LAND BETWEEN THE LAKES NATIONAL RECREATION AREA

November 17, 2022.—Ordered to be printed

Mr. MANCHIN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 3997]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (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, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Land Between the Lakes Recreation and Heritage Act”.

SEC. 2. ADMINISTRATION OF THE LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.
(a) DEFINITIONS.—Section 502 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll) is amended—
(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and
(2) by inserting after paragraph (10) the following:
“(11) QUALIFIED RESIDENT OR RELATIVE.—The term ‘qualified resident or relative’ means—
“(A) a former resident of the area within the Recreation Area or the spouse of a former resident of that area; or
“(B) a widow, widower, or lineal descendant of an individual buried in a cemetery located in the Recreation Area.”.
(b) ESTABLISHMENT.—Section 511(b) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–11(b)) is amended by striking paragraph (3) and inserting the following:

"(3) STATUS OF UNIT.—The Secretary shall administer the Recreation Area as a separate unit of the National Forest System."

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

(1) in subsection (b)—
   (A) in the matter preceding paragraph (1), by striking “17” and inserting “13”;
   (B) by striking paragraphs (4) and (5);
   (C) in paragraph (3), by adding “and” after the semicolon at the end; and
   (D) by redesignating paragraph (6) as paragraph (4);

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

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

(3) in subsection (f)—
   (A) in the matter preceding paragraph (1), by striking “may advise” and inserting “shall advise”;
   (B) in paragraph (1), by striking “and” after the semicolon at the end;
   (C) in paragraph (2), by striking the period at the end and inserting a semicolon; and
   (D) by adding at the end the following:

"(3) an annual work plan for recreation and environment education areas in the Recreation Area, including the heritage program, with the non-appropriated amounts in the Land Between the Lakes Management Fund;

"(4) an annual forest management and harvest plan for the Recreation Area; and

"(5) the Land Between the Lakes Management Fund.”;

(4) in subsection (g)—
   (A) in paragraph (1), by striking “biannually” and inserting “twice each year”;
   (B) in paragraph (3), by inserting “, on a public website of the Department of Agriculture,” before “and by”; and
   (C) by adding at the end the following:

"(4) MINUTES.—The Secretary shall publish the minutes of each meeting of the Advisory Board on a public website of the Department of Agriculture.”;

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

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

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

"(c) RESTRICTION ON USE OF FUND.—Except as provided in subsection (b), amounts in the Land Between the Lakes Management Fund shall not be used for management of the Recreation Area, including salaries and expenses.”;

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

"(c) MEMORANDA OF UNDERSTANDING.—The Secretary may, for purposes of carrying out this Act—

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

(2) make available on a public website of the Department of Agriculture any memorandum of understanding entered into under paragraph (1).”;

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

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

"(a) IN GENERAL.—The Secretary; and

(2) by adding at the end the following:

"(b) LAND FOR PLOTS FOR QUALIFIED RESIDENTS OR RELATIVES.—
“(1) REQUESTS.—The Secretary, on request from a qualified resident or rela-
tive or a cemetery association, shall grant additional land for the minor expan-
sion of existing cemeteries within the Recreation Area, to the extent necessary,
to allow for the burial of qualified residents or relatives.

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

(h) RESOURCE MANAGEMENT.—Section 529 of the Land Between the Lakes Protec-
tion Act of 1998 (16 U.S.C. 460ll–29) is amended by adding at the end the fol-
lowing:

“(c) HISTORICAL RESOURCES.—

“(1) IN GENERAL.—The Secretary shall identify and manage the historical re-
sources of the Recreation Area—

“A in accordance with the requirements of division A of subtitle III of
title 54, United States Code (formerly known as the ‘National Historic Pres-
ervation Act’); and

“B in consultation with qualified residents or relatives.

“(2) CONSIDERATION.—The Secretary shall—

“A in accordance with applicable law, give consideration to requests by
qualified residents or relatives to use and maintain traditional sites, build-
ings, cemeteries, and other areas of cultural importance in the Recreation
Area; and

“B consult with qualified residents or relatives in the management of
the historical resources of the Recreation Area.”

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 551 of the Land Between the
Lakes Protection Act of 1998 (16 U.S.C. 460ll–61) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph 3 (1)—

(i) by striking “are” and inserting “is”; and

(ii) by striking “such sums as are necessary” and inserting “not to ex-
ceed $15,000,000 for each fiscal year”; and

(B) in paragraph (2), by striking “Recreation Area area” and inserting
“Recreation Area”; and

(2) by striking subsection (c) and inserting the following:

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agri-
culture may expend amounts appropriated to carry out this title in a manner
consistent with the authorities exercised by the Tennessee Valley Authority
before the transfer of the Recreation Area to the administrative jurisdiction of the
Secretary of Agriculture, including campground management and visitor serv-
dices, paid advertisement, and procurement of food and supplies for reselle pur-
poses.

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

PURPOSE

The purpose of S. 3997 is to amend the Land Between the Lakes
Protection Act of 1998 to clarify the administration of the Land Be-
tween the Lakes National Recreation Area.

BACKGROUND AND NEED

The Land Between the Lakes Protection Act of 1998 (title V of
Public Law 105–277; 16 U.S.C. 460ll et seq.) transferred adminis-
tration of the Land Between the Lakes National Recreation Area
from the Tennessee Valley Authority to the Forest Service on Octo-
ber 1, 1999. The national recreation area includes over 170,000
acres of land between Kentucky and Barkley lakes in Western Ken-
tucky and Tennessee.

Local communities have expressed concern over a lack of suffi-
cient funding and sufficient law enforcement personnel at the na-
tional recreation area. S. 3997 makes several amendments to the
management provisions of the Land Between the Lakes Protection
Act of 1998, including: expanding the role of the Land Between the
Lakes Advisory Board; using funds collected by fees for deferred maintenance instead of for general management and salaries; encouraging the Forest Service to enter into Memorandum of Agreements with state and local governments, including local law enforcement, to clarify jurisdictional matters; and to authorize annual appropriations for the national recreation area of no less than $15 million annually.

**LEGISLATIVE HISTORY**

S. 3997 was introduced by Senator McConnell on April 5, 2022. Senators Hagerty and Blackburn are cosponsors. Representative Comer introduced a companion bill H.R. 7399 in the House of Representatives on April 5, 2022. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 3997 on June 7, 2022.

**COMMITTEE RECOMMENDATION**

The Senate Committee on Energy and Natural Resources, in open business session on July 21, 2022, by a voice vote of a quorum present, recommends that the Senate pass S. 3997, if amended as described herein. Senator Lee asked to be recorded as voting no.

**COMMITTEE AMENDMENT**

During its consideration of S. 3997, the Committee adopted an amendment in the nature of a substitute that clarifies the role of the Advisory Board, directs the Forest Service to consult with the Advisory Board on determining fees, defines individuals who qualify for plots in the cemeteries, includes provisions clarifying protection of historical resources, and increases the minimum amount authorized to be appropriated each year to $15 million. Th amendment is explained in detail in the section-by-section analysis, below.

**SECTION-BY-SECTION ANALYSIS**

**Section 1. Short title**

Section 1 provides the bill’s short title, the “Land Between the Lakes Recreation and Heritage Act.”

**Sec. 2. Administration of the Land Between the Lakes National Recreation Area**

Section 2(a) amends section 502 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll; “the Act”) to add a definition for a “qualified resident or relative” (relating to burials at existing cemeteries within the national recreation area).

Subsection (b) amends section 511 of the Act (16 U.S.C. 460lll–11(b)) to direct the Secretary of Agriculture (Secretary) to administer the national recreation area as a separate unit of the National Forest System.

Subsection (c) amends section 522 of the Act (16 U.S.C. 460lll–22) by making several changes to the membership and responsibilities of the Land Between the Lakes Advisory Board.

Subsection (d) amends section 523(a) of the Act (16 U.S.C. 460lll–23(a)) by requiring the Secretary to consult with the Advisory Board and be consistent with the Federal Lands Recreation En-
hancement Act (16 U.S.C. 6801 et seq.) when establishing fee amounts.

Subsection (e) amends the section 524 of the Act (16 U.S.C. 460lll–24) to provide that amounts in the Land Between the Lakes Management Fund shall be available, without further appropriation, for construction, improvement, or maintenance in the national recreation area. The subsection prohibits amounts in the Fund from being used for management of the national recreation area, including for salaries and expenses.

Subsection (f) amends section 526 of the Act (16 U.S.C. 460lll–26) to authorize the Secretary to enter into Memoranda of Understandings with state or local governmental entities for the purpose of carrying out this Act, including for law enforcement, as appropriate.

Subsection (g) amends section 528 of the Act (16 U.S.C. 460lll–28) by authorizing the Secretary to grant additional land to expand cemeteries within the national recreation area for qualified residents and relatives. Expenses related to the cemetery expansions are the responsibility of the person making the request.

Subsection (h) amends section 529 of the Act (16 U.S.C. 460lll–29) to provide that the Secretary shall identify and manage historical resources in accordance with the national recreation area in accordance with the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), in consultation with qualified residents or relatives. The Secretary is directed to give consideration to requests by qualified residents or relatives to use and maintain cemeteries and other traditional sites and areas of cultural importance.

Subsection (i) amends section 551 of the Act (16 U.S.C. 460lll–61) to authorize the appropriation of not less than $15,000,000 each fiscal year for the national recreation area.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office's estimate of the cost of S. 3997, as ordered reported, follows:

| [Abstract], Land Between the Lakes Recreation and Heritage Act | As [Manager] on July 21, 2022 |
|---|---|---|---|
| By Fiscal Year, Millions of Dollars | 2022 | 2023-2027 | 2022-2032 |
| Direct Spending (Outlays) | 0 | -1 | -1 |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (±) in the Deficit | 0 | -1 | -1 |
| Spending Subject to Appropriation (Outlays) | 0 | 39 | not estimated |

Statutory pay-as-you-go procedures apply? Yes

Mandate Effects

Contains intergovernmental mandate? No

Contains private-sector mandate? No
S. 3997 would authorize the appropriation of $15 million annually for the Forest Service to manage the Land Between the Lakes National Recreation Area. The bill also would limit the purposes for which user fees collected at the area can be spent.

For this estimate, CBO assumes that S. 3997 will be enacted before the end of calendar year 2022 and that the authorized amounts will be provided beginning in fiscal year 2023. Current law authorizes the appropriation of whatever amounts are necessary for the Forest Service to manage that area and over the past five years the Forest Service has allocated $6 million, on average, for that purpose. Thus, CBO estimates that the bill would effectively authorize the appropriation of an additional $9 million each year, the difference between the amount authorized in the bill and the amount the Forest Service has allocated in recent years. On that basis and using historical spending patterns for similar activities, CBO estimates that implementing S.3997 would cost $39 million over the 2022–2027 period, assuming appropriation of those amounts, consistent with historical allocations by the Forest Service.

Under current law, the Forest Service collects user fees at the recreation area that are classified in the budget as offsetting receipts (or reductions in direct spending). The collections average about $5 million annually and are deposited into the area’s management fund and can be spent without further appropriation for on-site management and administration, including salaries and expenses. CBO does not expect the amount of fees collected at the recreation area to change under the bill.

S. 3997 would limit the spending of those fees to construction, improvement, and maintenance in the recreation area. Based on historical patterns for similar activities, CBO expects that the Forest Service would spend the amounts collected under the bill more slowly than would be the case under current law. As a result, CBO estimates that direct spending would decline by about $1 million over the 2022–2032 period.

The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

### Table 1.—Estimated Increases in Spending Subject to Appropriation Under S. 3997

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CBO assumes that the legislation will be enacted by the end of calendar year 2022 and that the authorized amounts will be provided beginning in 2023.

The bill would authorize the appropriation of $15 million a year to manage the recreation area. However, current law already authorizes the appropriation of whatever amounts are necessary for that purpose. The Forest Service has allocated an average of $6 million a year over the last few years to manage the recreation area; thus, CBO’s estimate reflects the difference between the authorized amount and the average allocated amount.

The CBO staff contact for this estimate is Lilia Ledezma. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

**Regulatory Impact Evaluation**

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation
of the regulatory impact which would be incurred in carrying out S. 3997. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 3997, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 3997, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Agriculture at the June 7, 2022, subcommittee hearing on S. 3997 follows:

STATEMENT OF CHRISTOPHER B. FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

USDA recognizes the significance of the Land Between the Lakes Protection Act and the uniqueness of this treasured piece of public land within the National Forest System. We share the commitment of this Subcommittee to ensure the Land Between the Lakes National Recreation Area is a safe and enjoyable place for visitors to recreate. S. 3997 directs the Secretary to administer the Land Between the Lakes National Recreation Area as a separate unit of the National Forest System. USDA has managed Land Between the Lakes as a separate unit of the National Forest System since the Land Between the Lakes Protection Act was passed in 1998. USDA supports the amended text that will allow the USDA Forest Service to continue administering Land Between the Lakes as its own unit within the National Forest System.

This legislation proposes several changes to the Land Between the Lakes Protection Act, including changes to the membership and function of the Land Between the Lakes Advisory Board. All Forest Service advisory boards are subject to the Federal Advisory Committee Act, and some of the amendments might conflict with that statute. Additionally, the proposed language would impact multi-year land management plans, funding, and annual planning. USDA would like to work with the Subcommittee and bill sponsors to ensure these changes do not disrupt existing programs, projects, and service to the public.

S. 3997 would allow the Secretary to charge reasonable recreation fees, as determined by the Land Between the Lakes Advisory Board, for admission to and the use of designated sites, or for activities, within the Land Between the Lakes Recreation Area. The Forest Service has recreation fee authority under the Federal Lands Recreation
Enhancement Act. The bill appears to shift this existing recreation fee authority to the Land Between the Lakes Advisory Board. The Forest Service would like to retain its recreation fee authority for the Land Between the Lakes Recreation Area, and we look forward to working with the Subcommittee and bill sponsors on clarifying this language.

One of the unique aspects of Land Between the Lakes is the Land Between the Lakes Management Fund. Funds authorized for retention in the Management Fund under S. 337 can be used for new work or deferred maintenance. While this is helpful, the restriction on use of these funds for salaries or expenses will limit its impact. These limitations on expenditures would make it difficult for the Forest Service to perform the new work and deferred maintenance authorized by the amendment.

S. 3997 encourages the Secretary of Agriculture to execute memoranda of understanding with State or local governmental entities, including law enforcement, as appropriate, to clarify jurisdictional matters, such as road management, policing, and other functions that are typically performed by the State or local governmental entities on non-Federal land. USDA supports this amendment. The Forest Service’s Law Enforcement and Investigations staff are actively engaging with local governmental and law enforcement entities to develop memoranda of understanding and cooperative law enforcement agreements.

There are approximately 270 documented cemeteries at Land Between the Lakes that remain available to residents and relatives. S. 3997 provides access to certain cemetery plots for qualified residents, relatives, and cemetery associations. USDA supports amendments to existing legislation that would increase access to cemetery plots at Land Between the Lakes. However, the amendments as written could cause complications, including: a situation where one person could cause others to incur expenses without their knowledge; the need to construct roads; and unlimited expansion, which could cause adjacent multi-use land to be degraded over time. USDA would like to work with the Subcommittee and bill sponsors to clarify concerns over the cemetery plot provision in the bill.

S. 3997 directs the Secretary of Agriculture to identify and manage the historical resources of the Land Between the Lakes Recreation Area in accordance with the requirements of division A, subtitle III, of title 54 of the United States Code (formerly known as the National Historic Preservation Act) and in coordination with qualified residents or relatives. S. 3997 also directs the Secretary to consider requests by qualified residents or relatives to use and maintain areas of cultural importance, and to work cooperatively with qualified residents or relatives in the management of historical resources.

USDA agrees all sites in the Land Between the Lakes National Recreation Area need to be evaluated for historical significance. However, the Department is concerned
about the language as written, as it would have significant budgetary impacts and does not address the parameters for revitalizing the historical resources. The Forest Service has received multiple notifications regarding historical buildings at Land Between the Lakes Recreation Area that are not structurally safe and are in such poor condition that revitalization would require millions of taxpayer dollars. The agency would like to work with the Subcommittee and bill sponsors to establish parameters for identifying and managing the historical resources at Land Between the Lakes.

The Forest Service appreciates the increase in authorized funding for Land Between the Lakes. However, shifting this funding from the agency’s existing budget would create significant hurdles for other National Forest System lands in the 13 Southern Region states and Puerto Rico. USDA would like to work with the Subcommittee and bill sponsors to address these concerns to make future management of the Land Between the Lakes National Recreation Area more efficient and feasible.

**CHANGES IN EXISTING LAW**

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 3997, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**THE LAND BETWEEN THE LAKES PROTECTION ACT OF 1988**

Title V of the Department of the Interior and Related Agencies Appropriations Act, 1999 In Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999

* * * * * * * * *

**TITLE V—LAND BETWEEN THE LAKES PROTECTION ACT**

SEC. 501. SHORT TITLE.

This title may be referred to as “The Land Between the Lakes Protection Act of 1998”.

SEC. 502. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

* * * * * * * * *

(10) **POLLUANT OR CONTAMINANT.**—The term “pollutant or contaminant” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(11) **QUALIFIED RESIDENT OR RELATIVE.**—The term “qualified resident or relative” means—
SEC. 511. ESTABLISHMENT.

(a) IN GENERAL.—On the transfer of administrative jurisdiction under section 541, the Land Between the Lakes National Recreation Area in the States of Kentucky and Tennessee is established as a unit of the National Forest System.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Recreation Area for multiple use as a unit of the National Forest System.

(2) EMPHASES.—The emphases in the management of the Recreation Area shall be—

(A) to provide public recreational opportunities;

(B) to conserve fish and wildlife and their habitat; and

(C) to provide for diversity of native and desirable non-native plants, animals, opportunities for hunting and fishing, and environmental education.

(3) STATUS OF UNIT.—The Secretary may administer the Recreation Area as a separate unit of the National Forest System or in conjunction with an existing national forest.

SEC. 522. ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 90 days after the date of transfer pursuant to section 541, the Secretary shall establish the Land Between the Lakes Advisory Board.

(b) MEMBERSHIP.—The Advisory Board shall be composed of 17 members, of whom—

(1) 4 individuals shall be appointed by the Secretary, including—
(A) 2 residents of the State of Kentucky; and
(B) 2 residents of the State of Tennessee;
(2) 2 individuals shall be appointed by the Kentucky Fish
and Wildlife Commissioner or designee;
(3) 1 individual shall be appointed by the Tennessee Fish
and Wildlife Commission or designee; and
(4) 2 residents of the State of Kentucky; and
(5) 2 individuals shall be appointed by the Governor of the
State of Tennessee;
(6) 2 individuals shall be appointed by the Governor of the
State of Kentucky; and
(7) 2 individuals shall be appointed by appropriate offi-
cials of each of the 3 counties containing the Recreation Area.

(c) TERM.—
(1) IN GENERAL.—The term of a member of the Advisory
Board shall be 5 years.
(2) SUCCESSION.—Members of the Advisory Board may not
succeed themselves.
(3) NONCONSECUTIVE TERMS.—Members of the Advisory
Board may serve multiple terms, but may not serve consecutive
terms.

(d) CHAIRPERSON.—The Regional Forester shall serve as chair-
person of the Advisory Board.

(e) RULES OF PROCEDURE.—The Secretary shall prescribe the
rules of procedure for the Advisory Board.

(f) FUNCTIONS.—The Advisory Board shall advise the Secretary on—
(1) means of promoting public participation for the land
and resource management plan for the Recreation Area; [and]
(2) environmental education;
(3) an annual work plan for recreation and environment edu-
cation areas in the Recreation Area, including the heritage pro-
gram, with the non-appropriated amounts in the Land Between
the Lakes Management Fund;
(4) an annual forest management and harvest plan for the
Recreation Area; and
(5) the Land Between the Lakes Management Fund.

(g) MEETINGS.—
(1) FREQUENCY.—The Advisory Board shall meet at least [bi-
annually] twice each year.
(2) PUBLIC MEETING.—A meeting of the Advisory Board shall
be open to the general public.
(3) NOTICE OF MEETINGS.—The chairperson, through the
placement of notices in local news media and by, on a public
website of the Department of Agriculture, other appropriate
means shall give 2 weeks’ public notice of each meeting of the
Advisory Board.
(4) MINUTES.—The Secretary shall publish the minutes of
each meeting of the Advisory Board on a public website of the
Department of Agriculture.

(h) NO TERMINATION.—Section 14(a)(2) of the Federal Advisory
Committee Act (5 U.S.C. App.) shall not apply to the Advisory
Board.

SEC. 523. FEES.
(a) AUTHORITY.—The Secretary shall charge reasonable fees,
in consultation with the Advisory
Board and consistent with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.), for admission to and the use of the designated sites, or for activities, within the Recreation Area.

(b) FACTORS.—In determining whether to charge fees, the Secretary may consider the costs of collection weighed against potential income.

(c) LIMITATION.—No general entrance fees shall be charged within the Recreation Area.

**SEC. 524. DISPOSITION OF RECEIPTS.**

(a) IN GENERAL.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall be deposited in a special fund in the Treasury of the United States to be known as the “Land Between the Lakes Management Fund”

(b) USE.—Amounts in the Fund shall be available to the Secretary until expended, without further Act of appropriation, for the management of the Recreation Area, including payment of salaries and expenses.

(c) LIMITATION.—No general entrance fees shall be charged within the Recreation Area.

**SEC. 526. COOPERATIVE AUTHORITIES AND GIFTS**

(b) AUTHORITIES.—For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under Public Law 95–442 (7 U.S.C. 2269) notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) MEMORANDA OF UNDERSTANDING.—The Secretary may, for purposes of carrying out this Act—

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

(2) make available on a public website of the Department of Agriculture any memoranda of understanding entered into under paragraph (1).
SEC. 528. CEMETERIES.

(a) IN GENERAL.—The Secretary shall maintain an inventory of and ensure access to cemeteries within the Recreation Area for purposes of burial, visitation, and maintenance.

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

(1) REQUESTS.—The Secretary, on request from a qualified resident or relative or a cemetery association, shall grant additional land for the minor expansion of existing cemeteries within the Recreation Area, to the extent necessary, to allow for the burial of qualified residents or relatives.

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

SEC. 529. RESOURCE MANAGEMENT.

(a) MINERALS.—

(1) WITHDRAWAL.—The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(2) USE OF MINERAL MATERIALS.—The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

(b) HUNTING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting and fishing on land and water under the jurisdiction of the Secretary within the boundaries of the Recreation Area in accordance with applicable laws of the United States and of each State, respectively.

(2) PROHIBITION.—

(A) IN GENERAL.—The Secretary may designate areas where, and establish periods when, hunting or fishing is prohibited for reasons of public safety, administration, or public use and enjoyment.  

(B) CONSULTATION.—Except in emergencies, a prohibition under subparagraph (A) shall become effective only after consultation with the appropriate fish and game departments of the States.

(3) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction or responsibilities of the States with respect to wildlife and fish on national forests.

(c) HISTORICAL RESOURCES.—

(1) IN GENERAL.—The Secretary shall identify and manage the historical resources of the Recreation Area—

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

(B) in consultation with qualified residents or relatives.

(2) CONSIDERATION.—The Secretary shall—

(A) in accordance with applicable law, give consideration to requests by qualified residents or relatives to use and maintain traditional sites, buildings, cemeteries, and other areas of cultural importance in the Recreation Area; and
(B) consult with qualified residents or relatives in the management of the historical resources of the Recreation Area.

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SEC. 551. AUTHORIZATION OF APPROPRIATIONS.

(a) AGRICULTURE.—There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary not to exceed $15,000,000 for each fiscal year to—

   (1) permit the Secretary to exercise administrative jurisdiction over the Recreation Area under this title; and

   (2) administer the Recreation Area as a unit of the National Forest System.

(b) INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out activities within the Recreation Area.

(c) USE OF FUNDS.—The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this subchapter in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.

   (1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture may expend amounts appropriated to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary of Agriculture, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.

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