

III. NATIONAL PARKS

1. Acadia

PUBLIC LAW 107-107—DEC. 28, 2001

115 STAT. 1012

Public Law 107-107  
107th Congress

An Act

To authorize appropriations for fiscal year 2002 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.

Dec. 28, 2001  
[S. 1438]

*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 2002”.

National Defense  
Authorization  
Act for Fiscal  
Year 2002.

\* \* \* \* \*

DIVISION B—MILITARY CONSTRUCTION  
AUTHORIZATIONS

115 STAT. 1280  
Military  
Construction  
Authorization  
Act for Fiscal  
Year 2002.

SEC. 2001. SHORT TITLE; DEFINITION.

(a) SHORT TITLE.—This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2002”.

(b) DEFINITION OF FISCAL YEAR 2001 DEFENSE AUTHORIZATION ACT.—In this division, the term “Spence Act” means the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654).

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TITLE XXVIII—GENERAL PROVISIONS

115 STAT. 1303

\* \* \* \* \*

Subtitle D—Land Conveyances

115 STAT. 1312

\* \* \* \* \*

PART II—NAVY CONVEYANCES

115 STAT. 1317

\* \* \* \* \*

SEC. 2845. LAND TRANSFER AND CONVEYANCE, NAVAL SECURITY GROUP ACTIVITY, WINTER HARBOR, MAINE.

115 STAT. 1319

(a) TRANSFER OF JURISDICTION OF SCHOODIC POINT PROPERTY AUTHORIZED.—(1) The Secretary of the Navy may transfer to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted as Tract 15-116 on the map entitled “Acadia National Park Schoodic Point Area”, numbered 123/80,418 and dated May 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

115 STAT. 1319

PUBLIC LAW 107-107—DEC. 28, 2001

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 71 acres, as depicted as Tract 15-115 on the map referred to in paragraph (1), from the Secretary of the Navy to the Secretary of the Interior as authorized by Public Law 80-260 (61 Stat. 519) and to be executed on or about June 30, 2002.

(b) CONVEYANCE OF COREA AND WINTER HARBOR PROPERTIES AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, less the real property described in subsection (a)(1), for the purpose of economic redevelopment.

(c) TRANSFER OF PERSONAL PROPERTY.—The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior in the case of the real property transferred under subsection (a), or to any recipient of such real property in the case of real property conveyed under subsection (b), any or all personal property associated with the real property so transferred or conveyed, including any personal property required to continue the maintenance of the infrastructure of such real property (including the generators for an uninterrupted power supply in building 154 at the Corea site).

(d) MAINTENANCE OF PROPERTY PENDING CONVEYANCE.—(1) The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) in accordance with the protection and maintenance standards specified in section 101-47.4913 of title 41, Code of Federal Regulations, until the earlier of—

(A) the date of the conveyance of such real property under subsection (b); or

(B) September 30, 2003.

115 STAT. 1320

(2) The requirement in paragraph (1) shall not be construed as authority to improve the real property, improvements, and infrastructure referred to in that paragraph so as to bring such real property, improvements, or infrastructure into compliance with any zoning or property maintenance codes or to repair any damage to such improvements and infrastructure caused by natural accident or disaster.

(e) INTERIM LEASE.—(1) Until such time as any parcel of real property to be conveyed under subsection (b) is conveyed by deed under that subsection, the Secretary of the Navy may lease such parcel to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be the amount determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(f) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary of the Navy may require each recipient

PUBLIC LAW 107-107—DEC. 28, 2001

115 STAT. 1320

of real property conveyed under subsection (b) to reimburse the Secretary for the excess costs incurred by the Secretary for any environmental assessment, study, or analysis carried out by the Secretary in connection with the conveyance of such property, if the excess costs were incurred as a result of a request by the recipient. In this paragraph, the term “excess costs” means costs in excess of those costs considered reasonable and necessary by the Secretary to comply with existing law to make the conveyance to the recipient.

(2) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property transferred under subsection (a), and each parcel of real property conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of any survey for real property conveyed under subsection (b) shall be borne by the recipient of the real property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary considers appropriate to protect the interests of the United States.

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Approved December 28, 2001.

115 STAT. 1393

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LEGISLATIVE HISTORY—S. 1438 (H.R. 2586):

HOUSE REPORTS: Nos. 107-194 accompanying H.R. 2586 (Comm. on Armed Services) and 107-333 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 147 (2001):

Sept. 21, 24-26, Oct. 1, 2, considered and passed Senate.

Oct. 17, considered and passed House, amended, in lieu of H.R. 2586.

Dec. 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

Dec. 28, Presidential statement.



116 STAT. 820

PUBLIC LAW 107–206—AUG. 2, 2002

Public Law 107–206  
107th Congress

An Act

Aug. 2, 2002  
[H.R. 4775]

Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

2002  
Supplemental  
Appropriations  
Act for Further  
Recovery From  
and Response To  
Terrorist Attacks  
on the United  
States.

*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, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

\* \* \* \* \*

116 STAT. 835

CHAPTER 3

DEPARTMENT OF DEFENSE

\* \* \* \* \*

116 STAT. 839

GENERAL PROVISIONS—THIS CHAPTER

\* \* \* \* \*

116 STAT. 841  
Deadline.

SEC. 310. Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall obligate, from funds made available in title II of division A of Public Law 107–117 under the heading “Operation and Maintenance, Defense-Wide” (115 Stat. 2233), \$4,000,000 for a grant to support the conversion of the Naval Security Group, Winter Harbor (the naval base on Schoodic Peninsula), Maine, to utilization as a research and education center for Acadia National Park, Maine, including the preparation of a plan for the reutilization of the naval base for such purpose that will benefit communities in the vicinity of the naval base and visitors to Acadia National Park and will stimulate important research and educational activities.

116 STAT. 842

\* \* \* \* \*

116 STAT. 925

This Act may be cited as the “2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States”.

Approved August 2, 2002.

LEGISLATIVE HISTORY—H.R. 4775 (S. 2551):

HOUSE REPORTS: Nos. 107–480 (Comm. on Appropriations) and 107–593 (Comm. of Conference).

SENATE REPORTS: No. 107–156 accompanying S. 2551 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 148 (2002):

May 22–24, considered and passed House.  
June 3–6, considered and passed Senate, amended.  
July 23, House agreed to conference report.  
July 24, Senate agreed to conference report.



PUBLIC LAW 107-248—OCT. 23, 2002

116 STAT. 1519

Public Law 107-248  
107th Congress

An Act

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

Oct. 23, 2002  
[H.R. 5010]

*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, 2003, for military functions administered by the Department of Defense, and for other purposes, namely:

Department of  
Defense  
Appropriations  
Act, 2003.

\* \* \* \* \*

TITLE VIII

116 STAT. 1536

GENERAL PROVISIONS

\* \* \* \* \*

SEC. 8146. The Secretary of Defense may modify the grant made to the State of Maine pursuant to section 310 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107-206) such that the modified grant is for purposes of supporting community adjustment activities relating to the closure of the Naval Security Group Activity, Winter Harbor, Maine (the naval base on Schoodic Point, within Acadia National Park), and the reuse of such Activity, including reuse as a research and education center the activities of which may be consistent with the purposes of Acadia National Park, as determined by the Secretary of the Interior. The grant may be so modified not later than 60 days after the date of the enactment of this Act.

116 STAT. 1572

Deadline.

\* \* \* \* \*

This Act may be cited as the “Department of Defense Appropriations Act, 2003”.

116 STAT. 1577

Approved October 23, 2002.

LEGISLATIVE HISTORY—H.R. 5010:

HOUSE REPORTS: Nos. 107-532 (Comm. on Appropriations) and 107-732 (Comm. of Conference).

SENATE REPORTS: No. 107-213 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 148 (2002):

June 27, considered and passed House.

July 31, Aug. 1, considered and passed Senate, amended.

Oct. 10, House agreed to conference report.

Oct. 16, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Oct. 23, Presidential remarks and statement.



**2. Arches**

114 STAT. 23

PUBLIC LAW 106-176—MAR. 10, 2000

**Public Law 106-176  
106th Congress****An Act**Mar. 10, 2000  
[H.R. 149]

To make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

Omnibus Parks  
Technical  
Corrections Act  
of 2000.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.**

16 USC 1 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Parks Technical Corrections Act of 2000”.(b) **REFERENCE TO OMNIBUS PARKS ACT.**—In this Act, the term “Omnibus Parks Act” means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4093).

\* \* \* \* \*

114 STAT. 31

**TITLE III—TECHNICAL CORRECTIONS  
TO OTHER PUBLIC LAWS**

\* \* \* \* \*

114 STAT. 32

**SEC. 302. ARCHES NATIONAL PARK EXPANSION ACT OF 1998.**

Section 8 of Public Law 92-155 (16 U.S.C. 272g), as added by section 2(e)(2) of the Arches National Park Expansion Act of 1998 (Public Law 105-329; 112 Stat. 3062), is amended as follows:

(1) In subsection (b)(2), by striking “, described as lots 1 through 12 located in the S $\frac{1}{2}$ N $\frac{1}{2}$  and the N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$  of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.” and inserting “located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:

“(A) Lots 1 through 12.

“(B) The S $\frac{1}{2}$ N $\frac{1}{2}$  of such section.“(C) The N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$  of such section.”; and

(2) By striking subsection (d).

\* \* \* \* \*

114 STAT. 34

Approved March 10, 2000.

**LEGISLATIVE HISTORY—H.R. 149:**

HOUSE REPORTS: No. 106-17 (Comm. on Resources).

SENATE REPORTS: No. 106-125 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 145 (1999): Feb. 23, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Feb. 15, House concurred in Senate amendments.



**3. Biscayne**

PUBLIC LAW 106–554—DEC. 21, 2000

114 STAT. 2763

\* Public Law 106–554  
106th Congress

**An Act**

Making consolidated appropriations for the fiscal year ending September 30, 2001,  
and for other purposes.

Dec. 21, 2000  
[H.R. 4577]

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

SECTION 1. (a) The provisions of the following bills of the  
106th Congress are hereby enacted into law:

(1) H.R. 5656, as introduced on December 14, 2000.

(2) H.R. 5657, as introduced on December 14, 2000.

(3) H.R. 5658, as introduced on December 14, 2000.

(4) H.R. 5666, as introduced on December 15, 2000, except  
that the text of H.R. 5666, as so enacted, shall not include  
section 123 (relating to the enactment of H.R. 4904).

(5) H.R. 5660, as introduced on December 14, 2000.

(6) H.R. 5661, as introduced on December 14, 2000.

(7) H.R. 5662, as introduced on December 14, 2000.

(8) H.R. 5663, as introduced on December 14, 2000.

(9) H.R. 5667, as introduced on December 15, 2000.

(b) In publishing this Act in slip form and in the United  
States Statutes at Large pursuant to section 112 of title 1, United  
States Code, the Archivist of the United States shall include after  
the date of approval at the end appendixes setting forth the texts  
of the bills referred to in subsection (a) of this section and the  
text of any other bill enacted into law by reference by reason  
of the enactment of this Act.

Consolidated  
Appropriations  
Act, 2001.  
Incorporation by  
reference.

Publication.  
1 USC 112 note.

SEC. 2. (a) Notwithstanding Rule 3 of the Budget Scorekeeping  
Guidelines set forth in the joint explanatory statement of the  
committee of conference accompanying Conference Report 105–217,  
legislation enacted in section 505 of the Department of Transpor-  
tation and Related Agencies Appropriations Act, 2001, section 312  
of the Legislative Branch Appropriations Act, 2001, titles X and  
XI of H.R. 5548 (106th Congress) as enacted by H.R. 4942 (106th  
Congress), division B of H.R. 5666 (106th Congress) as enacted  
by this Act, and sections 1(a)(5) through 1(a)(9) of this Act that  
would have been estimated by the Office of Management and Budget  
as changing direct spending or receipts under section 252 of the  
Balanced Budget and Emergency Deficit Control Act of 1985 were  
it included in an Act other than an appropriations Act shall be  
treated as direct spending or receipts legislation, as appropriate,  
under section 252 of the Balanced Budget and Emergency Deficit  
Control Act of 1985.

(b) In preparing the final sequestration report required by  
section 254(f)(3) of the Balanced Budget and Emergency Deficit  
Control Act of 1985 for fiscal year 2001, in addition to the infor-  
mation required by that section, the Director of the Office of Man-  
agement and Budget shall change any balance of direct spending

\* See Endnote on 114 Stat. 2764.

114 STAT. 2764

PUBLIC LAW 106-554—DEC. 21, 2000

and receipts legislation for fiscal year 2001 under section 252 of that Act to zero.

(c) This Act may be cited as the “Consolidated Appropriations Act, 2001”.

Approved December 21, 2000.

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**LEGISLATIVE HISTORY—H.R. 4577 (S. 2553):**

**HOUSE REPORTS:** Nos. 106-645 (Comm. on Appropriations) and 106-1033 (Comm. of Conference).

**SENATE REPORTS:** No. 106-293 accompanying S. 2553 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 146 (2000):**

June 8, 12-14, considered and passed House.

June 22, 23, 26-30, considered and passed Senate, amended.

Dec. 15, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):**

Dec. 21, Presidential remarks and statement.

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**\*ENDNOTE:** The following appendixes were added pursuant to the provisions of section 1 of this Act (114 Stat. 2763).





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APPENDIX H—H.R. 5663

APPENDIX I—H.R. 5667

114 STAT. 2763A-171 PUBLIC LAW 106-554—APPENDIX D

**APPENDIX D—H.R. 5666**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

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114 STAT.  
2763A-214

## DIVISION B

## TITLE I

\* \* \* \* \*

114 STAT.  
2763A-230

SEC. 129. The Secretary of the Interior shall extend until March 31, 2001, the “Extension of Standstill Agreement,” entered into on November 22, 1999, by the United States of America and the holders of interests in seven campsite leases in Biscayne Bay, Miami-Dade County, Florida collectively known as “Stiltsville”.

\* \* \* \* \*

#### 4. Black Canyon of the Gunnison

PUBLIC LAW 106–76—OCT. 21, 1999

113 STAT. 1126

Public Law 106–76  
106th Congress

#### An Act

To redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

Oct. 21, 1999  
[S. 323]

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

Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999. Colorado. 16 USC 410fff note. 16 USC 410fff.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

113 STAT. 1127

PUBLIC LAW 106-76—OCT. 21, 1999

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

16 USC 410fff-1. **SEC. 3. DEFINITIONS.**

In this Act:

(1) CONSERVATION AREA.—The term “Conservation Area” means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) MAP.—The term “Map” means the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99”. The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term “Park” means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

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

16 USC 410fff-2. **SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.**

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from

PUBLIC LAW 106-76—OCT. 21, 1999

113 STAT. 1128

location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of the enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of the enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the United States Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; and

(B) with respect to a permit or lease issued to a partnership, corporation, or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraph (A) terminates, unless the partnership, corporation, or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the partnership, corporation, or legal entity.

**SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.** 16 USC 410fff-3.

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds;

or

(iv) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

113 STAT. 1129

PUBLIC LAW 106-76—OCT. 21, 1999

(b) **BOUNDARY REVISION.**—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) **BOUNDARY SURVEY.**—As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) **HUNTING ON PRIVATELY OWNED LANDS.**—

(1) **IN GENERAL.**—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) **TERMINATION OF AUTHORITY.**—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

16 USC 410fff-4,  
1132 note.

**SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.**

(a) **EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.**—The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94-567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as “Tract A” and consisting of approximately 4,419 acres.

(b) **ADMINISTRATION.**—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

16 USC 410fff-5.

**SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.**

(a) **IN GENERAL.**—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) **MANAGEMENT OF CONSERVATION AREA.**—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) **WITHDRAWAL.**—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) **HUNTING, TRAPPING, AND FISHING.**—

(1) **IN GENERAL.**—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) **EXCEPTION.**—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating

PUBLIC LAW 106-76—OCT. 21, 1999

113 STAT. 1130

zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

- (A) public safety;
- (B) administration; or
- (C) public use and enjoyment.

(e) **USE OF MOTORIZED VEHICLES.**—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of the enactment of this Act.

(f) **CONSERVATION AREA MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 4 years after the date of the enactment of this Act, the Secretary shall— Deadline.

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) **CONTENTS OF PLAN.**—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

(B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of the enactment of this Act;

(C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of the enactment of this Act;

(D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and

(E) may use information developed prior to the date of the enactment of this Act in studies of the land within or adjacent to the Conservation Area.

(g) **BOUNDARY REVISIONS.**—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

**SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.**

16 USC 410fff-6,  
1132 note.

(a) **GUNNISON GORGE WILDERNESS.**—

(1) **IN GENERAL.**—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) **ADMINISTRATION.**—

(A) **WILDERNESS STUDY AREA EXEMPTION.**—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.

113 STAT. 1131

PUBLIC LAW 106-76—OCT. 21, 1999

(B) INCORPORATION INTO NATIONAL CONSERVATION AREA.—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) ADMINISTRATION.—Subject to valid rights in existence on the date of the enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) STATE RESPONSIBILITY.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish on the public land located in that State.

(d) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the Bureau of Land Management (BLM).

16 USC 410fff-7.

**SEC. 9. WITHDRAWAL.**

Subject to valid existing rights, the Federal lands identified on the Map as “BLM Withdrawal (Tract B)” (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

16 USC 410fff-8.

**SEC. 10. WATER RIGHTS.**

(a) EFFECT ON WATER RIGHTS.—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or

(2) affect any water rights in existence prior to the date of the enactment of this Act, including any water rights held by the United States.

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

16 USC 410fff-9.

**SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.**

Deadline.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.



PUBLIC LAW 106-76—OCT. 21, 1999

113 STAT. 1132

(b) PURPOSE OF STUDY.—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

(c) SUBMISSION OF REPORT.—Not later than 3 years from the date of the enactment of this Act, the Secretary shall submit a report to Congress that— Deadline.

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled “Proposed Additions to the Curecanti National Recreation Area”, dated 01/25/99, totaling approximately 1,065 acres and entitled “Hall and Fitti properties”.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;

(ii) purchase with donated or appropriated funds;  
or

(iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

113 STAT. 1133

PUBLIC LAW 106-76—OCT. 21, 1999

16 USC 410fff-  
10.**SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

Approved October 21, 1999.

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**LEGISLATIVE HISTORY—S. 323:****HOUSE REPORTS:** No. 106-307 (Comm. on Resources).**SENATE REPORTS:** No. 106-69 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD**, Vol. 145 (1999):

July 1, considered and passed Senate.

Sept. 27, considered and passed House, amended.

Oct. 1, Senate concurred in House amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 35 (1999):

Oct. 21, Presidential statement.



**5. Channel Islands**

PUBLIC LAW 106-176—MAR. 10, 2000

114 STAT. 23

Public Law 106-176  
106th Congress

**An Act**

To make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

Mar. 10, 2000  
[H.R. 149]

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

**SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.**

Omnibus Parks  
Technical  
Corrections Act  
of 2000.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Parks Technical Corrections Act of 2000”.

16 USC 1 note.

(b) **REFERENCE TO OMNIBUS PARKS ACT.**—In this Act, the term “Omnibus Parks Act” means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4093).

**TITLE I—TECHNICAL CORRECTIONS TO  
DIVISION I**

\* \* \* \* \*

**SEC. 119. ROBERT J. LAGOMARSINO VISITOR CENTER.**

114 STAT. 28

Section 809(b) of division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking “section 301” and inserting “subsection (a)”.

\* \* \* \* \*

Approved March 10, 2000.

114 STAT. 34

**LEGISLATIVE HISTORY—H.R. 149:**

HOUSE REPORTS: No. 106-17 (Comm. on Resources).

SENATE REPORTS: No. 106-125 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 145 (1999): Feb. 23, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Feb. 15, House concurred in Senate amendments.



## 6. Cuyahoga Valley

114 STAT. 922

PUBLIC LAW 106–291—OCT. 11, 2000

### Public Law 106–291 106th Congress

#### An Act

Oct. 11, 2000  
[H.R. 4578]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2001.

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

#### TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

114 STAT. 941

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

114 STAT. 956  
16 USC 460ff  
note.

SEC. 149. REDESIGNATION OF CUYAHOGA VALLEY NATIONAL RECREATION AREA AS CUYAHOGA VALLEY NATIONAL PARK. (a) REDESIGNATION.—The Cuyahoga Valley National Recreation Area is redesignated as Cuyahoga Valley National Park.

16 USC 460ff  
note.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Cuyahoga Valley National Recreation Area is deemed to be a reference to Cuyahoga Valley National Park.

16 USC 460ff.

(c) CONFORMING AMENDMENTS.—The Act entitled “An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area” (Public Law 93–555; 16 U.S.C. 460ff et seq.), approved December 27, 1974, is amended—

(1) in section 1 by striking “National Recreation Area” and inserting “National Park”; and

(2) by striking “recreation area” each place it appears and inserting “park”.

(d) CLERICAL AMENDMENTS.—Section 5 of such Act (16 U.S.C. 460ff–4) is repealed, and section 6 of such Act (16 U.S.C. 460ff–5) is redesignated as section 5.

\* \* \* \* \*

114 STAT. 1029

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2001”.

Approved October 11, 2000.

#### LEGISLATIVE HISTORY—H.R. 4578:

HOUSE REPORTS: No. 106–646 (Comm. on Appropriations) and No. 106–914 (Comm. of Conference).

SENATE REPORTS: No. 106–312 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 13–15, considered and passed House.

July 10, 12, 17, 18, considered and passed Senate, amended.

Oct. 3, House agreed to conference report.

Oct. 3–5, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 11, Presidential statement and remarks.



PUBLIC LAW 107-63—NOV. 5, 2001

115 STAT. 414

Public Law 107-63  
107th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Nov. 5, 2001  
[H.R. 2217]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 2002.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

NATIONAL PARK SERVICE

115 STAT. 423

\* \* \* \* \*

ADMINISTRATIVE PROVISIONS

115 STAT. 426

\* \* \* \* \*

Notwithstanding any other provision of law, the National Park Service may convey a leasehold or freehold interest in Cuyahoga NP to allow for the development of utilities and parking needed to support the historic Everett Church in the village of Everett, Ohio.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2002”.

115 STAT. 473

Approved November 5, 2001.

LEGISLATIVE HISTORY—H.R. 2217:

HOUSE REPORTS: No. 107-103 (Comm. on Appropriations) and 107-234 (Comm. of Conference).

SENATE REPORTS: No. 107-36 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 147 (2001):

June 21, considered and passed House.

July 11, 12, considered and passed Senate, amended.

Oct. 17, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

Nov. 5, Presidential statement.



**7. Death Valley**

114 STAT. 1875

PUBLIC LAW 106-423—NOV. 1, 2000

**Public Law 106-423  
106th Congress****An Act**Nov. 1, 2000  
[S. 2102]To provide to the Timbisha Shoshone Tribe a permanent land base within its  
aboriginal homeland, and for other purposes.*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*Timbisha  
Shoshone  
Homeland Act.  
California.  
Nevada.  
Historic  
preservation.  
16 USC 410aaa  
note.  
16 USC 410aaa  
note.**SECTION 1. SHORT TITLE.**This Act may be cited as the “Timbisha Shoshone Homeland  
Act”.**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe’s ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe’s ancestral homeland.

(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe’s membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

(5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe’s history and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

16 USC 410aaa  
note.**SEC. 3. PURPOSES.**

Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 (Public Law 103-433; 108 Stat. 4498), the purposes of this Act are—

## PUBLIC LAW 106-423—NOV. 1, 2000

114 STAT. 1876

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

**SEC. 4. DEFINITIONS.**16 USC 410aaa  
note.

In this Act:

(1) **PARK.**—The term “Park” means Death Valley National Park, including any additions to that Park.

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

(3) **TRIBAL.**—The term “tribal” means of or pertaining to the Tribe.

(4) **TRIBE.**—The term “Tribe” means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) **TRUST LANDS.**—The term “trust lands” means those lands taken into trust pursuant to this Act.

**SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.**16 USC 410aaa  
note.

(a) **IN GENERAL.**—Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

(b) **PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED.**—

(1) IN GENERAL.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled “Death Valley Junction, California”, numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled “Centennial, California”, numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe’s right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

(D) Scotty’s Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled “Scotty’s Junction, Nevada”, numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled “Lida, Nevada, Community Parcel”, numbered Map #5 and dated April 12, 2000, together with 14.7 acre



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114 STAT. 1878

feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) WATER RIGHTS.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT.—

(A) DEVELOPMENT.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

(i) for purposes of community and residential development—

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development—

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) EXCEPTION.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) RIGHT-OF-WAY.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) LIMITATIONS ON IMPACT ON MINING CLAIMS.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

(c) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the

Deadline.

same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) **ADDITIONAL TRUST RESOURCES.**—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled “Indian Rancheria Site, California” numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled “Lida Ranch” numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) **SPECIAL USE AREAS.**—

(1) **IN GENERAL.**—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) **RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE.**—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe’s continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) **RESOURCE USE BY THE TRIBE.**—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) **SPECIFIC AREAS.**—The following areas are designated special use areas pursuant to paragraph (1):

(A) **MESQUITE USE AREA.**—The area generally depicted on the map entitled “Mesquite Use Area” numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

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(B) **BUFFER AREA.**—An area of approximately 1,500 acres, as generally depicted on the map entitled “Buffer Area” numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) **TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA.**—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled “Timbisha Shoshone Natural and Cultural Preservation Area” numbered Map #9 and dated April 12, 2000.

(5) **ADDITIONAL PROVISIONS.**—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) **ACCESS AND USE.**—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) **ADMINISTRATION.**—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

114 STAT. 1881

PUBLIC LAW 106-423—NOV. 1, 2000

16 USC 410aaa  
note.**SEC. 6. IMPLEMENTATION PROCESS.**

(a) **GOVERNMENT-TO-GOVERNMENT AGREEMENTS.**—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) **STANDARDS.**—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

(c) **WATER MONITORING.**—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

16 USC 410aaa  
note.**SEC. 7. MISCELLANEOUS PROVISIONS.**

(a) **TRIBAL EMPLOYMENT.**—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

(b) **GAMING.**—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

(c) **INITIAL RESERVATION.**—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe's initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

Effective date.

(d) **TRIBAL JURISDICTION OVER TRUST LANDS.**—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act.

PUBLIC LAW 106-423—NOV. 1, 2000

114 STAT. 1882

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 410aaa  
note.

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

Approved November 1, 2000.

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**LEGISLATIVE HISTORY—S. 2102:**

SENATE REPORTS: No. 106-327 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 19, considered and passed Senate.

Oct. 17, considered and passed House.



8. Everglades

113 STAT. 269

PUBLIC LAW 106-53—AUG. 17, 1999

Public Law 106-53  
106th Congress

An Act

Aug. 17, 1999  
[S. 507]

To provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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

Water Resources Development Act of 1999. Inter-governmental relations. 33 USC 2201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Water Resources Development Act of 1999”.

\* \* \* \* \*

113 STAT. 273  
33 USC 2201  
note.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Army.

\* \* \* \* \*

113 STAT. 285

TITLE II—GENERAL PROVISIONS

\* \* \* \* \*

113 STAT. 286

SEC. 208. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) EXTENSION OF PROGRAM.—Section 528(b)(3) of the Water Resources Development Act of 1996 is amended—

(1) in subparagraph (B) (110 Stat. 3769), by striking “1999” and inserting “2003”; and

(2) in subparagraph (C)(i) (110 Stat. 3769), by striking “1999” and inserting “2003”.

(b) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

“(D) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—The Secretary may provide credit to or reimburse the non-Federal project sponsor (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

“(i) the Secretary determines that—

“(I) the work performed by the non-Federal project sponsor will substantially expedite completion of a critical restoration project; and

PUBLIC LAW 106-53—AUG. 17, 1999

113 STAT. 286

“(II) the work is necessary for a critical restoration project; and

“(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.”. 113 STAT. 287

(c) CALOOSAHATCHEE RIVER BASIN, FLORIDA.—Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: “if the Secretary determines that the acquisition is compatible with and an integral component of the Everglades and South Florida ecosystem restoration, including potential acquisition of land or interests in land in the Caloosahatchee River basin or other areas”.

(d) IN-KIND WORK.—Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended—

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

“(1) LAND ACQUISITION.—Regardless”; and

(2) by adding at the end the following:

“(2) IN-KIND WORK.—

“(A) IN GENERAL.—During the preconstruction, engineering, and design phase and the construction phase of the Central and Southern Florida Project, the Secretary shall allow credit against the non-Federal share of the cost of activities described in subsection (b) for work performed by non-Federal interests at the request of the Secretary in furtherance of the design of features included in the comprehensive plan under that subsection.

“(B) AUDITS.—In-kind work to be credited under subparagraph (A) shall be subject to audit.”.

\* \* \* \* \*

#### SEC. 210. AQUATIC ECOSYSTEM RESTORATION.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) in subsection (b)—

(A) by striking “Non-Federal” and inserting the following:

“(1) IN GENERAL.—Non-Federal”; and

(B) by adding at the end the following:

“(2) FORM.—Before October 1, 2003, the Federal share of the cost of a project under this section may be provided in the form of reimbursements of project costs.”; and

(2) in subsection (c)—

(A) by striking “Construction” and inserting the following:

“(1) IN GENERAL.—Construction”; and

(B) by adding at the end the following:

“(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest 113 STAT. 288

113 STAT. 288

PUBLIC LAW 106–53—AUG. 17, 1999

may include a nonprofit entity, with the consent of the affected local government.”.

\* \* \* \* \*

113 STAT. 397

Approved August 17, 1999.

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LEGISLATIVE HISTORY—S. 507 (H.R. 1480):

HOUSE REPORTS: Nos. 106–106, Pt. 1 accompanying H.R. 1480 (Comm. on Transportation and Infrastructure) and 106–298 (Comm. of Conference).

SENATE REPORTS: No. 106–34 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 19, considered and passed Senate.

July 22, considered and passed House, amended, in lieu of H.R. 1480.

Aug. 5, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Aug. 17, Presidential statement.





Public Law 106-541  
106th Congress

An Act

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Dec. 11, 2000  
[S. 2796]

*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 “Water Resources Development Act of 2000”.

\* \* \* \* \*

**SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term “Secretary” means the Secretary of the Army.

\* \* \* \* \*

**TITLE VI—COMPREHENSIVE  
EVERGLADES RESTORATION**

**SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.**

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **CENTRAL AND SOUTHERN FLORIDA PROJECT.**—

(A) **IN GENERAL.**—The term “Central and Southern Florida Project” means the project for Central and Southern Florida authorized under the heading “CENTRAL AND SOUTHERN FLORIDA” in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) **INCLUSION.**—The term “Central and Southern Florida Project” includes any modification to the project authorized by this section or any other provision of law.

(2) **GOVERNOR.**—The term “Governor” means the Governor of the State of Florida.

(3) **NATURAL SYSTEM.**—

(A) **IN GENERAL.**—The term “natural system” means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) **INCLUSIONS.**—The term “natural system” includes—

- (i) water conservation areas;
- (ii) sovereign submerged land;
- (iii) Everglades National Park;
- (iv) Biscayne National Park;
- (v) Big Cypress National Preserve;
- (vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and
- (vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

Water Resources Development Act of 2000. Inter-governmental relations. 33 USC 2201 note.

114 STAT. 2575  
33 USC 2201 note.

114 STAT. 2680  
Florida.

114 STAT. 2680

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(4) PLAN.—The term “Plan” means the Comprehensive Everglades Restoration Plan contained in the “Final Integrated Feasibility Report and Programmatic Environmental Impact Statement”, dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term “South Florida ecosystem” means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term “South Florida ecosystem” includes—

- (i) the Everglades;
- (ii) the Florida Keys; and
- (iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term “State” means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

114 STAT. 2681

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will

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114 STAT. 2681

meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of \$69,000,000, with an estimated Federal cost of \$34,500,000 and an estimated non-Federal cost of \$34,500,000:

(i) Caloosahatchee River (C-43) Basin ASR, at a total cost of \$6,000,000, with an estimated Federal cost of \$3,000,000 and an estimated non-Federal cost of \$3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of \$23,000,000, with an estimated Federal cost of \$11,500,000 and an estimated non-Federal cost of \$11,500,000.

(iii) L-31N Seepage Management, at a total cost of \$10,000,000, with an estimated Federal cost of \$5,000,000 and an estimated non-Federal cost of \$5,000,000.

114 STAT. 2682

(iv) Wastewater Reuse Technology, at a total cost of \$30,000,000, with an estimated Federal cost of \$15,000,000 and an estimated non-Federal cost of \$15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of \$1,100,918,000, with an estimated Federal cost of \$550,459,000 and an estimated non-Federal cost of \$550,459,000:

(i) C-44 Basin Storage Reservoir, at a total cost of \$112,562,000, with an estimated Federal cost of \$56,281,000 and an estimated non-Federal cost of \$56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of \$233,408,000, with an estimated Federal cost of \$116,704,000 and an estimated non-Federal cost of \$116,704,000.

(iii) Site 1 Impoundment, at a total cost of \$38,535,000, with an estimated Federal cost of \$19,267,500 and an estimated non-Federal cost of \$19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of \$100,335,000, with an estimated Federal cost of \$50,167,500 and an estimated non-Federal cost of \$50,167,500.

(v) C-11 Impoundment and Stormwater Treatment Area, at a total cost of \$124,837,000, with an estimated Federal cost of \$62,418,500 and an estimated non-Federal cost of \$62,418,500.

(vi) C-9 Impoundment and Stormwater Treatment Area, at a total cost of \$89,146,000, with an estimated Federal cost of \$44,573,000 and an estimated non-Federal cost of \$44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of \$104,027,000, with an estimated Federal cost of \$52,013,500 and an estimated non-Federal cost of \$52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of \$26,946,000, with an estimated Federal cost of \$13,473,000 and an estimated non-Federal cost of \$13,473,000.

(ix) North New River Improvements, at a total cost of \$77,087,000, with an estimated Federal cost of \$38,543,500 and an estimated non-Federal cost of \$38,543,500.

(x) C-111 Spreader Canal, at a total cost of \$94,035,000, with an estimated Federal cost of \$47,017,500 and an estimated non-Federal cost of \$47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of \$100,000,000, with an estimated Federal cost of \$50,000,000 and an estimated non-Federal cost of \$50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decentralization and Sheetflow Enhancement Project (including component AA, Additional S-345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decentralization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park

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114 STAT. 2683

authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection. Applicability.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h). 114 STAT. 2684

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed \$12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed \$25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed \$206,000,000, with an estimated Federal cost of \$103,000,000 and an estimated non-Federal cost of \$103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or

(d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over

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114 STAT. 2685

between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

114 STAT. 2686

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

Reports.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in



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the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

114 STAT. 2688

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

Deadline.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph

Deadline.

(A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrency.

(C) CONTENT OF REGULATIONS.—

(i) IN GENERAL.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

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114 STAT. 2689

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is

114 STAT. 2690

114 STAT. 2690

PUBLIC LAW 106-541—DEC. 11, 2000

available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

- (i) an agricultural or urban water supply;
  - (ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);
  - (iii) the Miccosukee Tribe of Indians of Florida;
  - (iv) water supply for Everglades National Park;
- or
- (v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

114 STAT. 2691

- (i) in existence on the date of enactment of this Act; and
- (ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

Deadline.  
Contracts.

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

Deadline.

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

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(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

Establishment.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

114 STAT. 2692

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(1) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

Effective date.  
Termination  
date.

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

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(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

Deadline.

(m) REPORT ON AQUIFER STORAGE AND RECOVERY PROJECT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

President.

(n) FULL DISCLOSURE OF PROPOSED FUNDING.—

(1) FUNDING FROM ALL SOURCES.—The President, as part of the annual budget of the United States Government, shall display under the heading “Everglades Restoration” all proposed funding for the Plan for all agency programs.

114 STAT. 2693

(2) FUNDING FROM CORPS OF ENGINEERS CIVIL WORKS PROGRAM.—The President, as part of the annual budget of the United States Government, shall display under the accounts “Construction, General” and “Operation and Maintenance, General” of the title “Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil”, the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) SURPLUS FEDERAL LANDS.—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after “on or after the date of enactment of this Act” the following: “and before the date of enactment of the Water Resources Development Act of 2000”.

(p) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

**SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.**

(a) FINDINGS.—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne

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National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

114 STAT. 2694

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) not later than August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

Deadline.  
Reports.

\* \* \* \* \*

Approved December 11, 2000.

114 STAT. 2712

LEGISLATIVE HISTORY—S. 2796:

HOUSE REPORTS: No. 106-1020 (Comm. of Conference).  
 SENATE REPORTS: No. 106-362 (Comm. on Environment and Public Works).  
 CONGRESSIONAL RECORD, Vol. 146 (2000):  
 Sept. 21, 25 considered and passed Senate.  
 Oct. 19, considered and passed House, amended.  
 Oct. 31, Senate agreed to conference report.  
 Nov. 3, House agreed to conference report.



9. Grand Canyon

114 STAT. 61

PUBLIC LAW 106-181-APR. 5, 2000

Public Law 106-181  
106th Congress

An Act

Apr. 5, 2000  
[H.R. 1000]

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

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

Wendell H. Ford  
Aviation  
Investment and  
Reform Act for  
the 21st Century.  
49 USC 40101  
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Wendell H. Ford Aviation Investment and Reform Act for the 21st Century”.

\* \* \* \* \*

114 STAT. 64

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically 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 of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

49 USC 106 note.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

49 USC 40102  
note.

SEC. 4. DEFINITIONS.

Except as otherwise provided in this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

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

\* \* \* \* \*

114 STAT. 185  
National Parks  
Air Tour  
Management Act  
of 2000.  
114 STAT. 186  
49 USC 40128  
note.

TITLE VIII—NATIONAL PARKS AIR  
TOUR MANAGEMENT

\* \* \* \* \*

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 (as amended by section 706(a) of this Act) is further amended by adding at the end the following:

“§ 40128. Overflights of national parks

“(a) IN GENERAL.—

“(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

“(A) in accordance with this section;

“(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

“(C) in accordance with any applicable air tour management plan for the park or tribal lands.



## PUBLIC LAW 106-181—APR. 5, 2000

114 STAT. 186

## “(2) APPLICATION FOR OPERATING AUTHORITY.—

“(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands.

“(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

114 STAT. 187

“(i) the safety record of the person submitting the proposal or pilots employed by the person;

“(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

“(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

“(iv) the financial capability of the person submitting the proposal;

“(v) any training programs for pilots provided by the person submitting the proposal; and

“(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

“(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

“(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

“(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall make every effort to act on any application under this paragraph and issue a decision on the application not later than 24 months after it is received or amended.

Deadline.

“(F) PRIORITY.—In acting on applications under this paragraph to provide commercial air tour operations over

a national park, the Administrator shall give priority to an application under this paragraph in any case in which a new entrant commercial air tour operator is seeking operating authority with respect to that national park.

“(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the title 14, Code of Federal Regulations if—

“(A) such activity is permitted under part 119 of such title;

“(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the operations will be conducted; and

“(C) the total number of operations under this exception is limited to not more than five flights in any 30-day period over a particular park.

114 STAT. 188  
Deadlines.

“(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of the enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands. The Administrator shall make every effort to act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

“(b) AIR TOUR MANAGEMENT PLANS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

“(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.

“(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement and the record of decision for the air tour management plan.

“(3) CONTENTS.—An air tour management plan for a national park—

“(A) may prohibit commercial air tour operations in whole or in part;

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“(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

“(C) shall apply to all commercial air tour operations within ½ mile outside the boundary of a national park;

“(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

“(E) shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan includes a limitation on the number of commercial air tour operations for any time period; and

“(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

114 STAT. 189

“(4) PROCEDURE.—In establishing an air tour management plan for a national park or tribal lands, the Administrator and the Director shall—

“(A) hold at least one public meeting with interested parties to develop the air tour management plan;

Public information.

“(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

Federal Register, publication.

“(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

“(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflowed by aircraft involved in a commercial air tour operation over the park or tribal lands to which the plan applies, as a cooperating agency under the regulations referred to in subparagraph (C).

Native Americans.

“(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

“(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

Federal Register, publication.

“(c) INTERIM OPERATING AUTHORITY.—

“(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator.

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“(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

“(A) shall provide annual authorization only for the greater of—

“(i) the number of flights used by the operator to provide the commercial air tour operations within the 12-month period prior to the date of the enactment of this section; or

“(ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

“(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

“(C) shall be published in the Federal Register to provide notice and opportunity for comment;

“(D) may be revoked by the Administrator for cause;

“(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or tribal lands;

“(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

“(G) shall promote safe commercial air tour operations;

“(H) shall promote the adoption of quiet technology, as appropriate; and

“(I) shall allow for modifications of the interim operating authority based on experience if the modification improves protection of national park resources and values and of tribal lands.

“(3) NEW ENTRANT AIR TOUR OPERATORS.—

“(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tour operations over the park or tribal lands.

“(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at the park or on the tribal lands, or the Director determines that it would create a noise problem at the park or on the tribal lands.

“(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of the enactment of this section.

“(d) EXEMPTIONS.—This section shall not apply to—

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Federal Register,  
publication.Termination  
date.

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“(1) the Grand Canyon National Park; or

“(2) tribal lands within or abutting the Grand Canyon National Park.

“(e) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park.

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) COMMERCIAL AIR TOUR OPERATOR.—The term ‘commercial air tour operator’ means any person who conducts a commercial air tour operation.

“(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term ‘existing commercial air tour operator’ means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of the enactment of this section.

“(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term ‘new entrant commercial air tour operator’ means a commercial air tour operator that—

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“(A) applies for operating authority as a commercial air tour operator for a national park or tribal lands; and

“(B) has not engaged in the business of providing commercial air tour operations over the national park or tribal lands in the 12-month period preceding the application.

“(4) COMMERCIAL AIR TOUR OPERATION.—

“(A) IN GENERAL.—The term ‘commercial air tour operation’ means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

“(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

“(ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

“(B) FACTORS TO CONSIDER.—In making a determination of whether a flight is a commercial air tour operation for purposes of this section, the Administrator may consider—

“(i) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

“(ii) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

“(iii) the area of operation;

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“(iv) the frequency of flights conducted by the person offering the flight;

“(v) the route of flight;

“(vi) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

“(vii) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

“(viii) any other factors that the Administrator and the Director consider appropriate.

“(5) NATIONAL PARK.—The term ‘national park’ means any unit of the National Park System.

“(6) TRIBAL LANDS.—The term ‘tribal lands’ means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

“(7) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

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“(8) DIRECTOR.—The term ‘Director’ means the Director of the National Park Service.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 (as amended by section 706(b) of this Act) is further amended by adding at the end the following:

“40128. Overflights of national parks.”.

(c) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(1) regulations issued by the Secretary of Transportation and the Administrator under section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note); and

(2) commercial air tour operations carried out in compliance with the requirements of those regulations, shall be deemed to meet the requirements of such section 40126.

Arizona.  
Nevada.  
Deadline.

#### SEC. 804. QUIET AIRCRAFT TECHNOLOGY FOR GRAND CANYON.

Reports.

(a) QUIET TECHNOLOGY REQUIREMENTS.—Within 12 months after the date of the enactment of this Act, the Administrator shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section. If the Administrator determines that the Administrator will not be able to make such designation before the last day of such 12-month period, the Administrator shall transmit to Congress a report on the reasons for not meeting such time period and the expected date of such designation.

Regulations.

(b) ROUTES OR CORRIDORS.—In consultation with the Director and the advisory group established under section 805, the Administrator shall establish, by rule, routes or corridors for commercial air tour operations (as defined in section 40126(e)(4) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

(1) tours of the Grand Canyon originating in Clark County, Nevada; and

(2) “local loop” tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona,

## PUBLIC LAW 106–181—APR. 5, 2000

114 STAT. 192

provided that such routes or corridors can be located in areas that will not negatively impact the substantial restoration of natural quiet, tribal lands, or safety.

(c) OPERATIONAL CAPS.—Commercial air tour operations by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft shall not be subject to the operational flight allocations that apply to other commercial air tour operations of the Grand Canyon, provided that the cumulative impact of such operations does not increase noise at the Grand Canyon.

(d) MODIFICATION OF EXISTING AIRCRAFT TO MEET STANDARDS.—A commercial air tour operation by a fixed-wing or helicopter aircraft in a commercial air tour operator's fleet on the date of the enactment of this Act that meets the requirements designated under subsection (a), or is subsequently modified to meet the requirements designated under subsection (a), may be used for commercial air tour operations under the same terms and conditions as a replacement aircraft under subsection (c) without regard to whether it replaces an existing aircraft.

(e) MANDATE TO RESTORE NATURAL QUIET.—Nothing in this Act shall be construed to relieve or diminish—

(1) the statutory mandate imposed upon the Secretary of the Interior and the Administrator of the Federal Aviation Administration under Public Law 100–91 (16 U.S.C. 1a–1 note) to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park; and

(2) the obligations of the Secretary and the Administrator to promulgate forthwith regulations to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park.

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**SEC. 805. ADVISORY GROUP.**

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns;

and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal

49 USC 40128  
note.  
Deadline.

Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

114 STAT. 194

\* \* \* \* \*

Deadlines.  
49 USC 40128  
note.

**SEC. 807. REPORTS.**

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator and the Director of the National Park Service shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

49 USC 40128  
note.

**SEC. 808. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.**

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the



PUBLIC LAW 106–181—APR. 5, 2000

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Grand Canyon and Alaska) shall be based on reasonable scientific methods.

\* \* \* \* \*

Approved April 5, 2000.

114 STAT. 197

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**LEGISLATIVE HISTORY—H.R. 1000 (S. 82) (S. 1467):**

**HOUSE REPORTS:** Nos. 106–167 and Pt. 2 (Comm. on Transportation and Infrastructure) and 106–513 (Comm. of Conference).

**SENATE REPORTS:** No. 106–9 accompanying S. 82 (Comm. on Commerce, Science, and Transportation).

**CONGRESSIONAL RECORD:**

Vol. 145 (1999): June 15, considered and passed House.  
 Oct. 5, considered and passed Senate, amended, in lieu of S. 82.

Vol. 146 (2000): Mar. 8, Senate agreed to conference report.  
 Mar. 15, House agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):**  
 Apr. 5, Presidential statement.



114 STAT. 1441

PUBLIC LAW 106-377—OCT. 27, 2000

\* Public Law 106-377  
106th Congress

An Act

Oct. 27, 2000  
[H.R. 4635]

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Incorporation by  
reference.

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

SECTION 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

(1) H.R. 5482, as introduced on October 18, 2000.

(2) H.R. 5483, as introduced on October 18, 2000.

Publication.  
1 USC 112 note.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 4635:

HOUSE REPORTS: Nos. 106-674 (Comm. on Appropriations) and 106-988 (Comm. of Conference).

SENATE REPORTS: No. 106-410 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 19-21, considered and passed House.

Oct. 12, considered and passed Senate, amended.

Oct. 19, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 27, Presidential statement.

\*ENDNOTE: The following appendixes were added pursuant to the provisions of section 1 of this Act.

**TABLE OF CONTENTS**

*The table of contents is as follows:*

APPENDIX A—H.R. 5482

APPENDIX B—H.R. 5483

\* \* \* \* \*

**APPENDIX B—H.R. 5483**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, namely:

\* \* \* \* \*

114 STAT.  
1441A-66

**TITLE II**

\* \* \* \* \*

114 STAT.  
1441A-68

**GENERAL PROVISIONS**

**DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

114 STAT.  
1441A-69

SEC. 204. (a) **IN GENERAL.**—For fiscal year 2001 and each fiscal year thereafter, the Secretary of the Interior shall continue funding, from power revenues, the activities of the Glen Canyon Dam Adaptive Management Program as authorized by section 1807 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), at not more than \$7,850,000 (October 2000 price level), adjusted in subsequent years to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) **VOLUNTARY CONTRIBUTIONS.**—Nothing in this section precludes the use of voluntary financial contributions (except power revenues) to the Adaptive Management Program that may be authorized by law.

(c) **ACTIVITIES TO BE FUNDED.**—The activities to be funded as provided under subsection (a) include activities required to meet the requirements of section 1802(a) and subsections (a) and (b) of section 1805 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), including the requirements of the Biological Opinion on the Operation of Glen Canyon Dam and activities required by the Programmatic Agreement on Cultural and Historic Properties, to the extent that the requirements and activities are consistent with the Grand Canyon Protection Act of 1992 (106 Stat. 4672).

(d) **ADDITIONAL FUNDING.**—To the extent that funding under subsection (a) is insufficient to pay the costs of the monitoring and research and other activities of the Glen Canyon Dam Adaptive Management Program, the Secretary of the Interior may use funding from other sources, including funds appropriated for that purpose. All such appropriated funds shall be nonreimbursable and nonreturnable.

\* \* \* \* \*

**10. Great Smoky Mountains**

PUBLIC LAW 107-223—AUG. 21, 2002

116 STAT. 1338

Public Law 107-223  
107th Congress**An Act**

To authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

Aug. 21, 2002  
[H.R. 3380]

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

**SECTION 1. PERMITS FOR EXISTING NATURAL GAS PIPELINES.**

16 USC 403 note.

(a) **IN GENERAL.**—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines that exist as of September 1, 2001, within the boundary of Great Smoky Mountains National Park.

(b) **TERMS AND CONDITIONS.**—A permit issued under subsection (a) shall be—

(1) issued consistent with laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to any terms and conditions that the Secretary deems necessary.

**SEC. 2. PERMITS FOR PROPOSED NATURAL GAS PIPELINES.**

16 USC 403 note.

(a) **IN GENERAL.**—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park that are proposed to be constructed across the following:

(1) The Foothills Parkway.

(2) The Foothills Parkway Spur between Pigeon Forge and Gatlinburg.

(3) The Gatlinburg Bypass.

(b) **TERMS AND CONDITIONS.**—A permit issued under subsection (a) shall be—

(1) issued consistent with laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to any terms and conditions that the Secretary deems necessary, including—

(A) provisions for the protection and restoration of park resources that are disturbed by pipeline construction; and

116 STAT. 1339

PUBLIC LAW 107-223—AUG. 21, 2002

(B) assurances that construction and operation of the pipeline will not adversely affect Great Smoky Mountains National Park.

Approved August 21, 2002.

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LEGISLATIVE HISTORY—H.R. 3380 (S. 1097):

HOUSE REPORTS: No. 107-491 (Comm. on Resources).

SENATE REPORTS: No. 107-72 accompanying S. 1097 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

July 8, considered and passed House.

Aug. 1, considered and passed Senate.



**11. Hawaii Volcanoes**

PUBLIC LAW 106-510—NOV. 13, 2000

114 STAT. 2363

Public Law 106-510  
106th Congress

**An Act**

To eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

Nov. 13, 2000  
[S. 938]

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

Hawaii Volcanoes National Park Adjustment Act of 2000.  
16 USC 1 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Hawaii Volcanoes National Park Adjustment Act of 2000”.

**SEC. 2. ELIMINATION OF RESTRICTIONS ON LAND ACQUISITION.**

The first section of the Act entitled “An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes”, approved June 20, 1938 (16 U.S.C. 391b), is amended by striking “park: *Provided,*” and all that follows and inserting “park. Land (including the land depicted on the map entitled ‘NPS-PAC 1997HW’) may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.”.

**SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.**

(a) HAWAI’I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87-278 (75 Stat. 577) is amended by striking “Hawaii Volcanoes National Park” each place it appears and inserting “Hawai’i Volcanoes National Park”.

16 USC 391d.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Hawaii Volcanoes National Park” shall be considered a reference to “Hawai’i Volcanoes National Park”.

16 USC 391d note.

\* \* \* \* \*

**SEC. 4. CONFORMING AMENDMENTS.**

114 STAT. 2364

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3489) is amended by striking “Hawaii Volcanoes” each place it appears and inserting “Hawai’i Volcanoes”.

16 USC 1132 note.

\* \* \* \* \*

Approved November 13, 2000.

**LEGISLATIVE HISTORY—S. 938:**

SENATE REPORTS: No. 106-92 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 14, considered and passed Senate.

Vol. 146 (2000): Oct. 24, considered and passed House.



12. Haleakala

114 STAT. 2363

PUBLIC LAW 106-510—NOV. 13, 2000

Public Law 106-510  
106th Congress

An Act

Nov. 13, 2000  
[S. 938]

To eliminate restrictions on the acquisition of certain land contiguous to Hawaii  
Volcanoes National Park, and for other purposes.

Hawaii Volcanoes  
National Park  
Adjustment Act  
of 2000.  
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.

This Act may be cited as the “Hawaii Volcanoes National Park  
Adjustment Act of 2000”.

\* \* \* \* \*

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL  
PARKS.

\* \* \* \* \*

(b) HALEAKALĀ NATIONAL PARK.—

16 USC 396b,  
396c.

(1) IN GENERAL.—Public Law 86-744 (74 Stat. 881) is  
amended by striking “Haleakala National Park” and inserting  
“Haleakalā National Park”.

16 USC 396b  
note.

(2) REFERENCES.—Any reference in any law (other than  
this Act), regulation, document, record, map, or other paper  
of the United States to “Haleakala National Park” shall be  
considered a reference to “Haleakalā National Park”.

\* \* \* \* \*

114 STAT. 2364

SEC. 4. CONFORMING AMENDMENTS.

\* \* \* \* \*

16 USC 1132  
note.

(b) The first section of Public Law 94-567 (90 Stat. 2692)  
is amended in subsection (e) by striking “Haleakala” each place  
it appears and inserting “Haleakalā”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 938:

SENATE REPORTS: No. 106-92 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 14, considered and passed Senate.

Vol. 146 (2000): Oct. 24, considered and passed House.





**13. Kenai Fjords**

PUBLIC LAW 106–246—JULY 13, 2000

114 STAT. 511

Public Law 106–246  
106th Congress

**An Act**

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

July 13, 2000  
[H.R. 4425]

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

\* \* \* \* \*

**DIVISION B—FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS**

114 STAT. 525  
Emergency Supplemental Act, 2000.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

\* \* \* \* \*

**TITLE II**

114 STAT. 540

**NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS**

\* \* \* \* \*

**CHAPTER 2**

114 STAT. 542

\* \* \* \* \*

**GENERAL PROVISIONS—THIS CHAPTER**

114 STAT. 545

\* \* \* \* \*

**SEC. 2204. NORTH PACIFIC MARINE RESEARCH INSTITUTE.**—Public Law 101–380, as amended, is further amended by—

114 STAT. 546

(1) inserting after section 5007 the following new section:

**“SEC. 5008. NORTH PACIFIC MARINE RESEARCH INSTITUTE.**

Alaska.  
33 USC 2738.

“(a) **INSTITUTE ESTABLISHED.**—The Secretary of Commerce shall establish a North Pacific Marine Research Institute (hereafter in this section referred to as the ‘Institute’) to be administered at the Alaska SeaLife Center by the North Pacific Research Board.

“(b) **FUNCTIONS.**—The Institute shall—

“(1) conduct research and carry out education and demonstration projects on or relating to the North Pacific marine ecosystem with particular emphasis on marine mammal, sea bird, fish, and shellfish populations in the Bering Sea and Gulf of Alaska including populations located in or near Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge; and

“(2) lease, maintain, operate, and upgrade the necessary research equipment and related facilities necessary to conduct such research at the Alaska SeaLife Center.

114 STAT. 546

PUBLIC LAW 106-246—JULY 13, 2000

“(c) EVALUATION AND AUDIT.—The Secretary of Commerce may periodically evaluate the activities of the Institute to ensure that funds received by the Institute are used in a manner consistent with this section. The Comptroller General of the United States, and any of his or her duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of the Institute that are pertinent to the funds received and expended by the Institute.

“(d) STATUS OF EMPLOYEES.—Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

“(e) USE OF FUNDS.—No funds made available to carry out this section may be used to initiate litigation, or for the acquisition of real property (other than facilities leased at the Alaska SeaLife Center). No more than 10 percent of the funds made available to carry out subsection (b)(1) may be used to administer the Institute.

Publication.

114 STAT. 547

“(f) AVAILABILITY OF RESEARCH.—The Institute shall publish and make available to any person on request the results of all research, educational, and demonstration projects conducted by the Institute. The Institute shall provide a copy of all research, educational, and demonstration projects conducted by the Institute to the National Park Service, the United States Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration.”; and

33 USC 2736.

(2) in section 5006 by inserting at the end the following new subsection:

“(c) SECTION 5008.—Amounts in the Fund shall be available, without further appropriation and without fiscal year limitation, to carry out section 5008(b), in an amount not to exceed \$5,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.”.

\* \* \* \* \*

114 STAT. 592

Approved July 13, 2000.

LEGISLATIVE HISTORY—H.R. 4425 (S. 2521):

HOUSE REPORTS: Nos. 106-614 (Comm. on Appropriations) and 106-710 (Comm. of Conference).

SENATE REPORTS: No. 106-290 accompanying S. 2521 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 16, considered and passed House.

May 18, considered and passed Senate, amended, in lieu of S. 2521.

June 29, House agreed to conference report.

June 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

July 13, Presidential statement.



**14. Kobuk Valley**

PUBLIC LAW 106–488—NOV. 9, 2000

114 STAT. 2205

Public Law 106–488  
106th Congress**An Act**To improve Native hiring and contracting by the Federal Government within the  
State of Alaska, and for other purposes.Nov. 9, 2000  
[S. 748]*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,***SECTION 1. REPORT.**

(a) Within six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

Deadline.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate, and the Committee on Resources of the United States House of Representatives.

**SEC. 2. PILOT PROGRAM.**

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

16 USC 3198  
note.

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska—

- (A) Bering Land Bridge National Preserve,
- (B) Cape Krusenstern National Monument,
- (C) Kobuk Valley National Park, and
- (D) Noatak National Preserve; and

114 STAT. 2206

PUBLIC LAW 106-488—NOV. 9, 2000

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, nonprofit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

Approved November 9, 2000.

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LEGISLATIVE HISTORY—S. 748:

SENATE REPORTS: No. 106-72 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



**15. National Park of American Samoa**

PUBLIC LAW 107-336—DEC. 16, 2002

116 STAT. 2882

Public Law 107-336  
107th Congress**An Act**

To authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes.

Dec. 16, 2002  
[H.R. 1712]

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

**SECTION 1. BOUNDARY ADJUSTMENT OF THE NATIONAL PARK OF AMERICAN SAMOA.**

Section 2(b) of the Act entitled “An Act to establish the National Park of American Samoa” (16 U.S.C. 410qq-1(b)), approved October 31, 1988, is amended—

(1) by striking “(1)”, “(2)”, and “(3)” and inserting “(A)”, “(B)”, and “(C)”, respectively;

(2) by inserting “(1)” after “INCLUDED.—”; and

(3) by adding at the end the following new paragraph:

“(2) The Secretary may make adjustments to the boundary of the park to include within the park certain portions of the islands of Ofu and Olosega, as depicted on the map entitled ‘National Park of American Samoa, Proposed Boundary Adjustment’, numbered 82,035 and dated February 2002, pursuant to an agreement with the Governor of American Samoa and contingent upon the lease to the Secretary of the newly added lands. As soon as practicable after a boundary adjustment under this paragraph, the Secretary shall modify the maps referred to in paragraph (1) accordingly.”.

Approved December 16, 2002.

**LEGISLATIVE HISTORY—H.R. 1712:**

HOUSE REPORTS: No. 107-372 (Comm. on Resources).

SENATE REPORTS: No. 107-270 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Mar. 19, considered and passed House.

Nov. 19, considered and passed Senate.



**16. Rocky Mountain**

114 STAT. 61

PUBLIC LAW 106–181—APR. 5, 2000

Public Law 106–181  
106th Congress**An Act**Apr. 5, 2000  
[H.R. 1000]

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Wendell H. Ford  
Aviation  
Investment and  
Reform Act for  
the 21st Century.  
49 USC 40101  
note.**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**(a) **SHORT TITLE.**—This Act may be cited as the “Wendell H. Ford Aviation Investment and Reform Act for the 21st Century”.

\* \* \* \* \*

114 STAT. 64

**SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

Except as otherwise specifically 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 of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

49 USC 106 note.

**SEC. 3. APPLICABILITY.**

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

49 USC 40102  
note.**SEC. 4. DEFINITIONS.**

Except as otherwise provided in this Act, the following definitions apply:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.(2) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

\* \* \* \* \*

114 STAT. 185  
National Parks  
Air Tour  
Management Act  
of 2000.**TITLE VIII—NATIONAL PARKS AIR  
TOUR MANAGEMENT**

\* \* \* \* \*

114 STAT. 194  
49 USC 40128  
note.**SEC. 806. PROHIBITION OF COMMERCIAL AIR TOUR OPERATIONS OVER  
THE ROCKY MOUNTAIN NATIONAL PARK.**

Effective date.

Effective beginning on the date of the enactment of this Act, no commercial air tour operation may be conducted in the airspace over the Rocky Mountain National Park notwithstanding any other

PUBLIC LAW 106-181-APR. 5, 2000

114 STAT. 194

provision of this Act or section 40126 of title 49, United States Code.

\* \* \* \* \*

Approved April 5, 2000.

114 STAT. 197

LEGISLATIVE HISTORY—H.R. 1000 (S. 82) (S. 1467):

HOUSE REPORTS: Nos. 106-167 and Pt. 2 (Comm. on Transportation and Infrastructure) and 106-513 (Comm. of Conference).

SENATE REPORTS: No. 106-9 accompanying S. 82 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 145 (1999): June 15, considered and passed House.  
Oct. 5, considered and passed Senate, amended, in lieu of S. 82.

Vol. 146 (2000): Mar. 8, Senate agreed to conference report.  
Mar. 15, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Apr. 5, Presidential statement.



**17. Sequoia**

114 STAT. 3062

PUBLIC LAW 106-574—DEC. 28, 2000

**Public Law 106-574  
106th Congress****An Act**Dec. 28, 2000  
[H.R. 4020]

To authorize the addition of land to Sequoia National Park, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*California.  
16 USC 45g.**SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.**

(a) **IN GENERAL.**—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) **LAND ACQUIRED.**—The land referred to in subsection (a) is the land depicted on the map entitled “Dillonwood”, numbered 102/80,044, and dated September 1999.

(c) **ADDITION TO PARK.**—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) the Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

Approved December 28, 2000.

**LEGISLATIVE HISTORY—H.R. 4020 (S. 2279):**

**SENATE REPORTS:** No. 106-377 accompanying S. 2279 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD,** Vol. 146 (2000):

Oct. 30, 31, considered and passed House.

Dec. 15, considered and passed Senate, amended. House agreed to Senate amendment.



18. Zion

PUBLIC LAW 106-113—NOV. 29, 1999

113 STAT. 1501

Public Law 106-113  
106th Congress

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2000,  
and for other purposes.

Nov. 29, 1999  
[H.R. 3194]

*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 serveral departments, agencies, corporations and other organizational units of the Government for the fiscal year 2000, and for other purposes, namely:

\* \* \* \* \*

DIVISION B

113 STAT. 1535

SEC. 1000. (a) The provisions of the following bills are hereby enacted into law:

Incorporation by reference.

\* \* \* \* \*

(2) H.R. 3422 of the 106th Congress, as introduced on November 17, 1999;

(3) H.R. 3423 of the 106th Congress, as introduced on November 17, 1999;

\* \* \* \* \*

(b) In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.

113 STAT. 1536  
Incorporation by reference; publication.

\* \* \* \* \*

Approved November 29, 1999.

113 STAT. 1537

LEGISLATIVE HISTORY—H.R. 3194:

HOUSE REPORTS: No. 106-479 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 3, considered and passed House; considered and passed Senate, amended.

Nov. 18, House agreed to conference report.

Nov. 19, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 29, Presidential remarks and statement.

ENDNOTE: The following appendixes are added pursuant to the provisions of section 1000 of this Act (113 Stat. 1535).



**APPENDIX C—H.R. 3423**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

113 STAT.  
1501A-154

**GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR**

\* \* \* \* \*

113 STAT.  
1501A-171

**SEC. 143. USE OF NATIONAL PARK SERVICE TRANSPORTATION SERVICE CONTRACT FEES.** Section 412 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5961) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Notwithstanding”; and

(2) by adding at the end the following:

“(b) OBLIGATION OF FUNDS.—Notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park, the Secretary may obligate the expenditure of fees received in fiscal year 2000 under section 501 before the fees are received.”.

\* \* \* \* \*

PUBLIC LAW 106-291—OCT. 11, 2000

114 STAT. 922

Public Law 106-291  
106th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Oct. 11, 2000  
[H.R. 4578]

*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 Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 2001.

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

114 STAT. 941

\* \* \* \* \*

SEC. 139. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking “2000” and inserting “2001”.

114 STAT. 949

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2001”.

114 STAT. 1029

Approved October 11, 2000.

LEGISLATIVE HISTORY—H.R. 4578:

HOUSE REPORTS: No. 106-646 (Comm. on Appropriations) and No. 106-914 (Comm. of Conference).

SENATE REPORTS: No. 106-312 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 13-15, considered and passed House.

July 10, 12, 17, 18, considered and passed Senate, amended.

Oct. 3, House agreed to conference report.

Oct. 3-5, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 11, Presidential statement and remarks.



115 STAT. 414

PUBLIC LAW 107-63—NOV. 5, 2001

Public Law 107-63  
107th Congress

An Act

Nov. 5, 2001  
[H.R. 2217]

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2002, and for other purposes.

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2002.

*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 Department of the Interior  
and related agencies for the fiscal year ending September 30, 2002,  
and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

115 STAT. 436

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

115 STAT. 440

SEC. 122. Section 412(b) of the National Parks Omnibus  
Management Act of 1998, as amended (16 U.S.C. 5961) is amended  
by striking “2001” and inserting “2002”.

\* \* \* \* \*

115 STAT. 473

This Act may be cited as the “Department of the Interior  
and Related Agencies Appropriations Act, 2002”.

Approved November 5, 2001.

LEGISLATIVE HISTORY—H.R. 2217:

HOUSE REPORTS: No. 107-103 (Comm. on Appropriations) and 107-234  
(Comm. of Conference).

SENATE REPORTS: No. 107-36 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 147 (2001):

June 21, considered and passed House.

July 11, 12, considered and passed Senate, amended.

Oct. 17, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

Nov. 5, Presidential statement.

