

SECTION 1. SHORT TITLE.

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

[SEC. 2. FINDINGS.]

【Congress finds that—

【(1) the membership of the American Legion and other nonprofit organizations that represent the veterans’ community in Pahrump, Nevada, has grown immensely in the last 10 years;

【(2) the existing facility used by the veterans community in Pahrump, which was constructed in the 1960’s, is too small and is inappropriate for the needs of the veterans community;

【(3) the nearest veterans facility that can accommodate the veterans community in Pahrump is located more than 60 miles away in the city of Las Vegas;

【(4) the tracts of land that are available for consideration as potential sites for the location of a new veterans facility are not suitable for the facility;

【(5) conveyance of a suitable parcel of land for the facility, which consists of an odd, triangular tract of land bounded on 2 sides by private land and cut off from other public land by a major highway, conforms with the objective of the Bureau of Land Management, Las Vegas District 1998 Resource Management Plan by simplifying the land management responsibilities of the Bureau of Land Management; and

【(6) because the intent of the American Legion is to make the facility available to other veterans organizations and the public for community activities and events at no cost, it would be in the best interests of the United States to convey the land to the Edward H. McDaniel American Legion Post No. 22.

[SEC. 3. DEFINITIONS.]**SEC. 2. DEFINITIONS.**

In this Act:

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

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

[SEC. 4. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.]**SEC. 3. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.**

(a) **CONVEYANCE ON CONDITION SUBSEQUENT.**—Not later than [120] 180 days after the date of enactment of this Act, subject to valid existing rights and the condition stated in subsection (c) and in accordance with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.), the Secretary shall convey to Post No. 22, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) **DESCRIPTION OF LAND.**—The parcel of land referred to in subsection (b) is the parcel of Bureau of Land Management land that—

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

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

(3) is more particularly described as a portion of the S ¼ of section 29, T. 20 S., R. 54 E., Mount Diablo and Base Meridian.

(c) **CONDITION ON USE OF LAND.**—

(1) **IN GENERAL.**—Post No. 22 and any successors of Post No. 22 shall use the parcel of land described in section (b) for the construction and operation of a post building and memorial park for use by Post No. 22, other vet-

erans groups, and the local community for events and activities.

(2) **REVERSION.**—Except as provided in paragraph (3), if the Secretary, after notice to Post No. 22 and an opportunity for a hearing, makes a finding that Post No. 22 has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1) and Post No. 22 fails to discontinue that use, title to the parcel shall revert to the United States, to be administered by the Secretary.

(3) **WAIVER.**—The Secretary may waive the requirements of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

The committee amendments were agreed to.

The bill (S. 1521), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT OF 2003

The Senate proceeded to consider the bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Railroad Right-of-Way Conveyance Validation Act of 2003”.

SEC. 2. VALIDATION OF ADDITIONAL RAILROAD CONVEYANCES, SAN JOAQUIN COUNTY, CALIFORNIA.

Section 4 of the Railroad Right-of-Way Conveyance Validation Act (Private Law 103-2; 108 Stat. 5061) is amended by adding at the end the following new paragraphs:

“(9) The conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Transportation Company and the Bank of America, as trustee of the last will and testament of Aaron Herschel, recorded September 27, 1945, in volume 942 at page [104] 401 of the official records of the county of San Joaquin.

“(10) The conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Transportation Company and the Tri-Valley Packing Association, recorded November 13, 1957, in volume 2016 at page 149 of the official records of the county of San Joaquin.”.

The committee amendment was agreed to.

The bill (H.R. 1658), as amended, was read the third time and passed.

BIG HORN BENTONITE ACT

The Senate proceeded to consider the bill (S. 203) to open certain withdrawn

land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following: (Strike the part shown in black brackets and insert the part shown in italic.)

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. OPENING OF CERTAIN WITHDRAWN LAND IN WYOMING TO LOCATABLE MINERAL DEVELOPMENT FOR BENTONITE MINING.]

【(a) **IN GENERAL.**—Notwithstanding any other provision of law and subject to subsection (c), the land described in subsection (b) shall be open to locatable mineral development for bentonite mining.

【(b) **COVERED LAND.**—The land referred to in subsection (a) is approximately 40 acres of previously withdrawn land located in Big Horn County, Wyoming, at the sixth principal meridian, T. 56 N., R. 95 W., Sec. 32. E½E½SE¼, adjacent to Pit No. 144L covered by State of Wyoming Mining Permit No. 321C.

【(c) **CLOSURE.**—The Secretary of the Army may close the land opened by subsection (a) at any time if the Secretary determines that the closure of the land is required by reason of a national emergency or for the purpose of national defense or security.】

SECTION 1. SHORT TITLE.

This Act may be cited as the “Big Horn Bentonite Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **COVERED LAND.**—The term “covered land” means the approximately 20 acres of previously withdrawn land located in the E½ NE¼ SE¼ of sec. 32, T. 56N., R. 95W., sixth principal meridian, Big Horn County, Wyoming.

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

SEC. 3. AUTHORIZATION OF MINING AND REMOVAL OF BENTONITE.

(a) **IN GENERAL.**—Notwithstanding the withdrawal of the covered land for military purposes, the Secretary may, with the consent of the Secretary of the Army, permit the mining and removal of bentonite on the covered land.

(b) **SOLE-SOURCE CONTRACT.**—The Secretary shall enter into a sole-source contract for the mining and removal of the bentonite from the covered land that provides for the payment to the Secretary of \$1.00 per ton of bentonite removed from the covered land.

(c) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—Mining and removal of bentonite under this Act shall be subject to such terms and conditions as the Secretary may prescribe for—

(A) the prevention of unnecessary or undue degradation of the covered land; and

(B) the reclamation of the covered land after the bentonite is removed.

(2) **REQUIREMENTS.**—The terms and conditions prescribed under paragraph (1) shall be at least as protective of the covered land as the terms and conditions established for Pit No. 144L (BLM Case File WYW136110).

(3) **LAND USE PLAN.**—In carrying out the provisions of this Act, the Secretary is not required to amend any land use plan under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(4) **TERMINATION OF INTEREST.**—On completion of the mining and reclamation authorized under this Act, any party that has entered into the sole-source contract with the Secretary under subsection (b) shall have no remaining interest in the covered land.

SEC. 4. CLOSURE.

(a) *IN GENERAL.*—If the Secretary of the Army notifies the Secretary that closure of the covered land is required because of a national emergency or for the purpose of national defense or national security, the Secretary shall—

(1) order the suspension of any activity authorized by this Act on the covered land; and

(2) close the covered land until the Secretary of the Army notifies the Secretary that the closure is no longer necessary.

(b) *LIABILITY.*—Neither the Secretary nor the Secretary of the Army shall be liable for damages from a closure of the covered land under subsection (a).

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 203), as amended, was read the third time and passed.

(b) *LIABILITY.*—Neither the Secretary nor the Secretary of the Army shall be liable for damages from a closure of the covered land under subsection (a).

The title was amended so as to read:
“A bill to provide for the sale of bentonite in Big Horn County, Wyoming.”.

FEDERAL LAND RECREATIONAL VISITOR PROTECTION ACT OF 2004

The Senate proceeded to consider the bill (S. 931) to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the “Federal Land Recreational Visitor Protection Act of 2003”.

[SEC. 2. DEFINITIONS.

[In this Act:

[(1) *PROGRAM.*—The term “program” means the avalanche protection program established under section 3(a).

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

[SEC. 3. AVALANCHE PROTECTION PROGRAM.

[(a) *ESTABLISHMENT.*—The Secretary shall establish a coordinated avalanche protection program—

[(1) to provide early identification of the potential for avalanches that could endanger the safety of visitors to units of the National Park System and recreational users of public land, including skiers, backpackers, snowboarders, and campers; and

[(2) to reduce the risks and mitigate the effects of avalanches on visitors, recreational users, neighboring communities, and transportation corridors.

[(b) *COORDINATION.*—

[(1) *IN GENERAL.*—In developing and implementing the program, the Secretary shall consult with the Secretary of Agriculture, and coordinate the program, to ensure adequate levels of protection for recreational users of public land and forests under the jurisdiction of the Secretary of Agriculture, including National Recreation Areas, wilderness and backcountry areas, components of the National Wild and Scenic Rivers System, and other areas that are subject to the potential threat of avalanches.

[(2) *RESOURCES.*—In carrying out this section, the Secretary and the Secretary of Agriculture—

[(A) shall, to the maximum extent practicable, use the resources of the National Avalanche Center of the Forest Service; and

[(B) may use such other resources as the Secretary has available in the development and implementation of the program.

[(c) *ADVISORY COMMITTEE.*—

[(1) *IN GENERAL.*—The Secretary and the Secretary of Agriculture shall jointly establish an advisory committee to assist in the development and implementation of the program.

[(2) *MEMBERSHIP.*—

[(A) *IN GENERAL.*—The Advisory Committee shall consist of 11 members, appointed by the Secretaries, who represent authorized users of artillery, other military weapons, or weapons alternatives used for avalanche control.

[(B) *REPRESENTATIVES.*—The membership of the Advisory Committee shall include representatives of—

[(i) Federal land management agencies and concessionaires or permittees that are exposed to the threat of avalanches;

[(ii) State departments of transportation that have experience in dealing with the effects of avalanches; and

[(iii) Federal- or State-owned railroads that have experience in dealing with the effects of avalanches.

[(d) *CENTRAL DEPOSITORY.*—The Secretary, the Secretary of Agriculture, and the Secretary of the Army shall establish a central depository for weapons, ammunition, and parts for avalanche control purposes, including an inventory that can be made available to Federal and non-Federal entities for avalanche control purposes under the program.

[(e) *GRANTS.*—

[(1) *IN GENERAL.*—The Secretary and the Secretary of Agriculture may make grants to carry out projects and activities under the program—

[(A) to assist in the prevention, forecasting, detection, and mitigation of avalanches for the safety and protection of persons, property, and at-risk communities;

[(B) to maintain essential transportation and communications affected or potentially affected by avalanches;

[(C) to assist avalanche artillery users to ensure the availability of adequate supplies of artillery and other unique explosives required for avalanche control in or affecting—

[(i) units of the National Park System; and

[(ii) other Federal land used for recreation purposes; and

[(iii) adjacent communities, and essential transportation corridors, that are at risk of avalanches; and

[(D) to assist public or private persons and entities in conducting research and development activities for cost-effective and reliable alternatives to minimize reliance on military weapons for avalanche control.

[(2) *APPORTIONMENT OF FUNDS.*—

[(A) *IN GENERAL.*—Subject to subparagraph (B), for each fiscal year for which funds are made available under section 4, the Secretary shall apportion the amount of funds made available for the fiscal year among States with avalanche zones based on the ratio that the total area of avalanche zones located in each State bears to the total area of all avalanche zones in all States.

[(B) *PRIORITY.*—In providing grants under this subsection, the Secretary shall give priority to projects and activities carried out in avalanche zones—

[(i) with a high frequency or severity of avalanches; or

[(ii) in which deaths or serious injuries to individuals, or loss or damage to public facilities and communities, have occurred or are likely to occur.

[(f) *SURPLUS ORDINANCE.*—Section 549(c)(3) of title 40, United States Code, is amended—

[(1) in subparagraph (A), by striking “or” after the semicolon at the end;

[(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

[(3) by adding at the end the following:

[(“C) in the case of surplus artillery ordinance that is suitable for avalanche control purposes, to a user of such ordinance.”.

[SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

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(2) *SECRETARY.*—The term “Secretary” means the Secretary of Agriculture.

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(2) to reduce the risks and mitigate the effects of avalanches on visitors, recreational users, neighboring communities, and transportation corridors.

(b) *COORDINATION.*—

(1) *IN GENERAL.*—In developing and implementing the program, the Secretary shall consult with the Secretary of the Interior, and coordinate the program, to ensure adequate levels of protection for recreational users of public land under the jurisdiction of the Secretary of the Interior, including units of the National Park System, National Recreation Areas, wilderness and backcountry areas, components of the National Wild and Scenic Rivers System, and other areas that are subject to the potential threat of avalanches.

(2) *RESOURCES.*—In carrying out this section, the Secretary and the Secretary of the Interior—

(A) shall, to the maximum extent practicable, use the resources of the National Avalanche Center of the Forest Service; and

(B) may use such other resources as the Secretary has available in the development and implementation of the program.

(c) *ADVISORY COMMITTEE.*—

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(ii) State departments of transportation that have experience in dealing with the effects of avalanches; and

(iii) Federal- or State-owned railroads that have experience in dealing with the effects of avalanches.

(d) *CENTRAL DEPOSITORY.*—The Secretary, the Secretary of the Interior, and the Secretary of