

Public Law 99-542
99th Congress

An Act

To authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes.

Oct. 27, 1986

[H.R. 1390]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Secretary of the Interior to grant long-term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes", approved July 21, 1968 (82 Stat. 393; 16 U.S.C. 47-2), is amended—

Contracts.

(1) by striking out "fifty-five years to any operator of concession facilities in the park, or its successor for purposes of providing employee housing.", in the first sentence of the first section and inserting in lieu thereof "not to exceed ninety-nine years to any individual, including an employee of the United States Government, to any operator of concession facilities in the park, or the administrative site, or its successor, or to any public or private corporation or organization (including a nonprofit corporation) for purposes of providing employee housing, community facilities, administrative offices, maintenance facilities, and commercial services.";

(2) by striking out "the concessioner may sublease the property to its employees" in the second sentence of the first section and inserting in lieu thereof "if the lessee is a concessioner, corporation, or other organization (including a nonprofit corporation) such lessee may sublease the property to its employees, employees of the United States Government, or other individuals whose residence on the leased premises is solely in support of Yosemite National Park or the El Portal administrative site;

(3) in the proviso to the first section by striking out "an annual", inserting a period after "him", and deleting the remainder of the sentence; and

(4) by redesignating "SEC. 2." as "SEC. 3." and inserting the following new section after the first section:

16 USC 47-4.

"SEC. 2. (a) Notwithstanding any other provision of law, the proceeds from any leases issued by the Secretary pursuant to the first section of this Act may be credited to the appropriation bearing the cost of administering (directly or by contract) the leases and of constructing, improving, and maintaining roads, utilities, buildings, and other facilities within the El Portal administrative site. In the administration of the leases, the Secretary may contract for the management of the leases and of the leased premises, subject to such terms and conditions, including the right of the Secretary to purchase and sell the unexpired terms of leases and subleases, as will protect the interests of the United States. The Secretary may also contract for the use by him of any improvements to leased property for purposes of the El Portal administrative site or for purposes of

16 USC 47-3.

Yosemite National Park, and he may use the proceeds from any leases for the purpose of making payments under any such contract.

“(b) The Secretary may at any time acquire the unexpired term of any lease or sublease issued or entered into pursuant to this Act by purchase with funds available from the proceeds of leases, or with donated or appropriated funds, or by donation or exchange.”; and

(5) by adding at the end thereof the following new sections:
“SEC. 4. After the date of enactment of this section, no lease may be issued for the purpose of providing housing or other facilities in the El Portal administrative site except in accordance with regulations promulgated by the Secretary of the Interior. Such regulations shall establish the qualifications of natural persons and corporations who may be eligible to acquire a lease and a sublease, the process to be used in establishing fees for such leases and subleases, and they shall set forth the circumstances under which the Secretary may elect to acquire any unexpired lease or sublease. Such regulations shall become effective only after sixty calendar days from the day on which they have been submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.”.

“SEC. 5. In carrying out the provisions of this Act, the Secretary shall take care that there be no opportunity for any personal influence by an employee of the Department of the Interior upon the availability of housing for other such employees or employees of persons in a contractual relationship with the Department. In the selection of lessees and sublessees, the issuance of leases and subleases, the establishment or rental values, and the acquisition of any unexpired term of any lease or sublease, the Secretary shall act through an agent or agents appointed by the Secretary from among associations, corporations, or natural persons having no material, financial, legal, or equitable interest in the action proposed, other than a reasonable fee for their services.”.

SEC. 2. Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts or to the extent that proceeds are available from any leases issued by the Secretary pursuant to the first section of this Act.

SEC. 3. Notwithstanding any other provision of law, the Secretary of the Interior shall, within six months of the enactment of this Act,

Housing.
Regulations.
16 USC 47-5.

Natural persons.
Corporations.

Effective date.

Fraud.
16 USC 47-6.

16 USC 47-2
note.
2 USC 651.

complete the exchange of all lands in four isolated Federal parcels within the boundaries of Inks Creek Ranch, Tehama County, California, as described in exhibit A of the July 25, 1986, letter of intent to exchange issued by the District Manager, Ukiah District Office, Bureau of Land Management.

Approved October 27, 1986.

This bill may be cited as the "Railroad Right-of-Way Conveyance Validation Act of 1987".

SECTION 2. (a) The Secretary of the Interior is authorized to convey to the State of California certain land in San Joaquin County, California, including certain land in Tehama County, California, and certain land in Butte County, California, and certain land in Nevada County, California, on the basis that the part of the right-of-way conveyed by the United States to the Pacific Railway Company in the Act entitled "An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the State of California, and to secure to the Government the Use of the same for Steam Millers and Other Purposes" approved July 1, 1862 (13 Stat. 507) have been lawfully validated and confirmed as a valid interest in the United States in such lands is conveyed, and the same have and effect as if the land conveyed in each such conveyance had been sold on the date of such conveyance under private fee simple title by the grantor of such land.

(b) The conveyance of land in San Joaquin County, California, described in section 2 are as follows:

The conveyance entered into between the Southern Pacific Transportation Company and Harvey Lewis and Mary A. Lewis, trustees, on January 18, 1981, and recorded as instrument numbered 810149-1 on March 9, 1981 in the official records of San Joaquin County, State of California.

The conveyance entered into between the Southern Pacific Transportation Company and John and Gloria Martinez, Trustee, Mary A. Lewis and Harvey Lewis, trustees, on August 19, 1981, and recorded as instrument numbered 810358-1 on March 9, 1981, in the official records of San Joaquin County, State of California.

The conveyance entered into between the Southern Pacific Transportation Company and...

LEGISLATIVE HISTORY—H.R. 1390:

- HOUSE REPORTS: No. 99-182 (Comm. on Interior and Insular Affairs).
- SENATE REPORTS: No. 99-362 (Comm. on Energy and Natural Resources).
- CONGRESSIONAL RECORD:
 - Vol. 131 (1985): July 15, considered and passed House.
 - Vol. 132 (1986): Oct. 9, considered and passed Senate, amended.
 - Oct. 14, House concurred in Senate amendments.