

117TH CONGRESS  
2D SESSION

# S. 3997

To amend the Land Between the Lakes Protection Act of 1998 to clarify the administration of the Land Between the Lakes National Recreation Area, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 5, 2022

Mr. McCONNELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Land Between the Lakes Protection Act of 1998 to clarify the administration of the Land Between the Lakes National Recreation Area, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Land Between the  
5 Lakes Recreation and Heritage Act” or the “LBL Recre-  
6 ation and Heritage Act”.

1 **SEC. 2. ADMINISTRATION OF THE LAND BETWEEN THE**  
 2 **LAKES NATIONAL RECREATION AREA.**

3 (a) DEFINITIONS.—Section 502 of the Land Between  
 4 the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*) is  
 5 amended—

6 (1) in paragraph (5)(B)—

7 (A) in clause (viii), by striking “and” after  
 8 the semicolon at the end;

9 (B) in clause (ix), by striking the period at  
 10 the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(x) division A of subtitle III of title  
 13 54, United States Code (formerly known  
 14 as the ‘National Historic Preservation  
 15 Act’).”;

16 (2) by redesignating paragraphs (11) through  
 17 (15) as paragraphs (12) through (16), respectively;  
 18 and

19 (3) by inserting after paragraph (10) the fol-  
 20 lowing:

21 “(11) QUALIFIED RESIDENT OR RELATIVE.—

22 The term ‘qualified resident or relative’ means—

23 “(A) a former resident of the area within  
 24 the Recreation Area or the spouse of a former  
 25 resident of that area; or

1                   “(B) a widow, widower, or lineal descend-  
 2                   ant of an individual buried in a cemetery lo-  
 3                   cated in the Recreation Area.”.

4           (b) ESTABLISHMENT.—Section 511(b) of the Land  
 5 Between the Lakes Protection Act of 1998 (16 U.S.C.  
 6 460*lll*–11(b)) is amended by striking paragraph (3) and  
 7 inserting the following:

8                   “(3) STATUS OF UNIT.—The Secretary shall  
 9                   administer the Recreation Area as a separate unit of  
 10                  the National Forest System.”.

11          (c) ADVISORY BOARD.—Section 522 of the Land Be-  
 12 tween the Lakes Protection Act of 1998 (16 U.S.C.  
 13 460*lll*–22) is amended—

14                  (1) in subsection (b)—

15                          (A) in the matter preceding paragraph (1),  
 16                          by striking “17” and inserting “13”;

17                          (B) by striking paragraphs (4) and (5);

18                          (C) in paragraph (3), by adding “and”  
 19                          after the semicolon at the end; and

20                          (D) by redesignating paragraph (6) as  
 21                          paragraph (4);

22                  (2) in subsection (c), by striking paragraph (2)  
 23                  and inserting the following:

1           “(2) NONCONSECUTIVE TERMS.—Members of  
2           the Advisory Board may serve multiple terms, but  
3           may not serve consecutive terms.”;

4           (3) in subsection (f)—

5                 (A) in the matter preceding paragraph (1),  
6                 by striking “may advise” and inserting “shall  
7                 advise and partner with”;

8                 (B) in paragraph (1), by striking “and”  
9                 after the semicolon at the end;

10                (C) in paragraph (2), by striking the pe-  
11                riod at the end and inserting a semicolon; and

12                (D) by adding at the end the following:

13                “(3) developing an annual work plan for recre-  
14                ation and environment education areas in the Recre-  
15                ation Area, including the heritage program, with the  
16                nonappropriated amounts in the Land Between the  
17                Lakes Management Fund;

18                “(4) developing an annual forest management  
19                and harvest plan for the Recreation Area; and

20                “(5) the balance and status of the Land Be-  
21                tween the Lakes Management Fund.”; and

22           (4) in subsection (g)—

23                 (A) in paragraph (1), by striking “bian-  
24                 nually” and inserting “twice each year”;

1 (B) in paragraph (3), by inserting “, on a  
2 public website of the Department of Agri-  
3 culture,” before “and by”; and

4 (C) by adding at the end the following:

5 “(4) MINUTES.—The chairperson of the Advi-  
6 sory Board shall publish the minutes of each meet-  
7 ing of the Advisory Board on a public website of the  
8 Department of Agriculture.”.

9 (d) FEES.—Section 523(a) of the Land Between the  
10 Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–23(a))  
11 is amended by striking “may charge reasonable fees” and  
12 inserting “shall charge reasonable fees, as determined by  
13 the Advisory Board,”.

14 (e) DISPOSITION OF RECEIPTS.—Section 524 of the  
15 Land Between the Lakes Protection Act of 1998 (16  
16 U.S.C. 460*lll*–24) is amended by striking subsection (b)  
17 and inserting the following:

18 “(b) USE.—Amounts in the Land Between the Lakes  
19 Management Fund—

20 “(1) shall be available to the Secretary until ex-  
21 pended, without further appropriation, to perform  
22 new work or deferred maintenance in the Recreation  
23 Area; and

24 “(2) shall not be available for the payment of  
25 salaries or other expenses.”.

1 (f) COOPERATIVE AUTHORITIES AND GIFTS.—Sec-  
 2 tion 526 of the Land Between the Lakes Protection Act  
 3 of 1998 (16 U.S.C. 460*lll*–26) is amended by adding at  
 4 the end the following:

5 “(c) MEMORANDA OF UNDERSTANDING.—The Sec-  
 6 retary is encouraged, for purposes of carrying out this  
 7 Act—

8 “(1) to enter into memoranda of understanding  
 9 with State or local government entities, including  
 10 law enforcement, as appropriate, to clarify jurisdic-  
 11 tional matters, such as road management, policing,  
 12 and other functions that are typically performed by  
 13 the entity on non-Federal land; and

14 “(2) to make available on a public website of  
 15 the Department of Agriculture any memoranda of  
 16 understanding entered into under paragraph (1).”.

17 (g) CEMETERIES.—Section 528 of the Land Between  
 18 the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–28)  
 19 is amended—

20 (1) by striking “The Secretary” and inserting  
 21 the following:

22 “(a) IN GENERAL.—The Secretary”; and

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

24 “(b) LAND FOR PLOTS FOR QUALIFIED RESIDENTS  
 25 OR RELATIVES.—

1           “(1) REQUESTS.—The Secretary, on request  
 2           from a qualified resident or relative or a cemetery  
 3           association, shall grant additional land for the ex-  
 4           pansion of existing cemeteries within the Recreation  
 5           Area to allow for the burial of qualified residents or  
 6           relatives.

7           “(2) EXPENSES.—Any expenses required to  
 8           move border fences or markers due to an expansion  
 9           under paragraph (1) shall be the responsibility of  
 10          the person making the request under that para-  
 11          graph.”.

12          (h) RESOURCE MANAGEMENT.—Section 529 of the  
 13          Land Between the Lakes Protection Act of 1998 (16  
 14          U.S.C. 460*lll*–29) is amended by adding at the end the  
 15          following:

16          “(c) HISTORICAL RESOURCES.—

17                 “(1) IN GENERAL.—The Secretary shall iden-  
 18                 tify and manage the historical resources of the  
 19                 Recreation Area—

20                         “(A) in accordance with the requirements  
 21                         of division A of subtitle III of title 54, United  
 22                         States Code (formerly known as the ‘National  
 23                         Historic Preservation Act’); and

24                         “(B) in coordination with qualified resi-  
 25                         dents or relatives.

1           “(2) CONSIDERATION.—The Secretary shall—

2                   “(A) give consideration to requests by  
3           qualified residents or relatives to use and main-  
4           tain traditional sites, buildings, cemeteries, and  
5           other areas of cultural importance in the Recre-  
6           ation Area; and

7                   “(B) work cooperatively with qualified resi-  
8           dents or relatives in the management of the his-  
9           torical resources of the Recreation Area.”.

10          (i) AUTHORIZATION OF APPROPRIATIONS.—Section  
11   551 of the Land Between the Lakes Protection Act of  
12   1998 (16 U.S.C. 460*lll*–61) is amended by adding at the  
13   end the following:

14          “(d) MINIMUM EXPENDITURE.—Subject to the avail-  
15   ability of appropriations under subsection (a), the Sec-  
16   retary shall make available not less than \$8,000,000 each  
17   fiscal year for the purposes of administering the Recre-  
18   ation Area (not including salaries and expenses).”.

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