25 as T. 1 S., R. 24 W., Sec. 26, S 1/2;

1           (6) tract A-944, City Ball Park—Ft. Walton,  
2 Okaloosa County, consisting of approximately 12.43  
3 acres, and more particularly described as T. 1 S., R.  
4 24 W., Sec. 26, S 1/2;

5           (7) tract A-945, Landfill-Golf Course Driving  
6 Range, located southeast of Crestview, Okaloosa  
7 County, consisting of approximately 40.85 acres,  
8 and more particularly described as T. 2 N., R. 23  
9 W., Sec. 4, NW 1/4 NE 1/4;

10          (8) tract A-959, 2 vacant lots on the north side  
11 of Micheaux Road in Bristol, Liberty County, con-  
12 sisting of approximately 0.5 acre, and more particu-  
13 larly described as T. 1 S., R. 7 W., Sec. 6;

14          (9) tract C-3m-d, located southwest of Astor in  
15 Lake County, consisting of approximately 15.0  
16 acres, and more particularly described as T. 15 S.,  
17 R. 28 E., Sec. 37;

18          (10) tract C-691, Lake County, consisting of  
19 the subsurface rights to approximately 40.76 acres  
20 of land, and more particularly described as T. 17 S.,  
21 R. 29 E., Sec. 25, SE 1/4 NW 1/4;

22          (11) tract C-2208b, Lake County, consisting of  
23 approximately 39.99 acres, and more particularly de-  
24 scribed as T. 17 S., R. 28 E., Sec. 28, NW 1/4 SE  
25 1/4;



1           (12) tract C-2209, Lake County, consisting of  
2 approximately 127.2 acres, as depicted on the map,  
3 and more particularly described as T. 17 S., R. 28  
4 E., Sec. 21, NE 1/4 SW 1/4, SE 1/4 NW 1/4, and  
5 SE 1/4 NE 1/4;

6           (13) tract C-2209b, Lake County, consisting of  
7 approximately 39.41 acres, and more particularly de-  
8 scribed as T. 17 S., R. 29 E., Sec. 32, NE 1/4 SE  
9 1/4;

10           (14) tract C-2209c, Lake County, consisting of  
11 approximately 40.09 acres, and more particularly de-  
12 scribed as T. 18 S., R. 28 E., Sec. 14, SE 1/4 SW  
13 1/4;

14           (15) tract C-2209d, Lake County, consisting of  
15 approximately 79.58 acres, and more particularly de-  
16 scribed as T. 18 S., R. 29 E., Sec. 5, SE 1/4 NW  
17 1/4, NE 1/4 SW 1/4;

18           (16) tract C-2210, government lot 1, 20 rec-  
19 reational residential lots, and adjacent land on Lake  
20 Kerr, Marion County, consisting of approximately 30  
21 acres, and more particularly described as T. 13 S.,  
22 R. 25 E., Sec. 22;

23           (17) tract C-2213, located in the F.M.  
24 Arrendondo grant, East of Ocala, Marion County,  
25 and including a portion of the land located east of

1 the western right-of-way of State Highway 19, con-  
 2 sisting of approximately 15.0 acres, and more par-  
 3 ticularly described as T. 14 and 15 S., R. 26 E.,  
 4 Sec. 36, 38, and 40; and

5 (18) all improvements on the parcels described  
 6 in paragraphs (1) through (18).

7 (c) LEGAL DESCRIPTION MODIFICATION.—The Sec-  
 8 retary may, for the purposes of soliciting offers for the  
 9 sale or exchange of land under subsection (d), modify the  
 10 descriptions of land specified in subsection (b) based on—

11 (1) a survey; or

12 (2) a determination by the Secretary that the  
 13 modification would be in the best interest of the  
 14 public.

15 (d) SOLICITATIONS OF OFFERS.—

16 (1) IN GENERAL.—Subject to such terms and  
 17 conditions as the Secretary may prescribe, the Sec-  
 18 retary may solicit offers for the sale or exchange of  
 19 land described in subsection (b).

20 (2) REJECTION OF OFFERS.—The Secretary  
 21 may reject any offer received under this section if  
 22 the Secretary determines that the offer—

23 (A) is not adequate; or

24 (B) is not in the public interest.

1 (e) METHODS OF SALE.—The Secretary may sell the  
2 land described in subsection (b) at public or private sale  
3 (including at auction), in accordance with any terms, con-  
4 ditions, and procedures that the Secretary determines to  
5 be appropriate.

6 (f) BROKERS.—In any sale or exchange of land de-  
7 scribed in subsection (b), the Secretary may—

8 (1) use a real estate broker; and

9 (2) pay the real estate broker a commission in  
10 an amount that is comparable to the amounts of  
11 commission generally paid for real estate trans-  
12 actions in the area.

13 (g) CONCURRENCE OF THE SECRETARY OF THE AIR  
14 FORCE.—A parcel of land described in paragraphs (1)  
15 through (7) of subsection (b) shall not be sold or ex-  
16 changed by the Secretary without the concurrence of the  
17 Secretary of the Air Force.

18 (h) CASH EQUALIZATION.—Notwithstanding section  
19 206(b) of the Federal Land Policy and Management Act  
20 of 1976 (43 U.S.C. 1716(b)), if the value of non-Federal  
21 land for which Federal land is exchanged under this sec-  
22 tion is less than the value of the Federal land exchanged,  
23 the Secretary may accept a cash equalization payment in  
24 excess of 25 percent of the value of the Federal land.

25 (i) DISPOSITION OF PROCEEDS.—

1           (1) IN GENERAL.—The net proceeds derived  
2 from any sale or exchange under this Act shall be  
3 deposited in the fund established by Public Law 90–  
4 171 (commonly known as the “Sisk Act”) (16  
5 U.S.C. 484a).

6           (2) USE.—Amounts deposited under paragraph  
7 (1) shall be available to the Secretary for expendi-  
8 ture, without further appropriation, for—

9                   (A) acquisition of land and interests in  
10 land for inclusion as units of the National For-  
11 est System in the State; and

12                   (B) reimbursement of costs incurred by the  
13 Secretary in carrying out land sales and ex-  
14 changes under this title, including the payment  
15 of real estate broker commissions under sub-  
16 section (f).

17 **SEC. 304. ADMINISTRATION.**

18           (a) IN GENERAL.—Land acquired by the United  
19 States under this title shall be—

20                   (1) subject to the Act of March 1, 1911 (com-  
21 monly known as the “Weeks Act”) (16 U.S.C. 480  
22 et seq.); and

23                   (2) administered in accordance with laws (in-  
24 cluding regulations) applicable to the National For-  
25 est System.

1 (b) APPLICABLE LAW.—The land described in section  
2 303(b) shall not be subject to the Federal Property and  
3 Administrative Services Act of 1949 (40 U.S.C. 471 et  
4 seq.).

5 (c) WITHDRAWAL.—Subject to valid existing rights,  
6 the land described in section 403(b) is withdrawn from  
7 location, entry, and patent under the public land laws,  
8 mining laws, and mineral leasing laws (including geo-  
9 thermal leasing laws).

## 10 **TITLE IV—AMERICAN FORK** 11 **CANYON VISITORS CENTER**

### 12 **SEC. 401. FINDINGS AND PURPOSES.**

13 (a) FINDINGS.—Congress finds that—

14 (1) the facility that houses the administrative  
15 office of the Pleasant Grove Ranger District of the  
16 Uinta National Forest can no longer properly serve  
17 the purpose of the facility;

18 (2) a fire destroyed the Timpanogos Cave Na-  
19 tional Monument Visitor Center and administrative  
20 office in 1991, and the temporary structure that is  
21 used for a visitor center cannot adequately serve the  
22 public; and

23 (3) combining the administrative office of the  
24 Pleasant Grove Ranger District with a new

1 Timpanogos Cave National Monument visitor center  
2 and administrative office in one facility would—

3 (A) facilitate interagency coordination;

4 (B) serve the public better; and

5 (C) improve cost effectiveness.

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

7 (1) to authorize the Secretary of Agriculture to  
8 acquire by exchange non-Federal land located in  
9 Highland, Utah as the site for an interagency ad-  
10 ministrative and visitor facility;

11 (2) to direct the Secretary of the Interior to  
12 construct an administrative and visitor facility on  
13 the non-Federal land acquired by the Secretary of  
14 Agriculture; and

15 (3) to direct the Secretary of Agriculture and  
16 the Secretary of the Interior to cooperate in the de-  
17 velopment, construction, operation, and maintenance  
18 of the facility.

19 **SEC. 402. DEFINITIONS.**

20 In this title:

21 (1) FACILITY.—The term “facility” means the  
22 facility constructed under section 506 to house—

23 (A) the administrative office of the Pleas-  
24 ant Grove Ranger District of the Uinta Na-  
25 tional Forest; and

1 (B) the visitor center and administrative  
2 office of the Timpanogos Cave National Monu-  
3 ment.

4 (2) FEDERAL LAND.—The term “Federal land”  
5 means the parcels of land and improvements to the  
6 land in the Salt Lake Meridian comprising—

7 (A) approximately 237 acres located in T.  
8 5 S., R. 3 E., Sec. 13, lot 1, SW 1/4, NE  
9 1/4, E 1/2, NW 1/4 and E 1/2, SW 1/4, as de-  
10 picted on the map entitled “Long Hollow-Provo  
11 Canyon Parcel”, dated March 12, 2001;

12 (B) approximately 0.18 acre located in T.  
13 7 S., R. 2 E., Sec. 12, NW 1/4, as depicted on  
14 the map entitled “Provo Sign and Radio Shop”,  
15 dated March 12, 2001;

16 (C) approximately 20 acres located in T. 3  
17 S., R. 1 E., Sec. 33, SE 1/4, as depicted on the  
18 map entitled “Corner Canyon Parcel”, dated  
19 March 12, 2001;

20 (D) approximately 0.18 acre located in T.  
21 29 S., R. 7 W., Sec. 15, S 1/2, as depicted on  
22 the map entitled “Beaver Administrative Site”,  
23 dated March 12, 2001;

24 (E) approximately 7.37 acres located in T.  
25 7 S., R. 3 E., Sec. 28, NE 1/4, SW 1/4, NE

1           1/4, as depicted on the map entitled “Spring-  
2           ville Parcel”, dated March 12, 2001; and

3           (F) approximately 0.83 acre located in T.  
4           5 S., R. 2 E., Sec. 20, as depicted on the map  
5           entitled “Pleasant Grove Ranger District Par-  
6           cel”, dated March 12, 2001.

7           (3) NON-FEDERAL LAND.—The term “non-Fed-  
8           eral land” means the parcel of land in the Salt Lake  
9           Meridian comprising approximately 37.42 acres lo-  
10          cated at approximately 4,400 West, 11,000 North  
11          (SR–92), Highland, Utah in T. 4 S., R. 2 E., Sec.  
12          31, NW 1/4, as depicted on the map entitled “The  
13          Highland Property”, dated March 12, 2001.

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

16 **SEC. 403. MAPS AND LEGAL DESCRIPTIONS.**

17          (a) AVAILABILITY OF MAPS.—The maps described in  
18          paragraphs (2) and (3) of section 402 shall be on file and  
19          available for public inspection in the Office of the Chief  
20          of the Forest Service until the date on which the land de-  
21          picted on the maps is exchanged under this title.

22          (b) TECHNICAL CORRECTIONS TO LEGAL DESCRIP-  
23          TIONS.—The Secretary may correct minor errors in the  
24          legal descriptions in paragraphs (2) and (3) of section  
25          402.



1 **SEC. 404. EXCHANGE OF LAND FOR FACILITY SITE.**

2 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
3 retary may, under such terms and conditions as the Sec-  
4 retary may prescribe, convey by quitclaim deed all right,  
5 title, and interest of the United States in and to the Fed-  
6 eral land in exchange for the conveyance of the non-Fed-  
7 eral land.

8 (b) TITLE TO NON-FEDERAL LAND.—Before the  
9 land exchange takes place under subsection (a), the Sec-  
10 retary shall determine that title to the non-Federal land  
11 is acceptable based on the approval standards applicable  
12 to Federal land acquisitions.

13 (c) VALUATION OF NON-FEDERAL LAND.—

14 (1) DETERMINATION.—The fair market value  
15 of the land and the improvements on the land ex-  
16 changed under this title shall be determined by an  
17 appraisal that—

18 (A) is approved by the Secretary; and

19 (B) conforms with the Federal appraisal  
20 standards, as defined in the publication entitled  
21 “Uniform Appraisal Standards for Federal  
22 Land Acquisitions”.

23 (2) SEPARATE APPRAISALS.—

24 (A) IN GENERAL.—Each parcel of Federal  
25 land described in subparagraphs (A) through

1 (F) of section 402(2) shall be appraised sepa-  
2 rately.

3 (B) INDIVIDUAL PROPERTY VALUES.—The  
4 property values of each parcel shall not be af-  
5 fected by the unit rule described in the Uniform  
6 Appraisal Standards for Federal Land Acquisi-  
7 tions.

8 (d) CASH EQUALIZATION.—Notwithstanding section  
9 206(b) of the Federal Land Policy and Management Act  
10 of 1976 (43 U.S.C. 1716(b)), the Secretary may, as the  
11 circumstances require, either make or accept a cash  
12 equalization payment in excess of 25 percent of the total  
13 value of the lands or interests transferred out of Federal  
14 ownership.

15 (e) ADMINISTRATION OF LAND ACQUISITION BY  
16 UNITED STATES.—

17 (1) BOUNDARY ADJUSTMENT.—

18 (A) IN GENERAL.—On acceptance of title  
19 by the Secretary—

20 (i) the non-Federal land conveyed to  
21 the United States shall become part of the  
22 Uinta National Forest; and

23 (ii) the boundaries of the national for-  
24 est shall be adjusted to include the land.

1 (B) ALLOCATION OF LAND AND WATER  
2 CONSERVATION FUND MONEYS.—For purposes  
3 of section 7 of the Land and Water Conserva-  
4 tion Fund Act of 1965 (16 U.S.C. 4601–099),  
5 the boundaries of the national forest, as ad-  
6 justed under this section, shall be considered to  
7 be boundaries of the national forest as of Janu-  
8 ary 1, 1965.

9 (2) APPLICABLE LAW.—Subject to valid exist-  
10 ing rights, the Secretary shall manage any land ac-  
11 quired under this section in accordance with—

12 (A) the Act of March 1, 1911 (16 U.S.C.  
13 480 et seq.) (commonly known as the “Weeks  
14 Act”); and

15 (B) other laws (including regulations) that  
16 apply to National Forest System land.

17 **SEC. 405. DISPOSITION OF FUNDS.**

18 (a) DEPOSIT.—The Secretary shall deposit any cash  
19 equalization funds received in the land exchange in the  
20 fund established under Public Law 90–171 (16 U.S.C.  
21 484a) (commonly known as the “Sisk Act”).

22 (b) USE OF FUNDS.—Funds deposited under sub-  
23 section (a) shall be available to the Secretary, without fur-  
24 ther appropriation, for the acquisition of land and inter-

1 ests in land for administrative sites in the State of Utah  
2 and land for the National Forest System.

3 **SEC. 406. CONSTRUCTION AND OPERATION OF FACILITY.**

4 (a) CONSTRUCTION.—

5 (1) IN GENERAL.—Subject to paragraph (2), as  
6 soon as practicable after funds are made available to  
7 carry out this title, the Secretary of the Interior  
8 shall construct, and bear responsibility for all costs  
9 of construction of, a facility and all necessary infra-  
10 structure on non-Federal land acquired under sec-  
11 tion 404.

12 (2) DESIGN AND SPECIFICATIONS.—Prior to  
13 construction, the design and specifications of the fa-  
14 cility shall be approved by the Secretary and the  
15 Secretary of the Interior.

16 (b) OPERATION AND MAINTENANCE OF FACILITY.—

17 The facility shall be occupied, operated, and maintained  
18 jointly by the Secretary (acting through the Chief of the  
19 Forest Service) and the Secretary of the Interior (acting  
20 through the Director of the National Park Service) under  
21 terms and conditions agreed to by the Secretary and the  
22 Secretary of the Interior.

23 **SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated such sums  
25 as are necessary to carry out this title.

1 **TITLE V—WASHOE TRIBE LAND**  
2 **CONVEYANCE**

3 **SEC. 501. WASHOE TRIBE LAND CONVEYANCE.**

4 (a) FINDINGS.—Congress finds that—

5 (1) the ancestral homeland of the Washoe Tribe  
6 of Nevada and California (referred to in this title as  
7 the “Tribe”) included an area of approximately  
8 5,000 square miles in and around Lake Tahoe, Cali-  
9 fornia and Nevada, and Lake Tahoe was the heart  
10 of the territory;

11 (2) in 1997, Federal, State, and local govern-  
12 ments, together with many private landholders, rec-  
13 ognized the Washoe people as indigenous people of  
14 Lake Tahoe Basin through a series of meetings con-  
15 vened by those governments at 2 locations in Lake  
16 Tahoe;

17 (3) the meetings were held to address protec-  
18 tion of the extraordinary natural, recreational, and  
19 ecological resources in the Lake Tahoe region;

20 (4) the resulting multiagency agreement in-  
21 cludes objectives that support the traditional and  
22 customary uses of National Forest System land by  
23 the Tribe; and

24 (5) those objectives include the provision of ac-  
25 cess by members of the Tribe to the shore of Lake

1 Tahoe in order to reestablish traditional and cus-  
2 tomary cultural practices.

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

4 (1) to implement the joint local, State, tribal,  
5 and Federal objective of returning the Tribe to Lake  
6 Tahoe; and

7 (2) to ensure that members of the Tribe have  
8 the opportunity to engage in traditional and cus-  
9 tomary cultural practices on the shore of Lake  
10 Tahoe to meet the needs of spiritual renewal, land  
11 stewardship, Washoe horticulture and ethnobotany,  
12 subsistence gathering, traditional learning, and re-  
13 unification of tribal and family bonds.

14 (c) CONVEYANCE ON CONDITION SUBSEQUENT.—

15 Subject to valid existing rights, the easement reserved  
16 under subsection (d), and the condition stated in sub-  
17 section (e), the Secretary of Agriculture shall convey to  
18 the Secretary of the Interior, in trust for the Tribe, for  
19 no consideration, all right, title, and interest in the parcel  
20 of land comprising approximately 24.3 acres, located with-  
21 in the Lake Tahoe Basin Management Unit north of  
22 Skunk Harbor, Nevada, and more particularly described  
23 as Mount Diablo Meridian, T15N, R18E, section 27, lot  
24 3.

25 (d) EASEMENT.—

1           (1) IN GENERAL.—The conveyance under sub-  
 2           section (c) shall be made subject to reservation to  
 3           the United States of a nonexclusive easement for  
 4           public and administrative access over Forest Devel-  
 5           opment Road #15N67 to National Forest System  
 6           land, to be administered by the Secretary of Agri-  
 7           culture.

8           (2) ACCESS BY INDIVIDUALS WITH DISABIL-  
 9           ITIES.—The Secretary of Agriculture shall provide a  
 10          reciprocal easement to the Tribe permitting vehic-  
 11          ular access to the parcel over Forest Development  
 12          Road #15N67 to—

13                   (A) members of the Tribe for administra-  
 14                   tive and safety purposes; and

15                   (B) members of the Tribe who, due to age,  
 16                   infirmity, or disability, would have difficulty ac-  
 17                   cessing the conveyed parcel on foot.

18          (e) CONDITION ON USE OF LAND.—

19           (1) IN GENERAL.—In using the parcel conveyed  
 20           under subsection (c), the Tribe and members of the  
 21           Tribe—

22                   (A) shall limit the use of the parcel to tra-  
 23                   ditional and customary uses and stewardship  
 24                   conservation for the benefit of the Tribe;

1           (B) shall not permit any permanent resi-  
2           dential or recreational development on, or com-  
3           mercial use of, the parcel (including commercial  
4           development, tourist accommodations, gaming,  
5           sale of timber, or mineral extraction); and

6           (C) shall comply with environmental re-  
7           quirements that are no less protective than en-  
8           vironmental requirements that apply under the  
9           Regional Plan of the Tahoe Regional Planning  
10          Agency.

11          (2) TERMINATION AND REVERSION.—If the  
12          Secretary of the Interior, after notice to the Tribe  
13          and an opportunity for a hearing, based on moni-  
14          toring of use of the parcel by the Tribe, makes a  
15          finding that the Tribe has used or permitted the use  
16          of the parcel in violation of paragraph (1) and the  
17          Tribe fails to take corrective or remedial action di-  
18          rected by the Secretary of the Interior—

19                 (A) title to the parcel in the Secretary of  
20                 the Interior, in trust for the Tribe, shall termi-  
21                 nate; and

22                 (B) title to the parcel shall revert to the  
23                 Secretary of Agriculture.



1 **TITLE VI—SANTA CLARA AND**  
2 **SAN ILDEFONSO PUEBLO**  
3 **LAND CONVEYANCE**

4 **SEC. 601. DEFINITIONS.**

5 In this title:

6 (1) **AGREEMENT.**—The term “Agreement”  
7 means the agreement entitled “Agreement to Affirm  
8 Boundary Between Pueblo of Santa Clara and Pueb-  
9 lo of San Ildefonso Aboriginal Lands Within Garcia  
10 Canyon Tract”, entered into by the Governors on  
11 December 20, 2000.

12 (2) **BOUNDARY LINE.**—The term “boundary  
13 line” means the boundary line established under sec-  
14 tion 604(a).

15 (3) **GOVERNORS.**—The term “Governors”  
16 means—

17 (A) the Governor of the Pueblo of Santa  
18 Clara, New Mexico; and

19 (B) the Governor of the Pueblo of San  
20 Ildefonso, New Mexico.

21 (4) **INDIAN TRIBE.**—The term “Indian tribe”  
22 has the meaning given the term in section 4 of the  
23 Indian Self-Determination and Education Assistance  
24 Act (25 U.S.C. 450b).

25 (5) **PUEBLOS.**—The term “Pueblos” means—

1 (A) the Pueblo of Santa Clara, New Mex-  
2 ico; and

3 (B) the Pueblo of San Ildefonso, New Mex-  
4 ico.

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

7 (7) TRUST LAND.—The term “trust land”  
8 means the land held by the United States in trust  
9 under section 602(a) or 603(a).

10 **SEC. 602. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW**  
11 **MEXICO.**

12 (a) IN GENERAL.—All right, title, and interest of the  
13 United States in and to the land described in subsection  
14 (b), including improvements on, appurtenances to, and  
15 mineral rights (including rights to oil and gas) to the land,  
16 shall be held by the United States in trust for the Pueblo  
17 of Santa Clara, New Mexico.

18 (b) DESCRIPTION OF LAND.—The land referred to in  
19 subsection (a) consists of approximately 2,484 acres of  
20 Bureau of Land Management land located in Rio Arriba  
21 County, New Mexico, and more particularly described  
22 as—

23 (1) the portion of T. 20 N., R. 7 E., Sec. 22,  
24 New Mexico Principal Meridian, that is located  
25 north of the boundary line;

1           (2) the southern half of T. 20 N., R. 7 E., Sec.  
2           23, New Mexico Principal Meridian;

3           (3) the southern half of T. 20 N., R. 7 E., Sec.  
4           24, New Mexico Principal Meridian;

5           (4) T. 20 N., R. 7 E., Sec. 25, excluding the  
6           5-acre tract in the southeast quarter owned by the  
7           Pueblo of San Ildefonso;

8           (5) the portion of T. 20 N., R. 7 E., Sec. 26,  
9           New Mexico Principal Meridian, that is located  
10          north and east of the boundary line;

11          (6) the portion of T. 20 N., R. 7 E., Sec. 27,  
12          New Mexico Principal Meridian, that is located  
13          north of the boundary line;

14          (7) the portion of T. 20 N., R. 8 E., Sec. 19,  
15          New Mexico Principal Meridian, that is not included  
16          in the Santa Clara Pueblo Grant or the Santa Clara  
17          Indian Reservation; and

18          (8) the portion of T. 20 N., R. 8 E., Sec. 30,  
19          that is not included in the Santa Clara Pueblo Grant  
20          or the San Ildefonso Grant.

21 **SEC. 603. TRUST FOR THE PUEBLO OF SAN ILDEFONSO,**  
22 **NEW MEXICO.**

23          (a) IN GENERAL.—All right, title, and interest of the  
24 United States in and to the land described in subsection  
25 (b), including improvements on, appurtenances to, and

1 mineral rights (including rights to oil and gas) to the land,  
2 shall be held by the United States in trust for the Pueblo  
3 of San Ildefonso, New Mexico.

4 (b) DESCRIPTION OF LAND.—The land referred to in  
5 subsection (a) consists of approximately 2,000 acres of  
6 Bureau of Land Management land located in Rio Arriba  
7 County and Santa Fe County in the State of New Mexico,  
8 and more particularly described as—

9 (1) the portion of T. 20 N., R. 7 E., Sec. 22,  
10 New Mexico Principal Meridian, that is located  
11 south of the boundary line;

12 (2) the portion of T. 20 N., R. 7 E., Sec. 26,  
13 New Mexico Principal Meridian, that is located  
14 south and west of the boundary line;

15 (3) the portion of T. 20 N., R. 7 E., Sec. 27,  
16 New Mexico Principal Meridian, that is located  
17 south of the boundary line;

18 (4) T. 20 N., R. 7 E., Sec. 34, New Mexico  
19 Principal Meridian; and

20 (5) the portion of T. 20 N., R. 7 E., Sec. 35,  
21 New Mexico Principal Meridian, that is not included  
22 in the San Ildefonso Pueblo Grant.

23 **SEC. 604. SURVEY AND LEGAL DESCRIPTIONS.**

24 (a) SURVEY.—Not later than 180 days after the date  
25 of enactment of this title, the Office of Cadastral Survey

1 of the Bureau of Land Management shall, in accordance  
2 with the Agreement, complete a survey of the boundary  
3 line established under the Agreement for the purpose of  
4 establishing, in accordance with sections 602(b) and  
5 603(b), the boundaries of the trust land.

6 (b) LEGAL DESCRIPTIONS.—

7 (1) PUBLICATION.—On approval by the Gov-  
8 ernors of the survey completed under subsection (a),  
9 the Secretary shall publish in the Federal Register—

10 (A) a legal description of the boundary  
11 line; and

12 (B) legal descriptions of the trust land.

13 (2) TECHNICAL CORRECTIONS.—Before the  
14 date on which the legal descriptions are published  
15 under paragraph (1)(B), the Secretary may correct  
16 any technical errors in the descriptions of the trust  
17 land provided in sections 602(b) and 603(b) to en-  
18 sure that the descriptions are consistent with the  
19 terms of the Agreement.

20 (3) EFFECT.—Beginning on the date on which  
21 the legal descriptions are published under paragraph  
22 (1)(B), the legal descriptions shall be the official  
23 legal descriptions of the trust land.

1 **SEC. 605. ADMINISTRATION OF TRUST LAND.**

2 (a) IN GENERAL.—Beginning on the date of enact-  
3 ment of this title—

4 (1) the land held in trust under section 602(a)  
5 shall be declared to be a part of the Santa Clara In-  
6 dian Reservation; and

7 (2) the land held in trust under section 603(a)  
8 shall be declared to be a part of the San Ildefonso  
9 Indian Reservation.

10 (b) APPLICABLE LAW.—

11 (1) IN GENERAL.—The trust land shall be ad-  
12 ministered in accordance with any law (including  
13 regulations) or court order generally applicable to  
14 property held in trust by the United States for In-  
15 dian tribes.

16 (2) PUEBLO LANDS ACT.—The following shall  
17 be subject to section 17 of the Act of June 7, 1924  
18 (commonly known as the “Pueblo Lands Act”) (25  
19 U.S.C. 331 note):

20 (A) The trust land.

21 (B) Any land owned as of the date of en-  
22 actment of this title or acquired after the date  
23 of enactment of this title by the Pueblo of  
24 Santa Clara in the Santa Clara Pueblo Grant.

25 (C) Any land owned as of the date of en-  
26 actment of this title or acquired after the date

1 of enactment of this title by the Pueblo of San  
2 Ildefonso in the San Ildefonso Pueblo Grant.

3 (c) USE OF TRUST LAND.—

4 (1) IN GENERAL.—Subject to the criteria devel-  
5 oped under paragraph (2), the trust land may be  
6 used only for—

7 (A) traditional and customary uses; or

8 (B) stewardship conservation for the ben-  
9 efit of the Pueblo for which the trust land is  
10 held in trust.

11 (2) CRITERIA.—The Secretary shall work with  
12 the Pueblos to develop appropriate criteria for using  
13 the trust land in a manner that preserves the trust  
14 land for traditional and customary uses or steward-  
15 ship conservation.

16 (3) LIMITATION.—Beginning on the date of en-  
17 actment of this title, the trust land shall not be used  
18 for any new commercial developments.

19 **SEC. 606. EFFECT.**

20 Nothing in this title—

21 (1) affects any valid right-of-way, lease, permit,  
22 mining claim, grazing permit, water right, or other  
23 right or interest of a person or entity (other than  
24 the United States) that is—

25 (A) in or to the trust land; and

1 (B) in existence before the date of enact-  
 2 ment of this title;

3 (2) enlarges, impairs, or otherwise affects a  
 4 right or claim of the Pueblos to any land or interest  
 5 in land that is—

6 (A) based on Aboriginal or Indian title;  
 7 and

8 (B) in existence before the date of enact-  
 9 ment of this title;

10 (3) constitutes an express or implied reservation  
 11 of water or water right with respect to the trust  
 12 land; or

13 (4) affects any water right of the Pueblos in ex-  
 14 istence before the date of enactment of this title.

Passed the Senate November 20 (legislative day, No-  
 vember 19), 2002.

Attest:

*Secretary.*



107TH CONGRESS  
2D SESSION

**S. 198**

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**AN ACT**

To require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.