

Calendar No. 553

117TH CONGRESS
2^D SESSION

S. 3997

[Report No. 117–202]

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.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2022

Mr. McCONNELL (for himself, Mr. HAGERTY, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 17, 2022

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

10 (1) in paragraph (5)(B)—

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

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

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

16 “(x) division A of subtitle III of title
17 54, United States Code (formerly known
18 as the ‘National Historic Preservation
19 Act’).”;

20 (2) by redesignating paragraphs (11) through
21 (15) as paragraphs (12) through (16), respectively;
22 and

23 (3) by inserting after paragraph (10) the fol-
24 lowing:

25 “(11) QUALIFIED RESIDENT OR RELATIVE.—

26 The term ‘qualified resident or relative’ means—

1 “(A) a former resident of the area within
2 the Recreation Area or the spouse of a former
3 resident of that area; or

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

7 (b) ESTABLISHMENT.—Section 511(b) of the Land
8 Between the Lakes Protection Act of 1998 (16 U.S.C.
9 460lll–11(b)) is amended by striking paragraph (3) and
10 inserting the following:

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

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

17 (1) in subsection (b)—

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

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

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

23 (D) by redesignating paragraph (6) as
24 paragraph (4);

1 (2) in subsection (e), by striking paragraph (2)
2 and inserting the following:

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

6 (3) in subsection (f)—

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

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

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

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

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

20 ~~“(4) developing an annual forest management~~
21 ~~and harvest plan for the Recreation Area; and~~

22 ~~“(5) the balance and status of the Land Be-~~
23 ~~tween the Lakes Management Fund.”; and~~

24 (4) in subsection (g)—

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

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

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

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

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

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

20 “(b) USE.—Amounts in the Land Between the Lakes
21 Management Fund—

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

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

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

7 “(e) MEMORANDA OF UNDERSTANDING.—The Sec-
8 retary is encouraged, for purposes of carrying out this
9 Act—

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

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

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

22 (1) by striking “The Secretary” and inserting
23 the following:

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

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

1 “(b) LAND FOR PLOTS FOR QUALIFIED RESIDENTS
2 OR RELATIVES.—

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

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

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

18 “(c) HISTORICAL RESOURCES.—

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

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

1 “(B) in coordination with qualified resi-
2 dents or relatives:

3 ~~“(2) CONSIDERATION.—The Secretary shall—~~

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

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

12 (i) ~~AUTHORIZATION OF APPROPRIATIONS.—Section~~
13 ~~551 of the Land Between the Lakes Protection Act of~~
14 ~~1998 (16 U.S.C. 460lll–61) is amended by adding at the~~
15 ~~end the following:~~

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

21 ***SECTION 1. SHORT TITLE.***

22 *This Act may be cited as the “Land Between the Lakes*
23 *Recreation 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. 460lll) is
 5 amended—

6 (1) by redesignating paragraphs (11) through
 7 (15) as paragraphs (12) through (16), respectively;
 8 and

9 (2) by inserting after paragraph (10) the fol-
 10 lowing:

11 “(11) *QUALIFIED RESIDENT OR RELATIVE.*—The
 12 term ‘qualified resident or relative’ means—

13 “(A) a former resident of the area within
 14 the Recreation Area or the spouse of a former
 15 resident of that area; or

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

19 (b) *ESTABLISHMENT.*—Section 511(b) of the Land Be-
 20 tween the Lakes Protection Act of 1998 (16 U.S.C. 460lll–
 21 11(b)) is amended by striking paragraph (3) and inserting
 22 the following:

23 “(3) *STATUS OF UNIT.*—The Secretary shall ad-
 24 minister the Recreation Area as a separate unit of the
 25 National Forest System.”.

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

4 (1) *in subsection (b)—*

5 (A) *in the matter preceding paragraph (1),*
 6 *by striking “17” and inserting “13”;*

7 (B) *by striking paragraphs (4) and (5);*

8 (C) *in paragraph (3), by adding “and”*
 9 *after the semicolon at the end; and*

10 (D) *by redesignating paragraph (6) as*
 11 *paragraph (4);*

12 (2) *in subsection (c), by striking paragraph (2)*
 13 *and inserting the following:*

14 “(2) *NONCONSECUTIVE TERMS.—Members of the*
 15 *Advisory Board may serve multiple terms, but may*
 16 *not serve consecutive terms.”;*

17 (3) *in subsection (f)—*

18 (A) *in the matter preceding paragraph (1),*
 19 *by striking “may advise” and inserting “shall*
 20 *advise”;*

21 (B) *in paragraph (1), by striking “and”*
 22 *after the semicolon at the end;*

23 (C) *in paragraph (2), by striking the period*
 24 *at the end and inserting a semicolon; and*

25 (D) *by adding at the end the following:*

1 “(3) *an annual work plan for recreation and en-*
 2 *vironment education areas in the Recreation Area,*
 3 *including the heritage program, with the non-*
 4 *appropriated amounts in the Land Between the Lakes*
 5 *Management Fund;*

6 “(4) *an annual forest management and harvest*
 7 *plan for the Recreation Area; and*

8 “(5) *the Land Between the Lakes Management*
 9 *Fund.*”; and

10 (4) *in subsection (g)—*

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

13 (B) *in paragraph (3), by inserting “, on a*
 14 *public website of the Department of Agriculture,”*
 15 *before “and by”; and*

16 (C) *by adding at the end the following:*

17 “(4) *MINUTES.—The Secretary shall publish the*
 18 *minutes of each meeting of the Advisory Board on a*
 19 *public website of the Department of Agriculture.”.*

20 (d) *FEES.—Section 523(a) of the Land Between the*
 21 *Lakes Protection Act of 1998 (16 U.S.C. 460lll–23(a)) is*
 22 *amended by striking “may charge reasonable fees” and in-*
 23 *serting “shall charge reasonable fees, in consultation with*
 24 *the Advisory Board and consistent with the Federal Lands*
 25 *Recreation Enhancement Act (16 U.S.C. 6801 et seq.),”.*

1 (e) *DISPOSITION OF RECEIPTS.*—Section 524 of the
 2 *Land Between the Lakes Protection Act of 1998 (16 U.S.C.*
 3 *460lll–24)* is amended by striking subsection (b) and insert-
 4 ing the following:

5 “(b) *USE.*—Amounts in the *Land Between the Lakes*
 6 *Management Fund* shall be available to the Secretary until
 7 expended, without further appropriation, for construction,
 8 improvement, or maintenance in the *Recreation Area*.

9 “(c) *RESTRICTION ON USE OF FUND.*—Except as pro-
 10 vided in subsection (b), amounts in the *Land Between the*
 11 *Lakes Management Fund* shall not be used for management
 12 of the *Recreation Area*, including salaries and expenses.”.

13 (f) *COOPERATIVE AUTHORITIES AND GIFTS.*—Section
 14 526 of the *Land Between the Lakes Protection Act of 1998*
 15 (16 U.S.C. 460lll–26) is amended by adding at the end the
 16 following:

17 “(c) *MEMORANDA OF UNDERSTANDING.*—The Sec-
 18 retary may, for purposes of carrying out this Act—

19 “(1) enter into memoranda of understanding
 20 with State or local government entities, including law
 21 enforcement, as appropriate, to clarify jurisdictional
 22 matters, such as road management, policing, and
 23 other functions that are typically performed by the
 24 entity on non-Federal land; and

1 “(2) make available on a public website of the
2 Department of Agriculture any memoranda of under-
3 standing entered into under paragraph (1).”.

4 (g) CEMETERIES.—Section 528 of the Land Between
5 the Lakes Protection Act of 1998 (16 U.S.C. 460lll–28) is
6 amended—

7 (1) by striking “The Secretary” and inserting
8 the following:

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

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

11 “(b) LAND FOR PLOTS FOR QUALIFIED RESIDENTS OR
12 RELATIVES.—

13 “(1) REQUESTS.—The Secretary, on request from
14 a qualified resident or relative or a cemetery associa-
15 tion, shall grant additional land for the minor expan-
16 sion of existing cemeteries within the Recreation
17 Area, to the extent necessary, to allow for the burial
18 of qualified residents or relatives.

19 “(2) EXPENSES.—Any expenses required to move
20 border fences or markers due to an expansion under
21 paragraph (1) shall be the responsibility of the person
22 making the request under that paragraph.”.

23 (h) RESOURCE MANAGEMENT.—Section 529 of the
24 Land Between the Lakes Protection Act of 1998 (16 U.S.C.
25 460lll–29) is amended by adding at the end the following:

1 “(c) *HISTORICAL RESOURCES.*—

2 “(1) *IN GENERAL.*—*The Secretary shall identify*
3 *and manage the historical resources of the Recreation*
4 *Area—*

5 “(A) *in accordance with the requirements of*
6 *division A of subtitle III of title 54, United*
7 *States Code (formerly known as the ‘National*
8 *Historic Preservation Act’); and*

9 “(B) *in consultation with qualified resi-*
10 *dents or relatives.*

11 “(2) *CONSIDERATION.*—*The Secretary shall—*

12 “(A) *in accordance with applicable law,*
13 *give consideration to requests by qualified resi-*
14 *dents or relatives to use and maintain tradi-*
15 *tional sites, buildings, cemeteries, and other*
16 *areas of cultural importance in the Recreation*
17 *Area; and*

18 “(B) *consult with qualified residents or rel-*
19 *atives in the management of the historical re-*
20 *sources of the Recreation Area.”.*

21 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
22 *551 of the Land Between the Lakes Protection Act of 1998*
23 *(16 U.S.C. 460lll–61) is amended—*

24 “(1) *in subsection (a)—*

1 (A) *in the matter preceding paragraph*

2 (1)—

3 (i) *by striking “are” and inserting*

4 *“is”; and*

5 (ii) *by striking “such sums as are nec-*

6 *essary” and inserting “not to exceed*

7 *\$15,000,000 for each fiscal year”; and*

8 (B) *in paragraph (2), by striking “Recre-*

9 *ation Area area” and inserting “Recreation*

10 *Area”; and*

11 (2) *by striking subsection (c) and inserting the*

12 *following:*

13 *“(c) USE OF FUNDS.—*

14 *“(1) IN GENERAL.—Except as provided in para-*

15 *graph (2), the Secretary of Agriculture may expend*

16 *amounts appropriated to carry out this title in a*

17 *manner consistent with the authorities exercised by*

18 *the Tennessee Valley Authority before the transfer of*

19 *the Recreation Area to the administrative jurisdiction*

20 *of the Secretary of Agriculture, including campground*

21 *management and visitor services, paid advertisement,*

22 *and procurement of food and supplies for resale pur-*

23 *poses.*

1 “(2) *EXCEPTION.*—*The Secretary of Agriculture*
2 *shall not use amounts appropriated to carry out this*
3 *title for an activity described in section 524(b).*”.

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117TH CONGRESS
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[Report No. 117-202]

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.

NOVEMBER 17, 2022

Reported with an amendment