

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3997

To amend the Land Between the Lakes Protection Act of 1998 to clarify the administration of the Land Between the Lakes National Recreation Area, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. BARRASSO

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Land Between the
5 Lakes Recreation and Heritage Act”.

6 **SEC. 2. ADMINISTRATION OF THE LAND BETWEEN THE**
7 **LAKES NATIONAL RECREATION AREA.**

8 (a) DEFINITIONS.—Section 502 of the Land Between
9 the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*) is
10 amended—

1 (1) by redesignating paragraphs (11) through
2 (15) as paragraphs (12) through (16), respectively;
3 and

4 (2) by inserting after paragraph (10) the fol-
5 lowing:

6 “(11) QUALIFIED RESIDENT OR RELATIVE.—

7 The term ‘qualified resident or relative’ means—

8 “(A) a former resident of the area within
9 the Recreation Area or the spouse of a former
10 resident of that area; or

11 “(B) a widow, widower, or lineal descend-
12 ant of an individual buried in a cemetery lo-
13 cated in the Recreation Area.”.

14 (b) ESTABLISHMENT.—Section 511(b) of the Land
15 Between the Lakes Protection Act of 1998 (16 U.S.C.
16 460*lll*–11(b)) is amended by striking paragraph (3) and
17 inserting the following:

18 “(3) STATUS OF UNIT.—The Secretary shall
19 administer the Recreation Area as a separate unit of
20 the National Forest System.”.

21 (c) ADVISORY BOARD.—Section 522 of the Land Be-
22 tween the Lakes Protection Act of 1998 (16 U.S.C.
23 460*lll*–22) is amended—

24 (1) in subsection (b)—

1 (A) in the matter preceding paragraph (1),
2 by striking “17” and inserting “13”;

3 (B) by striking paragraphs (4) and (5);

4 (C) in paragraph (3), by adding “and”
5 after the semicolon at the end; and

6 (D) by redesignating paragraph (6) as
7 paragraph (4);

8 (2) in subsection (c), by striking paragraph (2)
9 and inserting the following:

10 “(2) NONCONSECUTIVE TERMS.—Members of
11 the Advisory Board may serve multiple terms, but
12 may not serve consecutive terms.”;

13 (3) in subsection (f)—

14 (A) in the matter preceding paragraph (1),
15 by striking “may advise” and inserting “shall
16 advise”;

17 (B) in paragraph (1), by striking “and”
18 after the semicolon at the end;

19 (C) in paragraph (2), by striking the pe-
20 riod at the end and inserting a semicolon; and

21 (D) by adding at the end the following:

22 “(3) an annual work plan for recreation and en-
23 vironment education areas in the Recreation Area,
24 including the heritage program, with the non-

1 appropriated amounts in the Land Between the
2 Lakes Management Fund;

3 “(4) an annual forest management and harvest
4 plan for the Recreation Area; and

5 “(5) the Land Between the Lakes Management
6 Fund.”; and

7 (4) in subsection (g)—

8 (A) in paragraph (1), by striking “bian-
9 nually” and inserting “twice each year”;

10 (B) in paragraph (3), by inserting “, on a
11 public website of the Department of Agri-
12 culture,” before “and by”; and

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

14 “(4) MINUTES.—The Secretary shall publish
15 the minutes of each meeting of the Advisory Board
16 on a public website of the Department of Agri-
17 culture.”.

18 (d) FEES.—Section 523(a) of the Land Between the
19 Lakes Protection Act of 1998 (16 U.S.C. 460*ull*–23(a))
20 is amended by striking “may charge reasonable fees” and
21 inserting “shall charge reasonable fees, in consultation
22 with the Advisory Board and consistent with the Federal
23 Lands Recreation Enhancement Act (16 U.S.C. 6801 et
24 seq.),”.

1 (e) DISPOSITION OF RECEIPTS.—Section 524 of the
2 Land Between the Lakes Protection Act of 1998 (16
3 U.S.C. 460lll–24) is amended by striking subsection (b)
4 and inserting the following:

5 “(b) USE.—Amounts in the Land Between the Lakes
6 Management Fund shall be available to the Secretary until
7 expended, without further appropriation, for construction,
8 improvement, or maintenance in the Recreation Area.

9 “(c) RESTRICTION ON USE OF FUND.—Except as
10 provided in subsection (b), amounts in the Land Between
11 the Lakes Management Fund shall not be used for man-
12 agement of the Recreation Area, including salaries and ex-
13 penses.”.

14 (f) COOPERATIVE AUTHORITIES AND GIFTS.—Sec-
15 tion 526 of the Land Between the Lakes Protection Act
16 of 1998 (16 U.S.C. 460lll–26) is amended by adding at
17 the end the following:

18 “(c) MEMORANDA OF UNDERSTANDING.—The Sec-
19 retary may, for purposes of carrying out this Act—

20 “(1) enter into memoranda of understanding
21 with State or local government entities, including
22 law enforcement, as appropriate, to clarify jurisdic-
23 tional matters, such as road management, policing,
24 and other functions that are typically performed by
25 the entity on non-Federal land; and

1 “(2) make available on a public website of the
2 Department of Agriculture any memoranda of un-
3 derstanding entered into under paragraph (1).”.

4 (g) CEMETERIES.—Section 528 of the Land Between
5 the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–28)
6 is amended—

7 (1) by striking “The Secretary” and inserting
8 the following:

9 “(a) IN GENERAL.—The Secretary”; and

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

11 “(b) LAND FOR PLOTS FOR QUALIFIED RESIDENTS
12 OR RELATIVES.—

13 “(1) REQUESTS.—The Secretary, on request
14 from a qualified resident or relative or a cemetery
15 association, shall grant additional land for the minor
16 expansion of existing cemeteries within the Recre-
17 ation Area, to the extent necessary, to allow for the
18 burial of qualified residents or relatives.

19 “(2) EXPENSES.—Any expenses required to
20 move border fences or markers due to an expansion
21 under paragraph (1) shall be the responsibility of
22 the person making the request under that para-
23 graph.”.

24 (h) RESOURCE MANAGEMENT.—Section 529 of the
25 Land Between the Lakes Protection Act of 1998 (16

1 U.S.C. 460*lll*–29) is amended by adding at the end the
2 following:

3 “(c) HISTORICAL RESOURCES.—

4 “(1) IN GENERAL.—The Secretary shall iden-
5 tify and manage the historical resources of the
6 Recreation Area—

7 “(A) in accordance with the requirements
8 of division A of subtitle III of title 54, United
9 States Code (formerly known as the ‘National
10 Historic Preservation Act’); and

11 “(B) in consultation with qualified resi-
12 dents or relatives.

13 “(2) CONSIDERATION.—The Secretary shall—

14 “(A) in accordance with applicable law,
15 give consideration to requests by qualified resi-
16 dents or relatives to use and maintain tradi-
17 tional sites, buildings, cemeteries, and other
18 areas of cultural importance in the Recreation
19 Area; and

20 “(B) consult with qualified residents or rel-
21 atives in the management of the historical re-
22 sources of the Recreation Area.”.

23 (i) AUTHORIZATION OF APPROPRIATIONS.—Section
24 551 of the Land Between the Lakes Protection Act of
25 1998 (16 U.S.C. 460*lll*–61) is amended—

1 (1) in subsection (a)—

2 (A) in the matter preceding paragraph

3 (1)—

4 (i) by striking “are” and inserting
5 “is”; and

6 (ii) by striking “such sums as are nec-
7 essary” and inserting “not to exceed
8 \$15,000,000 for each fiscal year”; and

9 (B) in paragraph (2), by striking “Recre-
10 ation Area area” and inserting “Recreation
11 Area”; and

12 (2) by striking subsection (c) and inserting the
13 following:

14 “(c) USE OF FUNDS.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the Secretary of Agriculture may expend
17 amounts appropriated to carry out this title in a
18 manner consistent with the authorities exercised by
19 the Tennessee Valley Authority before the transfer
20 of the Recreation Area to the administrative juris-
21 diction of the Secretary of Agriculture, including
22 campground management and visitor services, paid
23 advertisement, and procurement of food and supplies
24 for resale purposes.

1 “(2) EXCEPTION.—The Secretary of Agri-
2 culture shall not use amounts appropriated to carry
3 out this title for an activity described in section
4 524(b).”.