

X. NATIONAL MONUMENTS

1. Aniakchak National Monument and Preserve

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

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TITLE III—EXCHANGES

110 STAT. 4116

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SEC. 303. ALASKA PENINSULA SUBSURFACE CONSOLIDATION.

110 STAT. 4119

(a) DEFINITIONS.—As used in this section:

(1) AGENCY.—The term agency—

(A) means any instrumentality of the United States, and any Government corporation (as defined in section 9101(1) of title 31, United States Code); and

(B) includes any element of an agency.

(2) ALASKA NATIVE CORPORATION.—The Term “Alaska Native Corporation” has the same meaning as is provided for “Native Corporation” in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(3) FEDERAL LANDS OR INTEREST THEREIN.—The term “Federal lands or interests therein” means any lands or properties owned by the United States (A) which are administered by the Secretary, or (B) which are subject to a lease to third parties, or (C) which have been made available to the Secretary for exchange under this section through the concurrence of the director of the agency administering such lands or properties: *Provided however,* That excluded from such lands shall be those lands which are within an existing conservation system unit as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)), and those lands the mineral interest for which are currently under mineral lease.

110 STAT. 4120

(4) KONIAG.—The term “Koniag” means Koniag, Incorporated, which is a regional Corporation.

(5) REGIONAL CORPORATION.—The term “Regional Corporation” has the same meaning as is provided in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(6) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of the Interior.

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(7) SELECTION RIGHTS.—The term “selection rights” means those rights granted to Koniag, and confirmed as valid selections (within Koniag’s entitlement) pursuant to subsections (a) and (b) of section 12, and section 14(h)(8), of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613(h)(8)), to receive title to the oil and gas rights and other interests in the subsurface estate of the approximately 275,000 acres of public lands in the State of Alaska identified as “Koniag Selections” on the map entitled “Koniag Interest Lands, Alaska Peninsula”, dated May 1989.

(b) VALUATION OF KONIAG SELECTION RIGHTS.—

(1) IN GENERAL.—Pursuant to paragraph (2) of this subsection, the Secretary shall value the Selection Rights which Koniag possesses within the boundaries of Aniakchak National Monument and Preserve, Alaska Peninsula National Wildlife Refuge, and Becharof National Wildlife Refuge.

(2) VALUE.—

(A) IN GENERAL.—The value of the selection rights shall be equal to the fair market value of—

(i) the oil and gas interests in the lands or interests in lands that are the subject of the selection rights; and

(ii) in the case of the lands or interests in lands for which Koniag is to receive the entire subsurface estate, the subsurface estate of the lands or interests in lands that are the subject of the selection rights.

(B) APPRAISAL.—

(i) SELECTION OF APPRAISER.—

(I) IN GENERAL.—Not later than 90 days after the date of enactment of this section the Secretary and Koniag shall meet to select a qualified appraiser to conduct an appraisal of the selection rights. Subject to subclause (II), the appraiser shall be selected by the mutual agreement of the Secretary and Koniag.

(II) FAILURE TO AGREE.—If the Secretary and Koniag fail to agree on an appraiser by the date that is 60 days after the date of the initial meeting referred to in subclause (I), the Secretary and Koniag shall, by the date that is not later than 90 days after the date of the initial meeting, each designate an appraiser who is qualified to perform the appraisal. The 2 appraisers so identified shall select a third qualified appraiser who shall perform the appraisal.

(ii) STANDARDS AND METHODOLOGY.—The appraisal shall be conducted in conformity with the standards of the Appraisal Foundation (as defined in section 1121(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(9))).

(iii) SUBMISSION OF APPRAISAL REPORT.—Not later than 180 days after the selection of an appraiser pursuant to clause (i), the appraiser shall submit to the Secretary and to Koniag a written appraisal report specifying the value of the selection rights and the methodology used to arrive at the value.

(C) DETERMINATION OF VALUE.—

110 STAT. 4121

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4121

(i) DETERMINATION BY THE SECRETARY.—Not later than 60 days after the date of the receipt of the appraisal report under subparagraph (B)(iii), the Secretary shall determine the value of the selection rights and shall notify Koniag of the determination.

(ii) ALTERNATIVE DETERMINATION OF VALUE.—

(I) IN GENERAL.—Subject to subclause (II), if Koniag does not agree with the value determined by the Secretary under clause (i), the procedures specified in section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)) shall be used to establish the value.

(II) AVERAGE VALUE LIMITATION.—The average value per acre of the selection rights shall not be less than the value utilizing the risk adjusted discount cash flow methodology, but in no event may exceed \$300.

(c) KONIAG ACCOUNT.—

(1) IN GENERAL.—(A) The Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein which are in the State of Alaska for the Selection Rights.

(B) If the value of the Federal property to be exchanged is less than the value of the Selection Rights established in subsection (b), and if such Federal property to be exchanged is not generating receipts to the Federal Government in excess of \$1,000,000 per year, then the Secretary may exchange the Federal property for that portion of the Selection Rights having a value equal to that of the Federal property. The remaining selection rights shall remain available for additional exchanges.

(C) For the purposes of any exchange to be consummated under this section, if less than all the selection rights are being exchanged, then the value of the selection rights being exchanged shall be equal to the number of acres of selection rights being exchanged multiplied by a fraction, the numerator of which is the value of all the selection rights as determined pursuant to subsection (b) hereof and the denominator of which is the total number of acres of selection rights.

110 STAT. 4122

(2) ADDITIONAL EXCHANGES.—If, after 10 years from the date of the enactment of this section, the Secretary was unable to conclude such exchanges as may be required to acquire all of the selection rights, he shall conclude exchanges for the remaining selection rights for such Federal property as may be identified by Koniag, which property is available for transfer to the administrative jurisdiction of the Secretary under any provision of law and which property, at the time of the proposed transfer to Koniag is not generating receipts of the Federal Government in excess of \$1,000,000 per year. The Secretary shall keep Koniag advised in a timely manner as to which properties may be available for such transfer. Upon receipt of such identification by Koniag, the Secretary shall request in a timely manner the transfer of such identified property to the administrative jurisdiction of the Department of the Interior. Such property shall not be subject to the geographic limitations of section 206(b) of the Federal Land Policy and Management Act and may be retained by the

110 STAT. 4122

PUBLIC LAW 104-333—NOV. 12, 1996

Secretary solely for purposes of transferring it to Koniag to complete the exchange. Should the value of the property so identified by Koniag be in excess of the value of the remaining selection rights, then Koniag shall have the option of (A) declining to proceed with the exchange and identifying other property, or (B) paying the difference in value between the property rights.

(3) REVENUES.—Any property received by Koniag in an exchange entered into pursuant to paragraph (1) or (2) shall be deemed to be an interest in the subsurface for purposes of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.): *Provided however*, That should Koniag make a payment to equalize the value in any such exchange, then Koniag will be deemed to hold an undivided interest in the property equal in value to such payment which interest shall not be subject to the provisions of section 7(i) of that Act.

(d) AUTHORITY TO APPOINT AND REMOVE TRUSTEE.—In establishing a Settlement Trust under section 39 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629c), Koniag may delegate, in whole or in part, the authority granted to Koniag under subsection (b)(2) of such section to any entity that Koniag may select without affecting the status of the trust as a Settlement Trust under such section.

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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.



2. Bandelier

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 C—DEPARTMENT OF ENERGY
NATIONAL SECURITY AUTHORIZATIONS
AND OTHER AUTHORIZATIONS

111 STAT. 2023

TITLE XXXI—DEPARTMENT OF ENERGY
NATIONAL SECURITY PROGRAMS

* * * * *

Subtitle D—Other Matters

111 STAT. 2041

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SEC. 3164. LAND TRANSFER, BANDELIER NATIONAL MONUMENT.

111 STAT. 2050
16 USC 431 note.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of real property consisting of approximately 4.47 acres as depicted on the map entitled “Boundary Map, Bandelier National Monument”, No. 315/80,051, dated March 1995.

(b) BOUNDARY MODIFICATION.—The boundary of the Bandelier National Monument established by Proclamation No. 1322 (16 U.S.C. 431 note) is modified to include the real property transferred under subsection (a).

(c) PUBLIC AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the office of the Superintendent of Bandelier National Monument.

111 STAT. 2050

PUBLIC LAW 105–85—NOV. 18, 1997

(d) ADMINISTRATION.—The real property and interests in real property transferred under subsection (a) shall be—

(1) administered as part of Bandelier National Monument; and

(2) subject to all laws applicable to the Bandelier National Monument and all laws generally applicable to units of the National Park System.

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111 STAT. 2078

Approved November 18, 1997.

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.



PUBLIC LAW 105-376—NOV. 12, 1998

112 STAT. 3388

Public Law 105-376
105th Congress

An Act

To modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

Nov. 12, 1998
[S. 1132]

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 “Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998”.

Bandelier
National
Monument
Administrative
Improvement
and Watershed
Protection Act of
1998.
New Mexico.
16 USC 431 note
[table].

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) Bandelier National Monument (hereinafter, the Monument) was established by Presidential proclamation on February 11, 1916, to preserve the archeological resources of a “vanished people, with as much land as may be necessary for the proper protection thereof . . .” (No. 1322; 39 Stat. 1746).

(2) At various times since its establishment, the Congress and the President have adjusted the Monument’s boundaries and purpose to further preservation of archeological and natural resources within the Monument.

(A) On February 25, 1932, the Otowi Section of the Santa Fe National Forest (some 4,699 acres of land) was transferred to the Monument from the Santa Fe National Forest (Presidential Proclamation No. 1191; 17 Stat. 2503).

(B) In December of 1959, 3,600 acres of Frijoles Mesa were transferred to the National Park Service from the Atomic Energy Committee (hereinafter, AEC) and subsequently added to the Monument on January 9, 1991, because of “pueblo-type archeological ruins germane to those in the monument” (Presidential Proclamation No. 3388).

(C) On May 27, 1963, Upper Canyon, 2,882 acres of land previously administered by the AEC, was added to the Monument to preserve “their unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes” of the Monument (Presidential Proclamation No. 3539).

(D) In 1976, concerned about upstream land management activities that could result in flooding and erosion

112 STAT. 3389

PUBLIC LAW 105-376—NOV. 12, 1998

in the Monument, Congress included the headwaters of the Rito de los Frijoles and the Cañada de Cochiti Grant (a total of 7,310 acres) within the Monument's boundaries (Public Law 94-578; 90 Stat. 2732).

(E) In 1976, Congress created the Bandelier Wilderness, a 23,267 acres area that covers over 70 percent of the Monument.

(3) The Monument still has potential threats from flooding, erosion, and water quality deterioration because of the mixed ownership of the upper watersheds, along its western border, particularly in Alamo Canyon.

(b) PURPOSE.—The purpose of this Act is to modify the boundary of the Monument to allow for acquisition and enhanced protection of the lands within the Monument's upper watershed.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the Monument shall be modified to include approximately 935 acres of land comprised of the Elk Meadows subdivision, the Gardner parcel, the Clark parcel, and the Baca Land & Cattle Co. lands within the Upper Alamo watershed as depicted on the National Park Service map entitled "Proposed Boundary Expansion Map Bandelier National Monument" dated July, 1997. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 4. LAND ACQUISITION.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary of the Interior is authorized to acquire lands and interests therein within the boundaries of the area added to the Monument by this Act by donation, purchase with donated or appropriated funds, transfer with another Federal agency, or exchange: *Provided*, That no lands or interests therein may be acquired except with the consent of the owner thereof.

(b) STATE AND LOCAL LANDS.—Lands or interests therein owned by the State of New Mexico or a political subdivision thereof may only be acquired by donation or exchange.

(c) ACQUISITION OF LESS THAN FEE INTERESTS IN LAND.—The Secretary may acquire less than fee interests in land only if the Secretary determines that such less than fee acquisition will adequately protect the Monument from flooding, erosion, and degradation of its drainage waters.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national Monument, including lands added to the Monument by this Act, in accordance with this Act and the provisions of law generally applicable to units of National Park System, including the Act of August 25, 1916, an Act to establish a National Park Service (39 Stat. 535; 16 U.S.C. 1 et seq.), and such specific legislation as heretofore has been enacted regarding the Monument.

PUBLIC LAW 105-376—NOV. 12, 1998

112 STAT. 3390

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act.

Approved November 12, 1998.

LEGISLATIVE HISTORY—S. 1132:

SENATE REPORTS: No. 105-178 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 17, considered and passed Senate.

Oct. 20, considered and passed House.



3. Craters of the Moon

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”.

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110 STAT. 4097

DIVISION I

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110 STAT. 4105

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

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110 STAT. 4106
16 USC 431 note.

SEC. 205. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) BOUNDARY REVISION.—The boundary of Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled “Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustment”, numbered 131-80,008, and dated October 1987, which map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(b) ADMINISTRATION AND ACQUISITION.—Federal lands and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

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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.



4. Fort Pulaski

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. 807. FORT PULASKI NATIONAL MONUMENT, GEORGIA.

110 STAT. 4188

Section 4 of the Act of June 26, 1936 (ch. 844; 49 Stat. 1979), is amended by striking “: *Provided, That*” and all that follows and inserting a period.

16 USC 431 note.

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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.



5. Hagerman Fossil Beds

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”.

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110 STAT. 4097

DIVISION I

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110 STAT. 4105

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

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110 STAT. 4106

SEC. 206. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

16 USC 431 note.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding the following new subsection after subsection (c):

110 STAT. 4107

“(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a non-contiguous parcel.”.

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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.



6. Petroglyph

PUBLIC LAW 105-174—MAY 1, 1998

112 STAT. 58

Public Law 105-174
105th Congress

An Act

Making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes. May 1, 1998
[H.R. 3579]

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: 1998
Supplemental
Appropriations
and Rescissions
Act.

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TITLE III—SUPPLEMENTAL APPROPRIATIONS 112 STAT. 78

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CHAPTER 3 112 STAT. 80

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for “Operation of the National Park System”, \$340,000, to remain available until expended, to provide for public access at Katmai National Park and Preserve and for litigation costs related to the disposition of an allotment within the Park. 112 STAT. 81

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GENERAL PROVISIONS—THIS CHAPTER 112 STAT. 82

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SEC. 3005. PETROGLYPH NATIONAL MONUMENT. (a) SHORT TITLE.—This section may be cited as the “Petroglyph National Monument Boundary Adjustment Act”. Petroglyph
National
Monument
Boundary
Adjustment Act.
New Mexico.
16 USC 431 note.

(b) FINDINGS.—Congress finds that—

(1) the purposes for which Petroglyph National Monument (referred to in this section as “the monument”) was established continue to be valid;

(2) it is of mutual benefit to the trustee institutions of the New Mexico State Trust lands and the National Park Service for land exchange negotiations to be completed with all due diligence, resulting in the transfer of all State Trust lands within the boundaries of the monument to the United States in accordance with State and Federal law;

(3) because the city of Albuquerque, New Mexico, has acquired substantial acreage within the monument boundaries, purchased with State and municipal funds, the consolidation of land ownership and jurisdiction under the National Park

112 STAT. 82

PUBLIC LAW 105-174—MAY 1, 1998

Service will require the consent of the city of Albuquerque, and options for National Park Service acquisition that are not currently available;

112 STAT. 83

(4) corridors for the development of Paseo del Norte and Unser Boulevard are depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note), and the alignment of the roadways was anticipated by Congress before the date of enactment of the Act;

(5) it was the expectation of the principal proponents of the monument, including the cities of Albuquerque and Rio Rancho, New Mexico, and the National Park Service, that passage of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) would allow the city of Albuquerque—

(A) to utilize the Paseo del Norte and Unser Boulevard corridors through the monument; and

(B) to design and construct infrastructure within the corridors with the cultural and natural resources of the monument in mind;

(6) the city of Albuquerque has not provided for the establishment of rights-of-way for the Paseo del Norte and Unser Boulevard corridors under the Joint Powers Agreement (JPANO 78-521.81-277A), which expanded the boundary of the monument to include the Piedras Marcadas and Boca Negra units, pursuant to section 104 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note);

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction within the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

(10) adequate planning and cooperation between the city of Albuquerque and the National Park Service is essential to avoid resource degradation within the monument resulting from storm water runoff, and drainage conveyances through the monument should be designed and located to provide sufficient capacity for effective runoff management; and

(11) the monument will best be managed for the benefit and enjoyment of present and future generations with coopera-

PUBLIC LAW 105-174—MAY 1, 1998

112 STAT. 83

tion between the city of Albuquerque, the State of New Mexico, and the National Park Service.

(c) PLANNING AUTHORITY.—

(1) STORM WATER DRAINAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service (referred to in this section as the “Secretary”), and the city of Albuquerque, New Mexico, shall enter into negotiations to provide for the management of storm water runoff and drainage within the monument, including the design and construction of any storm water corridors, conveyances, and easements within the monument boundaries.

112 STAT. 84

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A-2 of the Unser Middle Transportation Corridor Record of Decision prepared by the city of Albuquerque dated December 1993.

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument by the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter “the Director”), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

(d) ACQUISITION AUTHORITY; BOUNDARY ADJUSTMENT; ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—

(1) ACQUISITION AUTHORITY.—Section 103(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended—

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

“(a) AUTHORITY.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary”;

(B) by striking “, except that lands or interests therein owned by the State or a political subdivision thereof may be acquired only by donation or exchange”; and

112 STAT. 84

PUBLIC LAW 105-174—MAY 1, 1998

(C) by adding at the end the following:

“(2) LAND OWNED BY THE STATE OR A POLITICAL SUBDIVISION.—No land or interest in land owned by the State or a political subdivision of the State may be acquired by purchase before—

“(A) the State or political subdivision holding title to the land or interest in land identifies the land or interest in land for disposal; and

“(B)(i) all private land within the monument boundary for which there is a willing seller is acquired; or

112 STAT. 85

“(ii) 2 years have elapsed after the date on which the Secretary has made a final offer (for which funds are available) to acquire all remaining private land at fair market value.”.

(2) BOUNDARY ADJUSTMENT.—Section 104(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by inserting “(1)” after “(a)”; and

(C) by adding at the end the following:

“(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—

“(i) the boundary of the monument is adjusted to exclude the Paseo Del Norte corridor in the Piedras Marcadas Unit described in Exhibit B of the document described in subparagraph (B); and

“(ii) the inclusion of the Paseo Del Norte corridor within the boundary of the monument before the date of enactment of this paragraph shall have no effect on any future ownership, use, or management of the corridor.

“(B) The document described in this subparagraph is the document entitled ‘Petroglyph National Monument Roadway/Utility Corridors’, dated October 30, 1997, on file with the Secretary of the Interior and the mayor of the city of Albuquerque, New Mexico.”.

(e) ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—Section 105 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended by adding at the end the following:

“(f) BOCA NEGRA AND PIEDRAS MARCADAS UNITS.—If the binding agreement providing for the expansion of the monument pursuant to section 104 is amended, in accordance with the terms of the agreement, to transfer to the National Park Service responsibility for operation, maintenance, and repair of any or all property within the Boca Negra or Piedras Marcadas Unit of the monument, the Secretary may employ, at a comparable grade and salary within the National Park Service, any willing employees of the city assigned to the Unit.”.

(f) DOUBLE EAGLE II AIRPORT ACCESS ROAD.—The Administrator of the Federal Aviation Administration shall allow the use of the access road to the Double Eagle II Airport in existence on the date of enactment of this Act for visitor access to the monument.

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PUBLIC LAW 105–174—MAY 1, 1998

112 STAT. 101

This Act may be cited as the “1998 Supplemental Appropriations and Rescissions Act”.

Approved May 1, 1998.

LEGISLATIVE HISTORY—H.R. 3579 (S. 1768):

HOUSE REPORTS: Nos. 105–469 (Comm. on Appropriations) and 105–504 (Comm. of Conference).

SENATE REPORTS: No. 105–168 accompanying S. 1768 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Mar. 31, considered and passed House. Passed Senate, amended, in lieu of S. 1768.

Apr. 30, House and Senate agreed to conference report.

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

May 1, Presidential statement.



7. Walnut Canyon

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.

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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110 STAT. 4097

DIVISION I

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110 STAT. 4105

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

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110 STAT. 4107
16 USC 431 note.

SEC. 208. WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION.

(a) PURPOSE.—The purpose of this section is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this section referred to as the “national monument”) to improve management of the national monument and associated resources.

(b) BOUNDARY MODIFICATION.—Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled “Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona”, numbered 360/80,010, and dated September 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior. The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map.

(c) ACQUISITION AND TRANSFER OF PROPERTY.—The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this section) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under subsection (b) is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

(d) ADMINISTRATION.—The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this title and the provisions of law generally applicable to units of the National Park Service, including “An Act to establish a National Park Service, and for other purposes” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

110 STAT. 4108

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4108

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

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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.



8. White Sands

110 STAT. 2422

PUBLIC LAW 104-201-SEPT. 23, 1996

Public Law 104-201
104th Congress

An Act

Sept. 23, 1996
[H.R. 3230]

To authorize appropriations for fiscal year 1997 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.

National Defense
Authorization
Act for Fiscal
Year 1997.

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 Defense Authorization Act for Fiscal Year 1997".

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.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

110 STAT. 2763
Military
Construction
Authorization
Act for Fiscal
Year 1997.

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DIVISION B—MILITARY CONSTRUCTION
AUTHORIZATIONS

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110 STAT. 2786

TITLE XXVIII—GENERAL PROVISIONS

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110 STAT. 2791

Subtitle C—Land Conveyances

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110 STAT. 2800

PART IV—OTHER CONVEYANCES

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110 STAT. 2803
16 USC 431 note.

SEC. 2854. MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.

(a) TRANSFER OF LANDS BY SECRETARY OF ARMY.—The Secretary of the Army may transfer to the administrative jurisdiction of the Secretary of the Interior the following lands as generally

PUBLIC LAW 104–201—SEPT. 23, 1996

110 STAT. 2803

depicted on the map entitled “White Sands National Monument, Boundary Proposal”, numbered 142/80,061, and dated January 1994:

(1) Lands consisting of approximately 2,524 acres located within White Sands National Monument, New Mexico.

(2) Lands consisting of approximately 5,758 acres located within White Sands Missile Range, New Mexico, and abutting White Sands National Monument.

(b) TRANSFER OF LANDS BY SECRETARY OF INTERIOR.—The Secretary of the Interior may transfer to the administrative jurisdiction of the Secretary of the Army lands consisting of approximately 4,277 acres located in White Sands National Monument, which lands are generally depicted on the map referred to in subsection (a).

(c) BOUNDARY MODIFICATIONS.—(1) The Secretary of the Army and the Secretary of the Interior shall jointly modify the boundary of White Sands National Monument so as to include within the national monument the lands transferred under subsection (a) and to exclude from the national monument the lands transferred under subsection (b).

(2) The Secretary of the Army and the Secretary of the Interior shall jointly modify the boundary of White Sands Missile Range as to include within the missile range the lands transferred under subsection (b) and exclude from the missile range the lands transferred under subsection (a).

(d) ADMINISTRATION OF TRANSFERRED LANDS.—(1) The Secretary of the Interior shall administer the lands transferred to that Secretary under subsection (a) in accordance with the laws applicable to the White Sands National Monument.

(2) The Secretary of the Army shall administer the lands transferred to that Secretary under subsection (b) as part of White Sands Missile Range.

(3) The Secretary of the Army shall maintain control of the airspace above the lands transferred to that Secretary under subsection (b) and administer that airspace in a manner consistent with the use of such lands as part of White Sands Missile Range.

(e) PUBLIC AVAILABILITY OF MAP OF MONUMENT.—The Secretary of the Interior and the Secretary of the Army shall jointly prepare, and the Secretary of the Interior shall keep on file for public inspection in the headquarters of White Sands National Monument, a map showing the boundary of White Sands National Monument as modified by this section.

(f) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3476), land or an interest in land that was deleted from White Sands National Monument by section 301(19) of the Act (92 Stat. 3475) may, at the election of the Secretary of the Interior, be—

(1) exchanged for land owned by the State of New Mexico within the boundaries of any unit of the National Park System in the State of New Mexico;

(2) transferred to the jurisdiction of any other Federal agency without monetary consideration; or

110 STAT. 2804

110 STAT. 2804 PUBLIC LAW 104–201—SEPT. 23, 1996

(3) administered as public land.

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110 STAT. 2870 Approved September 23, 1996.

LEGISLATIVE HISTORY—H.R. 3230 (S. 1745):

HOUSE REPORTS: Nos. 104–563 (Comm. on National Security) and 104–724 (Comm. of Conference).

SENATE REPORTS: Nos. 104–267 (Comm. on Armed Services) and 104–278 (Select Comm. on Intelligence) both accompanying S. 1745.

CONGRESSIONAL RECORD, Vol. 142 (1996):

May 14, 15, considered and passed House.

June 18–20, 24–28, July 10, S. 1745 considered and passed Senate; H.R. 3230, amended, passed in lieu.

Aug. 1, House agreed to conference report.

Sept. 10, Senate agreed to conference report.

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

Sept. 23, Presidential remarks and statement.



9. Wupatki

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 II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

110 STAT. 4105

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SEC. 207. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

110 STAT. 4107
16 USC 431 note.

The boundaries of the Wupatki National Monument, Arizona, are hereby revised to include the lands and interests in lands within the area generally depicted as “Proposed Addition 168.89 Acres” on the map entitled “Boundary—Wupatki and Sunset Crater National Monuments, Arizona”, numbered 322-80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

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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.



10. Yucca House

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”.

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110 STAT. 4097

DIVISION I

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110 STAT. 4105

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

16 USC 431 note.

**SEC. 201. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY
ADJUSTMENT.**(a) **IN GENERAL.**—The boundaries of Yucca House National
Monument are revised to include the approximately 24.27 acres
of land generally depicted on the map entitled “Boundary—Yucca
House National Monument, Colorado”, numbered 318/80,001-B, and
dated February 1990.(b) **MAP.**—The map referred to in subsection (a) shall be on
file and available for public inspection in appropriate offices of
the National Park Service of the Department of the Interior.(c) **ACQUISITION.**—(1) **IN GENERAL.**—Within the lands described in subsection
(a), the Secretary of the Interior may acquire lands and
interests in lands by donation.(2) The Secretary of the Interior may pay administrative
costs arising out of any donation described in paragraph (1)
with appropriated funds.

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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.

