

I. GENERAL LEGISLATION

1. Advisory Council on Historic Preservation

PUBLIC LAW 104-333—NOV. 12, 1996 110 STAT. 4093

Public Law 104-333  
104th Congress

An Act

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes. Nov. 12, 1996  
[H.R. 4236]

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

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DIVISION I

110 STAT. 4097

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TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

110 STAT. 4153

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**SEC. 509. ADVISORY COUNCIL ON HISTORIC PRESERVATION REAUTHORIZATION.**

110 STAT. 4157

(a) REAUTHORIZATION.—The last sentence of section 212(a) of the National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended to read as follows: “There are authorized to be appropriated for the purposes of this title not to exceed \$4,000,000 in each fiscal year 1997 through 2000.”

16 USC 470t.

(b) REPORTING REQUIREMENTS.—Within 18 months after the date of enactment of this Act, the Advisory Council on Historic Preservation shall submit a report to the appropriate congressional committees containing an analysis of alternatives for modifying the regulatory process for addressing impacts of Federal actions on nationally significant historic properties, as well as alternatives for future promulgation and oversight of regulations for implementation of section 106 of the National Historic Preservation Act.

16 USC 470f note.

(c) TECHNICAL AMENDMENTS.—Title II of the National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows:

(1) By striking “appointed” in section 201(a)(4) and inserting “designated”.

16 USC 470i.

(2) By striking “and 10” in section 201(c) and inserting “through (11)”.

(3) By adding the following new section after section 214: “SEC. 215. Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of the purposes of this Act.”

16 USC 470v-1.

(4) By amending subsection (g) of section 205 to read as follows:

110 STAT. 4158  
16 USC 470m.

“(g) Any Federal agency may provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the agency, with such funds, personnel, facilities and services

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under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for the purpose. Any funds provided to the Council pursuant to this subsection must be expended by the end of the fiscal year following the fiscal year in which the funds are received by the Council. To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise, such additional property facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act.”.

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110 STAT. 4281

Approved November 12, 1996.

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LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**2. American Battlefield Protection Program**

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

**An Act**

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

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Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

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**DIVISION I**

110 STAT. 4097

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**TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES**

110 STAT. 4171

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**SEC. 604. AMERICAN BATTLEFIELD PROTECTION PROGRAM.**

110 STAT. 4173  
American Battlefield Protection Act of 1996.  
16 USC 469k.

(a) **SHORT TITLE.**—This section may be cited as the “American Battlefield Protection Act of 1996”.

(b) **PURPOSE.**—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(c) **PRESERVATION ASSISTANCE.**—

(1) **IN GENERAL.**—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) **FINANCIAL ASSISTANCE.**—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

110 STAT. 4174

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 annually to carry out this section, to remain available until expended.

(e) **REPEAL.**—

(1) **IN GENERAL.**—This section is repealed as of the date that is 10 years after the date of enactment of this section.

(2) **NO EFFECT ON GENERAL AUTHORITY.**—The Secretary may continue to conduct battlefield studies in accordance with other authorities available to the Secretary.

110 STAT. 4174

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(3) UNOBLIGATED FUNDS.—Any funds made available under this section that remain unobligated shall be credited to the general fund of the Treasury.

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110 STAT. 4281

Approved November 12, 1996.

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LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**3. Challenge Cost-Share Agreement Authority**

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

**An Act**

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996  
[H.R. 4236]

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

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16 USC 1 note.

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**DIVISION I**

110 STAT. 4097

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**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS**

110 STAT. 4186

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**SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.**

110 STAT. 4190

\* \* \* \* \*

(g) **CHALLENGE COST-SHARE AGREEMENT AUTHORITY.—**

110 STAT. 4199

(1) **DEFINITIONS.—**For purposes of this subsection:

16 USC 1f.

(A) The term “challenge cost-share agreement” means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))), any affiliated area, or any designated National Scenic or Historic Trail.

(B) The term “cooperator” means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(2) **CHALLENGE COST-SHARE AGREEMENTS.—**The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(3) **USE OF FEDERAL FUNDS.—**In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

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Approved November 12, 1996.

110 STAT. 4281

**LEGISLATIVE HISTORY—H.R. 4236:**

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



#### 4. Concessions Management

112 STAT. 3497

PUBLIC LAW 105–391—NOV. 13, 1998

Public Law 105–391  
105th Congress

An Act

Nov. 13, 1998  
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

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

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

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112 STAT. 3503

National Park  
Service  
Concessions  
Management  
Improvement Act  
of 1998.  
Contracts.  
16 USC 5901  
note.  
16 USC 5951.

**TITLE IV—NATIONAL PARK SERVICE CONCESSIONS  
MANAGEMENT**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “National Park Service Concessions Management Improvement Act of 1998”.

**SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.**

(a) **FINDINGS.**—In furtherance of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as have to be provided within such units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair these resources and values; and

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(2) development of public accommodations, facilities, and services within such units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of such units.

(b) **POLICY.**—It is the policy of the Congress that the development of public accommodations, facilities, and services in units of the National Park System shall be limited to those accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

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**SEC. 403. AWARD OF CONCESSIONS CONTRACTS.**

16 USC 5952.

In furtherance of the findings and policy stated in section 402, and except as provided by this title or otherwise authorized by law, the Secretary shall utilize concessions contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to units of the National Park System. Such concessions contracts shall be awarded as follows:

(1) **COMPETITIVE SELECTION PROCESS.**—Except as otherwise provided in this section, all proposed concessions contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concessions contracts.

(2) **SOLICITATION OF PROPOSALS.**—Except as otherwise provided in this section, prior to awarding a new concessions contract (including renewals or extensions of existing concessions contracts) the Secretary shall publicly solicit proposals for the concessions contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish notice of its availability at least once in local or national newspapers or trade publications, and/or the Commerce Business Daily, as appropriate, and shall make the prospectus available upon request to all interested parties.

(3) **PROSPECTUS.**—The prospectus shall include the following information:

(A) The minimum requirements for such contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concessions contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services which may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, if any, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concessions contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of such factors in the selection process.

112 STAT. 3505

(G) Such other information related to the proposed concessions operation as is provided to the Secretary pursuant to a concessions contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concessions contract held by an existing concessioner as set forth in paragraph (7).

(4) **MINIMUM REQUIREMENTS.**—(A) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include the following:

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(i) The minimum acceptable franchise fee or other forms of consideration to the Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the unit of the National Park System.

(B) The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is not likely to provide satisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) The Secretary may not execute a concessions contract which materially amends or does not incorporate the proposed terms and conditions of the concessions contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concessions contract incorporating such material amendments or changes.

(5) SELECTION OF THE BEST PROPOSAL.—(A) In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services.

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(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(C) In developing regulations to implement this title, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession, contracts should be identified as a factor in the selection of a best proposal under this section.

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(6) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of \$5,000,000 or a duration of more than 10 years to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—(A) Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concessions contract, or any other form of preference to a concessions contract.

(B) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concessions contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) As used in this title, the term “preferential right of renewal” means that the Secretary, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 402, shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal for a proposed new concessions contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(D) A concessioner which successfully exercises a preferential right of renewal in accordance with the requirements of this title shall be entitled to award of the proposed new concessions contract to which such preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—(A) The provisions of paragraph (7) shall apply only to the following:

Applicability.

(i) Subject to subparagraph (B), outfitting and guide concessions contracts.

(ii) Subject to subparagraph (C), concessions contracts with anticipated annual gross receipts under \$500,000.

(B) For the purposes of this title, an “outfitting and guide concessions contract” means a concessions contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. Outfitting and guide concessioners, where otherwise qualified, include concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. An outfitting and guide concessioner is entitled to a preferential right of renewal under this title only if—

112 STAT. 3507

(i) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on lands owned by the United States within a unit of the National Park System, other

than a capital improvement constructed by a concessioner pursuant to the terms of a concessions contract prior to the date of the enactment of this title or constructed or owned by a concessioner or his or her predecessor before the subject land was incorporated into the National Park System;

(ii) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(iii) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) A concessioner that holds a concessions contract that the Secretary estimates will result in gross annual receipts of less than \$500,000 if renewed shall be entitled to a preferential right of renewal under this title if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concessions contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a unit of the National Park System.

(10) SECRETARIAL AUTHORITY.—Nothing in this title shall be construed as limiting the authority of the Secretary to determine whether to issue a concessions contract or to establish its terms and conditions in furtherance of the policies expressed in this title.

(11) EXCEPTIONS.—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation, the following:

(A) A temporary concessions contract or an extension of an existing concessions contract for a term not to exceed 3 years in order to avoid interruption of services to the public at a unit of the National Park System, except that prior to making such an award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such interruption.

(B) A concessions contract in extraordinary circumstances where compelling and equitable considerations require the award of a concessions contract to a particular party in the public interest. Such award of a concessions contract shall not be made by the Secretary until at least 30 days after publication in the Federal Register of notice of the Secretary's intention to do so and the reasons for such action, and submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

112 STAT. 3508

Federal Register,  
publication.

16 USC 5953.

**SEC. 404. TERM OF CONCESSIONS CONTRACTS.**

A concessions contract entered into pursuant to this title shall generally be awarded for a term of 10 years or less. However,

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the Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

**SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.**

16 USC 5954.

(a) **LEASEHOLD SURRENDER INTEREST UNDER NEW CONCESSIONS CONTRACTS.**—On or after the date of the enactment of this title, a concessioner that constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concessions contract shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

(1) A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concessions contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) A leasehold surrender interest—

(A) may be pledged as security for financing of a capital improvement or the acquisition of a concessions contract when approved by the Secretary pursuant to this title;

(B) shall be transferred by the concessioner in connection with any transfer of the concessions contract and may be relinquished or waived by the concessioner; and

(C) shall not be extinguished by the expiration or other termination of a concessions contract and may not be taken for public use except on payment of just compensation.

(3) The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(4) Effective 9 years after the date of the enactment of this Act, the Secretary may provide, in any particular new concession contract the Secretary estimates will have a leasehold surrender interest of more than \$10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on either (A) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on the day before the date of the enactment of this Act or (B) such alternative formula that is consistent with the objectives of this title. The Secretary may only use such an alternative formula if the Secretary determines, after scrutiny of the financial and other circumstances involved in this particular concession contract (including providing notice in the Federal Register and opportunity for comment), that

Effective date.

112 STAT. 3509

Federal Register,  
publication.

such alternative formula is, compared to the standard method of determining value provided for in paragraph (3), necessary in order to provide a fair return to the Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes such an alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described in paragraph (3).

(5) Where a concessioner, pursuant to the terms of a concessions contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement shall be added to the then current value of the concessioner's leasehold surrender interest.

(b) SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—

(1) A concessioner which has obtained a possessory interest as defined pursuant to Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.), as in effect on the day before the date of the enactment of this Act, under the terms of a concessions contract entered into before that date shall, upon the expiration or termination of such contract, be entitled to receive compensation for such possessory interest improvements in the amount and manner as described by such concessions contract. Where such a possessory interest is not described in the existing contract, compensation of possessory interest shall be determined in accordance with the laws in effect on the day before the date of enactment of this Act.

(2) In the event such prior concessioner is awarded a new concessions contract after the effective date of this title replacing an existing concessions contract, the existing concessioner shall, instead of directly receiving such possessory interest compensation, have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and shall carry over as the initial value of such leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter shall be resolved through binding arbitration.

(3) In the event that a new concessioner is awarded a concessions contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner shall have a leasehold surrender interest in such prior improvements and the initial value in such leasehold surrender interest (instead of construction cost), shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous contract.

(c) TRANSITION TO SUCCESSOR CONCESSIONER.—Upon expiration or termination of a concessions contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concessions contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. A successor concessioner shall have a leasehold

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surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concessions contract.

(d) **TITLE TO IMPROVEMENTS.**—Title to any capital improvement constructed by a concessioner on lands owned by the United States in a unit of the National Park System shall be vested in the United States.

(e) **DEFINITIONS.**—For purposes of this section:

(1) **CONSUMER PRICE INDEX.**—The term “Consumer Price Index” means the “Consumer Price Index—All Urban Consumers” published by the Bureau of Labor Statistics of the Department of Labor, unless such index is not published, in which case another regularly published cost-of-living index approximating the Consumer Price Index shall be utilized by the Secretary; and

(2) **CAPITAL IMPROVEMENT.**—The term “capital improvement” means a structure, fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concessions contract and located on lands of the United States within a unit of the National Park System.

(f) **SPECIAL REPORTING REQUIREMENT.**— Not later than 7 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives containing a complete analysis of the concession program as well as—

Deadline.

(1) an assessment of competition in the solicitation of prospectuses, fair and/or increased return to the Government, and improvement of concession facilities and infrastructure; and

(2) an assessment of any problems with the management and administration of the concession program that are a direct result of the implementation of the provisions of this title.

**SEC. 406. REASONABLENESS OF RATES.**

16 USC 5955.

(a) **IN GENERAL.**—Each concessions contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) **APPROVAL BY SECRETARY REQUIRED.**—A concessioner’s rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary: length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials,

112 STAT. 3511

112 STAT. 3511

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and type of patronage. Such rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in the preceding sentence.

Deadline.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board established under section 409(a) regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to the Congress the reasons for not implementing the recommendations.

16 USC 5956.

**SEC. 407. FRANCHISE FEES.**

(a) IN GENERAL.—A concessions contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value shall be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing necessary and appropriate services for visitors at reasonable rates.

(b) AMOUNT OF FRANCHISE FEE.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concessions contract shall be specified in the concessions contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. The Secretary shall include in concessions contracts with a term of more than 5 years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of such extraordinary unanticipated changes. Such provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

112 STAT. 3512

(c) SPECIAL ACCOUNT.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concessions contracts shall be deposited into a special account established in the Treasury of the United States. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the National Park System regardless of the unit of the National Park System in which the funds were collected. The funds deposited into the special account shall remain available until expended.

(d) SUBACCOUNT FOR EACH UNIT.—There shall be established within the special account required under subsection (c) a subaccount for each unit of the National Park System. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single unit of the National Park System under concessions contracts. The funds credited to the subaccount for a unit of the National Park System shall be available for expenditure by the Secretary, without further appropriation, for use at the unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

## PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3512

**SEC. 408. TRANSFER OF CONCESSIONS CONTRACTS.**

16 USC 5957.

(a) **APPROVAL OF THE SECRETARY.**—No concessions contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) **CONDITIONS.**—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation or entity seeking to acquire a concessions contract is not qualified or able to satisfy the terms and conditions of the concessions contract;

(2) such transfer or conveyance would have an adverse impact on (A) the protection, conservation, or preservation of the resources of the unit of the National Park System or (B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such transfer or conveyance are likely, directly or indirectly, to reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract, adversely affect the quality of facilities and services provided by the concessioner, or result in a need for increased rates and charges to the public to maintain the quality of such facilities and services.

(c) **TRANSFER TERMS.**—The terms and conditions of any contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a), unless such transfer or conveyance would have an adverse impact as described in paragraph (2) of subsection (b).

**SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.**

16 USC 5958.

(a) **ESTABLISHMENT.**—There is hereby established a National Park Service Concessions Management Advisory Board (in this title referred to as the "Advisory Board") whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in the National Park System.

(b) **DUTIES.**—

(1) **ADVICE.**—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to assure that services and facilities provided by concessioners are necessary and appropriate, meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make National Park Service concessions programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) **RECOMMENDATIONS.**—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient, less burdensome, and timelier the review or approval of concessioner rates and charges to the public.

112 STAT. 3513

112 STAT. 3513

PUBLIC LAW 105-391—NOV. 13, 1998

(B) The nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title.

(C) The allocation of concession fees.

The initial recommendations under subparagraph (A) relating to rates and charges shall be submitted to the Secretary not later than one year after the first meeting of the Board.

(3) ANNUAL REPORT.—The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concessions business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

112 STAT. 3514

(d) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2008. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(e) SERVICE ON ADVISORY BOARD.—Service of an individual as a member of the Advisory Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or other comparable provisions of Federal law.

16 USC 5959.

**SEC. 410. CONTRACTING FOR SERVICES.**

(a) CONTRACTING AUTHORIZED.—(1) To the maximum extent practicable, the Secretary shall contract with private entities to

## PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3514

conduct or assist in those elements of the management of the National Park Service concessions program considered by the Secretary to be suitable for non-Federal performance. Such management elements include each of the following:

- (A) Health and safety inspections.
- (B) Quality control of concessions operations and facilities.
- (C) Strategic capital planning for concessions facilities.
- (D) Analysis of rates and charges to the public.

(2) The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for National Park Service concessions contracts.

(B) Development of guidelines for a national park system capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director of the National Park Service regarding the conduct of annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall also consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) CONDITION.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concessions contracts and activities pursuant to this title and the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.). The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the National Park Service concessions program under this section.

**SEC. 411. MULTIPLE CONTRACTS WITHIN A PARK.**

16 USC 5960.

If multiple concessions contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a specific national park, the Secretary shall establish a comparable franchise fee structure for all such same or similar contracts, except that the terms and conditions of any existing concessions contract shall not be subject to modification or open to renegotiation by the Secretary because of an award of a new contract at the same approximate location or resource.

112 STAT. 3515

**SEC. 412. SPECIAL RULE FOR TRANSPORTATION CONTRACTING SERVICES.**

16 USC 5961.

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a unit of the National Park System shall be no more than 10 years in length, including a base period of 5 years and annual extensions for an additional 5-year period based on satisfactory performance and approval by the Secretary.

**SEC. 413. USE OF NONMONETARY CONSIDERATION IN CONCESSIONS CONTRACTS.**

16 USC 5962.

Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this title.

112 STAT. 3515

PUBLIC LAW 105-391—NOV. 13, 1998

16 USC 5963.

**SEC. 414. RECORDKEEPING REQUIREMENTS.**

(a) **IN GENERAL.**—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessions contract have been and are being faithfully performed, and the Secretary and any duly authorized representative of the Secretary shall, for the purpose of audit and examination, have access to such records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

(b) **ACCESS TO RECORDS.**—The Comptroller General or any duly authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

**SEC. 415. REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT.**

16 USC 20 note.

(a) **REPEAL.**—Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority.

(b) **CONFORMING AMENDMENTS.**—(1) The fourth sentence of section 3 of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 3), is amended—

(A) by striking all through “no natural” and inserting “No natural,”; and

(B) by striking the last proviso in its entirety.

(2) Section 12 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-7) is amended by striking subsection (c).

(3) The second paragraph under the heading “NATIONAL PARK SERVICE” in the Act of July 31, 1953 (67 Stat. 261, 271), is repealed.

112 STAT. 3516  
16 USC 17b-1.  
16 USC 5951  
note.

(c) **ANILCA.**—Nothing in this title amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.

16 USC 5964.

**SEC. 416. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, NATIVE SAMOAN, AND NATIVE HAWAIIAN HANDICRAFTS.**

(a) **IN GENERAL.**—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where such trade currently does not exist.

(b) **EXEMPTION FROM FRANCHISE FEE.**—In furtherance of these purposes, the revenue derived from the sale of United States Indian,

## PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3516

Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

**SEC. 417. REGULATIONS.**

16 USC 5965.

As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in a unit of the National Park System are not segmented or otherwise split into separate concessions contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concessions contract below \$500,000. The Secretary shall also promulgate regulations which further define the term “United States Indian, Alaskan Native, and Native Hawaiian handicrafts” for the purposes of this title.

**SEC. 418. COMMERCIAL USE AUTHORIZATIONS.**

16 USC 5966.

(a) **IN GENERAL.**—To the extent specified in this section, the Secretary, upon request, may authorize a private person, corporation, or other entity to provide services to visitors to units of the National Park System through a commercial use authorization. Such authorizations shall not be considered as concessions contracts pursuant to this title nor shall other sections of this title be applicable to such authorizations except where expressly so stated.

**(b) CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.**—

(1) **REQUIRED DETERMINATIONS.**—The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations.

**(2) ELEMENTS OF AUTHORIZATION.**—The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

112 STAT. 3517

(c) **LIMITATIONS.**—Any authorization issued under this section shall be limited to—

(1) commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and

112 STAT. 3517

PUBLIC LAW 105-391—NOV. 13, 1998

provided solely within a unit of the National Park System pursuant to such authorization;

(2) the incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit; or

(3) such uses by organized children’s camps, outdoor clubs and nonprofit institutions (including back country use) and such other uses as the Secretary determines appropriate.

Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(d) PROHIBITION ON CONSTRUCTION.—An authorization issued under this section shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of a unit of the National Park System.

(e) DURATION.—The term of any authorization issued under this section shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(f) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concessions contracts.

16 USC 5951 note.

**SEC. 419. SAVINGS PROVISION.**

(a) TREATMENT OF GLACIER BAY CONCESSION PERMITS PROSPECTUS.—Nothing contained in this title shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the “1998 Glacier Bay Prospectus”). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

112 STAT. 3518  
Expiration date.

(b) PREFERENTIAL RIGHT OF RENEWAL.—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective date of this title, shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7). Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009.

\* \* \* \* \*

112 STAT. 3523

Approved November 13, 1998.

**LEGISLATIVE HISTORY—S. 1693:**

HOUSE REPORTS: No. 105-767 (Comm. on Resources).  
SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 144 (1998):  
June 11, considered and passed Senate.  
Oct. 13, considered and passed House, amended.  
Oct. 14, Senate concurred in House amendment.  
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):  
Nov. 13, Presidential statement.



**5. Confirmation of Director of NPS by Senate**

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

**An Act**

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996  
[H.R. 4236]

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

\* \* \* \* \*

**DIVISION I**

110 STAT. 4097

\* \* \* \* \*

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS**

110 STAT. 4186

\* \* \* \* \*

**SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.**

110 STAT. 4190

\* \* \* \* \*

(e) **SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL PARK SERVICE.**—

110 STAT. 4196

(1) **IN GENERAL.**—The first section of the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1; commonly referred to as the “National Park Service Organic Act”), is amended in the first sentence by striking “who shall be appointed by the Secretary” and all that follows and inserting “who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.”.

110 STAT. 4197

(2) **EFFECTIVE DATE AND APPLICATION.**—The amendment made by subsection (a) shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.

16 USC 1 note.

\* \* \* \* \*

Approved November 12, 1996.

110 STAT. 4281

**LEGISLATIVE HISTORY—H.R. 4236:**

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**6. Cooperative Agreement Authority**

110 STAT. 3009

PUBLIC LAW 104-208—SEPT. 30, 1996

\*Public Law 104-208  
104th Congress

**An Act**

Sept. 30, 1996  
[H.R. 3610]

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Omnibus  
Consolidated  
Appropriations  
Act, 1997.

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

**DIVISION A**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

**TITLE I—OMNIBUS APPROPRIATIONS****Sec. 101.**

\* \* \* \* \*

110 STAT.  
3009-181

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 1997.

**AN ACT**

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

110 STAT.  
3009-187

**NATIONAL PARK SERVICE**

\* \* \* \* \*

110 STAT.  
3009-188  
110 STAT.  
3009-189  
16 USC 1g.

**ADMINISTRATIVE PROVISIONS**

\* \* \* \* \*

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

\* \* \* \* \*

\*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

## PUBLIC LAW 104–208—SEPT. 30, 1996 110 STAT. 3009–749

This Act may be cited as the “Omnibus Consolidated Appropriations Act, 1997”.

Approved September 30, 1996.

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LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm. on Conference).

SENATE REPORTS: No. 104–286 accompanying S. 1894 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



## 7. Cooperative Management Agreements

112 STAT. 3497

PUBLIC LAW 105-391—NOV. 13, 1998

Public Law 105-391  
105th Congress

### An Act

Nov. 13, 1998  
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

\* \* \* \* \*

112 STAT. 3521

#### TITLE VIII—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

112 STAT. 3522

#### SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) IN GENERAL.—Section 3 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-2) is amended by adding at the end the following:

\* \* \* \* \*

112 STAT. 3523

#### “(1) COOPERATIVE MANAGEMENT AGREEMENTS.—

“(1) IN GENERAL.—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas. The Secretary may not transfer administration responsibilities for any unit of the National Park System under this paragraph.

“(2) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

“(3) ASSIGNMENT.—An assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3523

may be for any period of time determined by the Secretary  
and the State or local agency to be mutually beneficial.”.

\* \* \* \* \*

Approved November 13, 1998.

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LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



## 8. Cooperative Research Agreement Authority

110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333  
104th Congress

### An Act

Nov. 12, 1996  
[H.R. 4236]

To provide for the administration of certain Presidio properties at minimal cost  
to the Federal taxpayer, and for other purposes.

Omnibus Parks  
and Public Lands  
Management Act  
of 1996.  
16 USC 1 note.

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

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the “Omnibus Parks and Public  
Lands Management Act of 1996”.

\* \* \* \* \*

110 STAT. 4097

#### DIVISION I

\* \* \* \* \*

110 STAT. 4186

#### TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

\* \* \* \* \*

110 STAT. 4201

#### SEC. 818. NATIONAL PARK AGREEMENTS.

Section 3 of the Act entitled “An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes” approved August 18, 1970 (16 U.S.C. 1a-2), is amended—

(1) in paragraph (i), by striking the period at the end thereof and inserting in lieu thereof “; and”; and

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

“(j) Enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to any such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.”.

\* \* \* \* \*

110 STAT. 4281

Approved November 12, 1996.

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#### LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**9. Damage to National Park Resources**

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

**An Act**

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996  
[H.R. 4236]

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

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

\* \* \* \* \*

**DIVISION I**

110 STAT. 4097

\* \* \* \* \*

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS**

110 STAT. 4186

\* \* \* \* \*

**SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.**

110 STAT. 4190

\* \* \* \* \*

(h) **COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.**—Public Law 101-337 is amended as follows:

110 STAT. 4199

(1) In section 1 (16 U.S.C. 19jj), by amending subsection

(d) to read as follows:

“(d) ‘Park system resource’ means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.”

(2) In section 1 (16 U.S.C. 19jj) by adding at the end thereof the following:

“(g) ‘Marine or aquatic park system resource’ means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.”

(3) In section 2(b) (16 U.S.C. 19jj-1(b)), by inserting “any marine or aquatic park resource” after “any park system resource”.

\* \* \* \* \*

Approved November 12, 1996.

110 STAT. 4281

**LEGISLATIVE HISTORY—H.R. 4236:**

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



## 10. Employee Training and Development

112 STAT. 3497

PUBLIC LAW 105-391—NOV. 13, 1998

Public Law 105-391  
105th Congress

### An Act

Nov. 13, 1998  
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

\* \* \* \* \*

112 STAT. 3498

#### TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

16 USC 5911.

#### SEC. 101. PROTECTION, INTERPRETATION, AND RESEARCH IN THE NATIONAL PARK SYSTEM.

Recognizing the ever increasing societal pressures being placed upon America’s unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System.

16 USC 5912.

#### SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING.

The Secretary shall develop a comprehensive training program for employees in all professional careers in the work force of the National Park Service for the purpose of assuring that the work force has available the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park System.

16 USC 5913.

#### SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING.

Within 2 years after the enactment of this Act, the Secretary shall develop a clear plan for management training and development, whereby career, professional National Park Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including explicitly the position of superintendent of a unit of the National Park System.

\* \* \* \* \*

112 STAT. 3523

Approved November 13, 1998.

#### LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



**11. Federal Reporting Requirements**

PUBLIC LAW 104-66—DEC. 21, 1995

109 STAT. 707

Public Law 104-66  
104th Congress

**An Act**

To provide for the modification or elimination of Federal reporting requirements.

Dec. 21, 1995  
[S. 790]

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

Federal Reports  
Elimination and  
Sunset Act of  
1995.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Reports Elimination and Sunset Act of 1995”.

\* \* \* \* \*

**TITLE I—DEPARTMENTS**

109 STAT. 709

\* \* \* \* \*

**Subtitle H—Department of the Interior**

109 STAT. 721

**SEC. 1081. REPORTS ELIMINATED.**

\* \* \* \* \*

(f) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(h)) is repealed.

\* \* \* \* \*

**TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES**

109 STAT. 733

\* \* \* \* \*

**SEC. 3002. REPORTS MODIFIED.**

109 STAT. 734

Section 552b(j) of title 5, United States Code, is amended to read as follows:

“(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

“(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

“(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

“(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

“(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.”.

**SEC. 3003. TERMINATION OF REPORTING REQUIREMENTS.**

31 USC 1113  
note.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2) of this subsection and subsection (d), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 4 years after the date of the enactment of this Act.

109 STAT. 735

PUBLIC LAW 104-66—DEC. 21, 1995

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.);

or

(B) the Chief Financial Officers Act of 1990 (Public Law 101-576), including provisions enacted by the amendments made by that Act.

President.

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) is the list prepared by the Clerk of the House of Representatives for the first session of the One Hundred Third Congress under clause 2 of rule III of the Rules of the House of Representatives (House Document No. 103-7).

(d) SPECIFIC REPORTS EXEMPTED.—Subsection (a)(1) shall not apply to any report required under—

(1) section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);

(2) section 306 of that Act (22 U.S.C. 2226);

(3) section 489 of that Act (22 U.S.C. 2291h);

(4) section 502B of that Act (22 U.S.C. 2304);

(5) section 634 of that Act (22 U.S.C. 2394);

(6) section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a);

(7) section 25 of the Arms Export Control Act (22 U.S.C. 2765);

(8) section 28 of that Act (22 U.S.C. 2768);

(9) section 36 of that Act (22 U.S.C. 2776);

(10) section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425);

(11) section 104 of the FREEDOM Support Act (22 U.S.C. 5814);

(12) section 508 of that Act (22 U.S.C. 5858);

(13) section 4 of the War Powers Resolution (50 U.S.C. 1543);

(14) section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703);

(15) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(16) section 207 of the International Economic Policy Act of 1972 (Public Law 92-412; 86 Stat. 648);

(17) section 4 of Public Law 93-121 (87 Stat. 448);

(18) section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(19) section 704 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5474);

(20) section 804 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 104 Stat. 72);

(21) section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f);

(22) section 2 of the Act of September 21, 1950 (Chapter 976; 64 Stat. 903);

## PUBLIC LAW 104–66—DEC. 21, 1995

109 STAT. 736

(23) section 3301 of the Panama Canal Act of 1979 (22 U.S.C. 3871);

(24) section 2202 of the Export Enhancement Act of 1988 (15 U.S.C. 4711);

(25) section 1504 of Public Law 103–160 (10 U.S.C. 402 note);

(26) section 502 of the International Security and Development Coordination Act of 1985 (22 U.S.C. 2349aa–7);

(27) section 23 of the Act of August 1, 1956 (Chapter 841; 22 U.S.C. 2694(2));

(28) section 5(c)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(5));

(29) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(30) section 50 of Public Law 87–297 (22 U.S.C. 2590);

(31) section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a); or

(32) section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469).

Approved December 21, 1995.

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LEGISLATIVE HISTORY—S. 790:

HOUSE REPORTS: No. 104–327 (Comm. on Government Reform and Oversight).  
CONGRESSIONAL RECORD, Vol. 141 (1995):

July 17, considered and passed Senate.

Nov. 14, considered and passed House, amended.

Dec. 6, Senate concurred in House amendment with an amendment.

Dec. 7, House concurred in Senate amendment.



110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333  
104th Congress

An Act

Nov. 12, 1996  
[H.R. 4236]

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

\* \* \* \* \*

110 STAT. 4097

DIVISION I

\* \* \* \* \*

110 STAT. 4186

TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

\* \* \* \* \*

110 STAT. 4190

**SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.**

\* \* \* \* \*

110 STAT. 4195

(d) **ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS.—**

(1) **REPEALS.—**The following provisions are hereby repealed:

(A) Section 302(c) of the Act entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes (Public Law 95-344; 92 Stat. 478; 16 U.S.C. 2302(c)).

110 STAT. 4196

(B) Section 503 of the Act of December 19, 1980 (Public Law 96-550; 94 Stat. 3228; 16 U.S.C. 410ii-2).

(C) Subsections (b) and (c) of section 4 of the Act of October 15, 1982 (Public Law 97-335; 96 Stat. 1628; 16 U.S.C. 341 note).

(D) Section 7 of Public Law 89-671 (96 Stat. 1457; 16 U.S.C. 284f).

(E) Section 3(c) of the National Trails System Act (Public Law 90-543; 82 Stat. 919; 16 U.S.C. 1242(c)).

(F) Section 4(b) of the Act of October 24, 1984 (Public Law 98-540; 98 Stat. 2720; 16 U.S.C. 1a-8).

(G) Section 106(b) of the National Visitor Center Facilities Act of 1968 (Public Law 90-264; 82 Stat. 44; 40 U.S.C. 805(b)).

(H) Section 6(f)(7) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 900; 16 U.S.C. 460l-8(f)(7)).

(I) Subsection (b) of section 8 of the Act of August 18, 1970 (Public Law 91-383; 90 Stat. 1940; 16 U.S.C. 1a-5(b)).

(J) The last sentence of section 10(a)(2) of the National Trails System Act (Public Law 90-543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

(K) Section 4 of the Act of October 31, 1988 (Public Law 100-573; Stat. 2891; 16 U.S.C. 460o note).

(L) Section 104(b) of the Act of November 19, 1988 (Public Law 100-698; 102 Stat. 4621).

16 USC 461 note.

## PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4196

(M) Section 1015(b) of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95-625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

(N) Section 105 of the Act of August 13, 1970 (Public Law 91-378; 16 U.S.C. 1705).

(O) Section 307(b) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470w-6(b)).

(2) AMENDMENTS.—The following provisions are amended:

(A) Section 10 of the Archaeological Resources Protection Act of 1979, by striking the last sentence of subsection (c) (Public Law 96-95; 16 U.S.C. 470ii(c)).

(B) Section 5(c) of the Act of June 27, 1960 (Public Law 86-523; 16 U.S.C. 469a-3(c); 74 Stat. 220), by inserting a period after “Act” and striking “and shall submit” and all that follows.

(C) Section 7(a)(3) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 903; 16 U.S.C. 460l-9(a)(3)), by striking the last sentence.

(D) Section 111 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 104 Stat. 278), by striking the second sentence.

16 USC 431 note.

(E) Section 307(a) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470w-6(a)) is amended by striking the first and second sentences.

(F) Section 101(a)(1)(B) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470a) by inserting a period after “Register” the last place such term appears and by striking “and submitted” and all that follows.

\* \* \* \* \*

Approved November 12, 1996.

110 STAT. 4281

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LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



112 STAT. 3280

PUBLIC LAW 105-362—NOV. 10, 1998

Public Law 105-362  
105th Congress

An Act

Nov. 10, 1998

[S. 1364]

Federal Reports  
Elimination Act  
of 1998.

To eliminate unnecessary and wasteful Federal reports.

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Reports Elimination Act of 1998”.

\* \* \* \* \*

112 STAT. 3289

**TITLE IX—DEPARTMENT OF THE INTERIOR**

**SEC. 901. REPORTS ELIMINATED.**

\* \* \* \* \*

112 STAT. 3290

(g) **STUDY OF THE FEASIBILITY AND SUITABILITY OF ESTABLISHING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.**—

(1) **REPEAL.**—Section 8 of the Niobrara Scenic River Designation Act of 1991 (Public Law 102-50; 16 U.S.C. 1a-5 note) is repealed.

16 USC 1274  
note.

(2) **REDESIGNATION.**—Section 9 of such Act (Public Law 102-50; 105 Stat. 258) is redesignated as section 8.

(h) **STUDY OF ROUTE 66.**—The Route 66 Study Act of 1990 (Public Law 101-400; 104 Stat. 861) is repealed.

\* \* \* \* \*

112 STAT. 3295

Approved November 10, 1998.

**LEGISLATIVE HISTORY—S. 1364:**

SENATE REPORTS: No. 105-187 (Comm. on Governmental Affairs).  
CONGRESSIONAL RECORD, Vol. 144 (1998):

June 10, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 21, Senate concurred in House amendment with an amendment. House concurred in Senate amendment.



**12. Fee Authority**

PUBLIC LAW 104-134—APR. 26, 1996

110 STAT. 1321

\* Public Law 104-134  
104th Congress

**An Act**

Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

Apr. 26, 1996  
[H.R. 3019]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
SECTION 101.

Omnibus Consolidated Rescissions and Appropriations Act of 1996.

\* \* \* \* \*

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

110 STAT. 1321-156

**AN ACT**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

Department of the Interior and Related Agencies Appropriations Act, 1996.

\* \* \* \* \*

**TITLE III—GENERAL PROVISIONS**

110 STAT. 1321-196

\* \* \* \* \*

110 STAT. 1321-200  
16 USC 460l-6a.

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.—(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

110 STAT. 1321-201

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor

\*Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

## 110 STAT. 1321-201 PUBLIC LAW 104-134—APR. 26, 1996

services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than \$100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, 20 percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

110 STAT.  
1321-202

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: *Provided*, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to

## PUBLIC LAW 104-134—APR. 26, 1996 110 STAT. 1321-202

health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869-4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

Effective date.  
Termination  
date.

\* \* \* \* \*

Approved April 26, 1996.

110 STAT.  
1321-381

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LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104-537 (Comm. of Conference).

SENATE REPORTS: No. 104-236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11-15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.



110 STAT. 3009

PUBLIC LAW 104-208—SEPT. 30, 1996

\*Public Law 104-208  
104th Congress

## An Act

Sept. 30, 1996  
[H.R. 3610]

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Omnibus  
Consolidated  
Appropriations  
Act, 1997.

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

## DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

## TITLE I—OMNIBUS APPROPRIATIONS

## Sec. 101.

\* \* \* \* \*

110 STAT.  
3009-181

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 1997.

## AN ACT

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

\* \* \* \* \*

110 STAT.  
3009-219

## TITLE III—GENERAL PROVISIONS

\* \* \* \* \*

16 USC 460l-6a  
note.

SEC. 319. Section 101(c) of Public Law 104-134 is amended as follows: Under the heading "Title III—General Provisions" amend section 315(b) by striking "50, areas," and inserting in lieu thereof "100, areas," and amend section 315(f) by striking "September 30, 1998" and inserting in lieu thereof "September 30, 1999" and by striking "September 30, 2001" and inserting in lieu thereof "September 30, 2002".

\* \* \* \* \*

110 STAT.  
3009-749

Approved September 30, 1996.

\*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

## LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104-617 (Comm. on Appropriations) and 104-863 (Comm. on Conference).

SENATE REPORTS: No. 104-286 accompanying S. 1894 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



PUBLIC LAW 105-18—JUNE 12, 1997

111 STAT. 158

Public Law 105-18  
105th Congress

An Act

Making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

June 12, 1997  
[H.R. 1871]

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia.

\* \* \* \* \*

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

111 STAT. 169

\* \* \* \* \*

CHAPTER 5

111 STAT. 177

DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, CHAPTER 5

111 STAT. 181

SEC. 5001. Section 101(c) of Public Law 104-134 is amended as follows: Under the heading “Title III—General Provisions” amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections “104%” and inserting in lieu thereof “100%”; by striking in each of those sections “1995” and inserting in lieu thereof “1994”; and by striking in each of those sections “and thereafter annually adjusted upward by 4%.”.

16 USC 460l-6a note.

\* \* \* \* \*

Approved June 12, 1997.

111 STAT. 217

LEGISLATIVE HISTORY—H.R. 1871:

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 12, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

June 12, Presidential statement.



111 STAT. 1

PUBLIC LAW 105–83—NOV. 14, 1997

Public Law 105–83  
105th Congress

An Act

Nov. 14, 1997  
[H.R. 2107]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 1998.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

111 STAT. 19  
16 USC 460l–6a  
note.

SEC. 107. In fiscal year 1998 and thereafter, for those years in which the recreation fee demonstration program authorized in Public Law 104–134 is in effect, the fee collection support authority provided in 16 U.S.C. 460l–6(i)(1)(B) applies only to parks not included in the fee demonstration program, and that the amount retained under this authority to cover fee collection costs will not exceed those costs at the non-demonstration parks, or 15 percent of all fees collected at non-demonstration parks in a fiscal year whichever is less. Fee collection costs for parks included in the fee demonstration program will be covered by the fees retained at those parks.

\* \* \* \* \*

111 STAT. 47

TITLE III—GENERAL PROVISIONS

\* \* \* \* \*

111 STAT. 54  
16 USC 460l–6a  
note.

SEC. 320. (a) Section 101(c) of Public Law 104–134 is amended as follows: Under the heading “TITLE III—GENERAL PROVISIONS” amend section 315(c)(1) by striking subparagraphs (A) and (B) and inserting:

“(A) Eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(A).

“(B) Twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).”.

(b) Subparagraph (C) of section 315(c)(1) is amended by inserting “and the National Park Service” after “the Fish and Wildlife Service”.

SEC. 321. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without

## PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 54

prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

\* \* \* \* \*

Approved November 14, 1997.

111 STAT. 85

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LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105-163 (Comm. on Appropriations) and 105-337 (Comm. of Conference).

SENATE REPORTS: No. 105-56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15-18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



112 STAT. 2681

PUBLIC LAW 105-277—OCT. 21, 1998

**\*Public Law 105-277**  
**105th Congress**

**An Act**

Oct. 21, 1998  
 [H.R. 4328]

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Omnibus  
 Consolidated and  
 Emergency  
 Supplemental  
 Appropriations  
 Act, 1999.

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

**DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:  
**SEC. 101.**

\* \* \* \* \*

112 STAT.  
 2681-231

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

112 STAT.  
 2681-232  
 Department of  
 the Interior and  
 Related Agencies  
 Appropriations  
 Act, 1999.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

112 STAT.  
 2681-252

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

112 STAT.  
 2681-255

**SEC. 115.** Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

\* \* \* \* \*

112 STAT.  
 2681-286

**TITLE III—GENERAL PROVISIONS**

112 STAT.  
 2681-291

\* \* \* \* \*

16 USC 460l-6a  
 note.

**SEC. 327.** Section 101(c) of Public Law 104-134, as amended, is further amended as follows: Under the heading "Title III—Gen-

\*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

## PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-291

eral Provisions” amend section 315(f) (16 U.S.C. 4601-6a note) by striking “September 30, 1999” after the words “and end on” and inserting “September 30, 2001” and striking “September 30, 2002” after the words “remain available through” and inserting “September 30, 2004”.

\* \* \* \* \*

Approved October 21, 1998.

112 STAT.  
2681-919

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LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105-648 (Comm. on Appropriations) and 105-825 (Comm. of Conference).

SENATE REPORTS: No. 105-249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.



112 STAT. 3055

PUBLIC LAW 105-327—OCT. 30, 1998

Public Law 105-327  
105th Congress

An Act

Oct. 30, 1998  
[S. 1333]

To amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

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

**SECTION 1. USE OF CERTAIN RECREATIONAL FEES.**

Section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)(1)) is amended by adding at the end the following:

“(C) UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

“(i) WITHHOLDING OF AMOUNTS.—Notwithstanding subparagraph (A), section 315(c) of section 101(c) of the Omnibus Consolidated Receptions and Appropriations Act of 1996 (16 U.S.C. 4601-6a note; Public Law 104-134), or section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (16 U.S.C. 4601-6a note; Public Law 105-83), the Secretary of the Interior shall withhold from the special account under subparagraph (A) 100 percent of the fees and charges collected in connection with any unit of the National Park System at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

“(ii) USE OF AMOUNTS.—Amounts withheld under clause (i) shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary for the unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.”.

112 STAT. 3056

Approved October 30, 1998.

LEGISLATIVE HISTORY—S. 1333:

SENATE REPORTS: No. 105-311 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.  
Oct. 10, considered and passed House.



PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3497

Public Law 105-391  
105th Congress

An Act

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

Nov. 13, 1998  
[S. 1693]

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.

\* \* \* \* \*

**TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM**

112 STAT. 3518

**SEC. 501. FEES.**

16 USC 5981.

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary’s satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

**SEC. 502. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.**

Contracts  
16 USC 5982.

Not later than 6 months after the date of enactment of this title, the Secretary of the Interior and the Secretary of Agriculture shall enter into an agreement providing for an apportionment among each agency of all proceeds derived from the sale of Golden Eagle Passports by private vendors. Such proceeds shall be apportioned to each agency on the basis of the ratio of each agency’s total revenue from admission fees collected during the previous fiscal year to the sum of all revenue from admission fees collected during the previous fiscal year for all agencies participating in the Golden Eagle Passport Program.

**TITLE VI—NATIONAL PARK PASSPORT PROGRAM**

**SEC. 601. PURPOSES.**

16 USC 5991.

The purposes of this title are—

- (1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and
- (2) to generate revenue for support of the National Park System.

112 STAT. 3519

PUBLIC LAW 105-391—NOV. 13, 1998

16 USC 5992.

**SEC. 602. NATIONAL PARK PASSPORT PROGRAM.**

(a) PROGRAM.—The Secretary shall establish a national park passport program. A national park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

(b) EFFECTIVE PERIOD.—A national park passport stamp shall be effective for a period of 12 months from the date of purchase.

(c) TRANSFERABILITY.—A national park passport and stamp shall not be transferable.

16 USC 5993.

**SEC. 603. ADMINISTRATION.**

(a) STAMP DESIGN COMPETITION.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

(2) Each competition shall be open to the public and shall be a means to educate the American people about the National Park System.

(b) SALE OF PASSPORTS AND STAMPS.—(1) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(2) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

(3) The Secretary may limit the number of private vendors of national park passports (including stamps).

(c) USE OF PROCEEDS.—

(1) The Secretary may use not more than 10 percent of the revenues derived from the sale of national park passports (including stamps) to administer and promote the national park passport program and the National Park System.

(2) Net proceeds from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) AGREEMENTS.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

(e) FEE.—The fee for a national park passport and stamp shall be \$50.

16 USC 5994.

**SEC. 604. FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.**

The Secretary of Interior shall—

(1) make Golden Eagle Passports issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(1)(A)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note), available to foreign visitors to the United States; and

## PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3520

(2) make such Golden Eagle Passports available for purchase outside the United States, through commercial tourism channels and consulates or other offices of the United States.

**SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.**

16 USC 5995.

(a) **PARK PASSPORT NOT REQUIRED.**—A national park passport shall not be required for—

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(2)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note); or

(2) an individual who has obtained a Golden Age or Golden Access Passport under paragraph (4) or (5) of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)).

(b) **GOLDEN EAGLE PASSPORTS.**—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(1)(A)) or such Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note) shall be honored for admission to each unit of the National Park System.

(c) **ACCESS.**—A national park passport shall provide access to each unit of the National Park System under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

(d) **LIMITATIONS.**—A national park passport may not be used to obtain access to other Federal recreation fee areas outside of the National Park System.

(e) **EXEMPTIONS AND FEES.**—A national park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(b)) or such Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note).

\* \* \* \* \*

Approved November 13, 1998.

112 STAT. 3523

**LEGISLATIVE HISTORY—S. 1693:**

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



**13. Feral Burros and Horses**

110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333  
104th Congress**An Act**Nov. 12, 1996  
[H.R. 4236]To provide for the administration of certain Presidio properties at minimal cost  
to the Federal taxpayer, and for other purposes.Omnibus Parks  
and Public Lands  
Management Act  
of 1996.  
16 USC 1 note.*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,***SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**This Act may be cited as the “Omnibus Parks and Public  
Lands Management Act of 1996”.

\* \* \* \* \*

110 STAT. 4097

**DIVISION I**

\* \* \* \* \*

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND  
MANAGEMENT PROVISIONS**

\* \* \* \* \*

**SEC. 803. FERAL BURROS AND HORSES.**(a) VEHICLES AND AIRCRAFT.—Section 9 of the Act of December  
15, 1971 (16 U.S.C. 1338a), is amended by adding at the end  
thereof the following: “Nothing in this title shall be deemed to  
limit the authority of the Secretary in the management of units  
of the National Park System, and the Secretary may, without  
regard either to the provisions of this title, or the provisions of  
section 47(a) of title 18, United States Code, use motor vehicles,  
fixed-wing aircraft, or helicopters, or to contract for such use, in  
furtherance of the management of the National Park System, and  
section 47(a) of title 18, United States Code, shall be applicable  
to such use.”.

\* \* \* \* \*

110 STAT. 4281

Approved November 12, 1996.

**LEGISLATIVE HISTORY—H.R. 4236:**

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**14. Historic Leasing Simplification**

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3497

Public Law 105-391  
105th Congress

**An Act**

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

Nov. 13, 1998  
[S. 1693]

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.

\* \* \* \* \*

**TITLE VIII—MISCELLANEOUS PROVISIONS**

112 STAT. 3521

\* \* \* \* \*

**SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.**

112 STAT. 3522

\* \* \* \* \*

(b) **HISTORIC LEASE PROCESS SIMPLIFICATION.**—The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.

112 STAT. 3523  
16 USC 470h-3  
note.

Approved November 13, 1998.

**LEGISLATIVE HISTORY—S. 1693:**

HOUSE REPORTS: No. 105-767 (Comm. on Resources).  
SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 144 (1998):  
June 11, considered and passed Senate.  
Oct. 13, considered and passed House, amended.  
Oct. 14, Senate concurred in House amendment.  
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):  
Nov. 13, Presidential statement.



## 15. Leasing of Park Buildings

112 STAT. 3497

PUBLIC LAW 105-391—NOV. 13, 1998

Public Law 105-391  
105th Congress

### An Act

Nov. 13, 1998  
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

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

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

\* \* \* \* \*

112 STAT. 3521

#### TITLE VIII—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

112 STAT. 3522

#### SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) IN GENERAL.—Section 3 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-2) is amended by adding at the end the following:

“(k) LEASES.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), the Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

“(2) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under paragraph (1) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concessions contract, commercial use authorization, or similar instrument.

“(3) USE.—Buildings and associated property leased under paragraph (1)—

“(A) shall be used for an activity that is consistent with the purposes established by law for the unit in which the building is located;

“(B) shall not result in degradation of the purposes and values of the unit; and

“(C) shall be compatible with National Park Service programs.

“(4) RENTAL AMOUNTS.—

“(A) IN GENERAL.—With respect to a lease under paragraph (1)—

“(i) payment of fair market value rental shall be required; and

“(ii) section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b) shall not apply.

“(B) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

“(C) REGULATION.—The Secretary shall promulgate regulations implementing this subsection that includes

## PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3522

provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

“(5) SPECIAL ACCOUNT.—

“(A) DEPOSITS.—Rental payments under a lease under paragraph (1) shall be deposited in a special account in the Treasury of the United States.

“(B) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

“(i) facility refurbishment;

“(ii) repair and replacement;

“(iii) infrastructure projects associated with park resource protection; and

“(iv) direct maintenance of the leased buildings and associated properties.

“(C) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this Act.

Procedures.

112 STAT. 3523

\* \* \* \* \*

Approved November 13, 1998.

112 STAT. 3523

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LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



## 16. Limitation on Expenditure of Funds for Park Buildings

110 STAT. 4093                      PUBLIC LAW 104–333—NOV. 12, 1996

Public Law 104–333  
104th Congress

### An Act

Nov. 12, 1996  
[H.R. 4236]

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

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

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

\*            \*            \*            \*            \*            \*            \*

110 STAT. 4097

#### DIVISION I

\*            \*            \*            \*            \*            \*            \*

110 STAT. 4186

#### TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

##### SEC. 801. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading “MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR”, which appears under the heading “UNDER THE DEPARTMENT OF THE INTERIOR”, as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

\*            \*            \*            \*            \*            \*            \*

110 STAT. 4281

Approved November 12, 1996.

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#### LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**17. Historically Black Colleges and Universities**

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

**An Act**

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996  
[H.R. 4236]

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

\* \* \* \* \*

**DIVISION I**

110 STAT. 4097

\* \* \* \* \*

**TITLE V—HISTORIC AREAS AND CIVIL RIGHTS**

110 STAT. 4153

\* \* \* \* \*

**SEC. 507. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES  
HISTORIC BUILDING RESTORATION AND PRESERVATION.**

110 STAT. 4156  
16 USC 470a  
note.

(a) **AUTHORITY TO MAKE GRANTS.**—From the amounts made available to carry out the National Historic Preservation Act, the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

(b) **GRANT CONDITIONS.**—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) **MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.**—(1) Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(d) **FUNDING PROVISION.**—Pursuant to section 108 of the National Historic Preservation Act, \$29,000,000 shall be made available to carry out the purposes of this section. Of amounts made

110 STAT. 4156

PUBLIC LAW 104-333—NOV. 12, 1996

available pursuant to this section, \$5,000,000 shall be available for grants to Fisk University, \$2,500,000 shall be available for grants to Knoxville College, \$2,000,000 shall be available for grants to Miles College, Alabama, \$1,500,000 shall be available for grants to Talladega College, Alabama, \$1,550,000 shall be available for grants to Selma University, Alabama, \$250,000 shall be available for grants to Stillman College, Alabama, \$200,000 shall be available for grants to Concordia College, Alabama, \$2,900,000 shall be available for grants to Allen University, South Carolina, \$1,000,000 shall be available for grants to Claflin College, South Carolina, \$2,000,000 shall be available for grants to Voorhees College, South Carolina, \$1,000,000 shall be available for grants to Rust College, Mississippi, and \$3,000,000 shall be available for grants to Tougaloo College, Mississippi.

(e) REGULATIONS.—The Secretary shall develop such guidelines as may be necessary to carry out this section.

(f) DEFINITIONS.—For the purposes of this section:

(1) HISTORICALLY BLACK COLLEGES.—The term “historically black colleges and universities” has the same meaning given the term “part B institution” by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) HISTORIC BUILDING AND STRUCTURES.—The term “historic building and structures” means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.

110 STAT. 4157

\* \* \* \* \*

110 STAT. 4281

Approved November 12, 1996.

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LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**18. Housing in National Parks**

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

**An Act**

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996  
[H.R. 4236]

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

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**DIVISION I**

110 STAT. 4097

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**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS**

110 STAT. 4186

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**SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.**

110 STAT. 4190

(a) NATIONAL PARK SERVICE HOUSING IMPROVEMENT.—

16 USC 17o.  
note.

(1) PURPOSES.—The purposes of this section are—

(A) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;

(B) to expand the alternatives available for construction and repair of essential Government housing;

(C) to rely on the private sector to finance or supply housing in carrying out this section, to the maximum extent possible, in order to reduce the need for Federal appropriations;

(D) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and

(E) to eliminate unnecessary Government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

(2) GENERAL AUTHORITY.—To enhance the ability of the Secretary of the Interior (hereafter in this subsection referred to as “the Secretary”), acting through the Director of the National Park Service, to effectively manage units of the National Park System, the Secretary is authorized where necessary and justified to make available employee housing, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

(3) REVIEW AND REVISION OF HOUSING CRITERIA.—Upon the enactment of this Act, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. Specifically, the Secretary

shall examine the existing criteria with respect to what circumstances the National Park Service requires an employee to occupy Government quarters to provide necessary services, protect Government property, or because of a lack of availability of non-Federal housing in the geographic area.

(4) SUBMISSION OF REPORT.—A report detailing the results of the revisions required by paragraph (3) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

(5) REVIEW OF CONDITION OF AND COSTS RELATING TO HOUSING.—Using the revised criteria developed under paragraph (3), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

(6) AUTHORIZATION FOR HOUSING AGREEMENTS.—For those units of the National Park System for which the review required by paragraphs (3) and (5) has been completed, the Secretary is authorized, pursuant to the authorities contained in this subsection and subject to the appropriation of necessary funds in advance, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this Act.

(7) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAMS.—

(A) LEASE TO BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may—

(i) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(ii) lease developed and undeveloped non-Federal land for providing field employee quarters.

(B) COMPETITIVE LEASING.—Each lease under subparagraph (A)(i) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

(C) TERMS AND CONDITIONS.—Each lease under subparagraph (A)(i)—

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4191

(i) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(ii) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(iii) shall contain such additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(iv) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

110 STAT. 4192

(D) CONTRIBUTIONS BY UNITED STATES.—The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this paragraph.

(8) RENTAL GUARANTEE PROGRAM.—

(A) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease to build arrangement as set forth in paragraph (7) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this paragraph shall be in writing.

(B) LIMITATIONS.—The Secretary may not guarantee—

(i) the occupancy of more than 75 percent of the units constructed or rehabilitated under such lease; and

(ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

In no event shall outstanding guarantees be in excess of \$3,000,000,

(C) RENTAL TO GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made

(D) FAILURE TO MAINTAIN A SATISFACTORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

(9) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

110 STAT. 4192

PUBLIC LAW 104-333—NOV. 12, 1996

## (10) CONTRACTS FOR THE MANAGEMENT OF FIELD EMPLOYEE QUARTERS.—

(A) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

(B) TERMS AND CONDITIONS.—Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

## (11) LEASING OF SEASONAL EMPLOYEE QUARTERS.—

(A) GENERAL AUTHORITY.—Subject to subparagraph (B), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(B) LIMITATION.—The Secretary may only issue a lease under subparagraph (A) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—

(i) the requirement for such seasonal field employee quarters is temporary; or

(ii) leasing would be more cost effective than construction of new seasonal field employee quarters.

(C) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this paragraph from annual appropriations for the year in which such lease is made.

## (12) SURVEY OF EXISTING FACILITIES.—The Secretary shall—

(A) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for carrying out the agency mission, using existing information; and

(B) develop an agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

(13) USE OF HOUSING-RELATED FUNDS.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under paragraph (13), in sequential order, to the maximum extent practicable.

(14) ANNUAL BUDGET SUBMITTAL.—The President's proposed budget to Congress for the first fiscal year beginning after enactment of this Act, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

(15) STUDY OF HOUSING ALLOWANCES.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to determine the feasibility of providing eligible

110 STAT. 4193

## PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4193

employees of the National Park Service with housing allowances rather than Government housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(16) STUDY OF SALE OF EMPLOYEE HOUSING.—Within 18 months of the date of the enactment of the Act, the Secretary shall complete a study of the sale of Government quarters to a cooperative consisting of field employees. The Secretary shall examine the potential benefits to the Government as well as the employees and any risks associated with such a program.

(17) GENERAL PROVISIONS.—

(A) CONSTRUCTION LIMITATIONS ON FEDERAL LANDS.—  
The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which will impact primary resource values of the area or adversely affect the mission of the agency.

110 STAT. 4194

(B) RENTAL RATES.—To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(C) EXEMPTION FROM LEASING REQUIREMENTS.—The provisions of section 5 of the Act of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 4601-22), and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall not apply to leases issued by the Secretary under this section.

(18) PROCEEDS.—The proceeds from any lease under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (I), shall be retained by the National Park Service. Such proceeds shall be deposited into the special fund established for maintenance and operation of quarters.

(19) DEFINITIONS.—For purposes of this subsection:

(A) The term “field employee” means—

(i) an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and

(ii) other individuals who are authorized to occupy Government quarters under section 5911 of title 5, United States Code, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

(B) The term “land management agency” means the National Park Service, Department of the Interior.

(C) The term “primary resource values” means resources which are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

110 STAT. 4194

PUBLIC LAW 104-333—NOV. 12, 1996

(D) The term “quarters” means quarters owned or leased by the Government.

(E) The term “seasonal quarters” means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

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110 STAT. 4281

Approved November 12, 1996.

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LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**19. Minor Boundary Revision Authority**

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

**An Act**

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996  
[H.R. 4236]

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

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

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**DIVISION I**

110 STAT. 4097

\* \* \* \* \*

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS**

110 STAT. 4186

\* \* \* \* \*

**SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.**

110 STAT. 4190

\* \* \* \* \*

(b) **MINOR BOUNDARY REVISION AUTHORITY.**—Section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(c)) is amended as follows:

110 STAT. 4194

(1) In the first sentence, by striking “Committee on Natural” and inserting “Committee on”.

(2)(A) By striking “: *Provided, however,*” and all that follows through “1965”; and

(B) by inserting “(1)” after “(c)” and by inserting at the end the following:

“(2) For the purposes of clause (i) of paragraph (1), in all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under such clause (i) shall apply only if each of the following conditions is met:

110 STAT. 4195

“(A) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

“(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

“(C) The sum of the total appraised value of the lands, water, and interest therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed \$750,000.

“(D) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

“(E) The proposed boundary has been subject to a public review and comment period.

110 STAT. 4195

PUBLIC LAW 104-333—NOV. 12, 1996

“(F) The Director of the National Park Service obtains written consent for the boundary modification from all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein, will be added to or deleted from the area by the boundary modification.

“(G) The lands are adjacent to other Federal lands administered by the Director of the National Park Service.

“Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.”.

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110 STAT. 4281

Approved November 12, 1996.

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LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**20. Museum Management Authority**

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

**An Act**

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996  
[H.R. 4236]

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

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**DIVISION I**

110 STAT. 4097

\* \* \* \* \*

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS**

110 STAT. 4186

\* \* \* \* \*

**SEC. 804. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.**

110 STAT. 4187

(a) FUNCTIONS.—The Act entitled “An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes” approved July 1, 1955 (16 U.S.C. 18f), is amended—

- (1) in subsection (b) of the first section, by striking out “from such donations and bequests of money”; and
- (2) by adding at the end thereof the following:

**“SEC. 2. ADDITIONAL FUNCTIONS.**

16 USC 18f-2.

“(a) MUSEUM OBJECTS AND COLLECTIONS.—In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

“(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies, including the Smithsonian Institution, that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purpose of this Act.

“(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation

110 STAT. 4187

PUBLIC LAW 104-333—NOV. 12, 1996

of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

“(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

110 STAT. 4188

“(b) REVIEW AND APPROVAL.—The Secretary shall ensure that museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under this section.”.

(b) APPLICATION AND DEFINITIONS.—The Act entitled “An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes” approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding the following after section 2:

16 USC 18f-3.

**“SEC. 3. APPLICATION AND DEFINITIONS.**

“(a) APPLICATION.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for the purposes of the National Park System before the date of enactment of this section as well as those museum objects and museum collections that may be acquired on or after such date.

“(b) DEFINITION.—For the purposes of this Act, the terms ‘museum objects’ and ‘museum collections’ mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.”.

\* \* \* \* \*

110 STAT. 4281

Approved November 12, 1996.

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LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**21. National Cave and Karst Research Institute**

PUBLIC LAW 105–325—OCT. 30, 1998

112 STAT. 3038

Public Law 105–325  
105th Congress

**An Act**

To establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

Oct. 30, 1998

[S. 231]

*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 “National Cave and Karst Research Institute Act of 1998”.

National Cave  
and Karst  
Research  
Institute Act of  
1998.  
16 USC 4310  
note.

**SEC. 2. PURPOSES.**

The purposes of this Act are—

- (1) to further the science of speleology;
- (2) to centralize and standardize speleological information;
- (3) to foster interdisciplinary cooperation in cave and karst research programs;
- (4) to promote public education;
- (5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and
- (6) to promote and develop environmentally sound and sustainable resource management practices.

**SEC. 3. ESTABLISHMENT OF THE INSTITUTE.**

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this Act as the “Secretary”), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the “Institute”).

(b) **PURPOSES.**—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) **LOCATION.**—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

**SEC. 4. ADMINISTRATION OF THE INSTITUTE.**

(a) **MANAGEMENT.**—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) **GUIDELINES.**—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled “An Act to conduct certain studies in the State of New Mexico”, approved November 15, 1990 (Public Law 101–578; 16 U.S.C. 4310 note).

(c) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—The Secretary may enter into a contract or cooperative agreement with a public

112 STAT. 3039

PUBLIC LAW 105-325—OCT. 30, 1998

or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

(1) a grant or donation from a private person; or

(2) a transfer of funds from another Federal agency.

**SEC. 5. FUNDING.**

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved October 30, 1998.

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**LEGISLATIVE HISTORY—S. 231:**

HOUSE REPORTS: No. 105-496 (Comm. on Resources).

SENATE REPORTS: No. 105-37 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 143 (1997): July 11, considered and passed Senate.

Vol. 144 (1998): Oct. 10, considered and passed House.



**22. National Maritime Heritage Program Extension**

PUBLIC LAW 105–85—NOV. 18, 1997                      111 STAT. 1629

Public Law 105–85  
105th Congress

**An Act**

To authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Nov. 18, 1997  
[H.R. 1119]

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

National Defense  
Authorization  
Act for Fiscal  
Year 1998.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 1998”.

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS                      111 STAT. 1645

\* \* \* \* \*

TITLE X—GENERAL PROVISIONS                      111 STAT. 1866

\* \* \* \* \*

**SEC. 1026. REPORTS RELATING TO EXPORT OF VESSELS THAT MAY CONTAIN POLYCHLORINATED BIPHENYLS.**                      111 STAT. 1878

\* \* \* \* \*

(c) AMENDMENTS RELATING TO DISPOSAL OF OBSOLETE VESSELS FROM THE NATIONAL DEFENSE RESERVE FLEET.—Section 6 of the National Maritime Heritage Act of 1994 (Public Law 103–451; 108 Stat. 4776; 16 U.S.C. 5405) is amended—

- (1) in subsections (a)(1) and (b)(2)—
  - (A) by inserting “or 510(i)” after “508”; and
  - (B) by inserting “or 1160(i)” after “1158”;
- (2) in subsection (b)(2), by striking out “first 6” and inserting in lieu thereof “first 8”; and

111 STAT. 1878

PUBLIC LAW 105–85—NOV. 18, 1997

(3) in subsection (c)(1)(A), by striking out “1999” and inserting in lieu thereof “2001”.

\* \* \* \* \*

111 STAT. 2078

Approved November 18, 1997.

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LEGISLATIVE HISTORY—H.R. 1119 (S. 924) (S. 936):

HOUSE REPORTS: No. 105–132 (Comm. on National Security) and 105–340 (Comm. of Conference).

SENATE REPORTS: No. 105–29 accompanying S. 924 and S. 936 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 19, 20, 23–25, considered and passed House.

July 11, considered and passed Senate, amended.

Oct. 28, House agreed to conference report.

Nov. 5, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 18, Presidential statement.



**23. National Park Foundation**

PUBLIC LAW 104-208—SEPT. 30, 1996

110 STAT. 3009

\*Public Law 104-208  
104th Congress

**An Act**

Making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

Sept. 30, 1996  
[H.R. 3610]

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

Omnibus  
Consolidated  
Appropriations  
Act, 1997.

**DIVISION A**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

**TITLE I—OMNIBUS APPROPRIATIONS**

Sec. 101.

\* \* \* \* \*

(d) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

110 STAT.  
3009-181

**AN ACT**

Making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

Department of  
the Interior and  
Related Agencies for  
Appropriations  
Act, 1997.

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

**NATIONAL PARK SERVICE**

110 STAT.  
3009-187

\* \* \* \* \*

**ADMINISTRATIVE PROVISIONS**

110 STAT.  
3009-188

Appropriations for the National Park Service shall be available for the purchase of not to exceed 404 passenger motor vehicles, of which 287 shall be for replacement only, including not to exceed 320 for police-type use, 13 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the

\*Note: This is a typeset print of the original hand enrollment as signed by the President on September 30, 1996. The text is printed without corrections. Missing text in the original is indicated by a footnote.

## 110 STAT. 3009–189 PUBLIC LAW 104–208—SEPT. 30, 1996

southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

16 USC 1g.

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

Notwithstanding any other provision of law, remaining balances, including interest, from funds granted to the National Park Foundation pursuant to the National Park System Visitor Facilities Fund Act of 1983 (Public Law 97–433, 96 Stat. 2277) shall be available to the National Park Foundation for expenditure in units of the National Park System for the purpose of improving visitor facilities.

\* \* \* \* \*

110 STAT.  
3009–749

Approved September 30, 1996.

LEGISLATIVE HISTORY—H.R. 3610 (S. 1894):

HOUSE REPORTS: Nos. 104–617 (Comm. on Appropriations) and 104–863 (Comm. on Conference).

SENATE REPORTS: No. 104–286 accompanying S. 1894 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 13, considered and passed House.

July 11, 17, 18, considered and passed Senate, amended, in lieu of S. 1894.

Sept. 28, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Sept. 30, Presidential statement.



PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3497

Public Law 105-391  
105th Congress

An Act

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

Nov. 13, 1998  
[S. 1693]

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

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

\* \* \* \* \*

**TITLE VII—NATIONAL PARK FOUNDATION SUPPORT**

112 STAT. 3520

**SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.**

Public Law 90-209 (commonly known as the National Park Foundation Act; 16 U.S.C. 19 et seq.) is amended by adding at the end the following new section:

**“SEC. 11. PROMOTION OF LOCAL FUNDRAISING SUPPORT.**

16 USC 19o.

“(a) **ESTABLISHMENT.**—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

“(b) **IMPLEMENTATION.**—The program under subsection (a) shall be implemented to—

“(1) assist in the creation of local nonprofit support organizations; and

“(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

“(c) **PROGRAM.**—The program under subsection (a) shall include the greatest number of national park units as is practicable.

112 STAT. 3521

“(d) **REQUIREMENTS.**—The program under subsection (a) shall include, at a minimum—

“(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

“(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

“(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

“(e) **ANNUAL REPORT.**—The Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

“(f) **AFFILIATIONS.**—

“(1) **CHARTER OR CORPORATE BYLAWS.**—Nothing in this section requires—

“(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the Foundation; or

112 STAT. 3521

PUBLIC LAW 105-391—NOV. 13, 1998

“(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

“(2) ESTABLISHMENT.—An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization.”.

\* \* \* \* \*

112 STAT. 3523

Approved November 13, 1998.

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LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



**24. National Park System Advisory Board**

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

**An Act**

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996  
[H.R. 4236]

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

\* \* \* \* \*

**DIVISION I**

110 STAT. 4097

\* \* \* \* \*

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS**

110 STAT. 4186

\* \* \* \* \*

**SEC. 814. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.**

110 STAT. 4190

(f) NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION.—

110 STAT. 4197

(1) NATIONAL PARK SYSTEM ADVISORY BOARD.—Section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463) is amended as follows:

(A) In subsection (a) by striking the first 3 sentences and inserting in lieu thereof: “There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land

110 STAT. 4197

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4198

use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.”

(B) By redesignating subsections (b) and (c) as (f) and (g) and by striking from the first sentence of subsection (f), as so redesignated “1995” and inserting in lieu thereof “2006”.

(C) By adding the following new subsections after subsection (a):

“(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

“(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

“(c)(1) Upon request of the Director, the Board is authorized to—

“(A) hold such hearings and sit and act at such times,

“(B) take such testimony,

“(C) have such printing and binding done,

“(D) enter into such contracts and other arrangements.

“(E) make such expenditures, and

“(F) take such other actions, as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

“(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

“(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

## PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4198

“(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board. 110 STAT. 4199

“(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

“(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.”

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Park System Advisory Board \$200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463). 16 USC 463 note.

(3) EFFECTIVE DATE.—This subsection shall take effect on December 7, 1997. 16 USC 463 note.

\* \* \* \* \*

Approved November 12, 1996.

110 STAT. 4281

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LEGISLATIVE HISTORY—H.R. 4236:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**25. New Area Studies**

112 STAT. 3497

PUBLIC LAW 105-391—NOV. 13, 1998

**Public Law 105-391  
105th Congress****An Act**Nov. 13, 1998  
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

\* \* \* \* \*

112 STAT. 3501  
National Park  
System New  
Areas Studies  
Act.  
16 USC 1 note.**TITLE III—STUDY REGARDING ADDITION OF NEW  
NATIONAL PARK SYSTEM AREAS****SEC. 301. SHORT TITLE.**

This title may be cited as the “National Park System New Areas Studies Act”.

16 USC 1a-5  
note.**SEC. 302. PURPOSE.**

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

**SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM  
AREAS.**

Section 8 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-5) is amended as follows:

(1) By inserting “GENERAL AUTHORITY.—” after “(a)”.

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words “For the purposes of carrying” the following: “(f) AUTHORIZATION OF APPROPRIATIONS.—”.

(4) By inserting the following after subsection (a):

Records.

“(b) **STUDIES OF AREAS FOR POTENTIAL ADDITION.**—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

“(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

112 STAT. 3502

“(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

“(B) themes, sites, and resources not already adequately represented in the National Park System; and

“(C) public petition and Congressional resolutions.

## PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3502

“(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

“(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

“(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

“(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

“(2) In conducting the study, the Secretary shall consider whether the area under study—

“(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

“(B) is a suitable and feasible addition to the system.

“(3) Each study—

“(A) shall consider the following factors with regard to the area being studied—

“(i) the rarity and integrity of the resources;

“(ii) the threats to those resources;

“(iii) similar resources are already protected in the National Park System or in other public or private ownership;

“(iv) the public use potential;

“(v) the interpretive and educational potential;

“(vi) costs associated with acquisition, development and operation;

“(vii) the socioeconomic impacts of any designation;

“(viii) the level of local and general public support;

and

“(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

“(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

“(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

“(D) may include any other information which the Secretary deems to be relevant.

112 STAT. 3503

112 STAT. 3503

PUBLIC LAW 105-391—NOV. 13, 1998

“(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

“(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary’s preferred management option for the area.

“(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

“(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.”.

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: “For carrying out subsections (b) through (d) there are authorized to be appropriated \$2,000,000 for each fiscal year.”.

\* \* \* \* \*

112 STAT. 3523

Approved November 13, 1998.

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LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



**26. Offenses Against Property of National Cemeteries**

PUBLIC LAW 105–101—NOV. 19, 1997

111 STAT. 2202

Public Law 105–101  
105th Congress**An Act**

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

Nov. 19, 1997  
[S. 813]*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 “Veterans’ Cemetery Protection Act of 1997”.

Veterans’  
Cemetery Act of  
1997.  
28 USC 994 note.**SEC. 2. SENTENCING FOR OFFENSES AGAINST PROPERTY AT NATIONAL CEMETERIES.**

28 USC 994 note.

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 2 levels for any offense against the property of a national cemetery.(b) **COMMISSION DUTIES.**—In carrying out subsection (a), the Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of an offense described in that subsection are—

(1) appropriately severe; and

(2) reasonably consistent with other relevant directives and with other Federal sentencing guidelines.

(c) **DEFINITION OF NATIONAL CEMETERY.**—In this section, the term “national cemetery” means a cemetery—

(1) in the National Cemetery System established under section 2400 of title 38, United States Code; or

(2) under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Interior.

111 STAT. 2203

Approved November 19, 1997.

**LEGISLATIVE HISTORY—S. 813 (H.R. 1532):****HOUSE REPORTS:** No. 105–142 accompanying H.R. 1532 (Comm. on the Judiciary).**CONGRESSIONAL RECORD,** Vol. 143 (1997):

Nov. 4, considered and passed Senate.

Nov. 8, considered and passed House.



**27. Park Police and Law Enforcement Program Needs**

112 STAT. 3497

PUBLIC LAW 105-391—NOV. 13, 1998

Public Law 105-391  
105th Congress

## An Act

Nov. 13, 1998  
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

\* \* \* \* \*

112 STAT. 3521

## TITLE VIII—MISCELLANEOUS PROVISIONS

16 USC 6011.

**SEC. 801. UNITED STATES PARK POLICE.**(a) **APPOINTMENT OF TASK FORCE.**—Not later than 60 days after the date of enactment of this title, the Secretary shall appoint a multidisciplinary task force to fully evaluate the shortfalls, needs, and requirements of law enforcement programs in the National Park Service, including a separate analysis for the United States Park Police, which shall include a review of facility repair, rehabilitation, equipment, and communication needs.

Deadline.

(b) **SUBMISSION OF REPORT.**—Not later than one year after the date of enactment of this title, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives a report that includes—

- (1) the findings and recommendations of the task force;
  - (2) complete justifications for any recommendations made;
- and
- (3) a complete description of any adverse impacts that would occur if any need identified in the report is not met.

\* \* \* \* \*

112 STAT. 3523

Approved November 13, 1998.

**LEGISLATIVE HISTORY—S. 1693:**

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



**28. POW/MIA Flag Display**

PUBLIC LAW 105–354—NOV. 3, 1998

112 STAT. 3238

Public Law 105–354  
105th Congress**An Act**

To codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

Nov. 3, 1998

[S. 2524]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. TITLE 36, UNITED STATES CODE.**

Title 36, United States Code, is amended as follows:

(1) In section 902, strike subsections (b) and (c) and substitute the following:

“(b) **REQUIRED DISPLAY.**—The POW/MIA flag shall be displayed at the locations specified in subsection (d) of this section on POW/MIA flag display days. The display serves—

“(1) as the symbol of the Nation’s concern and commitment to achieving the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for; and

“(2) as the symbol of the Nation’s commitment to achieving the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

“(c) **DAYS FOR FLAG DISPLAY.**—(1) For purposes of this section, POW/MIA flag display days are the following:

“(A) Armed Forces Day, the third Saturday in May.

“(B) Memorial Day, the last Monday in May.

“(C) Flag Day, June 14.

“(D) Independence Day, July 4.

“(E) National POW/MIA Recognition Day.

“(F) Veterans Day, November 11.

“(2) In addition to the days specified in paragraph (1) of this subsection, POW/MIA flag display days include—

“(A) in the case of display at medical centers of the Department of Veterans Affairs (required by subsection (d)(7) of this section), any day on which the flag of the United States is displayed; and

“(B) in the case of display at United States Postal Service post offices (required by subsection (d)(8) of this section), the last business day before a day specified in paragraph (1) that in any year is not itself a business day.

“(d) **LOCATIONS FOR FLAG DISPLAY.**—The locations for the display of the POW/MIA flag under subsection (b) of this section are the following:

“(1) The Capitol.

“(2) The White House.

112 STAT. 3239

PUBLIC LAW 105-354—NOV. 3, 1998

“(3) The Korean War Veterans Memorial and the Vietnam Veterans Memorial.

“(4) Each national cemetery.

“(5) The buildings containing the official office of—

“(A) the Secretary of State;

“(B) the Secretary of Defense;

“(C) the Secretary of Veterans Affairs; and

“(D) the Director of the Selective Service System.

“(6) Each major military installation, as designated by the Secretary of Defense.

“(7) Each medical center of the Department of Veterans Affairs.

“(8) Each United States Postal Service post office.

“(e) COORDINATION WITH OTHER DISPLAY REQUIREMENT.—Display of the POW/MIA flag at the Capitol pursuant to subsection (d)(1) of this section is in addition to the display of that flag in the Rotunda of the Capitol pursuant to Senate Concurrent Resolution 5 of the 101st Congress, agreed to on February 22, 1989 (103 Stat. 2533).

“(f) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the POW/MIA flag pursuant to this section shall be in a manner designed to ensure visibility to the public.

“(g) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the POW/MIA flag.”.

\* \* \* \* \*

112 STAT. 3246

Approved November 3, 1998.

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LEGISLATIVE HISTORY—S. 2524:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 8, considered and passed Senate.

Oct. 12, considered and passed House.



**29. Resource Inventory and Management**

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3497

Public Law 105-391  
105th Congress

**An Act**

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

Nov. 13, 1998  
[S. 1693]

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.

\* \* \* \* \*

**TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT**

112 STAT. 3499

**SEC. 201. PURPOSES.**

16 USC 5931.

The purposes of this title are—

(1) to more effectively achieve the mission of the National Park Service;

(2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;

(3) to ensure appropriate documentation of resource conditions in the National Park System;

(4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.); and

(5) to encourage the publication and dissemination of information derived from studies in the National Park System.

**SEC. 202. RESEARCH MANDATE.**

16 USC 5932.

The Secretary is authorized and directed to assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information.

**SEC. 203. COOPERATIVE AGREEMENTS.**

112 STAT. 3500  
16 USC 5933.

(a) **COOPERATIVE STUDY UNITS.**—The Secretary is authorized and directed to enter into cooperative agreements with colleges and universities, including but not limited to land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the National Park System, or the larger region of which parks are a part.

(b) **REPORT.**—Within one year of the date of enactment of this title, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives on progress in the

Deadline.

112 STAT. 3500

PUBLIC LAW 105-391—NOV. 13, 1998

establishment of a comprehensive network of such college and university based cooperative study units as will provide full geographic and topical coverage for research on the resources contained in units of the National Park System and their larger regions.

16 USC 5934.

**SEC. 204. INVENTORY AND MONITORING PROGRAM.**

The Secretary shall undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

16 USC 5935.

**SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.**

(a) **IN GENERAL.**—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any unit of the National Park System for purposes of scientific study.

(b) **CRITERIA.**—A request for use of a unit of the National Park System under subsection (a) may only be approved if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and National Park Service management policies; and

(2) will be conducted in a manner as to pose no threat to park resources or public enjoyment derived from those resources.

(c) **FEE WAIVER.**—The Secretary may waive any park admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) **NEGOTIATIONS.**—The Secretary may enter into negotiations with the research community and private industry for equitable, efficient benefits-sharing arrangements.

16 USC 5936.

**SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGEMENT DECISIONS.**

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which an action undertaken by the National Park Service may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered. The trend in the condition of resources of the National Park System shall be a significant factor in the annual performance evaluation of each superintendent of a unit of the National Park System.

112 STAT. 3501

16 USC 5937.

**SEC. 207. CONFIDENTIALITY OF INFORMATION.**

Information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units of the National Park System, may be withheld from the public in response to a request under section 552 of title 5, United States Code, unless the Secretary determines that—

PUBLIC LAW 105-391—NOV. 13, 1998

112 STAT. 3501

- (1) disclosure of the information would further the purposes of the unit of the National Park System in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and
- (2) disclosure is consistent with other applicable laws protecting the resource or object.

\* \* \* \* \*

Approved November 13, 1998.

112 STAT. 3523

LEGISLATIVE HISTORY—S. 1693:

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



**30. Strategic and Performance Plans and Park Budgets**

112 STAT. 3497

PUBLIC LAW 105-391—NOV. 13, 1998

**Public Law 105-391  
105th Congress****An Act**Nov. 13, 1998  
[S. 1693]

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

National Parks  
Omnibus  
Management Act  
of 1998.  
16 USC 5901  
note.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “National Parks Omnibus Management Act of 1998”.

\* \* \* \* \*

112 STAT. 3498

**TITLE I—NATIONAL PARK SERVICE CAREER  
DEVELOPMENT, TRAINING, AND MANAGEMENT**

\* \* \* \* \*

112 STAT. 3499  
16 USC 5914.**SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.**Public  
information.(a) **STRATEGIC AND PERFORMANCE PLANS FOR EACH UNIT.**—Each unit of the National Park System shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. Such plans shall reflect the National Park Service policies, goals, and outcomes represented in the Service-wide Strategic Plan, prepared pursuant to the provisions of the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285).(b) **ANNUAL BUDGET FOR EACH UNIT.**—As a part of the annual performance plan for a unit of the National Park System prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but no later than January 1 of each year), the superintendent of the unit shall develop and make available to the public the budget for the current fiscal year for that unit. The budget shall include, at a minimum, funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue) and administration. The budget shall also include allocations into each of the above categories of all funds retained from fees collected for that year, including (but not limited to) special use permits, concession franchise fees, and recreation use and entrance fees.

\* \* \* \* \*

112 STAT. 3523

Approved November 13, 1998.

**LEGISLATIVE HISTORY—S. 1693:**

HOUSE REPORTS: No. 105-767 (Comm. on Resources).

SENATE REPORTS: No. 105-202 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 11, considered and passed Senate.

Oct. 13, considered and passed House, amended.

Oct. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 13, Presidential statement.



**31. Subsistence Hunting and Fishing in Alaska**

PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 1

Public Law 105-83  
105th Congress

**An Act**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

Nov. 14, 1997  
[H.R. 2107]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 1998.

\* \* \* \* \*

**TITLE III—GENERAL PROVISIONS**

111 STAT. 47

\* \* \* \* \*

SEC. 316. SUBSISTENCE HUNTING AND FISHING IN ALASKA. (a) MORATORIUM ON FEDERAL MANAGEMENT.—None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act hereafter enacted may be used prior to December 1, 1998 to issue or implement final regulations, rules, or policies pursuant to title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over the navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

111 STAT. 50  
16 USC 3102  
note.

(b) AMENDMENTS TO ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—

(1) AMENDMENT OF ANILCA.—Except as otherwise expressly provided, whenever in this subsection an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(2) DEFINITIONS.—Section 102(2) (16 U.S.C. 3102(2)) is amended to read as follows:

“(2) The term ‘Federal land’ means lands the title to which is in the United States after December 2, 1980. ‘Federal land’ does not include lands the title to which is in the State, an Alaska Native corporation, or other private ownership.”

(3) FINDINGS.—Section 801 (16 U.S.C. 3111) is amended—

(A) by inserting “(a)” immediately before “The Congress finds and declares”; and

(B) by inserting at the end the following new subsection:

“(b) The Congress finds and declares further that—

“(1) subsequent to the enactment of this Act in 1980, the subsistence law of the State of Alaska (AS 16.05) accomplished the goals of Congress and requirements of this Act in providing subsistence use opportunities for rural residents of Alaska, both Alaska Native and non-Alaska Native;

“(2) the Alaska subsistence law was challenged in Alaska courts, and the rural preference requirement in the law was

111 STAT. 50

PUBLIC LAW 105-83—NOV. 14, 1997

found in 1989 by the Alaska Supreme Court in *McDowell v. State of Alaska* (785 P.2d 1, 1989) to violate the Alaska Constitution;

“(3) since that time, repeated attempts to restore the validity of the State law through an amendment to the Alaska Constitution have failed, and the people of Alaska have not been given the opportunity to vote on such an amendment;

“(4) in accordance with title VIII of this Act, the Secretary of the Interior is required to manage fish and wildlife for subsistence uses on all public lands in Alaska because of the failure of State law to provide a rural preference;

“(5) the Ninth Circuit Court of Appeals determined in 1995 in *State of Alaska v. Babbitt* (73 F.3d 698) that the subsistence priority required on public lands under section 804 of this Act applies to navigable waters in which the United States has reserved water rights as identified by the Secretary of the Interior;

“(6) management of fish and wildlife resources by State governments has proven successful in all 50 States, including Alaska, and the State of Alaska should have the opportunity to continue to manage such resources on all lands, including public lands, in Alaska in accordance with this Act, as amended; and

“(7) it is necessary to amend portions of this Act to restore the original intent of Congress to protect and provide for the continued opportunity for subsistence uses on public lands for Alaska Native and non-Alaska Native rural residents through the management of the State of Alaska.”

(4) TITLE VIII DEFINITIONS.—Section 803 (16 U.S.C. 3113) is amended—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period and inserting a semicolon at the end of paragraph (2); and

(C) by inserting at the end the following new paragraphs:

“(3) ‘customary and traditional uses’ means the noncommercial, long-term, and consistent taking of, use of, or reliance upon fish and wildlife in a specific area and the patterns and practices of taking or use of that fish and wildlife that have been established over a reasonable period of time, taking into consideration the availability of the fish and wildlife;

“(4) ‘customary trade’ means, except for money sales of furs and furbearers, the limited noncommercial exchange for money of fish and wildlife or their parts in minimal quantities; and

“(5) ‘rural Alaska resident’ means a resident of a rural community or area. A ‘rural community or area’ means a community or area substantially dependent on fish and wildlife for nutritional and other subsistence uses.”

(5) PREFERENCE FOR SUBSISTENCE USES.—Section 804 (16 U.S.C. 3114) is amended—

(A) by inserting “(a)” immediately before the first sentence; and

(B) by inserting at the end the following new subsection:

“(b) The priority granted by this section is for a reasonable opportunity to take fish and wildlife. For the purposes of this

111 STAT. 51

## PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 51

subsection, the term ‘reasonable opportunity’ means an opportunity, consistent with customary and traditional uses (as defined in section 803(3)), to participate in a subsistence hunt or fishery with a reasonable expectation of success, and does not mean a guarantee that fish and wildlife will be taken.”

(6) LOCAL AND REGIONAL PARTICIPATION.—Section 805 (16 U.S.C. 3115) is amended—

(A) in subsection (a) by striking “one year after the date of enactment of this Act,”; and

(B) by amending subsection (d) to read as follows:

“(d)(1) Upon certification by the Secretary that the State has enacted and implemented laws of general applicability which are consistent with, and which provide for the definition, preference, and participation specified in sections 803, 804, and 805, the Secretary shall not implement subsections (a), (b), and (c) of this section, and the State may immediately assume management for the taking of fish and wildlife on the public lands for subsistence uses pursuant to this title. Upon assumption of such management by the State, the Secretary shall not implement subsections (a), (b), and (c) of this section unless a court of competent jurisdiction determines that such laws have been repealed, modified, or implemented in a way that is inconsistent with, or does not provide for, the definition, preference, and participation specified in sections 803, 804, and 805, or that the State has failed to cure any such inconsistency after such determination. The State laws shall otherwise supercede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. The Secretary may bring a judicial action to enforce this subsection.

111 STAT. 52

“(2)(A) Laws establishing a system of local advisory committees and regional advisory councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.

“(B) The members of each regional advisory council established under this subsection shall be appointed by the Governor of Alaska. Each council shall have ten members, four of whom shall be selected from nominees who reside in the region submitted by tribal councils in the region, and six of whom shall be selected from nominees submitted by local governments and local advisory committees. Three of these six shall be subsistence users who reside in the subsistence resource region and three shall be sport or commercial users who may be residents of any subsistence resource region. Regional council members shall have staggered terms of three years

111 STAT. 52

PUBLIC LAW 105-83—NOV. 14, 1997

in length, with no limit on the number of terms a member may serve. A quorum shall be a majority of the members of the council.”.

(7) JUDICIAL ENFORCEMENT.—Section 807 (16 U.S.C. 3117)

is amended by inserting the following as subsection (b):

“(b) State agency actions may be declared invalid by the court only if they are arbitrary, capricious, or an abuse of discretion, or otherwise not in accordance with law. When reviewing any action within the specialized knowledge of a State agency, the court shall give the decision of the State agency the same deference it would give the same decision of a comparable Federal agency.”.

(8) REGULATIONS.—Section 814 (16 U.S.C. 3124) is amended—

(A) by inserting “, and the State at any time the State has complied with section 805(d)” after “Secretary”; and

(B) by adding at the end the following new sentence: “During any time that the State has complied with section 805(d), the Secretary shall not make or enforce regulations implementing section 805(a), (b), or (c).”.

(9) LIMITATIONS, SAVINGS CLAUSES.—Section 815 (16 U.S.C. 3125) is amended—

111 STAT. 53

(A) by striking “or” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and “or”; and

(C) by inserting at the end the following new paragraph:

“(5) prohibiting the Secretary or the State from entering into co-management agreements with Alaska Native organizations or other local or regional entities when such organization or entity is managing fish and wildlife on public lands in Alaska for subsistence uses.”.

16 USC 3102 note.

(c) SAVINGS CLAUSE.—No provision of this section, amendment made by this section, or exercise of authority pursuant to this section may be construed to validate, invalidate, or in any way affect—

(1) any assertion that an Alaska Native organization (including a federally recognized tribe, traditional Alaska Native council, or Alaska Native council organized pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.), as amended) has or does not have governmental authority over lands (including management of, or regulation of the taking of, fish and wildlife) or persons within the boundaries of the State of Alaska;

(2) any assertion that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist within the boundaries of the State of Alaska;

(3) any assertion that the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 3101 et seq.) is or is not Indian law; or

(4) the authority of the Secretary of the Interior under section 1314(c) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3202(c)).

16 USC 3102 note.

(d) EFFECTIVE DATE.—Unless and until laws are adopted in the State of Alaska which provide for the definition, preference, and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), the amendments made by subsection (b) of this section

## PUBLIC LAW 105-83—NOV. 14, 1997

111 STAT. 53

shall be effective only for the purposes of determining whether the State's laws provide for such definition, preference, and participation. The Secretary shall certify before December 1, 1998 if such laws have been adopted in the State of Alaska. Subsection (b) shall be repealed on such date if such laws have not been adopted.

Certification.  
Alaska.

\* \* \* \* \*

Approved November 14, 1997.

111 STAT. 85

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LEGISLATIVE HISTORY—H.R. 2107:

HOUSE REPORTS: Nos. 105-163 (Comm. on Appropriations) and 105-337 (Comm. of Conference).

SENATE REPORTS: No. 105-56 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 143 (1997):

July 10, 11, 15, considered and passed House.

Sept. 11, 15-18, considered and passed Senate, amended.

Oct. 24, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 14, Presidential statement.

Nov. 20, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Nov. 24, Cancellation of items pursuant to the Line Item Veto Act.



**32. Tax Benefits Authority**

111 STAT. 788

PUBLIC LAW 105-34—AUG. 5, 1997

\* Public Law 105-34  
105th Congress

**An Act**

Aug. 5, 1997  
[H.R. 2014]

To provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

Taxpayer Relief  
Act of 1997.

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

**SECTION 1. SHORT TITLE; ETC.**

26 USC 1 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Taxpayer Relief Act of 1997”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

26 USC 15 note.

(c) **SECTION 15 NOT TO APPLY.**—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

26 USC 6654 note.

(d) **WAIVER OF ESTIMATED TAX PENALTIES.**—No addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 for any period before January 1, 1998, for any payment the due date of which is before January 16, 1998, with respect to any underpayment attributable to such period to the extent such underpayment was created or increased by any provision of this Act.

(e) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

\* \* \* \* \*

111 STAT. 845

**TITLE V—ESTATE, GIFT, AND GENERATION-SKIPPING TAX PROVISIONS**

**Subtitle A—Estate and Gift Tax Provisions**

\* \* \* \* \*

111 STAT. 857

**SEC. 508. TREATMENT OF LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.**

(a) **ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.**—Section 2031 (relating to the definition of gross estate) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) **ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.**—

“(1) **IN GENERAL.**—If the executor makes the election described in paragraph (6), then, except as otherwise provided in this subsection, there shall be excluded from the gross estate the lesser of—

\* Note: This is a hand enrollment pursuant to Public Law 105-32.

PUBLIC LAW 105-34—AUG. 5, 1997

111 STAT. 857

“(A) the applicable percentage of the value of land subject to a qualified conservation easement, reduced by the amount of any deduction under section 2055(f) with respect to such land, or

“(B) the exclusion limitation.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ‘applicable percentage’ means 40 percent reduced (but not below zero) by 2 percentage points for each percentage point (or fraction thereof) by which the value of the qualified conservation easement is less than 30 percent of the value of the land (determined without regard to the value of such easement and reduced by the value of any retained development right (as defined in paragraph (5))).

“(3) EXCLUSION LIMITATION.—For purposes of paragraph (1), the exclusion limitation is the limitation determined in accordance with the following table:

<b>“In the case of estates of decedents dying during:</b>	<b>The exclusion limitation is:</b>
1998 .....	\$100,000
1999 .....	\$200,000
2000 .....	\$300,000
2001 .....	\$400,000
2002 or thereafter .....	\$500,000.

“(4) TREATMENT OF CERTAIN INDEBTEDNESS.—

“(A) IN GENERAL.—The exclusion provided in paragraph (1) shall not apply to the extent that the land is debt-financed property.

“(B) DEFINITIONS.—For purposes of this paragraph—

“(i) DEBT-FINANCED PROPERTY.—The term ‘debt-financed property’ means any property with respect to which there is an acquisition indebtedness (as defined in clause (ii)) on the date of the decedent’s death.

“(ii) ACQUISITION INDEBTEDNESS.—The term ‘acquisition indebtedness’ means, with respect to debt-financed property, the unpaid amount of—

“(I) the indebtedness incurred by the donor in acquiring such property,

“(II) the indebtedness incurred before the acquisition of such property if such indebtedness would not have been incurred but for such acquisition,

“(III) the indebtedness incurred after the acquisition of such property if such indebtedness would not have been incurred but for such acquisition and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition, and

“(IV) the extension, renewal, or refinancing of an acquisition indebtedness.

“(5) TREATMENT OF RETAINED DEVELOPMENT RIGHT.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to the value of any development right retained by the donor in the conveyance of a qualified conservation easement.

“(B) TERMINATION OF RETAINED DEVELOPMENT RIGHT.—If every person in being who has an interest (whether or not in possession) in the land executes an agreement to extinguish permanently some or all of any development

111 STAT. 858

rights (as defined in subparagraph (D)) retained by the donor on or before the date for filing the return of the tax imposed by section 2001, then any tax imposed by section 2001 shall be reduced accordingly. Such agreement shall be filed with the return of the tax imposed by section 2001. The agreement shall be in such form as the Secretary shall prescribe.

“(C) ADDITIONAL TAX.—Any failure to implement the agreement described in subparagraph (B) not later than the earlier of—

“(i) the date which is 2 years after the date of the decedent’s death, or

“(ii) the date of the sale of such land subject to the qualified conservation easement, shall result in the imposition of an additional tax in the amount of the tax which would have been due on the retained development rights subject to such agreement. Such additional tax shall be due and payable on the last day of the 6th month following such date.

“(D) DEVELOPMENT RIGHT DEFINED.—For purposes of this paragraph, the term ‘development right’ means any right to use the land subject to the qualified conservation easement in which such right is retained for any commercial purpose which is not subordinate to and directly supportive of the use of such land as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

“(6) ELECTION.—The election under this subsection shall be made on the return of the tax imposed by section 2001. Such an election, once made, shall be irrevocable.

“(7) CALCULATION OF ESTATE TAX DUE.—An executor making the election described in paragraph (6) shall, for purposes of calculating the amount of tax imposed by section 2001, include the value of any development right (as defined in paragraph (5)) retained by the donor in the conveyance of such qualified conservation easement. The computation of tax on any retained development right prescribed in this paragraph shall be done in such manner and on such forms as the Secretary shall prescribe.

“(8) DEFINITIONS.—For purposes of this subsection—

“(A) LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—The term ‘land subject to a qualified conservation easement’ means land—

“(i) which is located—

“(I) in or within 25 miles of an area which, on the date of the decedent’s death, is a metropolitan area (as defined by the Office of Management and Budget),

“(II) in or within 25 miles of an area which, on the date of the decedent’s death, is a national park or wilderness area designated as part of the National Wilderness Preservation System (unless it is determined by the Secretary that land in or within 25 miles of such a park or wilderness area is not under significant development pressure), or

“(III) in or within 10 miles of an area which, on the date of the decedent’s death, is an Urban

PUBLIC LAW 105-34—AUG. 5, 1997

111 STAT. 859

National Forest (as designated by the Forest Service),

“(ii) which was owned by the decedent or a member of the decedent’s family at all times during the 3-year period ending on the date of the decedent’s death, and

“(iii) with respect to which a qualified conservation easement has been made by an individual described in subparagraph (C), as of the date of the election described in paragraph (6).

“(B) QUALIFIED CONSERVATION EASEMENT.—The term ‘qualified conservation easement’ means a qualified conservation contribution (as defined in section 170(h)(1)) of a qualified real property interest (as defined in section 170(h)(2)(C)), except that clause (iv) of section 170(h)(4)(A) shall not apply, and the restriction on the use of such interest described in section 170(h)(2)(C) shall include a prohibition on more than a de minimis use for a commercial recreational activity.

“(C) INDIVIDUAL DESCRIBED.—An individual is described in this subparagraph if such individual is—

“(i) the decedent,

“(ii) a member of the decedent’s family,

“(iii) the executor of the decedent’s estate, or

“(iv) the trustee of a trust the corpus of which includes the land to be subject to the qualified conservation easement.

111 STAT. 860

“(D) MEMBER OF FAMILY.—The term ‘member of the decedent’s family’ means any member of the family (as defined in section 2032A(e)(2)) of the decedent.

“(9) APPLICATION OF THIS SECTION TO INTERESTS IN PARTNERSHIPS, CORPORATIONS, AND TRUSTS.—This section shall apply to an interest in a partnership, corporation, or trust if at least 30 percent of the entity is owned (directly or indirectly) by the decedent, as determined under the rules described in section 2033A(e)(3).”

(b) CARRYOVER BASIS.—Section 1014(a) (relating to basis of property acquired from a decedent) is amended by striking “or” at the end of paragraphs (1) and (2), by striking the period at the end of paragraph (3) and inserting “, or” and by adding at the end the following new paragraph:

“(4) to the extent of the applicability of the exclusion described in section 2031(c), the basis in the hands of the decedent.”

(c) QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.—Subsection (c) of section 2032A (relating to alternative valuation method) is amended by adding at the end the following new paragraph:

“(8) QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.—A qualified conservation contribution (as defined in section 170(h)) by gift or otherwise shall not be deemed a disposition under subsection (c)(1)(A).”

(d) QUALIFIED CONSERVATION CONTRIBUTION WHERE SURFACE AND MINERAL RIGHTS ARE SEPARATED.—Section 170(h)(5)(B)(ii) (relating to special rule) is amended to read as follows:

“(ii) SPECIAL RULE.—With respect to any contribution of property in which the ownership of the surface estate and

111 STAT. 860

PUBLIC LAW 105-34—AUG. 5, 1997

mineral interests has been and remains separated, subparagraph (A) shall be treated as met if the probability of surface mining occurring on such property is so remote as to be negligible.”.

(e) EFFECTIVE DATES.—

26 USC 1014  
note.

(1) EXCLUSION.—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying after December 31, 1997.

26 USC 170 note.

(2) EASEMENTS.—The amendments made by subsections (c) and (d) shall apply to easements granted after December 31, 1997.

\* \* \* \* \*

111 STAT. 1103

Approved August 5, 1997.

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LEGISLATIVE HISTORY—H.R. 2014 (S. 949):

HOUSE REPORTS: Nos. 105-148 (Comm. on the Budget) and 105-220 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 143 (1997):

June 26, considered and passed House.

June 27, considered and passed Senate, amended, in lieu of S. 949.

July 31, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Aug. 5, Presidential remarks and statement.

Aug. 11, Presidential remarks and special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Aug. 12, Cancellation of items pursuant to Line Item Veto Act.



**33. Telecommunications Act of 1996**

PUBLIC LAW 104-104—FEB. 8, 1996

110 STAT. 56

Public Law 104-104  
104th Congress

**An Act**

To promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.

Feb. 8, 1996  
[S. 652]

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

Telecommuni-  
cations Act of  
1996.  
Intergovern-  
mental relations.  
47 USC 609 note.

**SECTION 1. SHORT TITLE; REFERENCES.**

(a) **SHORT TITLE.**—This Act may be cited as the “Telecommunications Act of 1996”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

\* \* \* \* \*

**TITLE VII—MISCELLANEOUS PROVISIONS**

110 STAT. 145

\* \* \* \* \*

**SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.**

110 STAT. 151

(a) **NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.**—Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

“(7) **PRESERVATION OF LOCAL ZONING AUTHORITY.**—

“(A) **GENERAL AUTHORITY.**—Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

“(B) **LIMITATIONS.**—

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

“(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

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Records.

“(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

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“(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.

Courts.

“(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) the term ‘personal wireless services’ means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

“(ii) the term ‘personal wireless service facilities’ means facilities for the provision of personal wireless services; and

“(iii) the term ‘unlicensed wireless service’ means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).”.

Rules.

(b) RADIO FREQUENCY EMISSIONS.—Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

President.  
47 USC 332 note.

(c) AVAILABILITY OF PROPERTY.—Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency’s mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to

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make property, rights-of-way, and easements under their jurisdiction available for such purposes.

\* \* \* \* \*

Approved February 8, 1996.

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**LEGISLATIVE HISTORY—S. 652 (H.R. 1555):**

**HOUSE REPORTS:** No. 104-204, Pt. 1 accompanying H.R. 1555 (Comm. on Commerce).

**SENATE REPORTS:** Nos. 104-23 (Comm. on Commerce, Science, and Transportation) and 104-230 (Comm. of Conference).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): June 7, 8, 12-15, considered and passed Senate.  
 Aug. 2, 4, H.R. 1555 considered and passed House.  
 Oct. 12, S. 652 considered and passed House, amended, in lieu of H.R. 1555.

Vol. 142 (1996): Feb. 1, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):**

Feb. 8, Presidential remarks and statement.



### 34. Transportation Equity Act for the 21st Century

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PUBLIC LAW 105–130—DEC. 1, 1997

Public Law 105–130  
105th Congress

#### An Act

Dec. 1, 1997  
[S. 1519]

To provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

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

Surface  
Transportation  
Extension Act of  
1997.

23 USC 101 note.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 1997”.

23 USC 104 note.

#### SEC. 2. ADVANCES.

(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the “Secretary”) shall apportion funds made available under section 1003(d) of the Intermodal Surface Transportation Efficiency Act of 1991 to each State in the ratio that—

(1) the State’s total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States’ total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, minimum allocation under section 157 of title 23, United States Code, Interstate reimbursement under section 160 of that title, the donor State bonus under section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1940), hold harmless under section 1015(a) of that Act (105 Stat. 1943), 90 percent of payments adjustments under section 1015(b) of that Act (105 Stat. 1944), section 1015(c) of that Act (105 Stat. 1944), an amount equal to the funds provided under sections 1103 through 1108 of that Act (105 Stat. 2027), and funding restoration under section 202 of the National Highway System Designation Act of 1995 (109 Stat. 571).

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

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(B) the ratio that—

(i) the amount of funds apportioned for the item, or allocated under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027), to the State for fiscal year 1997; bears to

(ii) the total of the amount of funds apportioned for the items, and allocated under those sections, to the State for fiscal year 1997.

(3) USE OF FUNDS.—Amounts apportioned to a State under subsection (a) attributable to sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 shall be available to the State for projects eligible for assistance under chapter 1 of title 23, United States Code.

(4) ADMINISTRATION.—Funds authorized by the amendment made by subsection (d) shall be administered as if they had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deduction under section 104(a) of title 23, United States Code, the set-asides under section 104(b)(1) of that title for the territories and under section 104(f)(1) of that title for metropolitan planning, and the expenditure required under section 104(d)(1) of that title shall not apply to those funds.

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would, but for this section, be apportioned to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 1998 under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(f) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) is amended by adding at the end the following:

“(d) ADVANCE AUTHORIZATIONS.—

“(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 1997 \$5,500,000,000 for the period of November 16, 1997, through January 31, 1998.

“(2) SPECIAL RULE.—Funds apportioned under subsection (a) shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

“(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) AUTHORIZATION.—Notwithstanding section 157(e) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 157 of title 23, United States Code, not to exceed \$15,460,000 for the period of January 26, 1998, through January 31, 1998.

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“(2) ALLOCATION.—The Secretary shall allocate the amounts authorized under paragraph (1) to each State in the ratio that—

“(A) the amount allocated to the State for fiscal year 1997 under section 157 of that title; bears to

“(B) the amounts allocated to all States for fiscal year 1997 under section 157 of that title.

“(f) CONTRACT AUTHORITY.—Funds authorized under subsections (d) and (e) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.”.

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), after the date of enactment of this Act, the Secretary shall allocate to each State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66) that is—

(A) equal to the greater of—

(i) the State’s unobligated balance, as of October 1, 1997, of Federal-aid highway apportionments subject to any limitation on obligations; or

(ii) 50 percent of the State’s total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; but

(B) not greater than 75 percent of the State’s total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) shall not exceed \$9,786,275,000.

(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998, until the earlier of the date of enactment of a multiyear law reauthorizing the Federal-aid highway program or July 1, 1998.

(B) REOBLIGATION.—Subparagraph (A) shall not preclude the reobligation of previously obligated funds.

(C) DISTRIBUTION OF REMAINING OBLIGATION AUTHORITY.—On the earlier of the date of enactment of a law described in subparagraph (A) or July 1, 1998, the Secretary shall distribute to each State any remaining amounts of obligation authority for Federal-aid highways and highway safety construction programs by allocation in accordance with section 310(a) of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66).

(D) CONTRACT AUTHORITY.—No contract authority made available to the States prior to July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 1998 for the purposes of the matter under the heading “LIMITATION

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ON OBLIGATIONS)” under the heading “FEDERAL-AID HIGHWAYS” in title I of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66).

**SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.**

(a) **IN GENERAL.**—In addition to any other authority of a State to transfer funds, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, before, on, or after the date of enactment of this Act, granted to the State for any program under section 410 of that title before, on, or after such date of enactment, or allocated to the State for any program under chapter 311 of title 49, United States Code, before, on, or after such date of enactment, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) **TREATMENT OF TRANSFERRED FUNDS.**—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) **RESTORATION OF APPORTIONMENTS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) **PROGRAM CATEGORY RECONCILIATION.**—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway, highway safety, and motor carrier safety programs.

(3) **LIMITATION ON STATUTORY CONSTRUCTION.**—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) **GUIDANCE.**—The Secretary may issue guidance for use in carrying out this section.

**SEC. 4. ADMINISTRATIVE EXPENSES.**

(a) **EXPENSES OF FEDERAL HIGHWAY ADMINISTRATION.**—

(1) **AUTHORITY TO BORROW.**—

(A) **FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.**—If unobligated balances of funds deducted by the Secretary under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses for fiscal year 1998, the Secretary may borrow to pay those expenses not to exceed \$60,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(B) **REQUIREMENT TO REIMBURSE.**—Funds borrowed under subparagraph (A) shall be reimbursed from amounts

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made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—In addition to funds made available under paragraph (1), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative and research expenses of the Federal-aid highway program \$158,500,000 for fiscal year 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) USE OF CERTAIN ADMINISTRATIVE FUNDS.—Section 104(i)(1) of title 23, United States Code, is amended by inserting “, and for the period of October 1, 1997, through March 31, 1998,” after “1997”.

(b) BUREAU OF TRANSPORTATION STATISTICS.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172) is amended—

49 USC 111.

(1) by inserting “(a) IN GENERAL.—” before “Chapter I”; and

(2) in the first sentence of subsection (b)—

(A) by striking “1996, and” and inserting “1996,”; and

(B) by inserting before the period at the end the following: “, and \$12,500,000 for the period of October 1, 1997, through March 31, 1998”.

**SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.**

(a) FEDERAL LANDS HIGHWAYS.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A)—

(A) by striking “1992 and” and inserting “1992,”; and

(B) by inserting before the period at the end the following: “, and \$95,500,000 for the period of October 1, 1997, through March 31, 1998”;

(2) in subparagraph (B)—

(A) by striking “1995, and” and inserting “1995,”; and

(B) by inserting before the period at the end the following: “and \$86,000,000 for the period of October 1, 1997, through March 31, 1998”; and

(3) in subparagraph (C)—

(A) by striking “1995, and” and inserting “1995,”; and

(B) by inserting before the period at the end the following: “, and \$42,000,000 for the period of October 1, 1997, through March 31, 1998”.

23 USC 104.

(b) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by section 2(d)) is amended by adding at the end the following:

“(e) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting ‘and

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\$7,500,000 for the period of October 1, 1997, through March 31, 1998' after '1997'."

## (c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX EVASION.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended in the first sentence by inserting before the period at the end the following: "and \$2,500,000 for the period of October 1, 1997, through March 31, 1998".

(2) SCENIC BYWAYS PROGRAM.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1998) is amended in the first sentence—

(A) by striking "1994, and" and inserting "1994,"; and

(B) by inserting before the period at the end the following: ", and \$7,000,000 for the period of October 1, 1997, through March 31, 1998".

(d) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended—

(1) by striking "1992 and" and inserting "1992,"; and

(2) by inserting before the period at the end the following: ", and \$47,000,000 for the period of October 1, 1997, through March 31, 1998".

## (e) SURFACE TRANSPORTATION RESEARCH.—

## (1) OPERATION LIFESAVER.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under section 104(d)(1) of title 23, United States Code, \$150,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

## (2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the Dwight David Eisenhower Transportation Fellowship Program under section 307(a)(1)(C)(ii) of title 23, United States Code, \$1,000,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(3) NATIONAL HIGHWAY INSTITUTE.—Section 321(f) of title 23, United States Code, is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$2,500,000 for the period of October 1, 1997, through

23 USC 307 note.

March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.”.

(4) EDUCATION AND TRAINING PROGRAM.—Section 326(c) of title 23, United States Code, is amended by adding at the end the following: “There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$3,000,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.”.

(f) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, \$78,500,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds authorized under paragraph (1) to the States in accordance with section 104(f)(2) of title 23, United States Code.

(g) TERRITORIES.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by subsection (b)) is amended by adding at the end the following:

“(f) TERRITORIES.—

“(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands \$15,000,000 for the period of October 1, 1997, through March 31, 1998.

“(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.”.

#### SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) by striking “1996, and” and inserting “1996,”; and

(2) by inserting before the period at the end the following: “, and \$83,000,000 for the period of October 1, 1997, through March 31, 1998”; and

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking “5” and inserting “6”; and

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(B) in paragraph (3), by striking “and fifth” and inserting “fifth, and sixth”;

(2) in subsection (d)(2)(B), by striking “two” and inserting “3”; and

(3) in the first sentence of subsection (j)—

(A) by striking “1997, and” and inserting “1997,”; and

(B) by inserting before the period at the end the following “, and \$12,500,000 for the period of October 1, 1997, through March 31, 1998”.

(c) NATIONAL DRIVER REGISTER.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking “1994, and” and inserting “1994,”; and

(2) by inserting after “1997,” the following: “and \$1,855,000 for the period of October 1, 1997, through March 31, 1998.”.

**SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.**

Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraphs (1) through (5), by striking “not more” each place it appears and inserting “Not more”; and

(2) by adding at the end the following:

“(6) Not more than \$45,000,000 for the period of October 1, 1997, through March 31, 1998.”.

**SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.**

49 USC 5309,  
5337, 5338.

Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087-2140) is amended by adding at the end the following:

**“SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.**

“(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ‘, and for the period of October 1, 1997, through March 31, 1998’ after ‘1997’.

“(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

“(1) in subsection (a), by inserting ‘and for the period of October 1, 1997, through March 31, 1998,’ after ‘1997,’; and

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

“(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).”.

“(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

“(1) in subsection (a)—

“(A) in paragraph (1), by adding at the end the following:

“(F) \$1,328,400,000 for the period of October 1, 1997, through March 31, 1998.”; and

“(B) in paragraph (2), by adding at the end the following:

“(F) \$369,000,000 for the period of October 1, 1997, through March 31, 1998.”;

“(2) in subsection (b)(1), by adding at the end the following:

“(F) \$1,131,600,000 for the period of October 1, 1997, through March 31, 1998.”;

“(3) in subsection (c), by inserting ‘and not more than \$1,500,000 for the period of October 1, 1997, through March 31, 1998,’ after ‘1997.’;

“(4) in subsection (e), by inserting ‘and not more than \$3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,’ after ‘1997.’;

“(5) in subsection (h)(3), by inserting ‘and \$3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998’ after ‘1997.’;

“(6) in subsection (j)(5)—

“(A) in subparagraph (B), by striking ‘and’ at the end;

“(B) in subparagraph (C), by striking the period at the end and inserting ‘; and’; and

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

“(D) the lesser of \$1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.’;

“(7) in subsection (k), by striking ‘or (e)’ and inserting ‘(e), or (m)’; and

“(8) by adding at the end the following:

“(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

“(1) \$125,000 to carry out section 5316(a).

“(2) \$1,500,000 to carry out section 5316(b).

“(3) \$500,000 to carry out section 5316(c).

“(4) \$500,000 to carry out section 5316(d).

“(5) \$500,000 to carry out section 5316(e).’.”.

**SEC. 9. EXTENSION OF TRUST FUNDS FUNDED BY HIGHWAY-RELATED TAXES.**

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

26 USC 9503.

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “1997” and inserting “1998”; and

(ii) by striking the last sentence and inserting the following new flush sentence:

“In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of this sentence.”;

(B) in paragraph (4)(A), by striking “1997” and inserting “1998”;

(C) in paragraph (5)(A), by striking “1997” and inserting “1998”; and

(D) in paragraph (6)(E), by striking “1997” and inserting “1998”; and

(2) in subsection (e)(3)—

(A) by striking “1997” and inserting “1998”, and

(B) by striking all that follows “the enactment of” and inserting “the last sentence of subsection (c)(1).’.”.

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(b) AQUATIC RESOURCES TRUST FUND.—Section 9504(c) of the Internal Revenue Code of 1986 (relating to expenditures from Boat Safety Account) is amended by striking “April 1, 1998” and inserting “October 1, 1998”. 26 USC 9504.

(c) NATIONAL RECREATIONAL TRAILS TRUST FUND.—Section 9511(c) of the Internal Revenue Code of 1986 (relating to expenditures from Trust Fund) is amended by striking “1997” and inserting “1998”. 26 USC 9511.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997. 26 USC 9503 note.

Approved December 1, 1997.

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LEGISLATIVE HISTORY—S. 1519:

CONGRESSIONAL RECORD, Vol. 143 (1997):

Nov. 10, considered and passed Senate.

Nov. 12, considered and passed House.



Public Law 105-178  
105th Congress

An Act

June 9, 1998  
[H.R. 2400]

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Transportation  
Equity Act for  
the 21st Century.  
Grants.  
Inter-  
governmental  
relations.  
Loans.  
23 USC 101 note.

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Transportation Equity Act for the 21st Century”.

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**TITLE I—FEDERAL-AID HIGHWAYS**

**Subtitle A—Authorizations and Programs**

**SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) **INTERSTATE MAINTENANCE PROGRAM.**—For the Interstate maintenance program under section 119 of title 23, United States Code, \$3,427,341,000 for fiscal year 1998, \$3,957,103,000 for fiscal year 1999, \$3,994,524,000 for fiscal year 2000, \$4,073,322,000 for fiscal year 2001, \$4,139,630,000 for fiscal year 2002, and \$4,217,635,000 for fiscal year 2003.

(2) **NATIONAL HIGHWAY SYSTEM.**—For the National Highway System under section 103 of such title \$4,112,480,000 for fiscal year 1998, \$4,748,523,000 for fiscal year 1999, \$4,793,429,000 for fiscal year 2000, \$4,887,986,000 for fiscal year 2001, \$4,967,556,000 for fiscal year 2002, and \$5,061,162,000 for fiscal year 2003.

(3) **BRIDGE PROGRAM.**—For the bridge program under section 144 of such title \$2,941,454,000 for fiscal year 1998, \$3,395,354,000 for fiscal year 1999, \$3,427,472,000 for fiscal year 2000, \$3,495,104,000 for fiscal year 2001, \$3,552,016,000 for fiscal year 2002, and \$3,618,966,000 for fiscal year 2003.

(4) **SURFACE TRANSPORTATION PROGRAM.**—For the surface transportation program under section 133 of such title \$4,797,620,000 for fiscal year 1998, \$5,539,944,000 for fiscal year 1999, \$5,592,333,000 for fiscal year 2000, \$5,702,651,000 for fiscal year 2001, \$5,795,482,000 for fiscal year 2002, and \$5,904,689,000 for fiscal year 2003.

(5) **CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.**—For the congestion mitigation and air quality improvement program under section 149 of such title \$1,192,619,000 for fiscal year 1998, \$1,345,415,000 for fiscal year 1999, \$1,358,138,000 for fiscal year 2000, \$1,384,930,000 for fiscal year 2001, \$1,407,474,000 for fiscal year 2002, and \$1,433,996,000 for fiscal year 2003.

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(6) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) \$450,000,000 for each of fiscal years 1999 through 2003.

(7) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of such title \$30,000,000 for fiscal year 1998, \$40,000,000 for fiscal year 1999, and \$50,000,000 for each of fiscal years 2000 through 2003.

(8) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title \$225,000,000 for fiscal year 1998 and \$275,000,000 for each of fiscal years 1999 through 2003.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of such title \$196,000,000 for fiscal year 1998 and \$246,000,000 for each of fiscal years 1999 through 2003.

(C) PARK ROADS AND PARKWAYS.—For park roads and parkways under section 204 of such title \$115,000,000 for fiscal year 1998 and \$165,000,000 for each of fiscal years 1999 through 2003.

(D) REFUGE ROADS.—For refuge roads under section 204 of such title \$20,000,000 for each of fiscal years 1999 through 2003.

(9) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—For the national corridor planning and development and coordinated border infrastructure programs under sections 1118 and 1119 of this Act \$140,000,000 for each of fiscal years 1999 through 2003.

(10) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) \$30,000,000 for each of fiscal year 1998 and \$38,000,000 for each of fiscal years 1999 through 2003.

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(11) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of title 23, United States Code, \$23,500,000 for each of fiscal years 1998 and 1999, \$24,500,000 for each of fiscal years 2000 and 2001, and \$25,500,000 for fiscal year 2002, and \$26,500,000 for fiscal year 2003.

(12) VALUE PRICING PILOT PROGRAM.—For the value pricing pilot program under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) \$7,000,000 for fiscal year 1999, and \$11,000,000 for each of fiscal years 2000 through 2003.

(13) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, \$1,025,695,000 for fiscal year 1998, \$1,398,675,000 for fiscal year 1999, \$1,678,410,000 for fiscal year 2000, \$1,678,410,000 for fiscal year 2001, \$1,771,655,000 for fiscal year 2002, and \$1,771,655,000 for fiscal year 2003.

(14) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 143 of such title \$5,000,000 for each of fiscal years 1998 through 2003.

(15) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(r) of this Act \$110,000,000 for fiscal years 1998 through 2003.

23 USC 101 note.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$16,600,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

Notification.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

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(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include, but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, résumé of principal owners, financial capacity, and type of work preferred.

(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

Reports.

(6) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller

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General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of paragraph (1), including an analysis of—

(A) in the case of small business concerns certified in each State under paragraph (4) as owned and controlled by socially and economically disadvantaged individuals—

(i) the number of the small business concerns; and

(ii) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, III, and V of this Act;

(B) in the case of small business concerns described in subparagraph (A) that receive prime contracts and subcontracts funded under titles I, III, and V of this Act—

(i) the number of the small business concerns;

(ii) the annual gross receipts of the small business concerns; and

(iii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(C) in the case of small business concerns described in subparagraph (A) that do not receive prime contracts and subcontracts funded under titles I, III, and V of this Act—

(i) the annual gross receipts of the small business concerns; and

(ii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(D) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, III, and V of this Act, other than small business concerns described in subparagraph (B)—

(i) the annual gross receipts of the business concerns; and

(ii) the net worth of individuals that own and control the business concerns;

(E) the rate of graduation from any programs carried out to comply with the requirement of paragraph (1) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(F) the overall cost of administering the requirement of paragraph (1), including administrative costs, certification costs, additional construction costs, and litigation costs;

(G) any discrimination on the basis of race, color, national origin, or sex against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(H)(i) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, III, and V of this Act; and

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(ii) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(I) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(J) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(i) the issuance of a final order described in paragraph (5) by a Federal court that suspends a program established under paragraph (1); or

(ii) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(K) the impact of the requirement of paragraph (1), and any program carried out to comply with paragraph (1), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

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**SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 110 and inserting the following:

**“§ 110. Revenue aligned budget authority**

“(a) DETERMINATION OF AMOUNT.—On October 15 of fiscal year 1999, and each fiscal year thereafter, the Secretary shall allocate an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(I)(cc)).

“(b) GENERAL DISTRIBUTION.—The Secretary shall—

“(1) determine the ratio that—

“(A) the sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of the for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program) for which funds are allocated from such Trust Fund by the Secretary under this title and the Transportation Equity Act for the 21st Century for a fiscal year, bears to

“(B) the total of all sums authorized to be appropriated from such Trust Fund for such programs for such fiscal year;

“(2) multiply the ratio determined under paragraph (1) by the total amount of funds to be allocated under subsection (a) for such fiscal year;

“(3) allocate the amount determined under paragraph (2) among such programs in the ratio that—

“(A) the sums authorized to be appropriated from such Trust Fund for each of such programs for such fiscal year, bears to

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“(B) the sums authorized to be appropriated from such Trust Fund for all such programs for such fiscal year; and

“(4) allocate the remainder of the funds to be allocated under subsection (a) for such fiscal year to the States in the ratio that—

“(A) the total of all funds authorized to be appropriated from such Trust Fund for Federal-aid highway and highway safety construction programs that are apportioned to each State for such fiscal year but for this section, bears to

“(B) the total of all funds authorized to be appropriated from such Trust Fund for such programs that are apportioned to all States for such fiscal year but for this section.

“(c) STATE PROGRAMMATIC DISTRIBUTION.—Of the funds to be apportioned to each State under subsection (b)(4) for a fiscal year, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway System program, the bridge program, the surface transportation program, and the congestion mitigation air quality improvement program in the same ratio that each State is apportioned funds for such programs for such fiscal year but for this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this section for fiscal years beginning after September 30, 1998.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 110 and inserting the following:

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“110. Revenue aligned budget authority.”.

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**SEC. 1111. FEDERAL SHARE.**

112 STAT. 145

(a) STATE-DETERMINED LOWER FEDERAL SHARE.—Section 120 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Except” and inserting the following:

“(1) IN GENERAL.—Except”;

(B) by adding at the end the following:

“(2) STATE-DETERMINED LOWER FEDERAL SHARE.—In the case of any project subject to paragraph (1), a State may determine a lower Federal share than the Federal share determined under such paragraph.”; and

(C) by aligning the remainder of the text of paragraph

(1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) of such subsection (as added by subparagraph (B) of this paragraph); and

(2) in subsection (b) by adding at the end the following:

“In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.”.

(b) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The first sentence of section 120(c) of such title is amended by inserting “or transit vehicles” after “emergency vehicles”.

(c) CREDIT FOR NON-FEDERAL SHARE.—Section 120 of such title is amended by adding at the end the following:

“(j) CREDIT FOR NON-FEDERAL SHARE.—

“(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any funds made available to carry out this title (other than the emergency relief program authorized by section 125) or chapter 53 of title 49 toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public, or private agencies shall have built, improved, or maintained such facilities without Federal funds.

“(2) MAINTENANCE OF EFFORT.—

“(A) IN GENERAL.—The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for any program under this title.

“(B) CONDITION ON RECEIPT OF CREDIT.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreement as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures in such fiscal year at or above the average level of such expenditures for the preceding 3 fiscal years; except that if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 130 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years, the agreement shall ensure that the State will maintain its non-Federal transportation capital expenditures in the fiscal year of the credit at or above the average level of such expenditures for the other 2 fiscal years.

“(C) TRANSPORTATION CAPITAL EXPENDITURES DEFINED.—In subparagraph (B), the term ‘non-Federal transportation capital expenditures’ includes any payments made by the State for issuance of transportation-related bonds.

“(3) TREATMENT.—

“(A) LIMITATION ON LIABILITY.—Use of a credit for a non-Federal share under this subsection that is received from a public, quasi-public, or private agency—

“(i) shall not expose the agency to additional liability, additional regulation, or additional administrative oversight; and

“(ii) shall not subject the agency to any additional Federal design standards or laws (including regulations) as a result of providing the non-Federal share other than those to which the agency is already subject.

“(B) CHARTERED MULTISTATE AGENCIES.—When a credit that is received from a chartered multistate agency is applied to a non-Federal share under this subsection, such credit shall be applied equally to all charter States.”.

(d) CONFORMING AMENDMENTS.—Section 130(a) of such title is amended—

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(1) in the first sentence by striking “Except as provided in subsection (d) of section 120 of this title” and inserting “Subject to section 120”; and

(2) in the second sentence by striking “except as provided in subsection (d) of section 120 of this title” and inserting “subject to section 120”.

**SEC. 1112. RECREATIONAL TRAILS PROGRAM.**

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

**“§ 206. Recreational trails program**

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) **MOTORIZED RECREATION.**—The term ‘motorized recreation’ means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

“(2) **RECREATIONAL TRAIL.**—The term ‘recreational trail’ means a thoroughfare or track across land or snow, used for recreational purposes such as—

“(A) pedestrian activities, including wheelchair use;

“(B) skating or skateboarding;

“(C) equestrian activities, including carriage driving;

“(D) nonmotorized snow trail activities, including skiing;

“(E) bicycling or use of other human-powered vehicles;

“(F) aquatic or water activities; and

“(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

“(b) **PROGRAM.**—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails.

“(c) **STATE RESPONSIBILITIES.**—To be eligible for apportionments under this section—

“(1) the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and

“(2) the State shall establish a State recreational trail advisory committee that represents both motorized and non-motorized recreational trail users, which shall meet not less often than once per fiscal year.

“(d) **USE OF APPORTIONED FUNDS.**—

“(1) **IN GENERAL.**—Funds apportioned to a State to carry out this section shall be obligated for recreational trails and related projects that—

“(A) have been planned and developed under the laws, policies, and administrative procedures of the State; and

“(B) are identified in, or further a specific goal of, a recreational trail plan, or a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.), that is in effect.

“(2) **PERMISSIBLE USES.**—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

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“(A) maintenance and restoration of existing recreational trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

“(C) purchase and lease of recreational trail construction and maintenance equipment;

“(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

“(i) permissible under other law;

“(ii) necessary and required by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) and that is in effect;

“(iii) approved by the administering agency of the State designated under subsection (c)(1); and

“(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

“(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section; and

“(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.

“(3) USE OF APPORTIONMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments made to a State for a fiscal year to carry out this section—

“(i) 40 percent shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres shall be exempt

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from the requirements of clauses (ii) and (iii) of subparagraph (A).

“(C) WAIVER AUTHORITY.—A State recreational trail advisory committee established under subsection (c)(2) may waive, in whole or in part, the requirements of clauses (ii) and (iii) of subparagraph (A) if the State recreational trail advisory committee determines and notifies the Secretary that the State does not have sufficient projects to meet the requirements of clauses (ii) and (iii) of subparagraph (A).

“(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

“(4) GRANTS.—

“(A) IN GENERAL.—A State may use funds apportioned to the State to carry out this section to make grants to private organizations, municipal, county, State, and Federal Government entities, and other government entities as approved by the State after considering guidance from the State recreational trail advisory committee established under subsection (c)(2), for uses consistent with this section.

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“(B) COMPLIANCE.—A State that makes grants under subparagraph (A) shall establish measures to verify that recipients of the grants comply with the conditions of the program for the use of grant funds.

“(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

“(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent of the cost of a project under this section; and

“(B) the share attributable to the Secretary and the Federal agency may not exceed 95 percent of the cost of a project under this section.

“(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the cost of the project may include amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section.

“(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project for a fiscal year under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for the fiscal year does not exceed 80 percent.

“(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) USES NOT PERMITTED.—A State may not obligate funds apportioned to carry out this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been designated for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan;

or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by nonmotorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

“(h) PROJECT ADMINISTRATION.—

“(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

“(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

“(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency’s share in accordance with subsection (f).

“(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to the State to carry out this section

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may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

“(4) COOPERATION BY PRIVATE PERSONS.—

“(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

“(B) PUBLIC ACCESS.—Any use of the apportionments to a State to carry out this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) CONTRACT AUTHORITY.—Funds authorized to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.” 112 STAT. 151

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”.

(c) REPEAL OF OBSOLETE PROVISION.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is repealed.

(d) TERMINATION OF ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended by adding at the end the following:

“(j) TERMINATION.—The advisory committee established by this section shall terminate on September 30, 2000.”.

(e) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code. 23 USC 206 note.

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**SEC. 1115. FEDERAL LANDS HIGHWAYS PROGRAM.**

112 STAT. 154

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

“(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.”.

(b) ALLOCATIONS.—Section 202(d) of such title is amended—

(1) by inserting “INDIAN RESERVATION ROADS.—” after “(d)”;

(2) by inserting “(1) FOR FISCAL YEARS ENDING BEFORE OCTOBER 1, 1999.—” before “On October”;

(3) by inserting after “each fiscal year” the following: “ending before October 1, 1999”;

(4) by adding at the end the following:

“(2) FISCAL YEAR 2000 AND THEREAFTER.—

“(A) IN GENERAL.—All funds authorized to be appropriated for Indian reservation roads shall be allocated among Indian tribes for fiscal year 2000 and each subsequent fiscal year in accordance with a formula established by the Secretary of the Interior under a negotiated rule-making procedure under subchapter III of chapter 5 of title 5.

“(B) REGULATIONS.—Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year under this paragraph, in accordance with a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5. The regulations shall be issued in final form not later than April 1, 1999, and shall take effect not later than October 1, 1999.

“(C) NEGOTIATED RULEMAKING COMMITTEE.—In establishing a negotiated rulemaking committee to carry out subparagraph (B), the Secretary of the Interior shall—

“(i) apply the procedures under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between the Indian tribes and the United States; and

“(ii) ensure that the membership of the committee includes only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes.

“(D) BASIS FOR FUNDING FORMULA.—The funding formula established for fiscal year 2000 and each subsequent fiscal year under this paragraph shall be based on factors that reflect—

“(i) the relative needs of the Indian tribes, and reservation or tribal communities, for transportation assistance; and

“(ii) the relative administrative capacities of, and challenges faced by, various Indian tribes, including the cost of road construction in each Bureau of Indian Affairs area, geographic isolation and difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources.

“(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads to pay for the costs of programs, services, functions, and activities, or portions thereof, that are specifically or functionally related to the cost of planning, research, engineering, and

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construction of any highway, road, bridge, parkway, or transit facility that provides access to or is located within the reservation or community of an Indian tribe shall be made available, upon request of the Indian tribal government, to the Indian tribal government for contracts and agreements for such planning, research, engineering, and construction in accordance with the Indian Self-Determination and Education Assistance Act.

“(B) EXCLUSION OF AGENCY PARTICIPATION.—Funds for programs, functions, services, or activities, or portions thereof, including supportive administrative functions that are otherwise contractible to which subparagraph (A) applies, shall be paid in accordance with subparagraph (A) without regard to the organizational level at which the Department of the Interior that has previously carried out such programs, functions, services, or activities.

“(4) RESERVATION OF FUNDS.—

“(A) NATIONWIDE PRIORITY PROGRAM.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

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“(B) RESERVATION.—Of the amounts authorized to be appropriated for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than \$13,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate de-icer to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

“(C) ELIGIBLE BRIDGES.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

“(i) have an opening of 20 feet or more;

“(ii) be on an Indian reservation road;

“(iii) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

“(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

“(D) APPROVAL REQUIREMENT.—Funds to carry out Indian reservation road bridge projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary.”; and

(5) by indenting paragraph (1) (as designated by paragraph (2) of this paragraph) and aligning paragraph (1) with paragraphs (2), (3), and (4) (as added by paragraph (4) of this paragraph).

(c) AVAILABILITY OF FUNDS.—Section 203 of such title is amended by adding at the end the following: “Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to pay the Federal share of the cost of the project.”

23 USC 203.

(d) PLANNING AND AGENCY COORDINATION.—Section 204 of such title is amended—

(1) by striking subsection (a) and inserting the following:  
“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

“(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

“(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

“(A) shall be developed in cooperation with States and metropolitan planning organizations; and

“(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

“(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.”;

(2) in subsection (b) by striking the first 3 sentences and inserting the following: “Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.”;

(3) in the first sentence of subsection (e) by striking “Secretary of the Interior” and inserting “Secretary of the appropriate Federal land management agency”;

(4) in subsection (h) by adding at the end the following:

“(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.”;

(5) by striking subsection (i) and inserting the following:

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## “(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

“(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section.”; and

(6) in subsection (j) by striking the second sentence and inserting the following: “The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).”.

112 STAT. 158

## (e) REFUGE ROADS.—

(1) AUTHORIZATIONS.—Section 201 of such title is amended in the first sentence by inserting “refuge roads,” before “public lands highways,”.

23 USC 201.

(2) ALLOCATIONS.—Section 202 of such title is amended by adding at the end the following:

“(e) REFUGE ROADS.—On October 1 of each fiscal year, the Secretary shall allocate the sums made available for that fiscal year for refuge roads according to the relative needs of the various refuges in the National Wildlife Refuge System, and taking into consideration—

Effective date.

“(1) the comprehensive conservation plan for each refuge;

“(2) the need for access as identified through land use planning; and

“(3) the impact of land use planning on existing transportation facilities.”.

(3) AVAILABILITY OF FUNDS.—Section 203 of such title is amended in the first and fourth sentences—

(A) by striking “for,” and inserting “for”; and

(B) by inserting “refuge roads,” after “parkways,” each place it appears.

(4) USE OF FUNDING.—Section 204 of such title is amended by adding at the end the following:

## “(k) REFUGE ROADS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, funds made available for refuge roads shall be used by the Secretary and the Secretary of the Interior only to pay the cost of—

“(A) maintenance and improvements of refuge roads;

“(B) maintenance and improvements of eligible projects described in paragraphs (2), (5), and (6) of subsection (h) that are located in or adjacent to wildlife refuges; and

“(C) administrative costs associated with such maintenance and improvements.

“(2) CONTRACTS.—In carrying out paragraph (1), the Secretary and the Secretary of the Interior, as appropriate, may

enter into contracts with a State or civil subdivision of a State or Indian tribe as is determined advisable.

“(3) COMPLIANCE WITH OTHER LAW.—Funds made available for refuge roads shall be used only for projects that are in compliance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).”

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Subtitle B—General Provisions

SEC. 1201. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended to read as follows:

“(a) DEFINITIONS.—In this title, the following definitions apply:

“(1) APPORTIONMENT.—The term ‘apportionment’ includes unexpended apportionments made under prior authorization laws.

“(2) CARPOOL PROJECT.—The term ‘carpool project’ means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and individuals with disabilities, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

“(3) CONSTRUCTION.—The term ‘construction’ means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program. Such term includes—

“(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration of the Department of Commerce);

“(B) resurfacing, restoration, and rehabilitation;

“(C) acquisition of rights-of-way;

“(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

“(E) elimination of hazards of railway grade crossings;

“(F) elimination of roadside obstacles;

“(G) improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

“(H) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

“(4) COUNTY.—The term ‘county’ includes corresponding units of government under any other name in States that

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do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

“(5) FEDERAL-AID HIGHWAY.—The term ‘Federal-aid highway’ means a highway eligible for assistance under this chapter other than a highway classified as a local road or rural minor collector.

“(6) FEDERAL-AID SYSTEM.—The term ‘Federal-aid system’ means any of the Federal-aid highway systems described in section 103.

“(7) FEDERAL LANDS HIGHWAY.—The term ‘Federal lands highway’ means a forest highway, public lands highway, park road, parkway, refuge road, and Indian reservation road that is a public road.

“(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term ‘forest development roads and trails’ means forest roads and trails under the jurisdiction of the Forest Service.

“(9) FOREST HIGHWAY.—The term ‘forest highway’ means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

“(10) FOREST ROAD OR TRAIL.—The term ‘forest road or trail’ means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System that is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

“(11) HIGHWAY.—The term ‘highway’ includes—

“(A) a road, street, and parkway;

“(B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and

“(C) a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

“(12) INDIAN RESERVATION ROAD.—The term ‘Indian reservation road’ means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

“(13) INTERSTATE SYSTEM.—The term ‘Interstate System’ means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

“(14) MAINTENANCE.—The term ‘maintenance’ means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.

“(15) MAINTENANCE AREA.—The term ‘maintenance area’ means an area that was designated as a nonattainment area,

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but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

“(16) NATIONAL HIGHWAY SYSTEM.—The term ‘National Highway System’ means the Federal-aid highway system described in section 103(b).

“(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term ‘operating costs for traffic monitoring, management, and control’ includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

“(18) OPERATIONAL IMPROVEMENT.—The term ‘operational improvement’—

“(A) means (i) a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs, and (ii) such other capital improvements to public roads as the Secretary may designate, by regulation; and

“(B) does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

“(19) PARK ROAD.—The term ‘park road’ means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

“(20) PARKWAY.—The term ‘parkway’, as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

“(21) PROJECT.—The term ‘project’ means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

“(22) PROJECT AGREEMENT.—The term ‘project agreement’ means the formal instrument to be executed by the State transportation department and the Secretary as required by section 106.

“(23) PUBLIC AUTHORITY.—The term ‘public authority’ means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

“(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term ‘public lands development roads and trails’ means those roads and trails that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under the control of the Secretary of the Interior.

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“(25) PUBLIC LANDS HIGHWAY.—The term ‘public lands highway’ means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

“(26) PUBLIC LANDS HIGHWAYS.—The term ‘public lands highways’ means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, which are on the Federal-aid systems.

“(27) PUBLIC ROAD.—The term ‘public road’ means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

“(28) REFUGE ROAD.—The term ‘refuge road’ means a public road that provides access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the United States Government.

“(29) RURAL AREAS.—The term ‘rural areas’ means all areas of a State not included in urban areas.

“(30) SAFETY IMPROVEMENT PROJECT.—The term ‘safety improvement project’ means a project that corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at locations with high accident potential.

“(31) SECRETARY.—The term ‘Secretary’ means Secretary of Transportation.

“(32) STATE.—The term ‘State’ means any of the 50 States, the District of Columbia, or Puerto Rico.

“(33) STATE FUNDS.—The term ‘State funds’ includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State transportation department.

“(34) STATE TRANSPORTATION DEPARTMENT.—The term ‘State transportation department’ means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

“(35) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term ‘transportation enhancement activities’ means, with respect to any project or the area to be served by the project, any of the following activities if such activity relates to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs (including the provision of tourist and welcome center facilities), landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water

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pollution due to highway runoff or reduce vehicle-caused wild-life mortality while maintaining habitat connectivity, and establishment of transportation museums.

“(36) URBAN AREA.—The term ‘urban area’ means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

“(37) URBANIZED AREA.—The term ‘urbanized area’ means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.”.

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**SEC. 1203. METROPOLITAN PLANNING.**

(a) GENERAL REQUIREMENTS.—Section 134(a) of title 23, United States Code, is amended to read as follows:

“(a) GENERAL REQUIREMENTS.—

“(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

“(2) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

“(3) CONTENTS.—The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

“(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.”.

(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

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(1) IN GENERAL.—Section 134(b) of such title is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

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“(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

“(B) in accordance with procedures established by applicable State or local law.

“(2) STRUCTURE.—Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

“(A) local elected officials;

“(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and

“(C) appropriate State officials.”.

(2) CONTINUING DESIGNATION.—Section 134(b)(4) of such title is amended to read as follows:

23 USC 134.

“(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).”.

(3) REDESIGNATION.—Section 134(b)(5)(A) of such title is amended—

(A) by striking “among” and inserting “between”; and

(B) by striking “which together” and inserting “that together”.

(4) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—Section 134(b)(6) of such title is amended to read as follows:

“(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.”.

(c) METROPOLITAN PLANNING AREA BOUNDARIES.—Section 134(c) of such title is amended—

(1) in the subsection heading by inserting “PLANNING” before “AREA”;

(2) in the first sentence—

(A) by striking “For the purposes” and inserting the following:

“(1) IN GENERAL.—For the purposes”; and

(B) by inserting “planning” before “area”;

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(3) by striking the second sentence and all that follows and inserting the following:

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“(2) INCLUDED AREA.—Each metropolitan planning area—

“(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

“(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

“(3) EXISTING METROPOLITAN PLANNING AREAS IN NON-ATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (b)(5).

“(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

“(A) shall be established in the manner described in subsection (b)(1);

“(B) shall encompass the areas described in paragraph (2)(A);

“(C) may encompass the areas described in paragraph (2)(B); and

“(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.”; and

(4) by aligning paragraph (1) (as designated by paragraph (2)(A) of this subsection) with paragraphs (2) through (4) (as inserted by paragraph (3) of this subsection).

23 USC 134.

(d) COORDINATION IN MULTISTATE AREAS.—Section 134(d) of such title is amended to read as follows:

“(d) COORDINATION IN MULTISTATE AREAS.—

“(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

“(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

“(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

“(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

“(3) LAKE TAHOE REGION.—

“(A) DEFINITION.—In this paragraph, the term ‘Lake Tahoe region’ has the meaning given the term ‘region’

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in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96-551 (94 Stat. 3234).

“(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall— 112 STAT. 173

“(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

“(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

“(C) INTERSTATE COMPACT.—

“(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

California.  
Nevada.

“(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

“(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

“(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

“(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

“(ii) may, in accordance with chapter 2, be funded using funds allocated under section 202.

“(4) RECIPIENTS OF OTHER ASSISTANCE.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

“(A) by recipients of assistance under chapter 53 of title 49; and

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23 USC 134.

“(B) by governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services.”.

(e) COORDINATION OF MPOS.—Section 134(e) of such title is amended—

(1) in the subsection heading by striking “MPO’s” and inserting “MPOS”;

(2) by striking “If” and inserting the following:

“(1) NONATTAINMENT AREAS.—If”;

(3) by adding at the end the following:

“(2) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.”; and

(4) by aligning paragraph (1) (as designated by paragraph (2) of this subsection) with paragraph (2) (as added by paragraph (3) of this subsection).

(f) SCOPE OF PLANNING PROCESS.—Section 134(f) of such title is amended to read as follows:

“(f) SCOPE OF PLANNING PROCESS.—

“(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

“(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

“(C) increase the accessibility and mobility options available to people and for freight;

“(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

“(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

“(F) promote efficient system management and operation; and

“(G) emphasize the preservation of the existing transportation system.

“(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.”.

(g) LONG-RANGE TRANSPORTATION PLAN.—Section 134(g) of such title is amended—

(1) in paragraph (2) by striking “, at a minimum” and inserting “contain, at a minimum, the following”;

(2) in paragraph (2)(A) by striking “Identify” and inserting “An identification of”; and

(3) by striking paragraph (2)(B) and inserting the following:

“(B) A financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indicates resources from public and private sources

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that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.”;

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(4) in paragraph (4)—

(A) by inserting after “employees,” the following: “freight shippers, providers of freight transportation services,”; and

(B) by inserting after “private providers of transportation,” the following: “representatives of users of public transit,”;

(5) by adding at the end the following:

“(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

Notwithstanding paragraph (2)(B), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B).”;

(6) in the subsection heading by striking “LONG RANGE PLAN” and inserting “LONG-RANGE TRANSPORTATION PLAN”;

(7) in the headings for paragraphs (2) and (5) by striking “LONG RANGE PLAN” and inserting “LONG-RANGE TRANSPORTATION PLAN”; and

(8) by striking “long range plan” each place it appears and inserting “long-range transportation plan”.

(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

Section 134(h) of such title is amended to read as follows:

23 USC 134.

“(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

“(1) DEVELOPMENT.—

“(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

“(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

“(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

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“(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

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“(2) CONTENTS.—The transportation improvement program shall include—

“(A) a priority list of proposed federally supported projects and strategies to be carried out within each 3-year period after the initial adoption of the transportation improvement program; and

“(B) a financial plan that—

“(i) demonstrates how the transportation improvement program can be implemented;

“(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

“(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

“(iv) may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.

“(3) INCLUDED PROJECTS.—

“(A) PROJECTS UNDER THIS CHAPTER AND CHAPTER 53 OF TITLE 49.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under this chapter and chapter 53 of title 49.

“(B) PROJECTS UNDER CHAPTER 2.—

“(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

“(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

“(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

“(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

“(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public

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transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

“(5) SELECTION OF PROJECTS.—

“(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

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“(i) by—

“(I) in the case of projects under this chapter, the State; and

“(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

“(ii) in cooperation with the metropolitan planning organization.

“(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

“(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

“(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

“(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved transportation improvement program.

“(7) PUBLICATION.—

“(A) PUBLICATION OF TRANSPORTATION IMPROVEMENT PROGRAMS.—A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

“(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the transportation improvement program.”

(i) TRANSPORTATION MANAGEMENT AREAS.—

(1) REQUIRED DESIGNATIONS.—Section 134(i)(1) of such title is amended to read as follows: 23 USC 134.

“(1) DESIGNATION.—

“(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

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“(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.”.

(2) SELECTION OF PROJECTS.—Section 134(i)(4) of such title is amended to read as follows:

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“(4) SELECTION OF PROJECTS.—

“(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

“(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate maintenance program shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.”.

23 USC 134.

(3) CERTIFICATION.—Section 134(i)(5) of such title is amended to read as follows:

“(5) CERTIFICATION.—

“(A) IN GENERAL.—The Secretary shall—

“(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

“(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

“(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

“(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

“(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor.

“(C) EFFECT OF FAILURE TO CERTIFY.—

“(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

“(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

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“(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

“(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.”

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(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—Section 134(j) of such title is amended to read as follows:

“(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

“(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated long-range transportation plan and transportation improvement program for the metropolitan area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

“(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).”

(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Section 134(l) of such title is amended—

23 USC 134.

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

“(1) IN GENERAL.—Notwithstanding”; and

(2) by adding at the end the following:

“(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).”

(l) FUNDING.—Section 134(n) of such title is amended to read as follows:

“(n) FUNDING.—

“(1) IN GENERAL.—Funds set aside under section 104(f) of this title to carry out sections 5303 through 5305 of title 49 shall be available to carry out this section.

“(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.”

(m) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 134 of such title is amended by adding at the end the following:

“(o) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the

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National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”

(n) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134 and inserting the following:

“134. Metropolitan planning.”

112 STAT. 180

**SEC. 1204. STATEWIDE PLANNING.**

(a) GENERAL REQUIREMENTS.—Section 135(a) of title 23, United States Code, is amended to read as follows:

“(a) GENERAL REQUIREMENTS.—

“(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

“(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

“(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

“(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.”

(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—Section 135(b) of such title is amended by inserting after “of this title” the following: “and sections 5303 through 5305 of title 49”.

(c) SCOPE OF PLANNING PROCESS.—Section 135(c) of such title is amended to read as follows:

“(c) SCOPE OF PLANNING PROCESS.—

“(1) IN GENERAL.—Each State shall carry out a transportation planning process that provides for consideration of projects and strategies that will—

“(A) support the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

“(C) increase the accessibility and mobility options available to people and for freight;

“(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

“(E) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

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“(F) promote efficient system management and operation; and

“(G) emphasize the preservation of the existing transportation system.

“(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.”.

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(d) ADDITIONAL REQUIREMENTS.—Section 135(d) of such title is amended to read as follows:

23 USC 135.

“(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

“(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

“(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

“(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.”.

(e) LONG-RANGE TRANSPORTATION PLAN.—Section 135(e) of such title is amended to read as follows:

“(e) LONG-RANGE TRANSPORTATION PLAN.—

“(1) DEVELOPMENT.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

“(2) CONSULTATION WITH GOVERNMENTS.—

“(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the long-range transportation plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

“(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with affected local officials with responsibility for transportation.

“(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

“(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the long-range transportation plan, the State shall—

“(A) provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, representatives of users of public transit, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

“(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

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“(4) FINANCIAL PLAN.—The long-range transportation plan may include a financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

112 STAT. 182

“(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (4), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (4).”.

23 USC 135.

(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f) of such title is amended to read as follows:

“(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

“(1) DEVELOPMENT.—

“(A) IN GENERAL.—Each State shall develop a transportation improvement program for all areas of the State.

“(B) CONSULTATION WITH GOVERNMENTS.—

“(i) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

“(ii) NONMETROPOLITAN AREAS.—

“(I) IN GENERAL.—With respect to each non-metropolitan area in the State, the program shall be developed in consultation with affected local officials with responsibility for transportation.

“(II) REVIEW.—Not later than 1 year after the date of enactment of this subclause, the State shall submit to the Secretary the details of the consultative planning process developed by the State for nonmetropolitan areas under subclause (I). The Secretary shall not review or approve such process.

“(iii) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

“(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

“(2) INCLUDED PROJECTS.—

“(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

“(B) CHAPTER 2 PROJECTS.—

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“(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

“(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

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“(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be—

“(i) consistent with the long-range transportation plan developed under this section for the State;

“(ii) identical to the project as described in an approved metropolitan transportation improvement program; and

“(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under such Act.

“(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

“(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

“(F) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

“(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E).

“(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

“(G) PRIORITIES.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this title.

“(3) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

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“(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected local officials.

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“(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out in areas described in subparagraph (A) on the National Highway System and projects carried out in such areas under the bridge program or the Interstate maintenance program shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

“(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section, section 134, and sections 5303 through 5305 of title 49, approved not less frequently than biennially by the Secretary.

“(5) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project in the program.”

23 USC 135.

(g) FUNDING.—Section 134(g) of such title is amended by striking “section 307(c)(1)” and inserting “section 505(a)”.

(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 135 of such title is amended by adding at the end the following:

“(i) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”

23 USC 135 note.

(i) PARTICIPATION OF LOCAL ELECTED OFFICIALS.—

(1) STUDY.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming. In conducting the study, the Secretary shall consider the degree of cooperation between each State, local officials in rural areas in the State, and regional planning and development organizations in the State.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

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## SEC. 1212. MISCELLANEOUS.

## (a) STATE TRANSPORTATION DEPARTMENT.—

(1) IN GENERAL.—Section 302 of title 23, United States Code, is amended—

(A) in subsection (a) by striking the second sentence; and

(B) by striking subsection (b) and inserting the following:

“(b) EFFECT OF COMPLIANCE.—Compliance with subsection (a) shall have no effect on the eligibility of costs.”.

## (2) CHANGE IN TERM DEFINED.—

(A) IN GENERAL.—Title 23, United States Code, is amended—

(i) by striking “State highway department” each place it appears and inserting “State transportation department”; and 23 USC 102 *et seq.*

(ii) by striking “State highway departments” each place it appears and inserting “State transportation departments”. 23 USC 104 *et seq.*

## (B) CONFORMING AMENDMENTS.—

(i) The analysis for chapter 3 of title 23, United States Code, is amended in the item relating to section 302 by striking “highway” and inserting “transportation”.

(ii) Section 302 of title 23, United States Code, is amended in the section heading by striking “**highway**” and inserting “**transportation**”.

(iii) Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking “State highway department” and inserting “State transportation department”.

(iv) Section 138(c) of the Surface Transportation Assistance Act of 1978 (40 U.S.C. App. (note to section 201 of the Appalachian Regional Development Act of 1965); 92 Stat. 2710) is amended in the first sentence—

(I) by striking “Federal-aid primary system” and inserting “National Highway System”; and

(II) by striking “State highway department” and inserting “State transportation department”.

## (b) INFRASTRUCTURE AWARENESS PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to fund the production, in cooperation with a not-for-profit national public television station and the National Academy of Engineering, of a documentary about infrastructure that shall demonstrate how public works and infrastructure projects stimulate job growth and the economy and contribute to the general welfare of the Nation.

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## (2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the cost of production of the documentary shall be 60 percent. The non-Federal share shall be provided from private sources and shall include amounts expended by such sources for the production before the date of enactment of this Act.

(B) CALCULATION.—The calculation of the Federal and non-Federal shares under this paragraph shall be made

over the term for which sums are authorized to be appropriated under paragraph (3).

(3) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$888,000 for fiscal year 1998, and \$1,000,000 for each of fiscal years 1999 and 2000. Such funds shall remain available until expended.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this paragraph shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this subsection shall be determined in accordance with this subsection.

(c) MASS TRANSPORTATION BUSES.—Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended by striking “the date on which” and all that follows through “1995” and inserting “October 1, 2003”.

(d) VEHICLE WEIGHT LIMITATIONS.

(1) IN GENERAL.—Section 127(a) of title 23, United States Code, is amended—

Colorado.

(A) by inserting before the next to the last sentence the following: “With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.”; and

Louisiana.

(B) by adding at the end the following: “The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually. With respect to Interstate Route 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.”.

New Hampshire.

Maine.

(2) STUDIES.—

(A) COLORADO.—

112 STAT. 195

(i) IN GENERAL.—In consultation with the Secretary, the State of Colorado shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(A), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the

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112 STAT. 195

Mass Transit Account) \$200,000 for fiscal year 1999 to carry out the study.

## (B) LOUISIANA.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Louisiana shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$200,000 for fiscal year 1999 to carry out the study.

## (C) MAINE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Maine shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$200,000 for fiscal year 1999 to carry out the study.

## (D) NEW HAMPSHIRE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of New Hampshire shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$200,000 for fiscal year 1999 to carry out the study.

## (E) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—

Funds authorized by this paragraph shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

## (k) DRIVER TRAINING AND SAFETY CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to establish a driver training and safety center at Connellsville, Pennsylvania.

(2) PURPOSE.—The purpose of the facility shall be to train and enhance the driving skills of motor vehicle and emergency vehicle operators.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$2,500,000 for each of fiscal years 1999 through 2001.

112 STAT. 196  
Pennsylvania.

112 STAT. 196

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(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall remain available until expended.

(1) OHIO RIVER WELCOME CENTER.—

West Virginia.

(1) IN GENERAL.—The Secretary shall make grants to establish a welcome center in Point Pleasant, West Virginia.

(2) ACCESS.—The center shall be accessible by motor vehicle, bicycle, pedestrian walkway, and river transportation.

(3) FACILITIES.—The center shall include a comfort station, picnic and sitting plaza, a small amphitheater, a deep river port, a marina, and a walking trail.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$412,900 for fiscal year 1999, \$1,362,500 for fiscal year 2000, and \$699,500 for fiscal year 2001.

(5) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities carried out using the funds shall be 50 percent and the funds shall remain available until expended.

(m) PROJECT FLEXIBILITY FOR MINNESOTA.—Notwithstanding any other provision of law, funds allocated for a project in the State of Minnesota under section 117 of title 23, United States Code, may be obligated for any other project in the State for which funds are so allocated; except that the total amount of funds authorized for any project for which funds are so allocated shall not be reduced.

(n) BALTIMORE WASHINGTON PARKWAY.—Notwithstanding any other provision of law, the Federal share of the cost of a project for which funds are allocated under section 117 of title 23, United States Code, for renovation and construction of the Baltimore Washington Parkway in Prince Georges County, Maryland, shall be 100 percent.

23 USC 402 note.

(o) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) to operate a national bicycle and pedestrian clearinghouse;

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

112 STAT. 197

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$500,000 for each of fiscal years 1998 through 2003.

(E) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

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112 STAT. 197

## (p) HEAVY EQUIPMENT OPERATOR TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a heavy equipment operator training facility in Hibbing, Minnesota. The purpose of the facility shall be to develop an appropriate curriculum for training, and to train operators and future operators of heavy equipment in the safe use of such equipment.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$500,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of establishment of the facility under this subsection shall be 80 percent and such funds shall remain available until expended.

## (q) MOTOR CARRIER OPERATOR VEHICLE AND TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall make grants to the Commonwealth of Pennsylvania to establish and operate an advanced tractor trailer safety and operator training facility in Chambersburg, Pennsylvania. The purpose of the facility shall be to develop and coordinate an advance curriculum for the training of operators and future operators of tractor trailers. The facility shall conduct training on the test track at Letterkenny Army Depot and the unused segment of the Pennsylvania Turnpike located in Bedford County, Pennsylvania. The facility shall be operated by a not-for-profit entity and, when Federal assistance is no longer being provided with respect to the facility, shall be privately operated.

Pennsylvania.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$500,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended and the Federal share of the cost of establishment and operation of the facility under this subsection shall be 80 percent.

## (r) HIGH PRIORITY LAS VEGAS INTERMODAL CENTER.—

(1) IN GENERAL.—The Secretary shall provide \$2,000,000 for fiscal year 1999 and \$2,500,000 for fiscal year 2000 for the High Priority Las Vegas Intermodal Center in Las Vegas, Nevada.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

112 STAT. 198

## (s) SEISMIC DESIGN.—

(1) IN GENERAL.—The Secretary shall provide—

(A) \$8,000,000 for fiscal year 1999 for seismic design and engineering of the Mississippi/Arkansas Great River Bridge;

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(B) \$8,000,000 for fiscal year 1999 to the State of Missouri for seismic design and deployment; and

(C) \$7,000,000 for fiscal year 1999 to the State of Arkansas for seismic design and deployment.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(t) BILOXI HARBOR, MISSISSIPPI.—The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South ½ of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

(u) CLARIFICATION.—Notwithstanding any other provision of law, the Commonwealth of Pennsylvania is authorized to proceed with engineering, final design, and construction of Corridor O of the Appalachian development highway system between Bald Eagle and Interstate Route 80. All records of decision relating to Corridor O issued prior to the date of enactment of this Act shall remain in effect.

Effective date.

(v) BOUNDARY WATERS CANOE AREA.—Effective January 1, 1999, section 4 of the Act of October 21, 1978 (Public Law 95-495) is amended—

92 Stat. 1650.

(1) by striking subsection (g) and inserting the following:  
“(g) Nothing in this Act shall be construed to prevent the operation of motorized vehicles to transport boats across the portages between the Moose Lake Chain and Basswood Lake, Minnesota, and between Vermilion Lake and Trout Lake, Minnesota.”; and

(2) in subsection (c)(2) by striking “; Alder, Cook County; Canoe, Cook County”.

(w) MISCELLANEOUS PROJECTS.—

(1) REPLACEMENT OF ROSLYN VIADUCT.—

(A) PROJECT.—The Secretary is authorized to carry out a project for replacement of a segment of the Roslyn elevated highway (NY25A) on Long Island, New York.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph \$51,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(2) DESIGN AND ENGINEERING FOR MILLER HIGHWAY.—

(A) PROJECT.—The Secretary is authorized to carry out a project for design and engineering of the Miller Highway on the west side of Manhattan, New York.

112 STAT. 199

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph \$15,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(3) WILLIAMSVILLE TOLL BARRIER.—

(A) PROJECT.—The Secretary is authorized to carry out a project to relocate a toll barrier complex to relieve traffic congestion in the Buffalo, New York, area.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph \$20,000,000 for fiscal

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years beginning after September 30, 1998. Such sums shall remain available until expended.

(x) ST. GEORGES, DELAWARE.—The Secretary of the Army shall transfer all right, title, and interest of the United States in the highway bridge on United States Route 13 in the vicinity of St. Georges, Delaware, to the State of Delaware if the transfer is necessary to facilitate retransfer to a private entity for the purpose of demonstrating the effectiveness and efficiency of the use of large-scale composites technology for bridge rehabilitation. In evaluating the level of service for all Federal crossings over the Chesapeake and Delaware Canal in Delaware, the total vehicle trips per day on this transferred bridge shall be attributed to the remaining Federal crossing at St. Georges, Delaware (the SR1 Bridge). If the transfer is completed within 180 days after the date of enactment of this Act, the Secretary shall provide \$10,000,000 to the State for the State to use in rehabilitating the bridge.

(y) MOUNT PARAN INTERCHANGE PROJECT FOR INTERSTATE ROUTE 75.—Notwithstanding any other provision of law, none of the funds made available under this Act or title 23, United States Code, shall be used to carry out a project to construct or improve the Mount Paran interchange on Interstate Route 75 in Georgia unless the Atlanta Regional Commission approves the project after the date of enactment of this Act.

(z) NITTANY PARKWAY.—The Secretary shall designate 31 miles of Pennsylvania State Route 26 between Huntingdon, Pennsylvania, and State College, Pennsylvania, as the Nittany Parkway.

Pennsylvania.

\* \* \* \* \*

**SEC. 1214. FEDERAL ACTIVITIES.**

112 STAT. 204

(a) ACCESS TO JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—

District of Columbia.  
20 USC 76j note.

(1) STUDY.—The Secretary, in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior and in consultation with other interested persons, shall conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

(2) REPORT.—Not later than September 30, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study with an assessment of the impacts (including environmental, aesthetic, economic, and historical impacts) associated with the implementation of each of the methods examined under the study.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$500,000 for fiscal year 1998.

(4) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted using such funds shall be 100 percent and such funds shall remain available until expended.

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20 USC 50 note.

## (b) SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate amounts made available by this subsection for obligation at the discretion of the Secretary of the Smithsonian Institution, in consultation with the Secretary, to carry out projects and activities described in paragraph (2).

(2) ELIGIBLE USES.—Amounts allocated under paragraph (1) may be obligated only—

(A) for transportation-related exhibitions, exhibits, and educational outreach programs;

(B) to enhance the care and protection of the Nation's collection of transportation-related artifacts;

(C) to acquire historically significant transportation-related artifacts; and

(D) to support research programs within the Smithsonian Institution that document the history and evolution of transportation, in cooperation with other museums in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$1,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity under this subsection shall be 100 percent and such funds shall remain available until expended.

112 STAT. 205  
West Virginia.  
16 USC  
460m-29a note.

## (c) NEW RIVER VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall allocate to the Secretary of the Interior amounts made available by this subsection for the planning, design, and construction of a visitor center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources of the New River Gorge National River in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the I-64 Sandstone intersection.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,300,000 for fiscal year 1998, \$1,200,000 for fiscal year 1999, and \$9,900,000 for fiscal year 2000.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

23 USC 202 note.

## (d) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries

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of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

## (2) AVAILABILITY TO ELIGIBLE COUNTIES.—

(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

(B) ROADS.—A public road referred to in subparagraph

(A) is a public road that—

(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(iii) is maintained by the county in which the public road is located.

## (C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

112 STAT. 206

(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

(B) any funding provided by a State to a county for road maintenance programs in the county.

(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b) of title 23, United States Code.

## (5) FUNDING.—

(A) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,500,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(e) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—

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(1) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(2) FUNDING.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2002, the Secretary may set aside not to exceed \$18,800,000 from amounts to be apportioned under section 104(b)(4) of title 23, United States Code, to carry out this section.

(B) AVAILABILITY.—Funds made available under subparagraph (1) shall remain available until expended.

16 USC 668dd  
note.

(f) SACHUEST POINT NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide \$200,000 for fiscal year 1999 to the United States Fish and Wildlife Service to resurface the entrance road to Sachuest Point National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$200,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

16 USC 668dd  
note.

(g) RUNWAY REMOVAL AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide \$300,000 for fiscal year 1999 to the United States Fish and Wildlife Service to remove asphalt runways at Ninigret National Wildlife Refuge and \$5,000,000 shall be available to the State of Rhode Island for improvements to the T.F. Green Intermodal Facility in Rhode Island for each of fiscal years 1999 through 2003.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$5,300,000 for fiscal year 1999 and \$5,000,000 for each of fiscal years 2000 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

16 USC 668dd  
note.

(h) MIDDLETOWN VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall provide \$500,000 for fiscal year 1999 to the United States Fish and Wildlife Service for the Middletown visitor center at Sachuest Point National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$500,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

16 USC 668dd  
note.

(i) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide \$750,000 for fiscal year 1999 to the United States Fish and Wildlife Service

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to pave the entrance road to the Ninigret National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$750,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(j) EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall provide \$1,000,000 for each of fiscal years 1999 through 2003 to the United States Fish and Wildlife Service for the education visitor center at the Rhode Island National Wildlife Refuge complex.

16 USC 668dd  
note.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,000,000 for each of fiscal years 1999 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(k) RICHMOND NATIONAL BATTLEFIELD PARK.—

(1) IN GENERAL.—The Secretary shall provide \$1,000,000 for fiscal year 1999 to the National Park Service to revitalize the Tredegar Iron Works to serve as a visitor center for Richmond National Battlefield Park.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,000,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

112 STAT. 208

(l) ACCESS TO CORPS OF ENGINEERS.—

(1) IN GENERAL.—The Secretary shall provide \$800,000 for each of fiscal years 1999 through 2003 to the Corps of Engineers to be made available to the State of Missouri for resurfacing and maintenance of city and county roads that provide access to Corps of Engineers reservoirs.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$800,000 for each of fiscal years 1999 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(m) CIVIL WAR BATTLEFIELD PLAN.—

(1) IN GENERAL.—The Secretary shall provide \$250,000 for each of fiscal years 1999 and 2000 to the Department of the Interior to be made available to the Shenandoah Valley Battlefield National Historic District Commission for developing a plan for the interpretation and protection of 10 Civil War battlefields in the Shenandoah Valley.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account)

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to carry out this subsection \$250,000 for each of fiscal years 1999 and 2000.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(n) DOT HEADQUARTERS FACILITY.—Before taking any action that leads to Government ownership of the Department of Transportation headquarters facility, through construction or purchase, the Administrator of General Services shall first seek approval of the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(o) FORT PECK, MONTANA.—

(1) FORT PECK, MONTANA, VISITORS CENTER.—The Secretary shall provide funds for the environmental review, planning, design, and construction of a historical and cultural visitors center and museum at Fort Peck, Montana.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$3,000,000 for each of fiscal years 1999 and 2000.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

(p) BRIDGES ON NATCHEZ TRACE PARKWAY, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall allocate to the State of Mississippi amounts available by this subsection to be used for replacement and widening of the box bridges on the Natchez Trace Parkway at Old Canton Road and at Rice Road in Madison County, Mississippi.

112 STAT. 209

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$5,000,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

Idaho.

(q) LOLO PASS VISITOR CENTER.—

(1) GRANTS.—The Secretary shall make grants for the Lolo Pass Visitor Center in the State of Idaho.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$2,943,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(r) PUERTO RICO HIGHWAY PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate funds authorized by section 1101(a)(15) for each of fiscal years 1998 through

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2003 to the Commonwealth of Puerto Rico to carry out a highway program in such Commonwealth.

(2) **APPLICABILITY OF TITLE 23.**—Amounts made available by section 1101(a)(15) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such amounts shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

**SEC. 1215. DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.**

(a) **GETTYSBURG, PENNSYLVANIA.**—

(1) **RESTORATION OF TRAIN STATION.**—The Secretary shall allocate amounts made available by this subsection for the restoration of the Gettysburg, Pennsylvania, train station.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$400,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) **APPLICABILITY OF TITLE 23.**—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of restoration of the train station under this subsection shall be 80 percent and such funds shall remain available until expended.

(b) **CENTER.**—

Minnesota.

(1) **ESTABLISHMENT.**—The Secretary shall allocate funds made available to carry out this subsection to establish a center for national scenic byways in Duluth, Minnesota, to provide technical communications and network support for nationally designated scenic byway routes in accordance with paragraph (2).

112 STAT. 210

(2) **COMMUNICATIONS SYSTEMS.**—The center for national scenic byways shall develop and implement communications systems for the support of the national scenic byways program. Such communications systems shall provide local officials and planning groups associated with designated National Scenic Byways or All-American Roads with proactive, technical, and customized assistance through the latest technology that allows scenic byway officials to develop and sustain their National Scenic Byways or All-American Roads.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,500,000 for each of fiscal years 1998 through 2003.

(4) **APPLICABILITY OF TITLE 23.**—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection shall be 100 percent and such funds shall remain available until expended.

(c) **COAL HERITAGE TRAIL.**—

West Virginia.

(1) **IN GENERAL.**—The Secretary shall make grants to the State of West Virginia for the Coal Heritage Scenic Byway for the purposes set forth in section 204(h) of title 23, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$2,000,000 for each of fiscal years 1999 through 2001.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(d) TRAFFIC CALMING MEASURES.—

(1) IN GENERAL.—The Secretary shall provide \$5,000,000 for fiscal year 1999 and \$2,000,000 for each of fiscal years 2000 through 2003 to implement traffic calming measures in Fauquier and Loudoun Counties, Virginia.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(e) PEDESTRIAN BRIDGE.—

(1) IN GENERAL.—The Secretary shall provide \$1,000,000 for fiscal year 1999 for a pedestrian bridge over United States Route 29 at Emmet Street in Charlottesville, Virginia.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(f) INTERPRETIVE CENTER.—

(1) IN GENERAL.—The Secretary shall provide \$600,000 for fiscal year 1999 for construction of the Virginia Blue Ridge Parkway interpretive center located on the Roanoke River Gorge in Virginia.

112 STAT. 211

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(g) CHAIN OF ROCKS BRIDGE.—

(1) IN GENERAL.—The Secretary shall provide \$2,000,000 for fiscal year 1999 for the renovation and preservation of the Missouri Route 66 Chain of Rocks Bridge.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(h) NOISE BARRIERS, DEKALB COUNTY, GEORGIA.—Notwithstanding any other provision of law, the Secretary shall approve the construction of Type II noise barriers beginning on the west side of Interstate Route 285 extending from Northlake Parkway to Henderson Mill Road in Dekalb County, Georgia, from funds apportioned under sections 104(b)(1) and 104(b)(3) of title 23, United States Code.

\* \* \* \* \*

112 STAT. 219

**SEC. 1219. NATIONAL SCENIC BYWAYS PROGRAM.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 219

**“§ 162. National scenic byways program****“(a) DESIGNATION OF ROADS.—**

**“(1) IN GENERAL.—**The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as National Scenic Byways or All-American Roads.

**“(2) CRITERIA.—**The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

**“(3) NOMINATION.—**To be considered for the designation, a road must be nominated by a State or a Federal land management agency and must first be designated as a State scenic byway or, in the case of a road on Federal land, as a Federal land management agency byway.

**“(b) GRANTS AND TECHNICAL ASSISTANCE.—**

**“(1) IN GENERAL.—**The Secretary shall make grants and provide technical assistance to States to—

**“(A)** implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

**“(B)** plan, design, and develop a State scenic byway program.

**“(2) PRIORITIES.—**In making grants, the Secretary shall give priority to—

**“(A)** each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

**“(B)** each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

**“(C)** each eligible project that is associated with the development of a State scenic byway program.

**“(c) ELIGIBLE PROJECTS.—**The following are projects that are eligible for Federal assistance under this section:

**“(1)** An activity related to the planning, design, or development of a State scenic byway program.

**“(2)** Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

**“(3)** Safety improvements to a State scenic byway, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, National Scenic Byway, or All-American Road.

**“(4)** Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

112 STAT. 220

112 STAT. 220

PUBLIC LAW 105-178—JUNE 9, 1998

“(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

“(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

“(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

“(8) Development and implementation of a scenic byway marketing program.

“(d) LIMITATION.—The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

“(e) SAVINGS CLAUSE.—The Secretary shall not withhold any grant or impose any requirement on a State as a condition of providing a grant or technical assistance for any scenic byway unless the requirement is consistent with the authority provided in this chapter.

“(f) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.”.

112 STAT. 221

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

“162. National scenic byways program.”.

\* \* \* \* \*

112 STAT. 255

Subtitle F—High Priority Projects

\* \* \* \* \*

112 STAT. 256

SEC. 1602. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(13) of the Transportation Equity Act for the 21st Century) for fiscal years 1998 through 2003 to carry out each such project:

\* \* \* \* \*

112 STAT. 260

No.	State	Project description	(Dollars in millions)
94.	Pennsylvania .....	Improve walking and biking trails between Easton and Lehigh Gorge State Park within the Delaware and Lehigh Canal National Heritage Corridor .....	2.1

\* \* \* \* \*

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 262

No.	State	Project description	(Dollars in millions)
140.	Pennsylvania .....	Construct access road and parking facilities, Valley Forge National Historic Park, Valley Forge .....	3

\* \* \* \* \*

112 STAT. 263

No.	State	Project description	(Dollars in millions)
165.	Wyoming .....	Construct Jackson-Teton Pathway in Teton County .....	1.5

\* \* \* \* \*

112 STAT. 265

No.	State	Project description	(Dollars in millions)
233.	Dist. of Columbia ..	Implement Geographical Information System .....	7.5

\* \* \* \* \*

112 STAT. 268

No.	State	Project description	(Dollars in millions)
294.	New York .....	Construct intermodal transportation hub in Patchogue .....	1.875

\* \* \* \* \*

112 STAT. 270

No.	State	Project description	(Dollars in millions)
352.	Tennessee .....	Construct Foothills Parkway from Walland to Weans Valley .....	8.625

\* \* \* \* \*

112 STAT. 277

No.	State	Project description	(Dollars in millions)
547.	Dist. of Columbia ..	Enhance recreational facilities along Rock Creek Parkway .....	0.04775

\* \* \* \* \*

553.	Michigan .....	Upgrade H 58 within Pictured Rocks National Lakeshore .....	4.2
554.	Dist. of Columbia ..	Rehabilitate Theodore Roosevelt Memorial Bridge .....	7.5

\* \* \* \* \*

112 STAT. 279

No.	State	Project description	(Dollars in millions)
605.	Pennsylvania .....	Construct Lackawanna River Heritage Trail in Lackawanna .....	0.375

\* \* \* \* \*

112 STAT. 280

PUBLIC LAW 105-178—JUNE 9, 1998

No.	State	Project description	(Dollars in millions)	
627.	Arkansas .....	Conduct design study and acquire right of way on U.S. 71 in the vicinity of Fort Chaffee, Fort Smith .....	3.75	
* * * * *				
112 STAT. 283	No.	State	Project description	(Dollars in millions)
696.	Pennsylvania .....	Gettysburg comprehensive road improvement study .....	3	
* * * * *				
112 STAT. 283	No.	State	Project description	(Dollars in millions)
708.	Dist. of Columbia ..	Conduct studies and related activities pertaining to proposed intermodal transportation center .....	0.75	
* * * * *				
112 STAT. 286	No.	State	Project description	(Dollars in millions)
779.	California .....	Create recreational trails in Santa Monica Mountains National Recreation Area ....	6	
* * * * *				
112 STAT. 288	No.	State	Project description	(Dollars in millions)
836.	Virginia .....	Construct access road and related facilities for Fisher Peak Mountain Music Interpretive Center on Blue Ridge Parkway .....	2.7	
* * * * *				
112 STAT. 295	No.	State	Project description	(Dollars in millions)
1020.	Maryland .....	Reconstruct Baltimore Washington Parkway at Route 197, Prince Georges County .....	11.25	
* * * * *				
112 STAT. 297	No.	State	Project description	(Dollars in millions)
1092.	Dist. of Columbia ..	Conduct MIS of light rail corridors .....	0.75	
* * * * *				
112 STAT. 303	No.	State	Project description	(Dollars in millions)
1268.	Pennsylvania .....	Undertake transportation enhancement activities within the Lehigh Landing Area of the Delaware and Lehigh Canal National Heritage Corridor .....	5.25	
* * * * *				

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 304

No.	State	Project description	(Dollars in millions)
1290.	Pennsylvania .....	Construct Independence Gateway Transportation Center project, Philadelphia ..	5.5

\* \* \* \* \*

112 STAT. 305

No.	State	Project description	(Dollars in millions)
1298.	Kentucky .....	Construct KY 70 from Cave City to Mammoth Cave .....	1.5

\* \* \* \* \*

112 STAT. 309

No.	State	Project description	(Dollars in millions)
1419.	Tennessee .....	Reconstruct road and causeway in Shiloh Military Park in Hardin County .....	11.25

\* \* \* \* \*

112 STAT. 310

No.	State	Project description	(Dollars in millions)
1430.	Wyoming .....	Widen and improve Cody—Yellowstone Highway from the entrance to Yellowstone National Park to Cody .....	5

\* \* \* \* \*

112 STAT. 312

No.	State	Project description	(Dollars in millions)
1488.	West Virginia .....	Upgrade U.S. 340 between West Virginia/Virginia State line and the Charles Town Bypass .....	2

\* \* \* \* \*

1494.	Alaska .....	Construct North Denali access route .....	1.5
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\* \* \* \* \*

112 STAT. 316

No.	State	Project description	(Dollars in millions)
1602.	Maryland .....	Improve highway signage for C&O Canal NHP in Frederick, Washington, and Allegany Counties .....	0.091

\* \* \* \* \*

112 STAT. 317

No.	State	Project description	(Dollars in millions)
1646.	Montana .....	Conduct environmental review, planning, design, and construction of the Beartooth Highway in Wyoming and Montana .....	19.905

\* \* \* \* \*

112 STAT. 318

PUBLIC LAW 105-178—JUNE 9, 1998

No.	State	Project description	(Dollars in millions)
1675.	New York .....	Construct intermodal project at Castle Clinton and Battery Park, New York City .....	6
	* * * * *		

112 STAT. 321

No.	State	Project description	(Dollars in millions)
1771.	Virginia .....	Reconstruct I-66/Route 29 interchange, Gainesville .....	15
	* * * * *		

112 STAT. 338  
Federal Transit Act of 1998.  
Grants.  
Inter-governmental relations.  
Loans.  
49 USC 5101 note.  
23 USC 138 note.

**TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS**

**SEC. 3001. SHORT TITLE.**

This title may be cited as the “Federal Transit Act of 1998”.

\* \* \* \* \*

**SEC. 3039. STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.**

(a) **PURPOSES.**—The purposes of this section are to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary, in coordination with the Secretary of the Interior, shall undertake a comprehensive study of alternative transportation needs in national parks and related public lands managed by Federal land management agencies in order to carry out the purposes described in subsection (a). The study shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 2000.

(2) **STUDY ELEMENTS.**—The study required by paragraph (1) shall—

(A) identify transportation strategies that improve the management of the national parks and related public lands;

(B) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

(C) assess the feasibility of alternative transportation modes; and

(D) identify and estimate the costs of alternative transportation modes for each of the national parks and related public lands referred to in paragraph (1).

\* \* \* \* \*

112 STAT. 394

## PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 463

## TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

**SEC. 6101. FINDINGS AND PURPOSE.**42 USC 7407  
note.

(a) The Congress finds that—

(1) there is a lack of air quality monitoring data for fine particle levels, measured as PM<sub>2.5</sub>, in the United States and the States should receive full funding for the monitoring efforts;

(2) such data would provide a basis for designating areas as attainment or nonattainment for any PM<sub>2.5</sub> national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) the President of the United States directed the Administrator of the Environmental Protection Agency (referred to in this title as the “Administrator”) in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine “whether to revise or maintain the standards”;

(4) the Administrator has stated that 3 years of air quality monitoring data for fine particle levels, measured as PM<sub>2.5</sub> and performed in accordance with any applicable Federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) the Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries.

(b) The purposes of this title are—

(1) to ensure that 3 years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any PM<sub>2.5</sub> national ambient air quality standards;

(2) to ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) to ensure that the schedule for implementation of the July 1997 revisions of the ambient air quality standards for particulate matter and the schedule for the Environmental Protection Agency’s visibility regulations related to regional haze are consistent with the timetable for implementation of such particulate matter standards as set forth in the President’s Implementation Memorandum dated July 16, 1997.

112 STAT. 464

**SEC. 6102. PARTICULATE MATTER MONITORING PROGRAM.**42 USC 7407  
note.

(a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal year 2000 to fund 100 percent of the cost of the establishment, purchase, operation and maintenance of a PM<sub>2.5</sub> monitoring network necessary to implement the national ambient air quality standards for PM<sub>2.5</sub> under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for PM<sub>2.5</sub>

monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States, consistent with their respective authorities under the Clean Air Act, shall ensure that the national network (designated in subsection (a)) which consists of the PM<sub>2.5</sub> monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c)(1) The Governors shall be required to submit designations referred to in section 107(d)(1) of the Clean Air Act for each area following promulgation of the July 1997 PM<sub>2.5</sub> national ambient air quality standard within 1 year after receipt of 3 years of air quality monitoring data performed in accordance with any applicable Federal reference methods for the relevant areas. Only data from the monitoring network designated in subsection (a) and other Federal reference method PM<sub>2.5</sub> monitors shall be considered for such designations. Nothing in the previous sentence shall be construed as affecting the Governor's authority to designate an area initially as nonattainment, and the Administrator's authority to promulgate the designation of an area as nonattainment, under section 107(d)(1) of the Clean Air Act, based on its contribution to ambient air quality in a nearby nonattainment area.

(2) For any area designated as nonattainment for the July 1997 PM<sub>2.5</sub> national ambient air quality standard in accordance with the schedule set forth in this section, notwithstanding the time limit prescribed in paragraph (2) of section 169B(e) of the Clean Air Act, the Administrator shall require State implementation plan revisions referred to in such paragraph (2) to be submitted at the same time as State implementation plan revisions referred to in section 172 of the Clean Air Act implementing the revised national ambient air quality standard for fine particulate matter are required to be submitted. For any area designated as attainment or unclassifiable for such standard, the Administrator shall require the State implementation plan revisions referred to in such paragraph (2) to be submitted 1 year after the area has been so designated. The preceding provisions of this paragraph shall not preclude the implementation of the agreements and recommendations set forth in the Grand Canyon Visibility Transport Commission Report dated June 1996.

(d) The Administrator shall promulgate the designations referred to in section 107(d)(1) of the Clean Air Act for each area following promulgation of the July 1997 PM<sub>2.5</sub> national ambient air quality standard by the earlier of 1 year after the initial designations required under subsection (c)(1) are required to be submitted or December 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the PM<sub>2.5</sub> Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the United States Senate no later than 2 years from the date of enactment of this Act.

112 STAT. 465

42 USC 7407  
note.

**SEC. 6103. OZONE DESIGNATION REQUIREMENTS.**

(a) The Governors shall be required to submit the designations referred to in section 107(d)(1) of the Clean Air Act within 2 years following the promulgation of the July 1997 ozone national ambient air quality standards.

PUBLIC LAW 105-178—JUNE 9, 1998

112 STAT. 465

(b) The Administrator shall promulgate final designations no later than 1 year after the designations required under subsection (a) are required to be submitted.

**SEC. 6104. ADDITIONAL PROVISIONS.**

42 USC 7407  
note.

Nothing in sections 6101 through 6103 shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or PM<sub>2.5</sub> standards.

\* \* \* \* \*

**TITLE IX—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986**

112 STAT. 499  
Surface  
Transportation  
Revenue Act of  
1998.

**SEC. 9001. SHORT TITLE; AMENDMENT OF 1986 CODE.**

(a) **SHORT TITLE.**—This title may be cited as the “Surface Transportation Revenue Act of 1998”.

26 USC 1 note.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

\* \* \* \* \*

**SEC. 9011. REPEAL OF NATIONAL RECREATIONAL TRAILS TRUST FUND.**

112 STAT. 508

(a) **IN GENERAL.**—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 9503(c) is amended by striking paragraph (6).

(2) Subparagraph (D) of section 9503(b)(4) is amended to read as follows:

“(D) in the case of gasoline and special motor fuels used as described in paragraph (4)(D) or (5)(B) of subsection (c), section 4041 or 4081 with respect to so much of the rate of tax as exceeds 11.5 cents per gallon,”.

(3) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

\* \* \* \* \*

Approved June 9, 1998.

112 STAT. 509

**LEGISLATIVE HISTORY—H.R. 2400 (S. 1173):**

**HOUSE REPORTS:** Nos. 105-467, Pts. 1 and 2 (Comm. on Transportation and Infrastructure) and Pt. 3 (Comm. on Ways and Means), and 105-550 (Comm. of Conference).

**SENATE REPORTS:** No. 105-95 accompanying S. 1173 (Comm. on Environment and Public Works).

**CONGRESSIONAL RECORD, Vol. 144 (1998):**

Apr. 1, considered and passed House.

Apr. 2, considered and passed Senate, amended, in lieu of S. 1173.

May 22, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):**

June 9, Presidential remarks and statement.



112 STAT. 685

PUBLIC LAW 105–206—JULY 22, 1998

Public Law 105–206  
105th Congress

An Act

July 22, 1998  
[H.R. 2676]

To amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

Internal Revenue  
Service  
Restructuring  
and Reform Act  
of 1998.  
26 USC 1 note.

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

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; WAIVER OF ESTIMATED TAX PENALTIES; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Internal Revenue Service Restructuring and Reform Act of 1998”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

26 USC 6654  
note.

(c) **WAIVER OF ESTIMATED TAX PENALTIES.**—No addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 with respect to any underpayment of an installment required to be paid on or before the 30th day after the date of the enactment of this Act to the extent such underpayment was created or increased by any provision of this Act.

(d) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; waiver of estimated tax penalties; table of contents.

\* \* \* \* \*

112 STAT. 834  
TEA 21  
Restoration Act.  
Grants.  
Inter-  
governmental  
relations.  
Loans.  
23 USC 101 note.

**TITLE IX—TECHNICAL CORRECTIONS TO TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY**

**SEC. 9001. SHORT TITLE.**

This title may be cited as the “TEA 21 Restoration Act”.

**SEC. 9002. AUTHORIZATION AND PROGRAM SUBTITLE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1101(a) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (13)—

(A) by striking “\$1,025,695,000” and inserting “\$1,029,583,500”;

(B) by striking “\$1,398,675,000” and inserting “\$1,403,977,500”;

(C) by striking “\$1,678,410,000” the first place it appears and inserting “\$1,684,773,000”;

(D) by striking “\$1,678,410,000” the second place it appears and inserting “\$1,684,773,000”;

(E) by striking “\$1,771,655,000” the first place it appears and inserting “\$1,778,371,500”; and

(F) by striking “\$1,771,655,000” the second place it appears and inserting “\$1,778,371,500”; and

(2) in paragraph (14)—

(A) by striking “1998” and inserting “1999”; and

(B) by inserting before “\$5,000,000” the following: “\$10,000,000 for fiscal year 1998 and”.

*Ante*, p. 111.

## PUBLIC LAW 105-206—JULY 22, 1998

112 STAT. 834

## (b) OBLIGATION LIMITATIONS.—

(1) GENERAL LIMITATION.—Section 1102(a) of such Act is amended— *Ante*, p. 115.

(A) in paragraph (2) by striking “\$25,431,000,000” and inserting “\$25,511,000,000”;

(B) in paragraph (3) by striking “\$26,155,000,000” and inserting “\$26,245,000,000”;

(C) in paragraph (4) by striking “\$26,651,000,000” and inserting “\$26,761,000,000”;

(D) in paragraph (5) by striking “\$27,235,000,000” and inserting “\$27,355,000,000”; and

(E) in paragraph (6) by striking “\$27,681,000,000” and inserting “\$27,811,000,000”.

(2) TRANSPORTATION RESEARCH PROGRAMS.—Section 1102(e) of such Act is amended—

(A) by striking “3” and inserting “5”;

(B) by striking “VI” and inserting “V”; and

(C) by inserting before the period at the end the following: “; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years”.

(3) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Section 1102(f) of such Act is amended by striking “(other than the program under section 160 of title 23, United States Code)”.

(c) APPORTIONMENTS.—Section 1103 of such Act is amended— *Ante*, p. 118.

(1) in subsection (l) by adding at the end the following:

“(5) Section 150 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.”; *112 STAT. 835*

(2) in subsection (n) by inserting “of title 23, United States Code” after “206”; and

(3) by adding at the end the following:

“(o) TECHNICAL ADJUSTMENTS.—Section 104 of title 23, United States Code, is amended—

“(1) in subsection (a)(1) (as amended by subsection (a) of this section) by striking ‘under section 103’;

“(2) in subsection (b) (as amended by subsection (b) of this section)—

“(A) in paragraph (1)(A) by striking ‘1999 through 2003’ and inserting ‘1998 through 2002’; and

“(B) in paragraph (4)(B)(i) by striking ‘on lanes on Interstate System’ and all that follows through ‘in each State’ and inserting ‘on Interstate System routes open to traffic in each State’; and

“(3) in subsection (e)(2) (as added by subsection (d)(6) of this section) by striking ‘104, 144, or 157’ and inserting ‘104, 105, or 144’.”.

(d) MINIMUM GUARANTEE.—Section 1104 of such Act is amended *Ante*, p. 127. by adding at the end the following:

“(c) TECHNICAL ADJUSTMENTS.—Section 105 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

“(1) in subsection (a) by adding at the end the following: ‘The minimum amount allocated to a State under this section for a fiscal year shall be \$1,000,000.’;

“(2) in subsection (c)(1) by striking ‘50 percent of’;

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“(3) in subsection (c)(1)(A) by inserting ‘(other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs)’ after ‘subsection (a)’;

“(4) in subsection (c)(1)(B) by striking ‘all States’ and inserting ‘each State’;

“(5) in subsection (c)(2)—

“(A) by striking ‘apportion’ and inserting ‘administer’; and

“(B) by striking ‘apportioned’ and inserting ‘administered’; and

“(6) in subsection (f)—

“(A) by inserting ‘percentage’ before ‘return’ each place it appears;

“(B) in paragraph (2) by striking ‘for the preceding fiscal year was equal to or less than’ and inserting ‘in the table in subsection (b) was equal to’; and

“(C) in paragraph (3)—

“(i) by inserting ‘proportionately’ before ‘adjust’;

“(ii) by striking ‘set forth’; and

“(iii) by striking ‘do not exceed’ and inserting ‘is equal to’.”.

(e) REVENUE ALIGNED BUDGET AUTHORITY.—Section 1105 of such Act is amended by adding at the end the following:

“(c) TECHNICAL CORRECTIONS.—Section 110 of such title (as amended by subsection (a)) is amended—

“(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) ALLOCATION.—On October 15 of fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate for such fiscal year an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) if the amount determined pursuant to such section for such fiscal year is greater than zero.

“(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) for fiscal year 2000 or any fiscal year thereafter is less than zero, the Secretary on October 1 of the succeeding fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) by an aggregate amount equal to the amount determined pursuant to such section.”;

“(2) in subsections (b)(2) and (b)(4) by striking ‘subsection (a)’ and inserting ‘subsection (a)(1)’; and

“(3) in subsection (c) by striking ‘Maintenance program, the’ and inserting ‘and’.”.

(f) INTERSTATE MAINTENANCE PROGRAM.—Section 1107 of such Act is amended by adding at the end the following:

“(d) TECHNICAL AMENDMENTS.—Section 119 of such title (as amended by subsection (a)) is amended—

“(1) in subsection (b)—

“(A) by striking ‘104(b)(5)(B)’ and inserting ‘104(b)(4)’; and

*Ante*, p. 130.

112 STAT. 836

*Ante*, p. 137.

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“(B) by striking ‘104(b)(5)(A)’ each place it appears and inserting ‘104(b)(5)(A) (as in effect on the date before the date of enactment of the Transportation Equity Act for the 21st Century)’; and

“(2) in subsection (c) by striking ‘104(b)(5)(B)’ each place it appears and inserting ‘104(b)(4)’.”.

(g) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 1110(d)(2) of such Act is amended—

*Ante*, p. 142.

(1) by striking “149(c)” and inserting “149(e)”; and

(2) by striking “that reduce” and inserting “reduce”.

(h) HIGHWAY USE TAX EVASION PROJECTS.—Section 1114 of such Act is amended by adding at the end the following:

*Ante*, p. 152.

“(c) TECHNICAL ADJUSTMENTS.—Section 143 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

“(1) in subsection (c)(1) by striking ‘April 1’ and inserting ‘August 1’;

“(2) in subsection (c)(3) by inserting ‘PRIORITY’ after ‘FUNDING’; and

“(3) in subsection (c)(3) by inserting ‘and prior to funding any other activity under this section,’ after ‘2003,’.”.

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 1115 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

*Ante*, p. 154.

“(f) CONFORMING AMENDMENTS.—

“(1) FEDERAL SHARE.—Subsections (j) and (k) of section 120 of title 23, United States Code (as added by subsection (a) of this section), are redesignated as subsections (k) and (l), respectively.

112 STAT. 837

“(2) RESERVATION OF FUNDS.—Section 202(d)(4)(B) of such title (as added by subsection (b)(4) of this section) is amended by striking ‘to, apply sodium acetate/formate de-icer to,’ and inserting ‘, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions’.

“(3) ELIMINATION OF DUPLICATIVE PROVISION.—Section 144(g) of such title is amended by striking paragraph (4).”.

(j) WOODROW WILSON MEMORIAL BRIDGE CORRECTION.—Section 1116 of such Act is amended by adding at the end the following:

*Ante*, p. 158.

“(e) TECHNICAL CORRECTION.—Sections 404(5) and 407(c)(2)(C)(iii) of such Act (as amended by subsections (a)(2) and (b)(2), respectively) are amended by striking ‘the record of decision’ each place it appears and inserting ‘a record of decision’.”.

(k) TECHNICAL CORRECTION.—Section 1117 of such Act is amended in subsections (a) and (b) by striking “section 102” each place it appears and inserting “section 1101(a)(6)”.

*Ante*, p. 160.

**SEC. 9003. RESTORATIONS TO GENERAL PROVISIONS SUBTITLE.**

(a) IN GENERAL.—Subtitle B of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

*Ante*, p. 164.

**“SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.**

“(a) HISTORIC COVERED BRIDGE DEFINED.—In this section, the term ‘historic covered bridge’ means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

“(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations under subsection (d), the Secretary shall—

“(1) collect and disseminate information concerning historic covered bridges;

“(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

“(3) conduct research on the history of historic covered bridges; and

“(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

“(c) DIRECT FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

“(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

“(A) to rehabilitate or repair a historic covered bridge; and

“(B) to preserve a historic covered bridge, including through—

“(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

“(ii) installation of a system to prevent vandalism and arson; or

“(iii) relocation of a bridge to a preservation site.

“(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

“(A) to the maximum extent practicable, the project—

“(i) is carried out in the most historically appropriate manner; and

“(ii) preserves the existing structure of the historic covered bridge; and

“(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

“(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

“(d) FUNDING.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.

**“SEC. 1225. SUBSTITUTE PROJECT.**

“(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

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“(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

“(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

“(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of enactment of this Act.

“(c) FEDERAL SHARE.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

“(d) LIMITATION ON ELIGIBILITY.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or construction must have commenced, before the last day of the 4-year period beginning on the date of enactment of this Act. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary shall withdraw approval of the substitute project.

\* \* \* \* \*

SEC. 9006. ELIMINATION OF DUPLICATE PROVISIONS.

112 STAT. 848

\* \* \* \* \*

(c) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—Section 1214(e) of such Act is amended to read as follows:

*Ante*, p. 204.

“(e) MINNESOTA TRANSPORTATION HISTORY NETWORK.—

“(1) IN GENERAL.—The Secretary shall award a grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network to include major exhibits, interpretive programs at national historic landmark sites, and outreach programs with county and local historical organizations.

“(2) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with officials of the Minnesota Historical Society.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$1,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

“(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.”.

112 STAT. 849

\* \* \* \* \*

SEC. 9007. HIGHWAY FINANCE.

(a) IN GENERAL.—Section 1503 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

*Ante*, p. 241.

“(c) TECHNICAL AMENDMENTS.—Section 188 of title 23, United States Code (as added by subsection (a) of this section), is amended—

“(1) in subsection (a)(2) by striking ‘1998’ and inserting ‘1999’; and

“(2) in subsection (c)—

“(A) by striking ‘1998’ and inserting ‘1999’; and

“(B) by striking the table and inserting the following:

Fiscal year:	Maximum amount of credit:
1999 .....	\$1,600,000,000
2000 .....	\$1,800,000,000
2001 .....	\$2,200,000,000
2002 .....	\$2,400,000,000
2003 .....	\$2,600,000,000.’”.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of the Transportation Equity Act for the 21st Century is amended—

*Ante*, p. 107.

(1) in the item relating to section 1119 by striking “and safety”; and

(2) by striking the items relating to subtitle E of title I and inserting the following:

“Subtitle E—Finance

“CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

“Sec. 1501. Short title.

“Sec. 1502. Findings.

“Sec. 1503. Establishment of program.

“Sec. 1504. Duties of the Secretary.

“CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

“Sec. 1511. State infrastructure bank pilot program.”.

**SEC. 9008. HIGH PRIORITY PROJECTS TECHNICAL CORRECTIONS.**

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended—

*Ante*, p. 256.

\* \* \* \* \*

(5) in item 140 by inserting “-VFHS Center” after “Park”;  
(6) in item 151 by striking “5.666” and inserting “8.666”;  
(7) in item 164—

(A) by inserting “, and \$3,000,000 for the period of fiscal years 1998 and 1999 shall be made available to carry out section 1217(j)” after “Pennsylvania”; and

(B) by striking “25” and inserting “24.78”;

(8) by striking item 166 and inserting the following:

\* \* \* \* \*

112 STAT. 850

(33) in item 836 by striking “Construct” and all that follows through “for” and inserting “To the National Park Service for construction of the”;

\* \* \* \* \*

112 STAT. 852

**SEC. 9009. FEDERAL TRANSIT ADMINISTRATION PROGRAMS.**

\* \* \* \* \*

112 STAT. 862

*Ante*, p. 393.

(y) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—Section 3039(b) of the Federal Transit Act of 1998 is amended—

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(1) in paragraph (1) by striking “in order to carry” and inserting “assist in carrying”; and

(2) by adding at the end the following:

“(3) DEFINITION.—For purposes of this subsection, the term ‘Federal land management agencies’ means the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.”.

112 STAT. 863

(z) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 is amended—

*Ante*, p. 394.

(1) by striking paragraph (2) and inserting the following:

“(2) \$5,797,000,000 in fiscal year 2000;”;

(2) in paragraph (4) by striking “\$6,746,000,000” and inserting “\$6,747,000,000”.

\* \* \* \* \*

**SEC. 9016. EFFECTIVE DATE.**112 STAT. 868  
23 USC 101 note.

This title and the amendments made by this title shall take effect simultaneously with the enactment of the Transportation Equity Act for the 21st Century. For purposes of all Federal laws, the amendments made by this title shall be treated as being included in the Transportation Equity Act for the 21st Century at the time of the enactment of such Act, and the provisions of such Act (including the amendments made by such Act) (as in effect on the day before the date of enactment of this Act) that are amended by this title shall be treated as not being enacted.

Approved July 22, 1998.

LEGISLATIVE HISTORY—H.R. 2676:

HOUSE REPORTS: Nos. 105-364, Pt. 1 (Comm. on Ways and Means) and 105-599 (Comm. of Conference).

SENATE REPORTS: No. 105-174 (Comm. on Finance).

## CONGRESSIONAL RECORD:

Vol. 143 (1997): Nov. 5, considered and passed House.

Vol. 144 (1998): May 4-7, considered and passed Senate, amended.

June 25, House agreed to conference report.

July 7-9, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

July 22, Presidential remarks.



**35. Transportation of Children to Parks**

110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333  
104th Congress

**An Act**

Nov. 12, 1996  
[H.R. 4236]

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

\* \* \* \* \*

110 STAT. 4097

**DIVISION I**

\* \* \* \* \*

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS**

\* \* \* \* \*

**SEC. 802. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.**

The first section of the Act of August 7, 1946 (16 U.S.C. 17j-2), is amended by adding at the end the following:

“(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.”.

\* \* \* \* \*

110 STAT. 4281

Approved November 12, 1996.

**LEGISLATIVE HISTORY—H.R. 4236:**

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.



**36. Travel and Transportation Reform Act**

PUBLIC LAW 105–264—OCT. 19, 1998

112 STAT. 2350

Public Law 105–264  
105th Congress**An Act**

To require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses.

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 Oct. 19, 1998  
 [H.R. 930]

*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 “Travel and Transportation Reform Act of 1998”.

Travel and  
Transportation  
Reform Act of  
1998.  
5 USC 5701 note.

**SEC. 2. REQUIRING USE OF THE TRAVEL CHARGE CARD.**

5 USC 5701 note.

(a) **IN GENERAL.**—Under regulations issued by the Administrator of General Services after consultation with the Secretary of the Treasury, the Administrator shall require that Federal employees use the travel charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge card, for all payments of expenses of official Government travel. The Administrator shall exempt any payment, person, type or class of payments, or type or class of personnel from any requirement established under the preceding sentence in any case in which—

Regulations.

(1) it is in the best interest of the United States to do so;

(2) payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

(3) the Secretary of Defense or the Secretary of Transportation (with respect to the Coast Guard) requests an exemption with respect to the members of the uniformed services.

(b) **AGENCY EXEMPTION.**—The head of a Federal agency or the designee of such head may exempt any payment, person, type or class of payments, or type or class of agency personnel from subsection (a) if the agency head or the designee determines the exemption to be necessary in the interest of the agency. Not later than 30 days after granting such an exemption, the head of such agency or the designee shall notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

Deadline.  
Notification.

(c) **LIMITATION ON RESTRICTION ON DISCLOSURE.**—

112 STAT. 2351

PUBLIC LAW 105-264—OCT. 19, 1998

(1) IN GENERAL.—Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

“(q) Nothing in this title shall apply to the disclosure of any financial record or information to a Government authority in conjunction with a Federal contractor-issued travel charge card issued for official Government travel.”

Applicability.  
Records.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is effective as of October 1, 1983, and applies to any records created pursuant to the United States Travel and Transportation Payment and Expense Control System or any Federal contractor-issued travel charge card issued for official Government travel.

(d) COLLECTION OF AMOUNTS OWED.—

Regulations.

(1) IN GENERAL.—Under regulations issued by the Administrator of General Services and upon written request of a Federal contractor, the head of any Federal agency or a disbursing official of the United States may, on behalf of the contractor, collect by deduction from the amount of pay owed to an employee of the agency any amount of funds the employee owes to the contractor as a result of delinquencies not disputed by the employee on a travel charge card issued for payment of expenses incurred in connection with official Government travel. The amount deducted from the pay owed to an employee with respect to a pay period may not exceed 15 percent of the disposable pay of the employee for that pay period, except that a greater percentage may be deducted upon the written consent of the employee.

(2) DUE PROCESS PROTECTIONS.—Collection under this subsection shall be carried out in accordance with procedures substantially equivalent to the procedures required under section 3716(a) of title 31, United States Code.

(3) DEFINITIONS.—For the purpose of this subsection:

(A) AGENCY.—The term “agency” has the meaning that term has under section 101 of title 31, United States Code.

(B) EMPLOYEE.—The term “employee” means an individual employed in or under an agency, including a member of any of the uniformed services. For purposes of this subsection, a member of one of the uniformed services is an employee of that uniformed service.

(C) MEMBER; UNIFORMED SERVICE.—Each of the terms “member” and “uniformed service” has the meaning that term has in section 101 of title 37, United States Code.

Deadline.

(e) REGULATIONS.—Within 270 days after the date of the enactment of this Act, the Administrator of General Services shall promulgate regulations implementing this section, that—

(1) make the use of the travel charge card established pursuant to the United States Travel and Transportation System and Expense Control System, or any Federal contractor-issued travel charge card, mandatory for all payments of expenses of official Government travel pursuant to this section;

(2) specify the procedures for effecting under subsection (d) a deduction from pay owed to an employee, and ensure that the due process protections provided to employees under such procedures are no less than the protections provided to employees pursuant to section 3716 of title 31, United States Code;

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(3) provide that any deduction under subsection (d) from pay owed to an employee may occur only after reimbursement of the employee for the expenses of Government travel with respect to which the deduction is made; and

(4) require agencies to promptly reimburse employees for expenses charged on a travel charge card pursuant to this section, and by no later than 30 days after the submission of a claim for reimbursement.

(f) REPORTS.—

(1) IN GENERAL.—The Administrator of General Services shall submit 2 reports to the Congress on agency compliance with this section and regulations that have been issued under this section.

(2) TIMING.—The first report under this subsection shall be submitted before the end of the 180-day period beginning on the date of the enactment of this Act, and the second report shall be submitted after that period and before the end of the 540-day period beginning on that date of enactment.

Deadlines.

(3) PREPARATION.—Each report shall be based on a sampling survey of agencies that expended more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. The head of an agency shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director of the Office of Management and Budget.

(g) REIMBURSEMENT OF TRAVEL EXPENSES.—In accordance with regulations prescribed by the Administrator of General Services, the head of an agency shall ensure that the agency reimburses an employee who submits a proper voucher for allowable travel expenses in accordance with applicable travel regulations within 30 days after submission of the voucher. If an agency fails to reimburse an employee who has submitted a proper voucher within 30 days after submission of the voucher, the agency shall pay the employee a late payment fee as prescribed by the Administrator.

Regulations.

### SEC. 3. PREPAYMENT AUDITS OF TRANSPORTATION EXPENSES.

(a) IN GENERAL.—(1) Section 3322 of title 31, United States Code, is amended in subsection (c) by inserting after “classifications” the following: “if the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government”.

(2) Section 3528 of title 31, United States Code, is amended—

(A) in subsection (a) by striking “and” after the semicolon at the end of paragraph (3), by striking the period at the end of subsection (a)(4)(C) and inserting “; and”, and by adding at the end the following new paragraph:

“(5) verifying transportation rates, freight classifications, and other information provided on a Government bill of lading or transportation request, unless the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government.”;

(B) in subsection (c)(1), by inserting after “deductions” the following: “and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government”; and

(C) in subsection (c)(2), by inserting after “agreement” the following: “and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government”.

(3) Section 3726 of title 31, United States Code, is amended—

(A) by amending subsection (a) to read as follows:

Regulations.

“(a)(1) Each agency that receives a bill from a carrier or freight forwarder for transporting an individual or property for the United States Government shall verify its correctness (to include transportation rates, freight classifications, or proper combinations thereof), using prepayment audit, prior to payment in accordance with the requirements of this section and regulations prescribed by the Administrator of General Services.

“(2) The Administrator of General Services may exempt bills, a particular mode or modes of transportation, or an agency or subagency from a prepayment audit and verification and in lieu thereof require a postpayment audit, based on cost effectiveness, public interest, or other factors the Administrator considers appropriate.

“(3) Expenses for prepayment audits shall be funded by the agency’s appropriations used for the transportation services.

“(4) The audit authority provided to agencies by this section is subject to oversight by the Administrator.”;

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i), respectively;

(C) by inserting after subsection (a) the following new subsections:

“(b) The Administrator may conduct pre- or post-payment audits of transportation bills of any Federal agency. The number and types of bills audited shall be based on the Administrator’s judgment.

“(c)(1) The Administrator shall adjudicate transportation claims which cannot be resolved by the agency procuring the transportation services, or the carrier or freight-forwarder presenting the bill.

“(2) A claim under this section shall be allowed only if it is received by the Administrator not later than 3 years (excluding time of war) after the later of the following dates:

“(A) The date of accrual of the claim.

“(B) The date payment for the transportation is made.

“(C) The date a refund for an overpayment for the transportation is made.

“(D) The date a deduction under subsection (d) of this section is made.”;

(D) in subsection (f), as so redesignated, by striking “subsection (c)” and inserting “subsection (e)”, and by adding at the end the following new sentence: “This reporting requirement expires December 31, 1998.”;

Expiration date.

(E) in subsection (i)(1), as so redesignated, by striking “subsection (a)” and inserting “subsection (c)”; and

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(F) by adding after subsection (i), as so redesignated, the following new subsection:

“(j) The Administrator of General Services may provide transportation audit and related technical assistance services, on a reimbursable basis, to any other agency. Such reimbursements may be credited to the appropriate revolving fund or appropriation from which the expenses were incurred.”

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective 18 months after the date of the enactment of this Act.

31 USC 3322  
note.

**SEC. 4. REIMBURSEMENT FOR TAXES ON MONEY RECEIVED FOR TRAVEL EXPENSES.**

(a) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 5706b the following new section:

**“§ 5706c. Reimbursement for taxes incurred on money received for travel expenses**

“(a) Under regulations prescribed pursuant to section 5707 of this title, the head of an agency or department, or his or her designee, may use appropriations or other funds available to the agency for administrative expenses, for the reimbursement of Federal, State, and local income taxes incurred by an employee of the agency or by an employee and such employee’s spouse (if filing jointly), for any travel or transportation reimbursement made to an employee for which reimbursement or an allowance is provided.

“(b) Reimbursements under this section shall include an amount equal to all income taxes for which the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in subsection (a). In addition, reimbursements under this section shall include penalties and interest, for the tax years 1993 and 1994 only, as a result of agencies failing to withhold the appropriate amounts for tax liabilities of employees affected by the change in the deductibility of travel expenses made by Public Law 102-486.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5706b the following new item:

“5706c. Reimbursement for taxes incurred on money received for travel expenses.”

(c) EFFECTIVE DATE.—This section shall be effective as of January 1, 1993.

5 USC 5706c  
note.

**SEC. 5. AUTHORITY FOR TEST PROGRAMS.**

(a) TRAVEL EXPENSES TEST PROGRAMS.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

**“§ 5710. Authority for travel expenses test programs**

“(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis

of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

Reports.  
Deadline.

“(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

“(d) No more than 10 test programs under this section may be conducted simultaneously.

Expiration date.

“(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.”

(b) RELOCATION EXPENSES TEST PROGRAMS.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

“§ 5739. Authority for relocation expenses test programs

“(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary relocation expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

Reports.  
Deadline.

“(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

“(d) No more than 10 test programs under this section may be conducted simultaneously.

Expiration date.

“(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.”

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is further amended by—

## PUBLIC LAW 105-264—OCT. 19, 1998

112 STAT. 2356

(1) inserting after the item relating to section 5709 the following new item:

“5710. Authority for travel expenses test programs.”;

and

(2) inserting after the item relating to section 5738 the following new item:

“5739. Authority for relocation expenses test programs.”.

**SEC. 6. DEFINITION OF UNITED STATES.**

Chapter 57 of title 5, United States Code, is amended—

(1) in section 5721—

(A) in paragraph (4), by striking “and” following the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(6) ‘United States’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the territories and possessions of the United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979); and

“(7) ‘Foreign Service of the United States’ means the Foreign Service as constituted under the Foreign Service Act of 1980.”;

(2) in section 5722—

(A) in subsection (a)(2), by striking “outside the United States” and inserting “outside the continental United States”; and

(B) in subsection (b), by striking “United States” each place it appears and inserting “Government”;

(3) in section 5723(b), by striking “United States” each place it appears and inserting “Government”;

(4) in section 5724—

(A) in subsection (a)(3), by striking “, its territories or possessions” and all that follows through “1979”; and

(B) in subsection (i), by striking “United States” each place it appears in the last sentence and inserting “Government”;

(5) in section 5724a, by striking subsection (j);

(6) in section 5725(a), by striking “United States” and inserting “Government”;

(7) in section 5727(d), by striking “United States” and inserting “continental United States”;

(8) in section 5728(b), by striking “an employee of the United States” and inserting “an employee of the Government”;

(9) in section 5729, by striking “or its territories or possessions” each place it appears;

(10) in section 5731(b), by striking “United States” and inserting “Government”; and

(11) in section 5732, by striking “United States” and inserting “Government”.

**SEC. 7. TECHNICAL CORRECTIONS TO THE FEDERAL EMPLOYEE TRAVEL REFORM ACT OF 1996.**

Section 5724a of title 5, United States Code, is amended—

(1) in subsections (a) and (d)(1) and (2), by striking “An agency shall pay” each place it appears and inserting “Under regulations prescribed under section 5738, an agency shall pay”;

(2) in subsections (b)(1), (c)(1), (d)(8), and (e), by striking “An agency may pay” each place it appears and inserting “Under regulations prescribed under section 5738, an agency may pay”;

(3) by amending subsection (b)(1)(B)(ii) to read as follows:  
“(ii) an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services.”;

(4) in subsection (c)(1)(B), by striking “an amount for subsistence expenses” and inserting “an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services,”;

(5) in subsection (d)(2)(A), by striking “for the sale” and inserting “of the sale”;

(6) in subsection (d)(2)(B), by striking “for the purchase” and inserting “of the purchase”;

(7) in subsection (d)(8), by striking “paragraph (2) or (3)” and inserting “paragraph (1) or (2)”;

(8) in subsection (f)(1), by striking “Subject to paragraph (2),” and inserting “Under regulations prescribed under section 5738 and subject to paragraph (2),”; and

(9) by striking subsection (i).

Approved October 19, 1998.

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**LEGISLATIVE HISTORY—H.R. 930:**

SENATE REPORTS: No. 105-295 (Comm. on Governmental Affairs).

**CONGRESSIONAL RECORD:**

Vol. 143 (1997): Apr. 16, considered and passed House.

Vol. 144 (1998): Sept. 1, considered and passed Senate, amended.

Oct. 5, House concurred in Senate amendments.



### 37. Underground Railroad Network to Freedom Program

PUBLIC LAW 105-203—JULY 21, 1998

112 STAT. 678

Public Law 105-203  
105th Congress

#### An Act

To establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

July 21, 1998

[H.R. 1635]

*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 “National Underground Railroad Network to Freedom Act of 1998”.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The Underground Railroad, which flourished from the end of the 18th century to the end of the Civil War, was one of the most significant expressions of the American civil rights movement during its evolution over more than three centuries.

(2) The Underground Railroad bridged the divides of race, religion, sectional differences, and nationality; spanned State lines and international borders; and joined the American ideals of liberty and freedom expressed in the Declaration of Independence and the Constitution to the extraordinary actions of ordinary men and women working in common purpose to free a people.

(3) Pursuant to title VI of Public Law 101-628 (16 U.S.C. 1a-5 note; 104 Stat. 4495), the Underground Railroad Advisory Committee conducted a study of the appropriate means of establishing an enduring national commemorative Underground Railroad program of education, example, reflection, and reconciliation.

(4) The Underground Railroad Advisory Committee found that—

(A) although a few elements of the Underground Railroad story are represented in existing National Park Service units and other sites, many sites are in imminent danger of being lost or destroyed, and many important resource types are not adequately represented and protected;

(B) there are many important sites which have high potential for preservation and visitor use in 29 States, the District of Columbia, and the Virgin Islands;

(C) no single site or route completely reflects and characterizes the Underground Railroad, since its story and associated resources involve networks and regions of the country rather than individual sites and trails; and

National  
Underground  
Railroad  
Network to  
Freedom Act of  
1998.  
16 USC 461 note.  
16 USC 469l.

(D) establishment of a variety of partnerships between the Federal Government and other levels of government and the private sector would be most appropriate for the protection and interpretation of the Underground Railroad.

(5) The National Park Service can play a vital role in facilitating the national commemoration of the Underground Railroad.

(6) The story and significance of the Underground Railroad can best engage the American people through a national program of the National Park Service that links historic buildings, structures, and sites; routes, geographic areas, and corridors; interpretive centers, museums, and institutions; and programs, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To recognize the importance of the Underground Railroad, the sacrifices made by those who used the Underground Railroad in search of freedom from tyranny and oppression, and the sacrifices made by the people who helped them.

(2) To authorize the National Park Service to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad, its significance as a crucial element in the evolution of the national civil rights movement, and its relevance in fostering the spirit of racial harmony and national reconciliation.

16 USC 469f-1.

**SEC. 3. NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM PROGRAM.**

(a) IN GENERAL.—The Secretary of the Interior (in this Act referred to as the “Secretary”) shall establish in the National Park Service a program to be known as the “National Underground Railroad Network to Freedom” (in this Act referred to as the “national network”). Under the program, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official, uniform symbol or device for the national network and issue regulations for its use.

(b) ELEMENTS.—The national network shall encompass the following elements:

(1) All units and programs of the National Park Service determined by the Secretary to pertain to the Underground Railroad.

(2) Other Federal, State, local, and privately owned properties pertaining to the Underground Railroad that have a verifiable connection to the Underground Railroad and that are included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this Act and to ensure

## PUBLIC LAW 105-203—JULY 21, 1998

112 STAT. 680

effective coordination of the Federal and non-Federal elements of the national network referred to in subsection (b) with National Park Service units and programs, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to—

(1) the heads of other Federal agencies, States, localities, regional governmental bodies, and private entities; and

(2) in cooperation with the Secretary of State, the governments of Canada, Mexico, and any appropriate country in the Caribbean.

(d) APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act not more than \$500,000 for each fiscal year. No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in section 3(a).

Approved July 21, 1998.

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LEGISLATIVE HISTORY—H.R. 1635 (S. 887):

HOUSE REPORTS: No. 105-559 (Comm. on Resources).

SENATE REPORTS: No. 105-217 accompanying S. 887 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 9, considered and passed House.

June 25, considered and passed Senate.



**38. Volunteers in Parks**

110 STAT. 4093

PUBLIC LAW 104-333—NOV. 12, 1996

Public Law 104-333  
104th Congress

**An Act**

Nov. 12, 1996  
[H.R. 4236]

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Omnibus Parks and Public Lands Management Act of 1996.  
16 USC 1 note.

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

\* \* \* \* \*

110 STAT. 4097

**DIVISION I**

\* \* \* \* \*

110 STAT. 4186

**TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS**

\* \* \* \* \*

110 STAT. 4188

**SEC. 805. VOLUNTEERS IN PARKS INCREASE.**

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking out “\$1,000,000” and inserting in lieu thereof “\$3,500,000”.

\* \* \* \* \*

110 STAT. 4281

Approved November 12, 1996.

**LEGISLATIVE HISTORY—H.R. 4236:**

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 28, considered and passed House.

Oct. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Nov. 12, Presidential remarks and statement.

