

108TH CONGRESS
2D SESSION **S. 1521**

AMENDMENTS

In the House of Representatives, U. S.,

October 4, 2004.

Resolved, That the bill from the Senate (S. 1521) entitled “An Act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans’ groups, and the local community”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***TITLE I—LAND CONVEYANCE***

2 ***SEC. 101. SHORT TITLE.***

3 *This Act may be cited as the “Edward H. McDaniel
4 American Legion Post No. 22 Land Conveyance Act”.*

5 ***SEC. 102. DEFINITIONS.***

6 *In this Act:*

7 (1) *POST NO. 22.—The term “Post No. 22”*
8 *means the Edward H. McDaniel American Legion*
9 *Post No. 22 in Pahrump, Nevada.*

4 SEC. 103. CONVEYANCE OF LAND TO EDWARD H. McDANIEL

5 *AMERICAN LEGION POST NO. 22.*

6 (a) CONVEYANCE ON CONDITION SUBSEQUENT.—Not
7 later than 180 days after the date of enactment of this Act,
8 subject to valid existing rights and the condition stated in
9 subsection (c) and in accordance with the Act of June 14,
10 1926 (commonly known as the “Recreation and Public Pur-
11 poses Act”) (43 U.S.C. 869 et seq.), the Secretary shall con-
12 vey to Post No. 22, for no consideration, all right, title, and
13 interest of the United States in and to the parcel of land
14 described in subsection (b).

15 (b) DESCRIPTION OF LAND.—The parcel of land re-
16 ferred to in subsection (b) is the parcel of Bureau of Land
17 Management land that—

18 (1) is bounded by Route 160, Bride Street, and
19 Dandelion Road in Nye County, Nevada;

20 (2) consists of approximately 4.5 acres of land;

21 and
22 (3) is more particularly described as a portion
23 of the $S \frac{1}{4}$ of section 29, T. 20 S., R. 54 E., Mount
24 Diablo and Base Meridian.

25 (c) CONDITION ON USE OF LAND.—

20 **TITLE II—EXTENSIONS**

21 SEC. 201. AUTHORIZATION AND APPROPRIATION EXTEN-
22 SIONS.

23 *Division II of the Omnibus Parks and Public Lands*
24 *Management Act of 1996 (Public Law 104-333; 16 U.S.C.*
25 *461 note) is amended—*

1 (1) in each of sections 107, 208, 408, 507, 811,
2 and 910, by striking “September 30, 2012” and in-
3 serting “September 30, 2027”;
4 (2) in each of sections 108(a), 209(a), 409(a),
5 508(a), 812(a), and 909(c), by striking “\$10,000,000”
6 and inserting “\$20,000,000”; and
7 (3) in title VIII, by striking “Canal National
8 Heritage Corridor” each place it appears in the sec-
9 tion headings and text and inserting “National Her-
10 itage Canalway”.

11 **TITLE III—NATIONAL COAL 12 HERITAGE AREA**

13 **SEC. 301. NATIONAL COAL HERITAGE AREA.**

14 (a) NATIONAL COAL HERITAGE AREA AUTHORITY;
15 **BOUNDARY REVISION.**—Title I of division II of the Omni-
16 bus Parks and Public Lands Management Act of 1996 (Pub-
17 lic Law 104–333; 16 U.S.C. 461 note) is amended as fol-
18 lows:

19 (1) In section 103(b), by inserting “(1)” before
20 “the counties” and by inserting the following before
21 the period: “; (2) Lincoln County, West Virginia; and
22 (3) Paint Creek and Cabin Creek in Kanawha Coun-
23 ty, West Virginia”.

24 (2) In section 104, by striking “Governor” and
25 all that follows through “organizations” in the matter

1 preceding paragraph (1) and inserting “National
2 Coal Heritage Area Authority, a public corporation
3 and government instrumentality established by the
4 State of West Virginia, pursuant to which the Sec-
5 retary shall assist the National Coal Heritage Area
6 Authority”.

7 (3) *In section 105—*

8 (A) by striking “paragraph (2) of”; and
9 (B) by adding at the end the following new
10 sentence: “Resources within Lincoln County,
11 West Virginia, and Paint Creek and Cabin Creek
12 within Kanawha County, West Virginia, shall
13 also be eligible for assistance as determined by
14 the National Coal Heritage Area Authority.”.

15 (4) *In section 106(a)—*

16 (A) by striking “Governor” and all that fol-
17 lows through “and Parks” and inserting “Na-
18 tional Coal Heritage Area Authority”; and

19 (B) in paragraph (3), by striking “State of
20 West Virginia” and all that follows through “en-
21 tities” and inserting “National Coal Heritage
22 Area Authority”.

23 (b) *AGREEMENT CONTINUING IN EFFECT.—The con-*
24 *tractual agreement entered into by the Secretary of the Inte-*
25 *prior and the Governor of West Virginia prior to the date*

1 *of the enactment of this Act pursuant to section 104 of title*
2 *I of division II of the Omnibus Parks and Public Lands*
3 *Management Act of 1996 (16 U.S.C. 461 note) shall be*
4 *deemed as continuing in effect, except that such agreement*
5 *shall be between the Secretary and the National Coal Herit-*
6 *age Area Authority.*

7 **TITLE IV—COASTAL HERITAGE**
8 **TRAIL ROUTE IN NEW JERSEY**

9 **SEC. 401. REAUTHORIZATION OF APPROPRIATIONS FOR**
10 **COASTAL HERITAGE TRAIL ROUTE IN NEW**
11 **JERSEY.**

12 (a) *REAUTHORIZATION.—Section 6 of Public Law*
13 *100–515 (16 U.S.C. 1244 note) is amended—*

14 (1) *in subsection (b)(1), by striking “\$4,000,000”*
15 *and all that follows and inserting “such sums as may*
16 *be necessary.”; and*

17 (2) *in subsection (c), by striking “10” and in-*
18 *serting “12”.*

19 (b) *STRATEGIC PLAN.—*

20 (1) *IN GENERAL.—The Secretary of the Interior*
21 *shall, by not later than 2 years after the date of the*
22 *enactment of this Act, prepare a strategic plan for the*
23 *New Jersey Coastal Heritage Trail Route.*

24 (2) *CONTENTS.—The strategic plan shall*
25 *describe—*

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

8 ***TITLE V—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR***

11 SEC. 501. *SHORT TITLE.*

12 *This title may be cited as the “Illinois and Michigan*
13 *Canal National Heritage Corridor Act Amendments of*
14 *2004”.*

15 SEC. 502. TRANSITION AND PROVISIONS FOR NEW MANAGE-

16 *MENT ENTITY.*

17 *The Illinois and Michigan Canal National Heritage*
18 *Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461*
19 *note) is amended as follows:*

20 (1) *In section 103—*

21 (A) in paragraph (8), by striking "and";

22 (B) in paragraph (9), by striking the period
23 and inserting “; and”; and

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

1 “(10) the term ‘Association’ means the Canal
2 Corridor Association (an organization described
3 under section 501(c)(3) of the Internal Revenue Code
4 of 1986 and exempt from taxation under section
5 501(a) of such Code).”.

6 (2) By adding at the end of section 112 the fol-
7 lowing new paragraph:

8 “(7) The Secretary shall enter into a memo-
9 randum of understanding with the Association to help
10 ensure appropriate transition of the management en-
11 tity to the Association and coordination with the As-
12 sociation regarding that role.”.

13 (3) By adding at the end the following new sec-
14 tions:

15 **“SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.**

16 “Upon the termination of the Commission, the man-
17 agement entity for the corridor shall be the Association.

18 **“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.**

19 “For purposes of preparing and implementing the
20 management plan developed under section 121, the Associa-
21 tion may use Federal funds made available under this
22 title—

23 “(1) to make loans and grants to, and enter into
24 cooperative agreements with, States and their polit-

1 *ical subdivisions, private organizations, or any per-*
2 *son;*

3 “*(2) to hire, train, and compensate staff; and*
4 “*(3) to enter into contracts for goods and serv-*
5 *ices.*

6 **“SEC. 121. DUTIES OF THE ASSOCIATION.**

7 “*The Association shall—*

8 “*(1) develop and submit to the Secretary for ap-*
9 *proval under section 123 a proposed management*
10 *plan for the corridor not later than 2 years after Fed-*
11 *eral funds are made available for this purpose;*

12 “*(2) give priority to implementing actions set*
13 *forth in the management plan, including taking steps*
14 *to assist units of local government, regional planning*
15 *organizations, and other organizations—*

16 “*(A) in preserving the corridor;*

17 “*(B) in establishing and maintaining inter-*
18 *pretive exhibits in the corridor;*

19 “*(C) in developing recreational resources in*
20 *the corridor;*

21 “*(D) in increasing public awareness of and*
22 *appreciation for the natural, historical, and ar-*
23 *chitectural resources and sites in the corridor;*

24 *and*

1 “(E) in facilitating the restoration of any
2 historic building relating to the themes of the
3 corridor;

4 “(3) encourage by appropriate means economic
5 viability in the corridor consistent with the goals of
6 the management plan;

7 “(4) consider the interests of diverse govern-
8 mental, business, and other groups within the cor-
9 ridor;

10 “(5) conduct public meetings at least quarterly
11 regarding the implementation of the management
12 plan;

13 “(6) submit substantial changes (including any
14 increase of more than 20 percent in the cost estimates
15 for implementation) to the management plan to the
16 Secretary;

17 “(7) for any year in which Federal funds have
18 been received under this title—

19 “(A) submit an annual report to the Sec-
20 retary setting forth the Association’s accom-
21 plishments, expenses and income, and the identity of
22 each entity to which any loans and grants were
23 made during the year for which the report is
24 made;

1 “(B) make available for audit all records
2 pertaining to the expenditure of such funds and
3 any matching funds; and

4 “(C) require, for all agreements authorizing
5 expenditure of Federal funds by other organiza-
6 tions, that the receiving organizations make
7 available for audit all records pertaining to the
8 expenditure of such funds.

9 **“SEC. 122. USE OF FEDERAL FUNDS.**

10 “(1) *IN GENERAL.*—The Association shall not use
11 Federal funds received under this title to acquire real
12 property or an interest in real property.

13 “(2) *OTHER SOURCES.*—Nothing in this title
14 precludes the Association from using Federal funds
15 from other sources for authorized purposes.

16 **“SEC. 123. MANAGEMENT PLAN.**

17 “(a) *PREPARATION OF MANAGEMENT PLAN.*—Not
18 later than 2 years after the date that Federal funds are
19 made available for this purpose, the Association shall sub-
20 mit to the Secretary for approval a proposed management
21 plan that shall—

22 “(1) take into consideration State and local
23 plans and involve residents, local governments and
24 public agencies, and private organizations in the cor-
25 ridor;

1 “(2) present comprehensive recommendations for
2 the corridor’s conservation, funding, management,
3 and development;

4 “(3) include actions proposed to be undertaken
5 by units of government and nongovernmental and
6 private organizations to protect the resources of the
7 corridor;

8 “(4) specify the existing and potential sources of
9 funding to protect, manage, and develop the corridor;
10 and

11 “(5) include the following:

12 “(A) Identification of the geographic bound-
13 aries of the corridor.

14 “(B) A brief description and map of the
15 corridor’s overall concept or vision that show key
16 sites, visitor facilities and attractions, and phys-
17 ical linkages.

18 “(C) Identification of overall goals and the
19 strategies and tasks intended to reach them, and
20 a realistic schedule for completing the tasks.

21 “(D) A listing of the key resources and
22 themes of the corridor.

23 “(E) Identification of parties proposed to be
24 responsible for carrying out the tasks.

1 “(F) A financial plan and other information on costs and sources of funds.

3 “(G) A description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan.

7 “(H) A mechanism and schedule for updating the plan based on actual progress.

9 “(I) A bibliography of documents used to develop the management plan.

11 “(J) A discussion of any other relevant issues relating to the management plan.

13 “(b) *DISQUALIFICATION FROM FUNDING*.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

20 “(c) *APPROVAL OF MANAGEMENT PLAN*.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be

1 deemed approved. The Secretary shall consult with the local
2 entities representing the diverse interests of the corridor in-
3 cluding governments, natural and historic resource protec-
4 tion organizations, educational institutions, businesses, rec-
5 reational organizations, community residents, and private
6 property owners prior to approving the management plan.
7 The Association shall conduct semi-annual public meetings,
8 workshops, and hearings to provide adequate opportunity
9 for the public and local and governmental entities to review
10 and to aid in the preparation and implementation of the
11 management plan.

12 “(d) *EFFECT OF APPROVAL*.—Upon the approval of
13 the management plan as provided in subsection (c), the
14 management plan shall supersede the conceptual plan con-
15 tained in the National Park Service report.

16 “(e) *ACTION FOLLOWING DISAPPROVAL*.—If the Sec-
17 retary disapproves a proposed management plan within the
18 time period specified in subsection (c), the Secretary shall
19 advise the Association in writing of the reasons for the dis-
20 approval and shall make recommendations for revisions to
21 the proposed management plan.

22 “(f) *APPROVAL OF AMENDMENTS*.—The Secretary
23 shall review and approve all substantial amendments (in-
24 cluding any increase of more than 20 percent in the cost
25 estimates for implementation) to the management plan.

1 *Funds made available under this title may not be expended*
2 *to implement any changes made by a substantial amend-*
3 *ment until the Secretary approves that substantial amend-*
4 *ment.*

5 **“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
6 **FEDERAL AGENCIES.**

7 “(a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—Upon
8 *the request of the Association, the Secretary may provide*
9 *technical assistance, on a reimbursable or nonreimbursable*
10 *basis, and financial assistance to the Association to develop*
11 *and implement the management plan. The Secretary is au-*
12 *thorized to enter into cooperative agreements with the Asso-*
13 *ciation and other public or private entities for this purpose.*
14 *In assisting the Association, the Secretary shall give pri-*
15 *ority to actions that in general assist in—*

16 “(1) *conserving the significant natural, historic,*
17 *cultural, and scenic resources of the corridor; and*
18 “(2) *providing educational, interpretive, and*
19 *recreational opportunities consistent with the pur-*
20 *poses of the corridor.*

21 “(b) *DUTIES OF OTHER FEDERAL AGENCIES.*—Any
22 *Federal agency conducting or supporting activities directly*
23 *affecting the corridor shall—*

24 “(1) *consult with the Secretary and the Associa-*
25 *tion with respect to such activities;*

1 “(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

3 “(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

6 “(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

10 **“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) *IN GENERAL.*—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

15 “(b) *50 PERCENT MATCH.*—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

18 **“SEC. 126. SUNSET.**

19 “The authority of the Secretary to provide assistance under this title terminates on September 30, 2027.”.

21 **SEC. 503. PRIVATE PROPERTY PROTECTION.**

22 The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 502 of this title) the following new sections:

1 **“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE**
2 **PROPERTY.**

3 “(a) *NOTIFICATION AND CONSENT OF PROPERTY OWN-*
4 *ERS REQUIRED.*—*No privately owned property shall be pre-*
5 *served, conserved, or promoted by the management plan for*
6 *the corridor until the owner of that private property has*
7 *been notified in writing by the Association and has given*
8 *written consent for such preservation, conservation, or pro-*
9 *motion to the Association.*

10 “(b) *LANDOWNER WITHDRAW.*—*Any owner of private*
11 *property included within the boundary of the corridor, and*
12 *not notified under subsection (a), shall have their property*
13 *immediately removed from the boundary of the corridor by*
14 *submitting a written request to the Association.*

15 **“SEC. 128. PRIVATE PROPERTY PROTECTION.**

16 “(a) *ACCESS TO PRIVATE PROPERTY.*—*Nothing in this*
17 *title shall be construed to—*

18 “(1) *require any private property owner to allow*
19 *public access (including Federal, State, or local gov-*
20 *ernment access) to such private property; or*

21 “(2) *modify any provision of Federal, State, or*
22 *local law with regard to public access to or use of pri-*
23 *vate property.*

24 “(b) *LIABILITY.*—*Designation of the corridor shall not*
25 *be considered to create any liability, or to have any effect*
26 *on any liability under any other law, of any private prop-*

1 *erty owner with respect to any persons injured on such pri-*
2 *vate property.*

3 “(c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*
4 *USE.*—*Nothing in this title shall be construed to modify*
5 *the authority of Federal, State, or local governments to reg-*
6 *ulate land use.*

7 “(d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*
8 *IN CORRIDOR.*—*Nothing in this title shall be construed to*
9 *require the owner of any private property located within*
10 *the boundaries of the corridor to participate in or be associ-*
11 *ated with the corridor.*

12 “(e) *EFFECT OF ESTABLISHMENT.*—*The boundaries*
13 *designated for the corridor represent the area within which*
14 *Federal funds appropriated for the purpose of this title may*
15 *be expended. The establishment of the corridor and its*
16 *boundaries shall not be construed to provide any non-*
17 *existing regulatory authority on land use within the cor-*
18 *ridor or its viewshed by the Secretary, the National Park*
19 *Service, or the Association.”.*

20 **SEC. 504. TECHNICAL AMENDMENTS.**

21 *Section 116 of Illinois and Michigan Canal National*
22 *Heritage Corridor Act of 1984 is amended—*

23 *(1) by striking subsection (b); and*
24 *(2) in subsection (a)—*

TITLE VI—POTASH ROYALTY REDUCTION

14 SEC. 601. SHORT TITLE.

15 *This Act may be cited as the “Potash Royalty Reduc-*
16 *tion Act of 2004”.*

17 SEC. 602. POTASSIUM AND POTASSIUM COMPOUNDS FROM
18 SYLVITE.

19 (a) *ROYALTY RATE.—Notwithstanding section*
20 *102(a)(9) of the Federal Land Policy and Management Act*
21 *of 1976 (43 U.S.C. 1701(a)(9)), section 2 of the Act of Feb-*
22 *ruary 7, 1927 (30 U.S.C. 282) and the term of any lease*
23 *issued under such section 2, the royalty rate on the quantity*
24 *or gross value of the output from Federal lands of potassium*
25 *and potassium compounds from the mineral sylvite at the*

1 point of shipment to market in the 5-year period beginning
2 on the date of the enactment of this Act shall be 1.0 percent.

3 (b) RECLAMATION FUND.—Fifty percentum of any
4 royalties paid pursuant to this Act during the 5-year period
5 referred to in subsection (a), together with any interest
6 earned from the date of payment, shall be paid by the Sec-
7 retary of the Treasury to the payor of the royalties to be
8 used solely for land reclamation purposes in accordance
9 with a schedule to implement a reclamation plan for the
10 lands for which the royalties are paid. No payment shall
11 be made by the Secretary of the Treasury pursuant to this
12 subsection until the Secretary of the Interior receives from
13 the payor of the royalties, and approves, the reclamation
14 plan and schedule, and submits the approved schedule to
15 the Secretary of the Treasury. The share of royalties held
16 by the Secretary of the Treasury pursuant to this sub-
17 section, and interest earned thereon, shall be available until
18 paid pursuant to this subsection, without further appro-
19 priation; shall not be considered as money received under
20 section 35 of the Mineral Leasing Act (30 U.S.C. 191) for
21 the purpose of revenue allocation; and shall not be reduced
22 by any administrative or other costs incurred by the United
23 States.

24 (c) STUDY AND REPORT.—After the end of the 4-year
25 period beginning on the date of the enactment of this Act,

1 and before the end of the 5-year period beginning on that
2 date, the Secretary of the Interior shall report to the Con-
3 gress on the effects of the royalty reduction under this Act,
4 including a recommendation on whether the reduced royalty
5 rate for potassium from sylvite should apply after the end
6 of the 5-year period.

7 **TITLE VII—SODA ASH ROYALTY
8 REDUCTION**

9 **SEC. 701. SHORT TITLE.**

10 This Act may be cited as the “Soda Ash Royalty Re-
11 duction Act of 2004”.

12 **SEC. 702. FINDINGS.**

13 The Congress finds the following:

14 (1) The combination of global competitive pres-
15 sures, flat domestic demand, and spiraling costs of
16 production threaten the future of the United States
17 soda ash industry.

18 (2) Despite booming world demand, growth in
19 United States exports of soda ash since 1997 has been
20 flat, with most of the world’s largest markets for such
21 growth, including Brazil, the People’s Republic of
22 China, India, the countries of eastern Europe, and the
23 Republic of South Africa, have been closed by protec-
24 tionist policies.

5 (4) Over 700 jobs have been lost in the United
6 States soda ash industry since the Department of the
7 Interior increased the royalty rate on soda ash pro-
8 duced on Federal land, in 1996.

15 SEC. 703. REDUCTION IN ROYALTY RATE ON SODA ASH.

16 *Notwithstanding section 102(a)(9) of the Federal Land*
17 *Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)),*
18 *section 24 of the Mineral Leasing Act (30 U.S.C. 262), and*
19 *the terms of any lease under that Act, the royalty rate on*
20 *the quantity or gross value of the output of sodium com-*
21 *pounds and related products at the point of shipment to*
22 *market from Federal land in the 5-year period beginning*
23 *on the date of the enactment of this Act shall be 2 percent.*

1 **SEC. 704. STUDY.**

2 *After the end of the 4-year period beginning on the*
3 *date of the enactment of this Act, and before the end of the*
4 *5-year period beginning on that date, the Secretary of the*
5 *Interior shall report to the Congress on the effects of the*
6 *royalty reduction under this Act, including—*

7 *(1) the amount of sodium compounds and related*
8 *products at the point of shipment to market from*
9 *Federal land during that 4-year period;*

10 *(2) the number of jobs that have been created or*
11 *maintained during the royalty reduction period;*

12 *(3) the total amount of royalty paid to the*
13 *United States on the quantity or gross value of the*
14 *output of sodium compounds and related products at*
15 *the point of shipment to market produced during that*
16 *4-year period, and the portion of such royalty paid*
17 *to States; and*

18 *(4) a recommendation of whether the reduced*
19 *royalty rate should apply after the end of the 5-year*
20 *period beginning on the date of the enactment of this*
21 *Act.*

Amend the title so as to read “An Act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans’ groups, and the local community, and for other purposes.”.

Attest:

Clerk.