

110TH CONGRESS
2D SESSION

S. _____

To authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Consolidated Natural Resources Act of 2008”.

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

Sec. 1. Short title; table of contents.

TITLE I—FOREST SERVICE AUTHORIZATIONS

Sec. 101. Wild Sky Wilderness.

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- Sec. 102. Designation of national recreational trail, Willamette National Forest, Oregon, in honor of Jim Weaver, a former Member of the House of Representatives.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

- Sec. 201. Piedras Blancas Historic Light Station.
 Sec. 202. Jupiter Inlet Lighthouse Outstanding Natural Area.
 Sec. 203. Nevada National Guard land conveyance, Clark County, Nevada.

TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Cooperative Agreements

- Sec. 301. Cooperative agreements for national park natural resource protection.

Subtitle B—Boundary Adjustments and Authorizations

- Sec. 311. Carl Sandburg Home National Historic Site boundary adjustment.
 Sec. 312. Lowell National Historical Park boundary adjustment.
 Sec. 313. Minidoka National Historic Site.
 Sec. 314. Acadia National Park improvement.

Subtitle C—Studies

- Sec. 321. National Park System special resource study, Newtonia Civil War Battlefields, Missouri.
 Sec. 322. National Park Service study regarding the Soldiers' Memorial Military Museum.
 Sec. 323. Wolf House study.
 Sec. 324. Space Shuttle Columbia study.
 Sec. 325. César E. Chávez study.
 Sec. 326. Taunton, Massachusetts, special resource study.
 Sec. 327. Rim of the Valley Corridor study.

Subtitle D—Memorials, Commissions, and Museums

- Sec. 331. Commemorative work to honor Brigadier General Francis Marion and his family.
 Sec. 332. Dwight D. Eisenhower Memorial Commission.
 Sec. 333. Commission to Study the Potential Creation of a National Museum of the American Latino.
 Sec. 334. Hudson-Fulton-Champlain Quadricentennial Commemoration Commission.
 Sec. 335. Star-Spangled Banner and War of 1812 Bicentennial Commission.
 Sec. 336. Sense of Congress regarding the designation of the Museum of the American Quilter's Society of the United States.
 Sec. 337. Sense of Congress regarding the designation of the National Museum of Wildlife Art of the United States.
 Sec. 338. Redesignation of Ellis Island Library.

Subtitle E—Trails and Rivers

- Sec. 341. Authorization and administration of Star-Spangled Banner National Historic Trail.
 Sec. 342. Land conveyance, Lewis and Clark National Historic Trail, Nebraska.
 Sec. 343. Lewis and Clark National Historic Trail extension.

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Sec. 344. Wild and scenic River designation, Eightmile River, Connecticut.

Subtitle F—Denali National Park and Alaska Railroad Exchange

Sec. 351. Denali National Park and Alaska Railroad Corporation exchange.

Subtitle G—National Underground Railroad Network to Freedom
Amendments

Sec. 361. Authorizing appropriations for specific purposes.

Subtitle H—Grand Canyon Subcontractors

Sec. 371. Definitions.

Sec. 372. Authorization.

TITLE IV—NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

Sec. 401. Purposes.

Sec. 402. Definitions.

Sec. 403. Designation of the Journey Through Hallowed Ground National Heritage Area.

Sec. 404. Management plan.

Sec. 405. Evaluation; report.

Sec. 406. Local coordinating entity.

Sec. 407. Relationship to other Federal agencies.

Sec. 408. Private property and regulatory protections.

Sec. 409. Authorization of appropriations.

Sec. 410. Use of Federal funds from other sources.

Sec. 411. Sunset for grants and other assistance.

Subtitle B—Niagara Falls National Heritage Area

Sec. 421. Purposes.

Sec. 422. Definitions.

Sec. 423. Designation of the Niagara Falls National Heritage Area.

Sec. 424. Management plan.

Sec. 425. Evaluation; report.

Sec. 426. Local coordinating entity.

Sec. 427. Niagara Falls Heritage Area Commission.

Sec. 428. Relationship to other Federal agencies.

Sec. 429. Private property and regulatory protections.

Sec. 430. Authorization of appropriations.

Sec. 431. Use of Federal funds from other sources.

Sec. 432. Sunset for grants and other assistance.

Subtitle C—Abraham Lincoln National Heritage Area

Sec. 441. Purposes.

Sec. 442. Definitions.

Sec. 443. Designation of Abraham Lincoln National Heritage Area.

Sec. 444. Management plan.

Sec. 445. Evaluation; report.

Sec. 446. Local coordinating entity.

Sec. 447. Relationship to other Federal agencies.

Sec. 448. Private property and regulatory protections.

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- Sec. 449. Authorization of appropriations.
- Sec. 450. Use of Federal funds from other sources.
- Sec. 451. Sunset for grants and other assistance.

Subtitle D—Authorization Extensions and Viability Studies

- Sec. 461. Extensions of authorized appropriations.
- Sec. 462. Evaluation and report.

Subtitle E—Technical Corrections and Additions

- Sec. 471. National Coal Heritage Area technical corrections.
- Sec. 472. Rivers of steel national heritage area addition.
- Sec. 473. South Carolina National Heritage Corridor addition.
- Sec. 474. Ohio and Erie Canal National Heritage Corridor technical corrections.
- Sec. 475. New Jersey Coastal Heritage trail route extension of authorization.

Subtitle F—Studies

- Sec. 481. Columbia-Pacific National Heritage Area study.
- Sec. 482. Study of sites relating to Abraham Lincoln in Kentucky.

TITLE V—BUREAU OF RECLAMATION AND UNITED STATES
GEOLOGICAL SURVEY AUTHORIZATIONS

- Sec. 501. Alaska water resources study.
- Sec. 502. Renegotiation of payment schedule, Redwood Valley County Water District.
- Sec. 503. American River Pump Station Project transfer.
- Sec. 504. Arthur V. Watkins Dam enlargement.
- Sec. 505. New Mexico water planning assistance.
- Sec. 506. Conveyance of certain buildings and lands of the Yakima Project, Washington.
- Sec. 507. Conjunctive use of surface and groundwater in Juab County, Utah.
- Sec. 508. Early repayment of A & B Irrigation District construction costs.
- Sec. 509. Oregon water resources.
- Sec. 510. Republican River Basin feasibility study.
- Sec. 511. Eastern Municipal Water District.
- Sec. 512. Bay Area regional water recycling program.
- Sec. 513. Bureau of Reclamation site security.
- Sec. 514. More water, more energy, and less waste.
- Sec. 515. Platte River Recovery Implementation Program and Pathfinder Modification Project authorization.
- Sec. 516. Central Oklahoma Master Conservatory District feasibility study.

TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

- Sec. 601. Energy technology transfer.
- Sec. 602. Amendments to the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

TITLE VII—NORTHERN MARIANA ISLANDS

Subtitle A—Immigration, Security, and Labor

- Sec. 701. Statement of congressional intent.
- Sec. 702. Immigration reform for the Commonwealth.

- Sec. 703. Further amendments to Public Law 94–241.
- Sec. 704. Authorization of appropriations.
- Sec. 705. Effective date.

Subtitle B—Northern Mariana Islands Delegate

- Sec. 711. Delegate to House of Representatives from Commonwealth of the Northern Mariana Islands.
- Sec. 712. Election of Delegate.
- Sec. 713. Qualifications for Office of Delegate.
- Sec. 714. Determination of election procedure.
- Sec. 715. Compensation, privileges, and immunities.
- Sec. 716. Lack of effect on covenant.
- Sec. 717. Definition.
- Sec. 718. Conforming amendments regarding appointments to military service academies by Delegate from the Commonwealth of the Northern Mariana Islands.

TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

- Sec. 801. Approval of Agreements.
- Sec. 802. Funds to facilitate Federal activities.
- Sec. 803. Conforming amendment.
- Sec. 804. Clarifications regarding Palau.
- Sec. 805. Availability of legal services.
- Sec. 806. Technical amendments.
- Sec. 807. Transmission of videotape programming.
- Sec. 808. Palau road maintenance.
- Sec. 809. Clarification of tax-free status of trust funds.
- Sec. 810. Transfer of naval vessels to certain foreign recipients.

1 **TITLE I—FOREST SERVICE**
2 **AUTHORIZATIONS**

3 **SEC. 101. WILD SKY WILDERNESS.**

4 (a) ADDITIONS TO THE NATIONAL WILDERNESS
5 PRESERVATION SYSTEM.—

6 (1) ADDITIONS.—The following Federal lands
7 in the State of Washington are hereby designated as
8 wilderness and, therefore, as components of the Na-
9 tional Wilderness Preservation System: certain lands
10 which comprise approximately 106,000 acres, as
11 generally depicted on a map entitled “Wild Sky Wil-

1 derness Proposal” and dated February 6, 2007,
2 which shall be known as the “Wild Sky Wilderness”.

3 (2) MAP AND LEGAL DESCRIPTIONS.—As soon
4 as practicable after the date of enactment of this
5 Act, the Secretary of Agriculture shall file a map
6 and a legal description for the wilderness area des-
7 igned under this section with the Committee on
8 Energy and Natural Resources of the Senate and
9 the Committee on Natural Resources of the House
10 of Representatives. The map and description shall
11 have the same force and effect as if included in this
12 section, except that the Secretary of Agriculture may
13 correct clerical and typographical errors in the legal
14 description and map. The map and legal description
15 shall be on file and available for public inspection in
16 the office of the Chief of the Forest Service, Depart-
17 ment of Agriculture.

18 (b) ADMINISTRATION PROVISIONS.—

19 (1) IN GENERAL.—

20 (A) Subject to valid existing rights, lands
21 designated as wilderness by this section shall be
22 managed by the Secretary of Agriculture in ac-
23 cordance with the Wilderness Act (16 U.S.C.
24 1131 et seq.) and this section, except that, with
25 respect to any wilderness areas designated by

1 this section, any reference in the Wilderness
2 Act to the effective date of the Wilderness Act
3 shall be deemed to be a reference to the date
4 of enactment of this Act.

5 (B) To fulfill the purposes of this section
6 and the Wilderness Act and to achieve adminis-
7 trative efficiencies, the Secretary of Agriculture
8 may manage the area designated by this section
9 as a comprehensive part of the larger complex
10 of adjacent and nearby wilderness areas.

11 (2) NEW TRAILS.—

12 (A) The Secretary of Agriculture shall con-
13 sult with interested parties and shall establish
14 a trail plan for Forest Service lands in order to
15 develop—

16 (i) a system of hiking and equestrian
17 trails within the wilderness designated by
18 this section in a manner consistent with
19 the Wilderness Act (16 U.S.C. 1131 et
20 seq.); and

21 (ii) a system of trails adjacent to or to
22 provide access to the wilderness designated
23 by this section.

24 (B) Within 2 years after the date of enact-
25 ment of this Act, the Secretary of Agriculture

1 shall complete a report on the implementation
2 of the trail plan required under this section.
3 This report shall include the identification of
4 priority trails for development.

5 (3) REPEATER SITE.—Within the Wild Sky
6 Wilderness, the Secretary of Agriculture is author-
7 ized to use helicopter access to construct and main-
8 tain a joint Forest Service and Snohomish County
9 telecommunications repeater site, in compliance with
10 a Forest Service approved communications site plan,
11 for the purposes of improving communications for
12 safety, health, and emergency services.

13 (4) FLOAT PLANE ACCESS.—As provided by
14 section 4(d)(1) of the Wilderness Act (16 U.S.C.
15 1133(d)(1)), the use of floatplanes on Lake Isabel,
16 where such use has already become established, shall
17 be permitted to continue subject to such reasonable
18 restrictions as the Secretary of Agriculture deter-
19 mines to be desirable.

20 (5) EVERGREEN MOUNTAIN LOOKOUT.—The
21 designation under this section shall not preclude the
22 operation and maintenance of the existing Evergreen
23 Mountain Lookout in the same manner and degree
24 in which the operation and maintenance of such

1 lookout was occurring as of the date of enactment
2 of this Act.

3 (c) AUTHORIZATION FOR LAND ACQUISITION.—

4 (1) IN GENERAL.—The Secretary of Agriculture
5 is authorized to acquire lands and interests therein,
6 by purchase, donation, or exchange, and shall give
7 priority consideration to those lands identified as
8 “Priority Acquisition Lands” on the map described
9 in subsection (a)(1). The boundaries of the Mt.
10 Baker-Snoqualmie National Forest and the Wild
11 Sky Wilderness shall be adjusted to encompass any
12 lands acquired pursuant to this section.

13 (2) ACCESS.—Consistent with section 5(a) of
14 the Wilderness Act (16 U.S.C. 1134(a)), the Sec-
15 retary of Agriculture shall ensure adequate access to
16 private inholdings within the Wild Sky Wilderness.

17 (3) APPRAISAL.—Valuation of private lands
18 shall be determined without reference to any restric-
19 tions on access or use which arise out of designation
20 as a wilderness area as a result of this section.

21 (d) LAND EXCHANGES.—The Secretary of Agri-
22 culture shall exchange lands and interests in lands, as gen-
23 erally depicted on a map entitled “Chelan County Public
24 Utility District Exchange” and dated May 22, 2002, with

1 the Chelan County Public Utility District in accordance
2 with the following provisions:

3 (1) If the Chelan County Public Utility District,
4 within 90 days after the date of enactment of this
5 Act, offers to the Secretary of Agriculture approxi-
6 mately 371.8 acres within the Mt. Baker-Snoqualmie
7 National Forest in the State of Washington, the
8 Secretary shall accept such lands.

9 (2) Upon acceptance of title by the Secretary of
10 Agriculture to such lands and interests therein, the
11 Secretary of Agriculture shall convey to the Chelan
12 County Public Utility District a permanent ease-
13 ment, including helicopter access, consistent with
14 such levels as used as of the date of enactment of
15 this Act, to maintain an existing telemetry site to
16 monitor snow pack on 1.82 acres on the Wenatchee
17 National Forest in the State of Washington.

18 (3) The exchange directed by this section shall
19 be consummated if Chelan County Public Utility
20 District conveys title acceptable to the Secretary and
21 provided there is no hazardous material on the site,
22 which is objectionable to the Secretary.

23 (4) In the event Chelan County Public Utility
24 District determines there is no longer a need to
25 maintain a telemetry site to monitor the snow pack

1 for calculating expected runoff into the Lake Chelan
2 hydroelectric project and the hydroelectric projects
3 in the Columbia River Basin, the Secretary shall be
4 notified in writing and the easement shall be extin-
5 guished and all rights conveyed by this exchange
6 shall revert to the United States.

7 **SEC. 102. DESIGNATION OF NATIONAL RECREATIONAL**
8 **TRAIL, WILLAMETTE NATIONAL FOREST, OR-**
9 **EGON, IN HONOR OF JIM WEAVER, A FORMER**
10 **MEMBER OF THE HOUSE OF REPRESENTA-**
11 **TIVES.**

12 (a) DESIGNATION.—Forest Service trail number
13 3590 in the Willamette National Forest in Lane County,
14 Oregon, which is a 19.6 mile trail that begins and ends
15 at North Waldo Campground and circumnavigates Waldo
16 Lake, is hereby designated as a national recreation trail
17 under section 4 of the National Trails System Act (16
18 U.S.C. 1243) and shall be known as the “Jim Weaver
19 Loop Trail”.

20 (b) INTERPRETIVE SIGN.—Using funds available for
21 the Forest Service, the Secretary of Agriculture shall pre-
22 pare, install, and maintain an appropriate sign at the
23 trailhead of the Jim Weaver Loop Trail to indicate the
24 name of the trail and to provide information regarding the
25 life and career of Congressman Jim Weaver.

1 **TITLE II—BUREAU OF LAND**
2 **MANAGEMENT AUTHORIZA-**
3 **TIONS**

4 **SEC. 201. PIEDRAS BLANCAS HISTORIC LIGHT STATION.**

5 (a) DEFINITIONS.—In this section:

6 (1) LIGHT STATION.—The term “Light Sta-
7 tion” means Piedras Blancas Light Station.

8 (2) OUTSTANDING NATURAL AREA.—The term
9 “Outstanding Natural Area” means the Piedras
10 Blancas Historic Light Station Outstanding Natural
11 Area established pursuant to subsection (c).

12 (3) PUBLIC LANDS.—The term “public lands”
13 has the meaning stated in section 103(e) of the Fed-
14 eral Land Policy and Management Act of 1976 (43
15 U.S.C. 1703(e)).

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

18 (b) FINDINGS.—Congress finds as follows:

19 (1) The publicly owned Piedras Blancas Light
20 Station has nationally recognized historical struc-
21 tures that should be preserved for present and fu-
22 ture generations.

23 (2) The coastline adjacent to the Light Station
24 is internationally recognized as having significant
25 wildlife and marine habitat that provides critical in-

1 formation to research institutions throughout the
2 world.

3 (3) The Light Station tells an important story
4 about California's coastal prehistory and history in
5 the context of the surrounding region and commu-
6 nities.

7 (4) The coastal area surrounding the Light Sta-
8 tion was traditionally used by Indian people, includ-
9 ing the Chumash and Salinan Indian tribes.

10 (5) The Light Station is historically associated
11 with the nearby world-famous Hearst Castle (Hearst
12 San Simeon State Historical Monument), now ad-
13 ministered by the State of California.

14 (6) The Light Station represents a model part-
15 nership where future management can be success-
16 fully accomplished among the Federal Government,
17 the State of California, San Luis Obispo County,
18 local communities, and private groups.

19 (7) Piedras Blancas Historic Light Station
20 Outstanding Natural Area would make a significant
21 addition to the National Landscape Conservation
22 System administered by the Department of the Inte-
23 rior's Bureau of Land Management.

24 (8) Statutory protection is needed for the Light
25 Station and its surrounding Federal lands to ensure

1 that it remains a part of our historic, cultural, and
2 natural heritage and to be a source of inspiration for
3 the people of the United States.

4 (c) DESIGNATION OF THE PIEDRAS BLANCAS HIS-
5 TORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

6 (1) IN GENERAL.—In order to protect, con-
7 serve, and enhance for the benefit and enjoyment of
8 present and future generations the unique and na-
9 tionally important historical, natural, cultural, sci-
10 entific, educational, scenic, and recreational values
11 of certain lands in and around the Piedras Blancas
12 Light Station, in San Luis Obispo County, Cali-
13 fornia, while allowing certain recreational and re-
14 search activities to continue, there is established,
15 subject to valid existing rights, the Piedras Blancas
16 Historic Light Station Outstanding Natural Area.

17 (2) MAPS AND LEGAL DESCRIPTIONS.—The
18 boundaries of the Outstanding Natural Area as
19 those shown on the map entitled “Piedras Blancas
20 Historic Light Station: Outstanding Natural Area”,
21 dated May 5, 2004, which shall be on file and avail-
22 able for public inspection in the Office of the Direc-
23 tor, Bureau of Land Management, United States
24 Department of the Interior, and the State office of

1 the Bureau of Land Management in the State of
2 California.

3 (3) BASIS OF MANAGEMENT.—The Secretary
4 shall manage the Outstanding Natural Area as part
5 of the National Landscape Conservation System to
6 protect the resources of the area, and shall allow
7 only those uses that further the purposes for the es-
8 tablishment of the Outstanding Natural Area, the
9 Federal Land Policy and Management Act of 1976
10 (43 U.S.C. 1701 et seq.), and other applicable laws.

11 (4) WITHDRAWAL.—Subject to valid existing
12 rights, and in accordance with the existing with-
13 drawal as set forth in Public Land Order 7501 (Oct.
14 12, 2001, Vol. 66, No. 198, Federal Register
15 52149), the Federal lands and interests in lands in-
16 cluded within the Outstanding Natural Area are
17 hereby withdrawn from—

18 (A) all forms of entry, appropriation, or
19 disposal under the public land laws;

20 (B) location, entry, and patent under the
21 public land mining laws; and

22 (C) operation of the mineral leasing and
23 geothermal leasing laws and the mineral mate-
24 rials laws.

1 (d) MANAGEMENT OF THE PIEDRAS BLANCAS HIS-
2 TORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

3 (1) IN GENERAL.—The Secretary shall manage
4 the Outstanding Natural Area in a manner that con-
5 serves, protects, and enhances the unique and na-
6 tionally important historical, natural, cultural, sci-
7 entific, educational, scenic, and recreational values
8 of that area, including an emphasis on preserving
9 and restoring the Light Station facilities, consistent
10 with the requirements of subsection (c)(3).

11 (2) USES.—Subject to valid existing rights, the
12 Secretary shall only allow such uses of the Out-
13 standing Natural Area as the Secretary finds are
14 likely to further the purposes for which the Out-
15 standing Natural Area is established as set forth in
16 subsection (c)(1).

17 (3) MANAGEMENT PLAN.—Not later than 3
18 years after of the date of enactment of this Act, the
19 Secretary shall complete a comprehensive manage-
20 ment plan consistent with the requirements of sec-
21 tion 202 of the Federal Land Policy and Manage-
22 ment Act of 1976 (43 U.S.C. 1712) to provide long-
23 term management guidance for the public lands
24 within the Outstanding Natural Area and fulfill the
25 purposes for which it is established, as set forth in

1 subsection (c)(1). The management plan shall be de-
2 veloped in consultation with appropriate Federal,
3 State, and local government agencies, with full pub-
4 lic participation, and the contents shall include—

5 (A) provisions designed to ensure the pro-
6 tection of the resources and values described in
7 subsection (c)(1);

8 (B) objectives to restore the historic Light
9 Station and ancillary buildings;

10 (C) an implementation plan for a con-
11 tinuing program of interpretation and public
12 education about the Light Station and its im-
13 portance to the surrounding community;

14 (D) a proposal for minimal administrative
15 and public facilities to be developed or improved
16 at a level compatible with achieving the re-
17 sources objectives for the Outstanding Natural
18 Area as described in paragraph (1) and with
19 other proposed management activities to accom-
20 modate visitors and researchers to the Out-
21 standing Natural Area; and

22 (E) cultural resources management strate-
23 gies for the Outstanding Natural Area, pre-
24 pared in consultation with appropriate depart-
25 ments of the State of California, with emphasis

1 on the preservation of the resources of the Out-
2 standing Natural Area and the interpretive,
3 education, and long-term scientific uses of the
4 resources, giving priority to the enforcement of
5 the Archaeological Resources Protection Act of
6 1979 (16 U.S.C. 470aa et seq.) and the Na-
7 tional Historic Preservation Act (16 U.S.C. 470
8 et seq.) within the Outstanding Natural Area.

9 (4) COOPERATIVE AGREEMENTS.—In order to
10 better implement the management plan and to con-
11 tinue the successful partnerships with the local com-
12 munities and the Hearst San Simeon State Histor-
13 ical Monument, administered by the California De-
14 partment of Parks and Recreation, the Secretary
15 may enter into cooperative agreements with the ap-
16 propriate Federal, State, and local agencies pursu-
17 ant to section 307(b) of the Federal Land Manage-
18 ment Policy and Management Act of 1976 (43
19 U.S.C. 1737(b)).

20 (5) RESEARCH ACTIVITIES.—In order to con-
21 tinue the successful partnership with research orga-
22 nizations and agencies and to assist in the develop-
23 ment and implementation of the management plan,
24 the Secretary may authorize within the Outstanding
25 Natural Area appropriate research activities for the

1 purposes identified in subsection (c)(1) and pursuant
2 to section 307(a) of the Federal Land Policy and
3 Management Act of 1976 (43 U.S.C. 1737(a)).

4 (6) ACQUISITION.—State and privately held
5 lands or interests in lands adjacent to the Out-
6 standing Natural Area and identified as appropriate
7 for acquisition in the management plan may be ac-
8 quired by the Secretary as part of the Outstanding
9 Natural Area only by—

10 (A) donation;

11 (B) exchange with a willing party; or

12 (C) purchase from a willing seller.

13 (7) ADDITIONS TO THE OUTSTANDING NAT-
14 URAL AREA.—Any lands or interest in lands adja-
15 cent to the Outstanding Natural Area acquired by
16 the United States after the date of enactment of this
17 Act shall be added to and administered as part of
18 the Outstanding Natural Area.

19 (8) OVERFLIGHTS.—Nothing in this section or
20 the management plan shall be construed to—

21 (A) restrict or preclude overflights, includ-
22 ing low level overflights, military, commercial,
23 and general aviation overflights that can be
24 seen or heard within the Outstanding Natural
25 Area;

1 (B) restrict or preclude the designation or
2 creation of new units of special use airspace or
3 the establishment of military flight training
4 routes over the Outstanding Natural Area; or

5 (C) modify regulations governing low-level
6 overflights above the adjacent Monterey Bay
7 National Marine Sanctuary.

8 (9) LAW ENFORCEMENT ACTIVITIES.—Nothing
9 in this section shall be construed to preclude or oth-
10 erwise affect coastal border security operations or
11 other law enforcement activities by the Coast Guard
12 or other agencies within the Department of Home-
13 land Security, the Department of Justice, or any
14 other Federal, State, and local law enforcement
15 agencies within the Outstanding Natural Area.

16 (10) NATIVE AMERICAN USES AND INTER-
17 ESTS.—In recognition of the past use of the Out-
18 standing Natural Area by Indians and Indian tribes
19 for traditional cultural and religious purposes, the
20 Secretary shall ensure access to the Outstanding
21 Natural Area by Indians and Indian tribes for such
22 traditional cultural and religious purposes. In imple-
23 menting this subsection, the Secretary, upon the re-
24 quest of an Indian tribe or Indian religious commu-
25 nity, shall temporarily close to the general public use

1 of one or more specific portions of the Outstanding
2 Natural Area in order to protect the privacy of tra-
3 ditional cultural and religious activities in such areas
4 by the Indian tribe or Indian religious community.
5 Any such closure shall be made to affect the smallest
6 practicable area for the minimum period necessary
7 for such purposes. Such access shall be consistent
8 with the purpose and intent of Public Law 95–341
9 (42 U.S.C. 1996 et seq.; commonly referred to as
10 the “American Indian Religious Freedom Act”).

11 (11) NO BUFFER ZONES.—The designation of
12 the Outstanding Natural Area is not intended to
13 lead to the creation of protective perimeters or buff-
14 er zones around area. The fact that activities outside
15 the Outstanding Natural Area and not consistent
16 with the purposes of this section can be seen or
17 heard within the Outstanding Natural Area shall
18 not, of itself, preclude such activities or uses up to
19 the boundary of the Outstanding Natural Area.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as are nec-
22 essary to carry out this section.

23 **SEC. 202. JUPITER INLET LIGHTHOUSE OUTSTANDING NAT-**
24 **URAL AREA.**

25 (a) DEFINITIONS.—In this section:

1 (1) COMMANDANT.—The term “Commandant”
2 means the Commandant of the Coast Guard.

3 (2) LIGHTHOUSE.—The term “Lighthouse”
4 means the Jupiter Inlet Lighthouse located in Palm
5 Beach County, Florida.

6 (3) LOCAL PARTNERS.—The term “Local Part-
7 ners” includes—

8 (A) Palm Beach County, Florida;

9 (B) the Town of Jupiter, Florida;

10 (C) the Village of Tequesta, Florida; and

11 (D) the Loxahatchee River Historical Soci-
12 ety.

13 (4) MANAGEMENT PLAN.—The term “manage-
14 ment plan” means the management plan developed
15 under subsection (c)(1).

16 (5) MAP.—The term “map” means the map en-
17 titled “Jupiter Inlet Lighthouse Outstanding Nat-
18 ural Area” and dated October 29, 2007.

19 (6) OUTSTANDING NATURAL AREA.—The term
20 “Outstanding Natural Area” means the Jupiter
21 Inlet Lighthouse Outstanding Natural Area estab-
22 lished by subsection (b)(1).

23 (7) PUBLIC LAND.—The term “public land”
24 has the meaning given the term “public lands” in

1 section 103(e) of the Federal Land Policy and Man-
2 agement Act of 1976 (43 U.S.C. 1702(e)).

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

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

7 (b) ESTABLISHMENT OF THE JUPITER INLET LIGHT-
8 HOUSE OUTSTANDING NATURAL AREA.—

9 (1) ESTABLISHMENT.—Subject to valid existing
10 rights, there is established for the purposes de-
11 scribed in paragraph (2) the Jupiter Inlet Light-
12 house Outstanding Natural Area, the boundaries of
13 which are depicted on the map.

14 (2) PURPOSES.—The purposes of the Out-
15 standing Natural Area are to protect, conserve, and
16 enhance the unique and nationally important his-
17 toric, natural, cultural, scientific, educational, scenic,
18 and recreational values of the Federal land sur-
19 rounding the Lighthouse for the benefit of present
20 generations and future generations of people in the
21 United States, while—

22 (A) allowing certain recreational and re-
23 search activities to continue in the Outstanding
24 Natural Area; and

1 (B) ensuring that Coast Guard operations
2 and activities are unimpeded within the bound-
3 aries of the Outstanding Natural Area.

4 (3) AVAILABILITY OF MAP.—The map shall be
5 on file and available for public inspection in appro-
6 priate offices of the Bureau of Land Management.

7 (4) WITHDRAWAL.—

8 (A) IN GENERAL.—Subject to valid exist-
9 ing rights, subsection (e), and any existing
10 withdrawals under the Executive orders and
11 public land order described in subparagraph
12 (B), the Federal land and any interests in the
13 Federal land included in the Outstanding Nat-
14 ural Area are withdrawn from—

15 (i) all forms of entry, appropriation,
16 or disposal under the public land laws;

17 (ii) location, entry, and patent under
18 the mining laws; and

19 (iii) operation of the mineral leasing
20 and geothermal leasing laws and the min-
21 eral materials laws.

22 (B) DESCRIPTION OF EXECUTIVE OR-
23 DERS.—The Executive orders and public land
24 order described in subparagraph (A) are—

- 1 (i) the Executive Order dated October
2 22, 1854;
3 (ii) Executive Order No. 4254 (June
4 12, 1925); and
5 (iii) Public Land Order No. 7202 (61
6 Fed. Reg. 29758).

7 (c) MANAGEMENT PLAN.—

8 (1) IN GENERAL.—Not later than 3 years after
9 the date of enactment of this Act, the Secretary, in
10 consultation with the Commandant, shall develop a
11 comprehensive management plan in accordance with
12 section 202 of the Federal Land Policy and Manage-
13 ment Act of 1976 (43 U.S.C. 1712) to—

14 (A) provide long-term management guid-
15 ance for the public land in the Outstanding
16 Natural Area; and

17 (B) ensure that the Outstanding Natural
18 Area fulfills the purposes for which the Out-
19 standing Natural Area is established.

20 (2) CONSULTATION; PUBLIC PARTICIPATION.—

21 The management plan shall be developed—

22 (A) in consultation with appropriate Fed-
23 eral, State, county, and local government agen-
24 cies, the Commandant, the Local Partners, and
25 other partners; and

1 (B) in a manner that ensures full public
2 participation.

3 (3) EXISTING PLANS.—The management plan
4 shall, to the maximum extent practicable, be con-
5 sistent with existing resource plans, policies, and
6 programs.

7 (4) INCLUSIONS.—The management plan shall
8 include—

9 (A) objectives and provisions to ensure—

10 (i) the protection and conservation of
11 the resource values of the Outstanding
12 Natural Area; and

13 (ii) the restoration of native plant
14 communities and estuaries in the Out-
15 standing Natural Area, with an emphasis
16 on the conservation and enhancement of
17 healthy, functioning ecological systems in
18 perpetuity;

19 (B) objectives and provisions to maintain
20 or recreate historic structures;

21 (C) an implementation plan for a program
22 of interpretation and public education about the
23 natural and cultural resources of the Light-
24 house, the public land surrounding the Light-
25 house, and associated structures;

1 (D) a proposal for administrative and pub-
2 lic facilities to be developed or improved that—

3 (i) are compatible with achieving the
4 resource objectives for the Outstanding
5 Natural Area described in subsection
6 (d)(1)(A)(ii); and

7 (ii) would accommodate visitors to the
8 Outstanding Natural Area;

9 (E) natural and cultural resource manage-
10 ment strategies for the Outstanding Natural
11 Area, to be developed in consultation with ap-
12 propriate departments of the State, the Local
13 Partners, and the Commandant, with an em-
14 phasis on resource conservation in the Out-
15 standing Natural Area and the interpretive,
16 educational, and long-term scientific uses of the
17 resources; and

18 (F) recreational use strategies for the Out-
19 standing Natural Area, to be prepared in con-
20 sultation with the Local Partners, appropriate
21 departments of the State, and the Coast Guard,
22 with an emphasis on passive recreation.

23 (5) INTERIM PLAN.—Until a management plan
24 is adopted for the Outstanding Natural Area, the
25 Jupiter Inlet Coordinated Resource Management

1 Plan (including any updates or amendments to the
2 Jupiter Inlet Coordinated Resource Management
3 Plan) shall be in effect.

4 (d) MANAGEMENT OF THE JUPITER INLET LIGHT-
5 HOUSE OUTSTANDING NATURAL AREA.—

6 (1) MANAGEMENT.—

7 (A) IN GENERAL.—The Secretary, in con-
8 sultation with the Local Partners and the Com-
9 mandant, shall manage the Outstanding Nat-
10 ural Area—

11 (i) as part of the National Landscape
12 Conservation System; and

13 (ii) in a manner that conserves, pro-
14 tects, and enhances the unique and nation-
15 ally important historical, natural, cultural,
16 scientific, educational, scenic, and rec-
17 reational values of the Outstanding Nat-
18 ural Area, including an emphasis on the
19 restoration of native ecological systems.

20 (B) LIMITATION.—In managing the Out-
21 standing Natural Area, the Secretary shall not
22 take any action that precludes, prohibits, or
23 otherwise affects the conduct of ongoing or fu-
24 ture Coast Guard operations or activities on
25 lots 16 and 18, as depicted on the map.

1 (2) USES.—Subject to valid existing rights and
2 subsection (e), the Secretary shall only allow uses of
3 the Outstanding Natural Area that the Secretary, in
4 consultation with the Commandant and Local Part-
5 ners, determines would likely further—

6 (A) the purposes for which the Out-
7 standing Natural Area is established;

8 (B) the Federal Land Policy and Manage-
9 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

10 (C) other applicable laws.

11 (3) COOPERATIVE AGREEMENTS.—To facilitate
12 implementation of the management plan and to con-
13 tinue the successful partnerships with local commu-
14 nities and other partners, the Secretary may, in ac-
15 cordance with section 307(b) of the Federal Land
16 Management Policy and Management Act of 1976
17 (43 U.S.C. 1737(b)), enter into cooperative agree-
18 ments with the appropriate Federal, State, county,
19 other local government agencies, and other partners
20 (including the Loxahatchee River Historical Society)
21 for the long-term management of the Outstanding
22 Natural Area

23 (4) RESEARCH ACTIVITIES.—To continue suc-
24 cessful research partnerships, pursue future research
25 partnerships, and assist in the development and im-

1 plementation of the management plan, the Secretary
2 may, in accordance with section 307(a) of the Fed-
3 eral Land Policy and Management Act of 1976 (43
4 U.S.C. 1737(a)), authorize the conduct of appro-
5 priate research activities in the Outstanding Natural
6 Area for the purposes described in subsection (b)(2).

7 (5) ACQUISITION OF LAND.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B), the Secretary may acquire for inclu-
10 sion in the Outstanding Natural Area any State
11 or private land or any interest in State or pri-
12 vate land that is—

13 (i) adjacent to the Outstanding Nat-
14 ural Area; and

15 (ii) identified in the management plan
16 as appropriate for acquisition.

17 (B) MEANS OF ACQUISITION.—Land or an
18 interest in land may be acquired under sub-
19 paragraph (A) only by donation, exchange, or
20 purchase from a willing seller with donated or
21 appropriated funds.

22 (C) ADDITIONS TO THE OUTSTANDING
23 NATURAL AREA.—Any land or interest in land
24 adjacent to the Outstanding Natural Area ac-
25 quired by the United States after the date of

1 enactment of this Act under subparagraph (A)
2 shall be added to, and administered as part of,
3 the Outstanding Natural Area.

4 (6) LAW ENFORCEMENT ACTIVITIES.—Nothing
5 in this section, the management plan, or the Jupiter
6 Inlet Coordinated Resource Management Plan (in-
7 cluding any updates or amendments to the Jupiter
8 Inlet Coordinated Resource Management Plan) pre-
9 cludes, prohibits, or otherwise affects—

10 (A) any maritime security, maritime safe-
11 ty, or environmental protection mission or activ-
12 ity of the Coast Guard;

13 (B) any border security operation or law
14 enforcement activity by the Department of
15 Homeland Security or the Department of Jus-
16 tice; or

17 (C) any law enforcement activity of any
18 Federal, State, or local law enforcement agency
19 in the Outstanding Natural Area.

20 (7) FUTURE DISPOSITION OF COAST GUARD FA-
21 CILITIES.—If the Commandant determines, after the
22 date of enactment of this Act, that Coast Guard fa-
23 cilities within the Outstanding Natural Area exceed
24 the needs of the Coast Guard, the Commandant may
25 relinquish the facilities to the Secretary without re-

1 moval, subject only to any environmental remedi-
2 ation that may be required by law.

3 (e) EFFECT ON ONGOING AND FUTURE COAST
4 GUARD OPERATIONS.—Nothing in this section, the man-
5 agement plan, or the Jupiter Inlet Coordinated Resource
6 Management Plan (including updates or amendments to
7 the Jupiter Inlet Coordinated Resource Management
8 Plan) precludes, prohibits, or otherwise affects ongoing or
9 future Coast Guard operations or activities in the Out-
10 standing Natural Area, including—

11 (1) the continued and future operation of, ac-
12 cess to, maintenance of, and, as may be necessitated
13 for Coast Guard missions, the expansion, enhance-
14 ment, or replacement of, the Coast Guard High Fre-
15 quency antenna site on lot 16;

16 (2) the continued and future operation of, ac-
17 cess to, maintenance of, and, as may be necessitated
18 for Coast Guard missions, the expansion, enhance-
19 ment, or replacement of, the military family housing
20 area on lot 18;

21 (3) the continued and future use of, access to,
22 maintenance of, and, as may be necessitated for
23 Coast Guard missions, the expansion, enhancement,
24 or replacement of, the pier on lot 18;

1 (4) the existing lease of the Jupiter Inlet Light-
2 house on lot 18 from the Coast Guard to the
3 Loxahatchee River Historical Society; or

4 (5) any easements or other less-than-fee inter-
5 ests in property appurtenant to existing Coast
6 Guard facilities on lots 16 and 18.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as are nec-
9 essary to carry out this section.

10 **SEC. 203. NEVADA NATIONAL GUARD LAND CONVEYANCE,**

11 **CLARK COUNTY, NEVADA.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, Clark County, Nevada, may convey, without
14 consideration, to the Nevada Division of State Lands for
15 use by the Nevada National Guard approximately 51 acres
16 of land in Clark County, Nevada, as generally depicted
17 on the map entitled “Southern Nevada Readiness Center
18 Act” and dated October 4, 2005.

19 (b) LIMITATION.—If the land described in subsection
20 (a) ceases to be used by the Nevada National Guard, the
21 land shall revert to Clark County, Nevada, for manage-
22 ment in accordance with the Southern Nevada Public
23 Land Management Act of 1998 (Public Law 105–263;
24 112 Stat. 2343).

1 **TITLE III—NATIONAL PARK**
2 **SERVICE AUTHORIZATIONS**
3 **Subtitle A—Cooperative**
4 **Agreements**

5 **SEC. 301. COOPERATIVE AGREEMENTS FOR NATIONAL**
6 **PARK NATURAL RESOURCE PROTECTION.**

7 (a) **IN GENERAL.**—The Secretary of the Interior (re-
8 ferred to in this section as the “Secretary”) may enter
9 into cooperative agreements with State, local, or tribal
10 governments, other Federal agencies, other public entities,
11 educational institutions, private nonprofit organizations,
12 or participating private landowners for the purpose of pro-
13 tecting natural resources of units of the National Park
14 System through collaborative efforts on land inside and
15 outside of National Park System units.

16 (b) **TERMS AND CONDITIONS.**—A cooperative agree-
17 ment entered into under subsection (a) shall provide clear
18 and direct benefits to park natural resources and—

19 (1) provide for—

20 (A) the preservation, conservation, and res-
21 toration of coastal and riparian systems, water-
22 sheds, and wetlands;

23 (B) preventing, controlling, or eradicating
24 invasive exotic species that are within a unit of

1 the National Park System or adjacent to a unit
2 of the National Park System; or

3 (C) restoration of natural resources, in-
4 cluding native wildlife habitat or ecosystems;

5 (2) include a statement of purpose dem-
6 onstrating how the agreement will—

7 (A) enhance science-based natural resource
8 stewardship at the unit of the National Park
9 System; and

10 (B) benefit the parties to the agreement;

11 (3) specify any staff required and technical as-
12 sistance to be provided by the Secretary or other
13 parties to the agreement in support of activities in-
14 side and outside the unit of the National Park Sys-
15 tem that will—

16 (A) protect natural resources of the unit of
17 the National Park System; and

18 (B) benefit the parties to the agreement;

19 (4) identify any materials, supplies, or equip-
20 ment and any other resources that will be contrib-
21 uted by the parties to the agreement or by other
22 Federal agencies;

23 (5) describe any financial assistance to be pro-
24 vided by the Secretary or the partners to implement
25 the agreement;

1 (6) ensure that any expenditure by the Sec-
2 retary pursuant to the agreement is determined by
3 the Secretary to support the purposes of natural re-
4 source stewardship at a unit of the National Park
5 System; and

6 (7) include such other terms and conditions as
7 are agreed to by the Secretary and the other parties
8 to the agreement.

9 (c) LIMITATIONS.—The Secretary shall not use any
10 funds associated with an agreement entered into under
11 subsection (a) for the purposes of land acquisition, regu-
12 latory activity, or the development, maintenance, or oper-
13 ation of infrastructure, except for ancillary support facili-
14 ties that the Secretary determines to be necessary for the
15 completion of projects or activities identified in the agree-
16 ment.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out this section.

20 **Subtitle B—Boundary Adjustments** 21 **and Authorizations**

22 **SEC. 311. CARL SANDBURG HOME NATIONAL HISTORIC** 23 **SITE BOUNDARY ADJUSTMENT.**

24 (a) DEFINITIONS.—In this section:

1 (1) HISTORIC SITE.—The term “Historic Site”
2 means Carl Sandburg Home National Historic Site.

3 (2) MAP.—The term “map” means the map en-
4 titled “Sandburg Center Alternative” numbered 445/
5 80,017 and dated April 2007.

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (b) ACQUISITION AUTHORITY.—The Secretary may
9 acquire from willing sellers by donation, purchase with do-
10 nated or appropriated funds, or exchange not more than
11 110 acres of land, water, or interests in land and water,
12 within the area depicted on the map, to be added to the
13 Historic Site.

14 (c) VISITOR CENTER.—To preserve the historic char-
15 acter and landscape of the site, the Secretary may also
16 acquire up to five acres for the development of a visitor
17 center and visitor parking area adjacent to or in the gen-
18 eral vicinity of the Historic Site.

19 (d) BOUNDARY REVISION.—Upon acquisition of any
20 land or interest in land under this section, the Secretary
21 shall revise the boundary of the Historic Site to reflect
22 the acquisition.

23 (e) AVAILABILITY OF MAP.—The map shall be on file
24 and available for public inspection in the appropriate of-
25 fices of the National Park Service.

1 (f) ADMINISTRATION.—Land added to the Historic
2 Site by this section shall be administered as part of the
3 Historic Site in accordance with applicable laws and regu-
4 lations.

5 **SEC. 312. LOWELL NATIONAL HISTORICAL PARK BOUND-**
6 **ARY ADJUSTMENT.**

7 The Act entitled “An Act to provide for the establish-
8 ment of the Lowell National Historical Park in the Com-
9 monwealth of Massachusetts, and for other purposes” ap-
10 proved June 5, 1978 (Public Law 95–290; 92 Stat. 290;
11 16 U.S.C. 410cc et seq.) is amended as follows:

12 (1) In section 101(a), by adding a new para-
13 graph after paragraph (2) as follows:

14 “(3) The boundaries of the park are modified
15 to include five parcels of land identified on the map
16 entitled ‘Boundary Adjustment, Lowell National
17 Historical Park,’ numbered 475/81,424B and dated
18 September 2004, and as delineated in section
19 202(a)(2)(G).”.

20 (2) In section 202(a)(2), by adding at the end
21 the following new subparagraph:

22 “(G) The properties shown on the map
23 identified in subsection (101)(a)(3) as follows:

24 “(i) 91 Pevey Street.

1 “(ii) The portion of 607 Middlesex
2 Place.

3 “(iii) Eagle Court.

4 “(iv) The portion of 50 Payne Street.

5 “(v) 726 Broadway.”.

6 **SEC. 313. MINIDOKA NATIONAL HISTORIC SITE.**

7 (a) DEFINITIONS.—In this section:

8 (1) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (2) STATE.—The term “State” means the State
11 of Idaho.

12 (b) BAINBRIDGE ISLAND JAPANESE AMERICAN ME-
13 MORIAL.—

14 (1) BOUNDARY ADJUSTMENT.—

15 (A) IN GENERAL.—The boundary of the
16 Minidoka Internment National Monument, lo-
17 cated in the State and established by Presi-
18 dential Proclamation 7395 of January 17,
19 2001, is adjusted to include the Nidoto Nai
20 Yoni (“Let it not happen again”) memorial (re-
21 ferred to in this subsection as the “memorial”),
22 which—

23 (i) commemorates the Japanese
24 Americans of Bainbridge Island, Wash-
25 ington, who were the first to be forcibly re-

1 moved from their homes and relocated to
2 internment camps during World War II
3 under Executive Order No. 9066; and

4 (ii) consists of approximately 8 acres
5 of land owned by the City of Bainbridge
6 Island, Washington, as depicted on the
7 map entitled “Bainbridge Island Japanese
8 American Memorial”, numbered 194/
9 80,003, and dated September, 2006.

10 (B) MAP.—The map referred to in sub-
11 paragraph (A) shall be kept on file and made
12 available for public inspection in the appro-
13 priate offices of the National Park Service.

14 (2) ADMINISTRATION OF MEMORIAL.—

15 (A) IN GENERAL.—The memorial shall be
16 administered as part of the Minidoka Intern-
17 ment National Monument.

18 (B) AGREEMENTS.—To carry out this sub-
19 section, the Secretary may enter into agree-
20 ments with—

21 (i) the City of Bainbridge Island,
22 Washington;

23 (ii) the Bainbridge Island Metropoli-
24 tan Park and Recreational District;

1 (iii) the Bainbridge Island Japanese
2 American Community Memorial Com-
3 mittee;

4 (iv) the Bainbridge Island Historical
5 Society; and

6 (v) other appropriate individuals or
7 entities.

8 (C) IMPLEMENTATION.—To implement an
9 agreement entered into under this paragraph,
10 the Secretary may—

11 (i) enter into a cooperative manage-
12 ment agreement relating to the operation
13 and maintenance of the memorial with the
14 City of Bainbridge Island, Washington, in
15 accordance with section 3(*l*) of Public law
16 91–383 (16 U.S.C. 1a–2(*l*)); and

17 (ii) enter into cooperative agreements
18 with, or make grants to, the City of Bain-
19 bridge Island, Washington, and other non-
20 Federal entities for the development of fa-
21 cilities, infrastructure, and interpretive
22 media at the memorial, if any Federal
23 funds provided by a grant or through a co-
24 operative agreement are matched with non-
25 Federal funds.

1 (D) ADMINISTRATION AND VISITOR USE
2 SITE.—The Secretary may operate and main-
3 tain a site in the State of Washington for ad-
4 ministrative and visitor use purposes associated
5 with the Minidoka Internment National Monu-
6 ment.

7 (c) ESTABLISHMENT OF MINIDOKA NATIONAL HIS-
8 TORIC SITE.—

9 (1) DEFINITIONS.—In this section:

10

11 (i) HISTORIC SITE.—The term “His-
12 toric Site” means the Minidoka National
13 Historic Site established by paragraph
14 (2)(A).

15 (ii) MINIDOKA MAP.—The term
16 “Minidoka Map” means the map entitled
17 “Minidoka National Historic Site, Pro-
18 posed Boundary Map”, numbered 194/
19 80,004, and dated December 2006.

20 (2) ESTABLISHMENT.—

21 (A) NATIONAL HISTORIC SITE.—In order
22 to protect, preserve, and interpret the resources
23 associated with the former Minidoka Relocation
24 Center where Japanese Americans were incar-

1 cerated during World War II, there is estab-
2 lished the Minidoka National Historic Site.

3 (B) MINIDOKA INTERNMENT NATIONAL
4 MONUMENT.—

5 (i) IN GENERAL.—The Minidoka In-
6 ternment National Monument (referred to
7 in this subsection as the “Monument”), as
8 described in Presidential Proclamation
9 7395 of January 17, 2001, is abolished.

10 (ii) INCORPORATION.—The land and
11 any interests in the land at the Monument
12 are incorporated within, and made part of,
13 the Historic Site.

14 (iii) FUNDS.—Any funds available for
15 purposes of the Monument shall be avail-
16 able for the Historic Site.

17 (C) REFERENCES.—Any reference in a law
18 (other than in this title), map, regulation, docu-
19 ment, record, or other paper of the United
20 States to the “Minidoka Internment National
21 Monument” shall be considered to be a ref-
22 erence to the “Minidoka National Historic
23 Site”.

24 (3) BOUNDARY OF HISTORIC SITE.—

1 (A) BOUNDARY.—The boundary of the
2 Historic Site shall include—

3 (i) approximately 292 acres of land,
4 as depicted on the Minidoka Map; and

5 (ii) approximately 8 acres of land, as
6 described in subsection (b)(1)(A)(ii).

7 (B) AVAILABILITY OF MAP.—The
8 Minidoka Map shall be on file and available for
9 public inspection in the appropriate offices of
10 the National Park Service.

11 (4) LAND TRANSFERS AND ACQUISITION.—

12 (A) TRANSFER FROM BUREAU OF REC-
13 LAMATION.—Administrative jurisdiction over
14 the land identified on the Minidoka Map as
15 “BOR parcel 1” and “BOR parcel 2”, includ-
16 ing any improvements on, and appurtenances
17 to, the parcels, is transferred from the Bureau
18 of Reclamation to the National Park Service for
19 inclusion in the Historic Site.

20 (B) TRANSFER FROM BUREAU OF LAND
21 MANAGEMENT.—Administrative jurisdiction
22 over the land identified on the Minidoka Map as
23 “Public Domain Lands” is transferred from the
24 Bureau of Land Management to the National
25 Park Service for inclusion in the Historic Site,

1 and the portions of any prior Secretarial orders
2 withdrawing the land are revoked.

3 (C) ACQUISITION AUTHORITY.—The Sec-
4 retary may acquire any land or interest in land
5 located within the boundary of the Historic
6 Site, as depicted on the Minidoka Map, by—

7 (i) donation;

8 (ii) purchase with donated or appro-
9 priated funds from a willing seller; or

10 (iii) exchange.

11 (5) ADMINISTRATION.—

12 (A) IN GENERAL.—The Historic Site shall
13 be administered in accordance with—

14 (i) this Act; and

15 (ii) laws (including regulations) gen-
16 erally applicable to units of the National
17 Park System, including—

18 (I) the National Park Service Or-
19 ganic Act (16 U.S.C. 1 et seq.); and

20 (II) the Act of August 21, 1935
21 (16 U.S.C. 461 et seq.).

22 (B) INTERPRETATION AND EDUCATION.—

23 (i) IN GENERAL.—The Secretary shall
24 interpret—

1 (I) the story of the relocation of
2 Japanese Americans during World
3 War II to the Minidoka Relocation
4 Center and other centers across the
5 United States;

6 (II) the living conditions of the
7 relocation centers;

8 (III) the work performed by the
9 internees at the relocation centers;
10 and

11 (IV) the contributions to the
12 United States military made by Japa-
13 nese Americans who had been in-
14 terned.

15 (ii) ORAL HISTORIES.—To the extent
16 feasible, the collection of oral histories and
17 testimonials from Japanese Americans who
18 were confined shall be a part of the inter-
19 pretive program at the Historic Site.

20 (iii) COORDINATION.—The Secretary
21 shall coordinate the development of inter-
22 pretive and educational materials and pro-
23 grams for the Historic Site with the
24 Manzanar National Historic Site in the
25 State of California.

1 (C) BAINBRIDGE ISLAND JAPANESE AMER-
2 ICAN MEMORIAL.—The Bainbridge Island Japa-
3 nese American Memorial shall be administered
4 in accordance with subsection (b)(2).

5 (D) CONTINUED AGRICULTURAL USE.—In
6 keeping with the historical use of the land fol-
7 lowing the decommission of the Minidoka Relo-
8 cation Center, the Secretary may issue a special
9 use permit or enter into a lease to allow agricul-
10 tural uses within the Historic Site under appro-
11 priate terms and conditions, as determined by
12 the Secretary.

13 (6) DISCLAIMER OF INTEREST IN LAND.—

14 (A) IN GENERAL.—The Secretary may
15 issue to Jerome County, Idaho, a document of
16 disclaimer of interest in land for the parcel
17 identified as “Tract No. 2”—

18 (i) in the final order of condemnation,
19 for the case numbered 2479, filed on Janu-
20 ary 31, 1947, in the District Court of the
21 United States, in and for the District of
22 Idaho, Southern Division; and

23 (ii) on the Minidoka Map.

24 (B) PROCESS.—The Secretary shall issue
25 the document of disclaimer of interest in land

1 under subsection (a) in accordance with section
2 315(b) of Federal Land Policy and Manage-
3 ment Act of 1976 (43 U.S.C. 1745(b)).

4 (C) EFFECT.—The issuance by the Sec-
5 retary of the document of disclaimer of interest
6 in land under subsection (a) shall have the
7 same effect as a quit-claim deed issued by the
8 United States.

9 (d) CONVEYANCE OF AMERICAN FALLS RESERVOIR
10 DISTRICT NUMBER 2.—

11 (1) DEFINITIONS.—In this subsection:

12

13 (i) AGREEMENT.—The term “Agree-
14 ment” means Agreement No. 5–07–10–
15 L1688 between the United States and the
16 District, entitled “Agreement Between the
17 United States and the American Falls Res-
18 ervoir District No. 2 to Transfer Title to
19 the Federally Owned Milner-Gooding Canal
20 and Certain Property Rights, Title and In-
21 terest to the American Falls Reservoir Dis-
22 trict No. 2”.

23 (ii) DISTRICT.—The term “District”
24 means the American Falls Reservoir Dis-

1 trict No. 2, located in Jerome, Lincoln,
2 and Gooding Counties, of the State.

3 (2) AUTHORITY TO CONVEY TITLE.—

4 (A) IN GENERAL.—In accordance with all
5 applicable law and the terms and conditions set
6 forth in the Agreement, the Secretary may con-
7 vey—

8 (i) to the District all right, title, and
9 interest in and to the land and improve-
10 ments described in Appendix A of the
11 Agreement, subject to valid existing rights;

12 (ii) to the city of Gooding, located in
13 Gooding County, of the State, all right,
14 title, and interest in and to the 5.0 acres
15 of land and improvements described in Ap-
16 pendix D of the Agreement; and

17 (iii) to the Idaho Department of Fish
18 and Game all right, title, and interest in
19 and to the 39.72 acres of land and im-
20 provements described in Appendix D of the
21 Agreement.

22 (B) COMPLIANCE WITH AGREEMENT.—All
23 parties to the conveyance under subparagraph
24 (A) shall comply with the terms and conditions

1 of the Agreement, to the extent consistent with
2 this section.

3 (3) COMPLIANCE WITH OTHER LAWS.—

4 (A) IN GENERAL.—On conveyance of the
5 land and improvements under paragraph
6 (2)(A)(i), the District shall comply with all ap-
7 plicable Federal, State, and local laws (includ-
8 ing regulations) in the operation of each facility
9 transferred.

10 (B) APPLICABLE AUTHORITY.—Nothing in
11 this subsection modifies or otherwise affects the
12 applicability of Federal reclamation law (the
13 Act of June 17, 1902 (32 Stat. 388, chapter
14 1093), and Acts supplemental to and amend-
15 atory of that Act (43 U.S.C. 371 et seq.)) to
16 project water provided to the District.

17 (4) REVOCATION OF WITHDRAWALS.—

18 (A) IN GENERAL.—The portions of the
19 Secretarial Orders dated March 18, 1908, Octo-
20 ber 7, 1908, September 29, 1919, October 22,
21 1925, March 29, 1927, July 23, 1927, and May
22 7, 1963, withdrawing the approximately 6,900
23 acres described in Appendix E of the Agree-
24 ment for the purpose of the Gooding Division of
25 the Minidoka Project, are revoked.

1 (B) MANAGEMENT OF WITHDRAWN
2 LAND.—The Secretary, acting through the Di-
3 rector of the Bureau of Land Management,
4 shall manage the withdrawn land described in
5 subparagraph (A) subject to valid existing
6 rights.

7 (5) LIABILITY.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B), upon completion of a conveyance
10 under paragraph (2), the United States shall
11 not be liable for damages of any kind for any
12 injury arising out of an act, omission, or occur-
13 rence relating to the land (including any im-
14 provements to the land) conveyed under the
15 conveyance.

16 (B) EXCEPTION.—Subparagraph (A) shall
17 not apply to liability for damages resulting from
18 an injury caused by any act of negligence com-
19 mitted by the United States (or by any officer,
20 employee, or agent of the United States) before
21 the date of completion of the conveyance.

22 (C) FEDERAL TORT CLAIMS ACT.—Nothing
23 in this paragraph increases the liability of the
24 United States beyond that provided in chapter
25 171 of title 28, United States Code.

1 (6) FUTURE BENEFITS.—

2 (A) RESPONSIBILITY OF THE DISTRICT.—

3 After completion of the conveyance of land and
4 improvements to the District under paragraph
5 (2)(A)(i), and consistent with the Agreement,
6 the District shall assume responsibility for all
7 duties and costs associated with the operation,
8 replacement, maintenance, enhancement, and
9 betterment of the transferred land (including
10 any improvements to the land).

11 (B) ELIGIBILITY FOR FEDERAL FUND-
12 ING.—

13 (i) IN GENERAL.—Except as provided
14 in clause (ii), the District shall not be eligi-
15 ble to receive Federal funding to assist in
16 any activity described in subparagraph (A)
17 relating to land and improvements trans-
18 ferred under paragraph (2)(A)(i).

19 (ii) EXCEPTION.—Clause (i) shall not
20 apply to any funding that would be avail-
21 able to a similarly situated nonreclamation
22 district, as determined by the Secretary.

23 (7) NATIONAL ENVIRONMENTAL POLICY ACT.—

24 Before completing any conveyance under this sub-

1 section, the Secretary shall complete all actions re-
2 quired under—

3

4 (i) the National Environmental Policy
5 Act of 1969 (42 U.S.C. 4321 et seq.);

6 (ii) the Endangered Species Act of
7 1973 (16 U.S.C. 1531 et seq.);

8 (iii) the National Historic Preserva-
9 tion Act (16 U.S.C. 470 et seq.); and

10 (iv) all other applicable laws (includ-
11 ing regulations).

12 (8) PAYMENT.—

13 (A) FAIR MARKET VALUE REQUIRE-
14 MENT.—As a condition of the conveyance under
15 paragraph (2)(A)(i), the District shall pay the
16 fair market value for the withdrawn lands to be
17 acquired by the District, in accordance with the
18 terms of the Agreement.

19 (B) GRANT FOR BUILDING REPLACE-
20 MENT.—As soon as practicable after the date of
21 enactment of this Act, and in full satisfaction
22 of the Federal obligation to the District for the
23 replacement of the structure in existence on
24 that date of enactment that is to be transferred
25 to the National Park Service for inclusion in

1 the Minidoka National Historic Site, the Sec-
2 retary, acting through the Commissioner of
3 Reclamation, shall provide to the District a
4 grant in the amount of \$52,996, in accordance
5 with the terms of the Agreement.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as are nec-
8 essary to carry out this section.

9 **SEC. 314. ACADIA NATIONAL PARK IMPROVEMENT.**

10 (a) EXTENSION OF LAND CONVEYANCE AUTHOR-
11 ITY.—Section 102(d) of Public Law 99–420 (16 U.S.C.
12 341 note) is amended by striking paragraph (2) and in-
13 serting the following:

14 “(2) Federally owned property under jurisdic-
15 tion of the Secretary referred to in paragraph (1) of
16 this subsection shall be conveyed to the towns in
17 which the property is located without encumbrance
18 and without monetary consideration, except that no
19 town shall be eligible to receive such lands unless
20 lands within the Park boundary and owned by the
21 town have been conveyed to the Secretary.”.

22 (b) EXTENSION OF ACADIA NATIONAL PARK ADVI-
23 SORY COMMISSION.—

1 (1) IN GENERAL.—Section 103(f) of Public
2 Law 99–420 (16 U.S.C. 341 note) is amended by
3 striking “20” and inserting “40”.

4 (2) EFFECTIVE DATE.—The amendment made
5 by paragraph (1) shall take effect on September 25,
6 2006.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
8 106 of Public Law 99–420 (16 U.S.C. 341 note) is
9 amended by adding the following:

10 “(c) ADDITIONAL FUNDING.—In addition to such
11 sums as have been heretofore appropriated, there is hereby
12 authorized \$10,000,000 for acquisition of lands and inter-
13 ests therein.”.

14 (d) INTERMODAL TRANSPORTATION CENTER.—Title
15 I of Public Law 99–420 (16 U.S.C. 341 note) is amended
16 by adding at the end the following new section:

17 **“SEC. 108. INTERMODAL TRANSPORTATION CENTER.**

18 “(a) IN GENERAL.—The Secretary may provide as-
19 sistance in the planning, construction, and operation of
20 an intermodal transportation center located outside of the
21 boundary of the Park in the town of Trenton, Maine to
22 improve the management, interpretation, and visitor en-
23 joyment of the Park.

24 “(b) AGREEMENTS.—To carry out subsection (a), in
25 administering the intermodal transportation center, the

1 Secretary may enter into interagency agreements with
2 other Federal agencies, and, notwithstanding chapter 63
3 of title 31, United States Code, cooperative agreements,
4 under appropriate terms and conditions, with State and
5 local agencies, and nonprofit organizations—

6 “(1) to provide exhibits, interpretive services
7 (including employing individuals to provide such
8 services), and technical assistance;

9 “(2) to conduct activities that facilitate the dis-
10 semination of information relating to the Park and
11 the Island Explorer transit system or any successor
12 transit system;

13 “(3) to provide financial assistance for the con-
14 struction of the intermodal transportation center in
15 exchange for space in the center that is sufficient to
16 interpret the Park; and

17 “(4) to assist with the operation and mainte-
18 nance of the intermodal transportation center.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—

20 “(1) IN GENERAL.—There are authorized to be
21 appropriated to the Secretary not more than 40 per-
22 cent of the total cost necessary to carry out this sec-
23 tion (including planning, design and construction of
24 the intermodal transportation center).

1 “(2) OPERATIONS AND MAINTENANCE.—There
2 are authorized to be appropriated to the Secretary
3 not more than 85 percent of the total cost necessary
4 to maintain and operate the intermodal transpor-
5 tation center.”.

6 **Subtitle C—Studies**

7 **SEC. 321. NATIONAL PARK SYSTEM SPECIAL RESOURCE** 8 **STUDY, NEWTONIA CIVIL WAR BATTLE-** 9 **FIELDS, MISSOURI.**

10 (a) SPECIAL RESOURCE STUDY.—The Secretary of
11 the Interior shall conduct a special resource study relating
12 to the First Battle of Newtonia in Newton County, Mis-
13 souri, which occurred on September 30, 1862, and the
14 Second Battle of Newtonia, which occurred on October 28,
15 1864, during the Missouri Expedition of Confederate Gen-
16 eral Sterling Price in September and October 1864.

17 (b) CONTENTS.—In conducting the study under sub-
18 section (a), the Secretary shall—

19 (1) evaluate the national significance of the
20 Newtonia battlefields and their related sites;

21 (2) consider the findings and recommendations
22 contained in the document entitled “Vision Plan for
23 Newtonia Battlefield Preservation” and dated June
24 2004, which was prepared by the Newtonia Battle-
25 fields Protection Association;

1 (3) evaluate the suitability and feasibility of
2 adding the battlefields and related sites as part of
3 Wilson's Creek National Battlefield or designating
4 the battlefields and related sites as a unit of the Na-
5 tional Park System;

6 (4) analyze the potential impact that the inclu-
7 sion of the battlefields and related sites as part of
8 Wilson's Creek National Battlefield or their designa-
9 tion as a unit of the National Park System is likely
10 to have on land within or bordering the battlefields
11 and related sites that is privately owned at the time
12 of the study is conducted;

13 (5) consider alternatives for preservation, pro-
14 tection, and interpretation of the battlefields and re-
15 lated sites by the National Park Service, other Fed-
16 eral, State, or local governmental entities, or private
17 and nonprofit organizations; and

18 (6) identify cost estimates for any necessary ac-
19 quisition, development, interpretation, operation, and
20 maintenance associated with the alternatives re-
21 ferred to in paragraph (5).

22 (c) CRITERIA.—The criteria for the study of areas
23 for potential inclusion in the National Park System con-
24 tained in section 8 of Public Law 91–383 (16 U.S.C. 1a–
25 5) shall apply to the study under subsection (a).

1 (d) TRANSMISSION TO CONGRESS.—Not later than
2 three years after the date on which funds are first made
3 available for the study under subsection (a), the Secretary
4 shall submit to the Committee on Natural Resources of
5 the House of Representatives and the Committee on En-
6 ergy and Natural Resources of the Senate a report con-
7 taining—

8 (1) the results of the study; and

9 (2) any conclusions and recommendations of the
10 Secretary.

11 **SEC. 322. NATIONAL PARK SERVICE STUDY REGARDING**
12 **THE SOLDIERS' MEMORIAL MILITARY MU-**
13 **SEUM.**

14 (a) FINDINGS.—Congress finds as follows:

15 (1) The Soldiers' Memorial is a tribute to all
16 veterans located in the greater St. Louis area, in-
17 cluding Southern Illinois.

18 (2) The current annual budget for the memorial
19 is \$185,000 and is paid for exclusively by the City
20 of St. Louis.

21 (3) In 1923, the City of St. Louis voted to
22 spend \$6,000,000 to purchase a memorial plaza and
23 building dedicated to citizens of St. Louis who lost
24 their lives in World War I.

1 (4) The purchase of the 7 block site exhausted
2 the funds and no money remained to construct a
3 monument.

4 (5) In 1933, Mayor Bernard F. Dickmann ap-
5 pealed to citizens and the city government to raise
6 \$1,000,000 to construct a memorial building and
7 general improvement of the plaza area and the con-
8 struction of Soldiers' Memorial began on October
9 21, 1935.

10 (6) On October 14, 1936, President Franklin
11 D. Roosevelt officially dedicated the site.

12 (7) On Memorial Day in 1938, Mayor
13 Dickmann opened the building to the public.

14 (b) STUDY.—The Secretary of the Interior shall carry
15 out a study to determine the suitability and feasibility of
16 designating the Soldiers' Memorial Military Museum, lo-
17 cated at 1315 Chestnut, St. Louis, Missouri, as a unit
18 of the National Park System.

19 (c) STUDY PROCESS AND COMPLETION.—Section
20 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall
21 apply to the conduct and completion of the study required
22 by this section.

23 (d) REPORT.—The Secretary shall submit a report
24 describing the results the study required by this section
25 to the Committee on Natural Resources of the House of

1 Representatives and the Committee on Energy and Nat-
2 ural Resources of the Senate.

3 **SEC. 323. WOLF HOUSE STUDY.**

4 (a) IN GENERAL.—The Secretary shall complete a
5 special resource study of the Wolf House located on High-
6 way 5 in Norfolk, Arkansas, to determine—

7 (1) the suitability and feasibility of designating
8 the Wolf House as a unit of the National Park Sys-
9 tem; and

10 (2) the methods and means for the protection
11 and interpretation of the Wolf House by the Na-
12 tional Park Service, other Federal, State, or local
13 government entities or private or non-profit organi-
14 zations.

15 (b) STUDY REQUIREMENTS.—The Secretary shall
16 conduct the study in accordance with section 8(c) of Pub-
17 lic Law 91–383 (16 U.S.C. 1a–5).

18 (c) REPORT.—Not later than 3 years after the date
19 on which funds are made available to carry out this sec-
20 tion, the Secretary shall submit to the Committee on Nat-
21 ural Resources of the House of Representatives and the
22 Committee on Energy and Natural Resources of the Sen-
23 ate a report containing—

24 (1) the results of the study; and

25 (2) any recommendations of the Secretary.

1 **SEC. 324. SPACE SHUTTLE COLUMBIA STUDY.**

2 (a) DEFINITIONS.—In this section:

3 (1) MEMORIAL.—The term “memorial” means
4 a memorial to the Space Shuttle Columbia that is
5 subject to the study in subsection (b).

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior, acting through the Di-
8 rector of the National Park Service.

9 (b) STUDY OF SUITABILITY AND FEASIBILITY OF ES-
10 TABLISHING MEMORIALS TO THE SPACE SHUTTLE CO-
11 LUMBIA.—

12 (1) IN GENERAL.—Not later than 3 years after
13 the date on which funds are made available, the Sec-
14 retary shall conduct a special resource study to de-
15 termine the feasibility and suitability of establishing
16 a memorial as a unit or units of the National Park
17 System to the Space Shuttle Columbia on land in
18 the State of Texas described in paragraph (2) on
19 which large debris from the Shuttle was recovered.

20 (2) DESCRIPTION OF LAND.—The parcels of
21 land referred to in paragraph (1) are—

22 (A) the parcel of land owned by the Fre-
23 donia Corporation, located at the southeast cor-
24 ner of the intersection of East Hospital Street
25 and North Fredonia Street, Nacogdoches,
26 Texas;

1 (B) the parcel of land owned by Temple
2 Inland Inc., 10 acres of a 61-acre tract bounded
3 by State Highway 83 and Bayou Bend Road,
4 Hemphill, Texas;

5 (C) the parcel of land owned by the city of
6 Lufkin, Texas, located at City Hall Park, 301
7 Charlton Street, Lufkin, Texas; and

8 (D) the parcel of land owned by San Au-
9 gustine County, Texas, located at 1109
10 Oaklawn Street, San Augustine, Texas.

11 (3) ADDITIONAL SITES.—The Secretary may
12 recommend to Congress additional sites in the State
13 of Texas relating to the Space Shuttle Columbia for
14 establishment as memorials to the Space Shuttle Co-
15 lumbia.

16 **SEC. 325. CÉSAR E. CHÁVEZ STUDY.**

17 (a) IN GENERAL.—Not later than 3 years after the
18 date on which funds are made available to carry out this
19 section, the Secretary of the Interior (referred to in this
20 section as the “Secretary”) shall complete a special re-
21 source study of sites in the State of Arizona, the State
22 of California, and other States that are significant to the
23 life of César E. Chávez and the farm labor movement in
24 the western United States to determine—

1 (1) appropriate methods for preserving and in-
2 terpreting the sites; and

3 (2) whether any of the sites meets the criteria
4 for listing on the National Register of Historic
5 Places or designation as a national historic land-
6 mark under—

7 (A) the Act of August 21, 1935 (16 U.S.C.
8 461 et seq.); or

9 (B) the National Historic Preservation Act
10 (16 U.S.C. 470 et seq.).

11 (b) REQUIREMENTS.—In conducting the study under
12 subsection (a), the Secretary shall—

13 (1) consider the criteria for the study of areas
14 for potential inclusion in the National Park System
15 under section 8(b)(2) of Public Law 91–383 (16
16 U.S.C. 1a–5(b)(2)); and

17 (2) consult with—

18 (A) the César E. Chávez Foundation;

19 (B) the United Farm Workers Union; and

20 (C) State and local historical associations
21 and societies, including any State historic pres-
22 ervation offices in the State in which the site is
23 located.

24 (c) REPORT.—On completion of the study, the Sec-
25 retary shall submit to the Committee on Natural Re-

1 sources of the House of Representatives and the Com-
2 mittee on Energy and Natural Resources of the Senate
3 a report that describes—

4 (1) the findings of the study; and

5 (2) any recommendations of the Secretary.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as are nec-
8 essary to carry out this section.

9 **SEC. 326. TAUNTON, MASSACHUSETTS, SPECIAL RESOURCE**
10 **STUDY.**

11 (a) IN GENERAL.—The Secretary of the Interior (re-
12 ferred to in this section as the “Secretary”), in consulta-
13 tion with the appropriate State historic preservation offi-
14 cers, State historical societies, the city of Taunton, Massa-
15 chusetts, and other appropriate organizations, shall con-
16 duct a special resources study regarding the suitability
17 and feasibility of designating certain historic buildings and
18 areas in Taunton, Massachusetts, as a unit of the Na-
19 tional Park System. The study shall be conducted and
20 completed in accordance with section 8(e) of Public Law
21 91–383 (16 U.S.C. 1a–5(c)) and shall include analysis,
22 documentation, and determinations regarding whether the
23 historic areas in Taunton—

24 (1) can be managed, curated, interpreted, re-
25 stored, preserved, and presented as an organic whole

1 under management by the National Park Service or
2 under an alternative management structure;

3 (2) have an assemblage of natural, historic, and
4 cultural resources that together represent distinctive
5 aspects of American heritage worthy of recognition,
6 conservation, interpretation, and continuing use;

7 (3) reflect traditions, customs, beliefs, and his-
8 torical events that are valuable parts of the national
9 story;

10 (4) provide outstanding opportunities to con-
11 serve natural, historic, cultural, architectural, or sce-
12 nic features;

13 (5) provide outstanding recreational and edu-
14 cational opportunities; and

15 (6) can be managed by the National Park Serv-
16 ice in partnership with residents, business interests,
17 nonprofit organizations, and State and local govern-
18 ments to develop a unit of the National Park System
19 consistent with State and local economic activity.

20 (b) REPORT.—Not later than 3 fiscal years after the
21 date on which funds are first made available for this sec-
22 tion, the Secretary shall submit to the Committee on Nat-
23 ural Resources of the House of Representatives and the
24 Committee on Energy and Natural Resources of the Sen-

1 ate a report on the findings, conclusions, and rec-
2 ommendations of the study required under subsection (a).

3 (c) PRIVATE PROPERTY.—The recommendations in
4 the report submitted pursuant to subsection (b) shall in-
5 clude discussion and consideration of the concerns ex-
6 pressed by private landowners with respect to designating
7 certain structures referred to in this section as a unit of
8 the National Park System.

9 **SEC. 327. RIM OF THE VALLEY CORRIDOR STUDY.**

10 (a) IN GENERAL.—The Secretary of the Interior (re-
11 ferred to in this section as the “Secretary”) shall complete
12 a special resource study of the area known as the Rim
13 of the Valley Corridor, generally including the mountains
14 encircling the San Fernando, La Crescenta, Santa Clarita,
15 Simi, and Conejo Valleys in California, to determine—

16 (1) the suitability and feasibility of designating
17 all or a portion of the corridor as a unit of the
18 Santa Monica Mountains National Recreation Area;
19 and

20 (2) the methods and means for the protection
21 and interpretation of this corridor by the National
22 Park Service, other Federal, State, or local govern-
23 ment entities or private or non-profit organizations.

1 (b) DOCUMENTATION.—In conducting the study au-
2 thorized under subsection (a), the Secretary shall docu-
3 ment—

4 (1) the process used to develop the existing
5 Santa Monica Mountains National Recreation Area
6 Fire Management Plan and Environmental Impact
7 Statement (September 2005); and

8 (2) all activity conducted pursuant to the plan
9 referred to in paragraph (1) designed to protect lives
10 and property from wildfire.

11 (c) STUDY REQUIREMENTS.—The Secretary shall
12 conduct the study in accordance with section 8(c) of Pub-
13 lic Law 91–383 (16 U.S.C. 1a–5).

14 (d) REPORT.—Not later than 3 years after the date
15 on which funds are made available to carry out this title,
16 the Secretary shall submit to the Committee on Natural
17 Resources of the House of Representatives and the Com-
18 mittee on Energy and Natural Resources of the Senate
19 a report containing—

20 (1) the results of the study; and

21 (2) any recommendations of the Secretary.

1 **Subtitle D—Memorials,**
2 **Commissions, and Museums**

3 **SEC. 331. COMMEMORATIVE WORK TO HONOR BRIGADIER**
4 **GENERAL FRANCIS MARION AND HIS FAMILY.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) Francis Marion was born in 1732 in St.
7 John’s Parish, Berkeley County, South Carolina. He
8 married Mary Esther Videau on April 20th, 1786.
9 Francis and Mary Esther Marion had no children,
10 but raised a son of a relative as their own, and gave
11 the child Francis Marion’s name.

12 (2) Brigadier General Marion commanded the
13 Williamsburg Militia Revolutionary force in South
14 Carolina and was instrumental in delaying the ad-
15 vance of British forces by leading his troops in dis-
16 rupting supply lines.

17 (3) Brigadier General Marion’s tactics, which
18 were unheard of in rules of warfare at the time, in-
19 cluded lightning raids on British convoys, after
20 which he and his forces would retreat into the
21 swamps to avoid capture. British Lieutenant Colonel
22 Tarleton stated that “as for this damned old swamp
23 fox, the devil himself could not catch him”. Thus,
24 the legend of the “Swamp Fox” was born.

1 (4) His victory at the Battle of Eutaw Springs
2 in September of 1781 was officially recognized by
3 Congress.

4 (5) Brigadier General Marion's troops are be-
5 lieved to be the first racially integrated force fight-
6 ing for the United States, as his band was a mix of
7 Whites, Blacks, both free and slave, and Native
8 Americans.

9 (6) As a statesman, he represented his parish
10 in the South Carolina senate as well as his State at
11 the Constitutional Convention.

12 (7) Although the Congress has authorized the
13 establishment of commemorative works on Federal
14 lands in the District of Columbia honoring such cele-
15 brated Americans as George Washington, Thomas
16 Jefferson, and Abraham Lincoln, the National Cap-
17 ital has no comparable memorial to Brigadier Gen-
18 eral Francis Marion for his bravery and leadership
19 during the Revolutionary War, without which the
20 United States would not exist.

21 (8) Brigadier General Marion's legacy must live
22 on. Since 1878, United States Reservation 18 has
23 been officially referred to as Marion Park. Located
24 between 4th and 6th Streets, S.E., at the intersec-
25 tion of E Street and South Carolina Avenue, S.E.,

1 in Washington, DC, the park lacks a formal com-
2 memoration to this South Carolina hero who was im-
3 portant to the initiation of the Nation's heritage.

4 (9) The time has come to correct this oversight
5 so that future generations of Americans will know
6 and understand the preeminent historical and last-
7 ing significance to the Nation of Brigadier General
8 Marion's contributions. Such a South Carolina hero
9 deserves to be given the proper recognition.

10 (b) **AUTHORITY TO ESTABLISH COMMEMORATIVE**
11 **WORK.**—The Marion Park Project, a committee of the
12 Palmetto Conservation Foundation, may establish a com-
13 memorative work on Federal land in the District of Co-
14 lumbia and its environs to honor Brigadier General
15 Francis Marion and his service.

16 (c) **COMPLIANCE WITH STANDARDS FOR COMMEMO-**
17 **RATIVE WORKS.**—The commemorative work authorized by
18 subsection (b) shall be established in accordance with
19 chapter 89 of title 40, United States Code (commonly
20 known as the “Commemorative Works Act”).

21 (d) **USE OF FEDERAL FUNDS PROHIBITED.**—Fed-
22 eral funds may not be used to pay any expense of the es-
23 tablishment of the commemorative work authorized by
24 subsection (b). The Marion Park Project, a committee of
25 the Palmetto Conservation Foundation, shall be solely re-

1 sponsible for acceptance of contributions for, and payment
2 of the expenses of, the establishment of that commemora-
3 tive work.

4 (e) DEPOSIT OF EXCESS FUNDS.—If, upon payment
5 of all expenses of the establishment of the commemorative
6 work authorized by subsection (b) (including the mainte-
7 nance and preservation amount provided for in section
8 8906(b) of title 40, United States Code), or upon expira-
9 tion of the authority for the commemorative work under
10 chapter 89 of title 40, United States Code, there remains
11 a balance of funds received for the establishment of that
12 commemorative work, the Marion Park Project, a com-
13 mittee of the Palmetto Conservation Foundation, shall
14 transmit the amount of the balance to the Secretary of
15 the Treasury for deposit in the account provided for in
16 section 8906(b)(1) of such title.

17 (f) DEFINITIONS.—For the purposes of this section,
18 the terms “commemorative work” and “the District of Co-
19 lumbia and its environs” have the meanings given to such
20 terms in section 8902(a) of title 40, United States Code.

21 **SEC. 332. DWIGHT D. EISENHOWER MEMORIAL COMMIS-**
22 **SION.**

23 Section 8162 of the Department of Defense Appro-
24 priations Act, 2000 (Public Law 106–79; 113 Stat. 1274)
25 is amended—

1 (1) by striking subsection (j) and inserting the
2 following:

3 “(j) POWERS OF THE COMMISSION.—

4 “(1) IN GENERAL.—

5 “(A) POWERS.—The Commission may—

6 “(i) make such expenditures for serv-
7 ices and materials for the purpose of car-
8 rying out this section as the Commission
9 considers advisable from funds appro-
10 priated or received as gifts for that pur-
11 pose;

12 “(ii) solicit and accept contributions
13 to be used in carrying out this section or
14 to be used in connection with the construc-
15 tion or other expenses of the memorial;

16 “(iii) hold hearings and enter into
17 contracts;

18 “(iv) enter into contracts for special-
19 ized or professional services as necessary
20 to carry out this section; and

21 “(v) take such actions as are nec-
22 essary to carry out this section.

23 “(B) SPECIALIZED OR PROFESSIONAL
24 SERVICES.—Services under subparagraph
25 (A)(iv) may be—

1 “(i) obtained without regard to the
2 provisions of title 5, United States Code,
3 including section 3109 of that title; and

4 “(ii) may be paid without regard to
5 the provisions of title 5, United States
6 Code, including chapter 51 and subchapter
7 III of chapter 53 of that title.

8 “(2) GIFTS OF PROPERTY.—The Commission
9 may accept gifts of real or personal property to be
10 used in carrying out this section, including to be
11 used in connection with the construction or other ex-
12 penses of the memorial.

13 “(3) FEDERAL COOPERATION.—At the request
14 of the Commission, a Federal department or agency
15 may provide any information or other assistance to
16 the Commission that the head of the Federal depart-
17 ment or agency determines to be appropriate.

18 “(4) POWERS OF MEMBERS AND AGENTS.—

19 “(A) IN GENERAL.—If authorized by the
20 Commission, any member or agent of the Com-
21 mission may take any action that the Commis-
22 sion is authorized to take under this section.

23 “(B) ARCHITECT.—The Commission may
24 appoint an architect as an agent of the Com-
25 mission to—

1 “(i) represent the Commission on var-
2 ious governmental source selection and
3 planning boards on the selection of the
4 firms that will design and construct the
5 memorial; and

6 “(ii) perform other duties as des-
7 ignated by the Chairperson of the Commis-
8 sion.

9 “(C) TREATMENT.—An authorized mem-
10 ber or agent of the Commission (including an
11 individual appointed under subparagraph (B))
12 providing services to the Commission shall be
13 considered an employee of the Federal Govern-
14 ment in the performance of those services for
15 the purposes of chapter 171 of title 28, United
16 States Code, relating to tort claims.

17 “(5) TRAVEL.—Each member of the Commis-
18 sion shall be allowed travel expenses, including per
19 diem in lieu of subsistence, at rates authorized for
20 employees of agencies under subchapter I of chapter
21 57 of title 5, United States Code, while away from
22 their homes or regular places of business in the per-
23 formance of services for the Commission.”;

24 (2) by redesignating subsection (o) as sub-
25 section (q); and

1 (3) by adding after subsection (n) the following:

2 “(o) STAFF AND SUPPORT SERVICES.—

3 “(1) EXECUTIVE DIRECTOR.—There shall be an
4 Executive Director appointed by the Commission to
5 be paid at a rate not to exceed the maximum rate
6 of basic pay for level IV of the Executive Schedule.

7 “(2) STAFF.—

8 “(A) IN GENERAL.—The staff of the Com-
9 mission may be appointed and terminated with-
10 out regard to the provisions of title 5, United
11 States Code, governing appointments in the
12 competitive service, and may be paid without
13 regard to the provisions of chapter 51 and sub-
14 chapter III of chapter 53 of that title, relating
15 to classification and General Schedule pay
16 rates, except that an individual appointed under
17 this paragraph may not receive pay in excess of
18 the maximum rate of basic pay for GS-15 of
19 the General Schedule.

20 “(B) SENIOR STAFF.—Notwithstanding
21 subparagraph (A), not more than 3 staff em-
22 ployees of the Commission (in addition to the
23 Executive Director) may be paid at a rate not
24 to exceed the maximum rate of basic pay for
25 level IV of the Executive Schedule.

1 “(3) STAFF OF FEDERAL AGENCIES.—On re-
2 quest of the Commission, the head of any Federal
3 department or agency may detail any of the per-
4 sonnel of the department or agency to the Commis-
5 sion to assist the Commission to carry out its duties
6 under this section.

7 “(4) FEDERAL SUPPORT.—The Commission
8 shall obtain administrative and support services
9 from the General Services Administration on a reim-
10 bursable basis. The Commission may use all con-
11 tracts, schedules, and acquisition vehicles allowed to
12 external clients through the General Services Admin-
13 istration.

14 “(5) COOPERATIVE AGREEMENTS.—The Com-
15 mission may enter into cooperative agreements with
16 Federal agencies, State, local, tribal and inter-
17 national governments, and private interests and or-
18 ganizations which will further the goals and pur-
19 poses of this section.

20 “(6) TEMPORARY, INTERMITTENT, AND PART-
21 TIME SERVICES.—

22 “(A) IN GENERAL.—The Commission may
23 obtain temporary, intermittent, and part-time
24 services under section 3109 of title 5, United
25 States Code, at rates not to exceed the max-

1 imum annual rate of basic pay payable under
2 section 5376 of that title.

3 “(B) NON-APPLICABILITY TO CERTAIN
4 SERVICES.—This paragraph shall not apply to
5 services under subsection (j)(1)(A)(iv).

6 “(7) VOLUNTEER SERVICES.—

7 “(A) IN GENERAL.—Notwithstanding sec-
8 tion 1342 of title 31, United States Code, the
9 Commission may accept and utilize the services
10 of volunteers serving without compensation.

11 “(B) REIMBURSEMENT.—The Commission
12 may reimburse such volunteers for local travel
13 and office supplies, and for other travel ex-
14 penses, including per diem in lieu of subsist-
15 ence, as authorized by section 5703 of title 5,
16 United States Code.

17 “(C) LIABILITY.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), a volunteer described in subparagraph
20 (A) shall be considered to be a volunteer
21 for purposes of the Volunteer Protection
22 Act of 1997 (42 U.S.C. 14501 et seq.).

23 “(ii) EXCEPTION.—Section 4(d) of the
24 Volunteer Protection Act of 1997 (42
25 U.S.C. 14503(d)) shall not apply for pur-

1 poses of a claim against a volunteer de-
2 scribed in subparagraph (A).

3 “(p) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as necessary
5 to carry out this section.”.

6 **SEC. 333. COMMISSION TO STUDY THE POTENTIAL CRE-**
7 **ATION OF A NATIONAL MUSEUM OF THE**
8 **AMERICAN LATINO.**

9 (a) ESTABLISHMENT OF COMMISSION.—

10 (1) IN GENERAL.—There is established the
11 Commission to Study the Potential Creation of a
12 National Museum of the American Latino (hereafter
13 in this section referred to as the “Commission”).

14 (2) MEMBERSHIP.—The Commission shall con-
15 sist of 23 members appointed not later than 6
16 months after the date of enactment of this Act as
17 follows:

18 (A) The President shall appoint 7 voting
19 members.

20 (B) The Speaker of the House of Rep-
21 resentatives, the Minority Leader of the House
22 of Representatives, the Majority Leader of the
23 Senate, and the Minority Leader of the Senate
24 shall each appoint 3 voting members.

1 (C) In addition to the members appointed
2 under subparagraph (B), the Speaker of the
3 House of Representatives, the Minority Leader
4 of the House of Representatives, the Majority
5 Leader of the Senate, and the Minority Leader
6 of the Senate shall each appoint 1 nonvoting
7 member.

8 (3) QUALIFICATIONS.—Members of the Com-
9 mission shall be chosen from among individuals, or
10 representatives of institutions or entities, who pos-
11 sess either—

12 (A) a demonstrated commitment to the re-
13 search, study, or promotion of American Latino
14 life, art, history, political or economic status, or
15 culture, together with—

16 (i) expertise in museum administra-
17 tion;

18 (ii) expertise in fundraising for non-
19 profit or cultural institutions;

20 (iii) experience in the study and
21 teaching of Latino culture and history at
22 the post-secondary level;

23 (iv) experience in studying the issue of
24 the Smithsonian Institution's representa-

1 tion of American Latino art, life, history,
2 and culture; or

3 (v) extensive experience in public or
4 elected service; or

5 (B) experience in the administration of, or
6 the planning for the establishment of, museums
7 devoted to the study and promotion of the role
8 of ethnic, racial, or cultural groups in American
9 history.

10 (b) FUNCTIONS OF THE COMMISSION.—

11 (1) PLAN OF ACTION FOR ESTABLISHMENT AND
12 MAINTENANCE OF MUSEUM.—The Commission shall
13 submit a report to the President and the Congress
14 containing its recommendations with respect to a
15 plan of action for the establishment and mainte-
16 nance of a National Museum of the American Latino
17 in Washington, DC (hereafter in this section re-
18 ferred to as the “Museum”).

19 (2) FUNDRAISING PLAN.—The Commission
20 shall develop a fundraising plan for supporting the
21 creation and maintenance of the Museum through
22 contributions by the American people, and a sepa-
23 rate plan on fundraising by the American Latino
24 community.

1 (3) REPORT ON ISSUES.—The Commission shall
2 examine (in consultation with the Secretary of the
3 Smithsonian Institution), and submit a report to the
4 President and the Congress on, the following issues:

5 (A) The availability and cost of collections
6 to be acquired and housed in the Museum.

7 (B) The impact of the Museum on regional
8 Hispanic- and Latino-related museums.

9 (C) Possible locations for the Museum in
10 Washington, DC and its environs, to be consid-
11 ered in consultation with the National Capital
12 Planning Commission and the Commission of
13 Fine Arts, the Department of the Interior and
14 Smithsonian Institution.

15 (D) Whether the Museum should be lo-
16 cated within the Smithsonian Institution.

17 (E) The governance and organizational
18 structure from which the Museum should oper-
19 ate.

20 (F) How to engage the American Latino
21 community in the development and design of
22 the Museum.

23 (G) The cost of constructing, operating,
24 and maintaining the Museum.

1 (4) LEGISLATION TO CARRY OUT PLAN OF AC-
2 TION.—Based on the recommendations contained in
3 the report submitted under paragraph (1) and the
4 report submitted under paragraph (3), the Commis-
5 sion shall submit for consideration to the Committee
6 on Transportation and Infrastructure of the House
7 of Representatives, the Committee on House Admin-
8 istration of the House of Representatives, the Com-
9 mittee on Rules and Administration of the Senate,
10 the Committee on Natural Resources of the House
11 of Representatives, the Committee on Energy and
12 Natural Resources of the Senate, and the Commit-
13 tees on Appropriations of the House of Representa-
14 tives and the Senate recommendations for a legisla-
15 tive plan of action to create and construct the Mu-
16 seum.

17 (5) NATIONAL CONFERENCE.—In carrying out
18 its functions under this section, the Commission may
19 convene a national conference on the Museum, com-
20 prised of individuals committed to the advancement
21 of American Latino life, art, history, and culture,
22 not later than 18 months after the commission mem-
23 bers are selected.

24 (c) ADMINISTRATIVE PROVISIONS.—

1 (1) FACILITIES AND SUPPORT OF DEPARTMENT
2 OF THE INTERIOR.—The Department of the Interior
3 shall provide from funds appropriated for this pur-
4 pose administrative services, facilities, and funds
5 necessary for the performance of the Commission’s
6 functions. These funds shall be made available prior
7 to any meetings of the Commission.

8 (2) COMPENSATION.—Each member of the
9 Commission who is not an officer or employee of the
10 Federal Government may receive compensation for
11 each day on which the member is engaged in the
12 work of the Commission, at a daily rate to be deter-
13 mined by the Secretary of the Interior.

14 (3) TRAVEL EXPENSES.—Each member shall be
15 entitled to travel expenses, including per diem in lieu
16 of subsistence, in accordance with applicable provi-
17 sions under subchapter I of chapter 57 of title 5,
18 United States Code.

19 (4) FEDERAL ADVISORY COMMITTEE ACT.—The
20 Commission is not subject to the provisions of the
21 Federal Advisory Committee Act.

22 (d) DEADLINE FOR SUBMISSION OF REPORTS; TER-
23 MINATION.—

24 (1) DEADLINE.—The Commission shall submit
25 final versions of the reports and plans required

1 under subsection (b) not later than 24 months after
2 the date of the Commission's first meeting.

3 (2) TERMINATION.—The Commission shall ter-
4minate not later than 30 days after submitting the
5 final versions of reports and plans pursuant to para-
6graph (1).

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated for carrying out the ac-
9 tivities of the Commission \$2,100,000 for the first fiscal
10 year beginning after the date of enactment of this Act and
11 \$1,100,000 for the second fiscal year beginning after the
12 date of enactment of this Act.

13 **SEC. 334. HUDSON-FULTON-CHAMPLAIN**
14 **QUADRICENTENNIAL COMMEMORATION**
15 **COMMISSION.**

16 (a) COORDINATION.—Each commission established
17 under this section shall coordinate with the other respec-
18 tive commission established under this section to ensure
19 that commemorations of Henry Hudson, Robert Fulton,
20 and Samuel de Champlain are—

21 (1) consistent with the plans and programs of
22 the commemorative commissions established by the
23 States of New York and Vermont; and

24 (2) well-organized and successful.

25 (b) DEFINITIONS.—In this section:

1 (1) CHAMPLAIN COMMEMORATION.—The term
2 “Champlain commemoration” means the commemo-
3 ration of the 400th anniversary of the voyage of
4 Samuel de Champlain.

5 (2) CHAMPLAIN COMMISSION.—The term
6 “Champlain Commission” means the Champlain
7 Quadricentennial Commemoration Commission es-
8 tablished by subsection (c)(1).

9 (3) COMMISSION.—The term “Commission”
10 means each of the Champlain Commission and the
11 Hudson-Fulton Commission.

12 (4) HUDSON-FULTON COMMEMORATION.—The
13 term “Hudson-Fulton commemoration” means the
14 commemoration of—

15 (A) the 200th anniversary of the voyage of
16 Robert Fulton in the Clermont; and

17 (B) the 400th anniversary of the voyage of
18 Henry Hudson in the Half Moon.

19 (5) HUDSON-FULTON COMMISSION.—The term
20 “Hudson-Fulton Commission” means the Hudson-
21 Fulton 400th Commemoration Commission estab-
22 lished by subsection (d)(1).

23 (6) LAKE CHAMPLAIN BASIN PROGRAM.—The
24 term “Lake Champlain Basin Program” means the
25 partnership established by section 120 of the Fed-

1 eral Water Pollution Control Act (33 U.S.C. 1270)
2 between the States of New York and Vermont and
3 Federal agencies to carry out the Lake Champlain
4 management plan entitled, “Opportunities for Ac-
5 tion: An Evolving Plan for the Lake Champlain
6 Basin”.

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

9 (c) ESTABLISHMENT OF CHAMPLAIN COMMISSION.—

10 (1) IN GENERAL.—There is established a com-
11 mission to be known as the “Champlain
12 Quadricentennial Commemoration Commission”.

13 (2) MEMBERSHIP.—

14 (A) COMPOSITION.—The Champlain Com-
15 mission shall be composed of 10 members, of
16 whom—

17 (i) 1 member shall be the Director of
18 the National Park Service (or a designee);

19 (ii) 4 members shall be appointed by
20 the Secretary from among individuals who,
21 on the date of enactment of this Act, are—

22 (I) serving as members of the
23 Hudson-Fulton-Champlain
24 Quadricentennial Commission of the
25 State of New York; and

1 (II) residents of Champlain Val-
2 ley, New York;

3 (iii) 4 members shall be appointed by
4 the Secretary from among individuals who,
5 on the date of enactment of this Act, are—

6 (I) serving as members of the
7 Lake Champlain Quadricentennial
8 Commission of the State of Vermont;
9 and

10 (II) residents of the State of
11 Vermont; and

12 (iv) 1 member shall be appointed by
13 the Secretary, and shall be an individual
14 who has—

15 (I) an interest in, support for,
16 and expertise appropriate with respect
17 to, the Champlain commemoration;
18 and

19 (II) knowledge relating to the
20 history of the Champlain Valley.

21 (B) TERM; VACANCIES.—

22 (i) TERM.—A member of the Cham-
23 plain Commission shall be appointed for
24 the life of the Champlain Commission.

1 (D) encourage civic, patriotic, historical,
2 educational, artistic, religious, economic, and
3 other organizations throughout the United
4 States to organize and participate in anniver-
5 sary activities to expand the understanding and
6 appreciation of the significance of the voyage of
7 Samuel de Champlain;

8 (E) provide technical assistance to States,
9 localities, and nonprofit organizations to further
10 the Champlain commemoration;

11 (F) coordinate and facilitate for the public
12 scholarly research on, publication about, and in-
13 terpretation of, the voyage of Samuel de Cham-
14 plain;

15 (G) ensure that the Champlain 2009 anni-
16 versary provides a lasting legacy and a long-
17 term public benefit by assisting in the develop-
18 ment of appropriate programs and facilities;

19 (H) help ensure that the observances of
20 the voyage of Samuel de Champlain are inclu-
21 sive and appropriately recognize the experiences
22 and heritage of all people present when Samuel
23 de Champlain arrived in the Champlain Valley;
24 and

1 (I) consult and coordinate with the Lake
2 Champlain Basin Program and other relevant
3 organizations to plan and develop programs and
4 activities to commemorate the voyage of Samuel
5 de Champlain.

6 (d) ESTABLISHMENT OF HUDSON-FULTON COMMIS-
7 SION.—

8 (1) ESTABLISHMENT.—There is established a
9 commission to be known as the “Hudson-Fulton
10 400th Commemoration Commission”.

11 (2) MEMBERSHIP.—

12 (A) COMPOSITION.—The Hudson-Fulton
13 Commission shall be composed of 15 members,
14 of whom—

15 (i) 1 member shall be the Director of
16 the National Park Service (or a designee);

17 (ii) 1 member shall be appointed by
18 the Secretary, after considering the rec-
19 ommendation of the Governor of the State
20 of New York;

21 (iii) 6 members shall be appointed by
22 the Secretary, after considering the rec-
23 ommendations of the Members of the
24 House of Representatives whose districts
25 encompass the Hudson River Valley;

1 (iv) 2 members shall be appointed by
2 the Secretary, after considering the rec-
3 ommendations of the Members of the Sen-
4 ate from the State of New York;

5 (v) 2 members shall be—

6 (I) appointed by the Secretary;

7 and

8 (II) individuals who have an in-
9 terest in, support for, and expertise
10 appropriate with respect to, the Hud-
11 son-Fulton commemoration, of
12 whom—

13 (aa) 1 member shall be an
14 individual with expertise in the
15 Hudson River Valley National
16 Heritage Area; and

17 (bb) 1 member shall be an
18 individual with expertise in the
19 State of New York, as it relates
20 to the Hudson-Fulton commemo-
21 ration;

22 (vi) 1 member shall be the Chair-
23 person of a commemorative commission
24 formed by the State of New York (or the
25 designee of the Chairperson); and

1 (vii) 2 members shall be appointed by
2 the Secretary, after—

3 (I) considering the recommenda-
4 tion of the Mayor of the city of New
5 York; and

6 (II) consulting the Members of
7 the House of Representatives whose
8 districts encompass the city of New
9 York.

10 (B) TERM; VACANCIES.—

11 (i) TERM.—A member of the Hudson-
12 Fulton Commission shall be appointed for
13 the life of the Hudson-Fulton Commission.

14 (ii) VACANCIES.—A vacancy on the
15 Hudson-Fulton Commission shall be filled
16 in the same manner in which the original
17 appointment was made.

18 (3) DUTIES.—The Hudson-Fulton Commission
19 shall—

20 (A) plan, develop, and execute programs
21 and activities appropriate to commemorate—

22 (i) the 400th anniversary of the voy-
23 age of Henry Hudson, the first European
24 to sail up the Hudson River; and

1 (ii) the 200th anniversary of the voy-
2 age of Robert Fulton, the first person to
3 use steam navigation on a commercial
4 basis;

5 (B) facilitate activities relating to the Hud-
6 son-Fulton-Champlain Quadricentennial
7 throughout the United States;

8 (C) coordinate the activities of the Hud-
9 son-Fulton Commission with—

10 (i) State commemoration commis-
11 sions;

12 (ii) appropriate Federal agencies;

13 (iii) the National Park Service, with
14 respect to the Hudson River Valley Na-
15 tional Heritage Area;

16 (iv) the American Heritage Rivers Ini-
17 tiative Interagency Committee established
18 by Executive Order 13061, dated Sep-
19 tember 11, 1997;

20 (v) the National Endowment for the
21 Humanities;

22 (vi) the National Endowment for the
23 Arts; and

24 (vii) the Smithsonian Institution;

1 (D) encourage civic, patriotic, historical,
2 educational, artistic, religious, economic, and
3 other organizations throughout the United
4 States to organize and participate in anniver-
5 sary activities to expand the understanding and
6 appreciation of the significance of the voyages
7 of Henry Hudson and Robert Fulton;

8 (E) provide technical assistance to States,
9 localities, and nonprofit organizations to further
10 the Hudson-Fulton commemoration;

11 (F) coordinate and facilitate for the public
12 scholarly research on, publication about, and in-
13 terpretation of, the voyages of Henry Hudson
14 and Robert Fulton;

15 (G) ensure that the Hudson-Fulton 2009
16 commemorations provide a lasting legacy and
17 long-term public benefit by assisting in the de-
18 velopment of appropriate programs and facili-
19 ties; and

20 (H) help ensure that the observances of
21 Henry Hudson are inclusive and appropriately
22 recognize the experiences and heritage of all
23 people present when Henry Hudson sailed the
24 Hudson River.

25 (e) COMMISSION MEETINGS.—

1 (1) INITIAL MEETING.—Not later than 30 days
2 after the date on which all members of a commission
3 established under this section have been appointed,
4 the applicable Commission shall hold an initial meet-
5 ing.

6 (2) MEETINGS.—A commission established
7 under this section shall meet—

8 (A) at least twice each year; or

9 (B) at the call of the Chairperson or the
10 majority of the members of the Commission.

11 (3) QUORUM.—A majority of voting members
12 shall constitute a quorum, but a lesser number may
13 hold meetings.

14 (4) CHAIRPERSON AND VICE CHAIRPERSON.—

15 (A) ELECTION.—The Commission shall
16 elect the Chairperson and the Vice Chairperson
17 of the Commission on an annual basis.

18 (B) ABSENCE OF THE CHAIRPERSON.—
19 The Vice Chairperson shall serve as the Chair-
20 person in the absence of the Chairperson.

21 (5) VOTING.—A commission established under
22 this section shall act only on an affirmative vote of
23 a majority of the voting members of the applicable
24 Commission.

25 (f) COMMISSION POWERS.—

1 (1) GIFTS.—The Commission may solicit, ac-
2 cept, use, and dispose of gifts, bequests, or devises
3 of money or other property for aiding or facilitating
4 the work of the Commission.

5 (2) APPOINTMENT OF ADVISORY COMMIT-
6 TEES.—The Commission may appoint such advisory
7 committees as the Commission determines to be nec-
8 essary to carry out this section.

9 (3) AUTHORIZATION OF ACTION.—The Commis-
10 sion may authorize any member or employee of the
11 Commission to take any action that the Commission
12 is authorized to take under this section.

13 (4) PROCUREMENT.—

14 (A) IN GENERAL.—The Commission may
15 procure supplies, services, and property, and
16 make or enter into contracts, leases, or other
17 legal agreements, to carry out this section (ex-
18 cept that a contract, lease, or other legal agree-
19 ment made or entered into by the Commission
20 shall not extend beyond the date of termination
21 of the Commission).

22 (B) LIMITATION.—The Commission may
23 not purchase real property.

24 (5) POSTAL SERVICES.—The Commission may
25 use the United States mails in the same manner and

1 under the same conditions as other agencies of the
2 Federal Government.

3 (6) GRANTS.—

4 (A) CHAMPLAIN COMMISSION.—The Cham-
5 plain Commission may make grants in amounts
6 not to exceed \$20,000—

7 (i) to communities, nonprofit organi-
8 zations, and State commemorative commis-
9 sions to develop programs to assist in the
10 Champlain commemoration; and

11 (ii) to research and scholarly organi-
12 zations to research, publish, or distribute
13 information relating to the early history of
14 the voyage of Samuel de Champlain.

15 (B) HUDSON-FULTON COMMISSION.—The
16 Hudson-Fulton Commission may make grants
17 in amounts not to exceed \$20,000—

18 (i) to communities, nonprofit organi-
19 zations, and State commemorative commis-
20 sions to develop programs to assist in the
21 Hudson-Fulton commemoration; and

22 (ii) to research and scholarly organi-
23 zations to research, publish, or distribute
24 information relating to the early history of

1 the voyages of Henry Hudson and Robert
2 Fulton.

3 (7) TECHNICAL ASSISTANCE.—The Commission
4 shall provide technical assistance to States, local-
5 ities, and nonprofit organizations to further the
6 Champlain commemoration and Hudson-Fulton
7 commemoration, as applicable.

8 (8) COORDINATION AND CONSULTATION WITH
9 LAKE CHAMPLAIN BASIN PROGRAM.—The Champlain
10 Commission shall coordinate and consult with the
11 Lake Champlain Basin Program to provide grants
12 and technical assistance under paragraphs (6)(A)
13 and (7) for the development of activities commemo-
14 rating the voyage of Samuel de Champlain.

15 (g) COMMISSION PERSONNEL MATTERS.—

16 (1) COMPENSATION OF MEMBERS.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), a member of the Commis-
19 sion shall serve without compensation.

20 (B) FEDERAL EMPLOYEES.—A member of
21 the Commission who is an officer or employee
22 of the Federal Government shall serve without
23 compensation in addition to the compensation
24 received for the services of the member as an
25 officer or employee of the Federal Government.

1 (2) TRAVEL EXPENSES.—A member of the
2 Commission shall be allowed travel expenses, includ-
3 ing per diem in lieu of subsistence, at rates author-
4 ized for an employee of an agency under subchapter
5 I of chapter 57 of title 5, United States Code, while
6 away from the home or regular place of business of
7 the member in the performance of the duties of the
8 Commission.

9 (3) STAFF.—The Commission may, without re-
10 gard to the civil service laws (including regulations),
11 appoint and terminate an Executive Director and
12 such other additional personnel as are necessary to
13 enable the Commission to perform the duties of the
14 Commission.

15 (4) COMPENSATION.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), the Commission may fix the
18 compensation of the Executive Director and
19 other personnel without regard to the provisions
20 of chapter 51 and subchapter III of chapter 53
21 of title 5, United States Code, relating to classi-
22 fication of positions and General Schedule pay
23 rates.

24 (B) MAXIMUM RATE OF PAY.—The rate of
25 pay for the Executive Director and other per-

1 sonnel shall not exceed the rate payable for
2 level V of the Executive Schedule under section
3 5316 of title 5, United States Code.

4 (5) DETAIL OF GOVERNMENT EMPLOYEES.—

5 (A) FEDERAL EMPLOYEES.—

6 (i) IN GENERAL.—At the request of
7 the Commission, the head of any Federal
8 agency may detail, on a reimbursable or
9 nonreimbursable basis, any of the per-
10 sonnel of the agency to the Commission to
11 assist the Commission in carrying out the
12 duties of the Commission under this sec-
13 tion.

14 (ii) CIVIL SERVICE STATUS.—The de-
15 tail of an employee under clause (i) shall
16 be without interruption or loss of civil serv-
17 ice status or privilege.

18 (B) STATE EMPLOYEES.—The Commission
19 may—

20 (i) accept the services of personnel de-
21 tailed from the State of New York or the
22 State of Vermont, as appropriate (includ-
23 ing subdivisions of the States); and

1 (ii) reimburse the State of New York
2 or the State of Vermont for services of de-
3 tailed personnel.

4 (C) LAKE CHAMPLAIN BASIN PROGRAM
5 EMPLOYEES.—The Champlain Commission
6 may—

7 (i) accept the services of personnel de-
8 tailed from the Lake Champlain Basin
9 Program; and

10 (ii) reimburse the Lake Champlain
11 Basin Program for services of detailed per-
12 sonnel.

13 (D) PROCUREMENT OF TEMPORARY AND
14 INTERMITTENT SERVICES.—The Commission
15 may procure temporary and intermittent serv-
16 ices in accordance with section 3109(b) of title
17 5, United States Code, at rates for individuals
18 that do not exceed the daily equivalent of the
19 annual rate of basic pay prescribed for level V
20 of the Executive Schedule under section 5316
21 of that title.

22 (6) VOLUNTEER AND UNCOMPENSATED SERV-
23 ICES.—Notwithstanding section 1342 of title 31,
24 United States Code, the Commission may accept and

1 use voluntary and uncompensated services as the
2 Commission determines necessary.

3 (7) SUPPORT SERVICES.—The Secretary shall
4 provide to the Commission, on a reimbursable basis,
5 such administrative support services as the Commis-
6 sion may request.

7 (8) FACA NONAPPLICABILITY.—Section 14(b)
8 of the Federal Advisory Committee Act (5 U.S.C.
9 App.) shall not apply to the Commission.

10 (h) REPORTS.—Not later than September 30, 2010,
11 the Commission shall submit to the Secretary a report
12 that contains—

13 (1) a summary of the activities of the Commis-
14 sion;

15 (2) a final accounting of funds received and ex-
16 pended by the Commission; and

17 (3) the findings and recommendations of the
18 Commission.

19 (i) TERMINATION OF COMMISSIONS.—

20 (1) DATE OF TERMINATION.—The Commission
21 shall terminate on December 31, 2010.

22 (2) TRANSFER OF DOCUMENTS AND MATE-
23 RIALS.—Before the date of termination specified in
24 paragraph (1), the Commission shall transfer all of
25 its documents and materials of the Commission to

1 the National Archives or another appropriate Fed-
2 eral entity.

3 (j) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be
5 appropriated to carry out this section for each of fis-
6 cal years 2008 through 2011—

7 (A) \$500,000 to the Champlain Commis-
8 sion; and

9 (B) \$500,000 to the Hudson-Fulton Com-
10 mission.

11 (2) AVAILABILITY.—Amounts made available
12 under paragraph (1) shall remain available until ex-
13 pended.

14 **SEC. 335. STAR-SPANGLED BANNER AND WAR OF 1812 BI-**
15 **CENTENNIAL COMMISSION.**

16 (a) FINDINGS.—Congress finds that—

17 (1) the War of 1812 served as a crucial test for
18 the United States Constitution and the newly estab-
19 lished democratic Government;

20 (2) vast regions of the new multi-party democ-
21 racy, including the Chesapeake Bay, the Gulf of
22 Mexico and the Niagara Frontier, were affected by
23 the War of 1812 including the States of Alabama,
24 Connecticut, Delaware, Florida, Georgia, Iowa, Illi-
25 nois, Indiana, Kentucky, Louisiana, Massachusetts,

1 Maryland, Maine, Michigan, Missouri, Mississippi,
2 New Jersey, North Carolina, New Hampshire, New
3 York, Ohio, Oregon, Pennsylvania, Rhode Island,
4 South Carolina, Tennessee, Virginia, Vermont, Wis-
5 consin, West Virginia, and the District of Columbia;

6 (3) the British occupation of American territory
7 along the Great Lakes and in other regions, the
8 burning of Washington, DC, the American victories
9 at Fort McHenry, New Orleans, and Plattsburgh,
10 among other battles, had far reaching effects on
11 American society;

12 (4) at the Battle of Baltimore, Francis Scott
13 Key wrote the poem that celebrated the flag and
14 later was titled “the Star-Spangled Banner”;

15 (5) the poem led to the establishment of the
16 flag as an American icon and became the words of
17 the national anthem of the United States in 1932;
18 and

19 (6) it is in the national interest to provide for
20 appropriate commemorative activities to maximize
21 public understanding of the meaning of the War of
22 1812 in the history of the United States.

23 (b) PURPOSES.—The purposes of this section are
24 to—

1 (1) establish the Star-Spangled Banner and
2 War of 1812 Commemoration Commission;

3 (2) ensure a suitable national observance of the
4 War of 1812 by complementing, cooperating with,
5 and providing assistance to the programs and activi-
6 ties of the various States involved in the commemo-
7 ration;

8 (3) encourage War of 1812 observances that
9 provide an excellent visitor experience and beneficial
10 interaction between visitors and the natural and cul-
11 tural resources of the various War of 1812 sites;

12 (4) facilitate international involvement in the
13 War of 1812 observances;

14 (5) support and facilitate marketing efforts for
15 a commemorative coin, stamp, and related activities
16 for the War of 1812 observances; and

17 (6) promote the protection of War of 1812 re-
18 sources and assist in the appropriate development of
19 heritage tourism and economic benefits to the
20 United States.

21 (c) DEFINITIONS.—In this section:

22 (1) COMMEMORATION.—The term “commemo-
23 ration” means the commemoration of the War of
24 1812.

1 (2) COMMISSION.—The term “Commission”
2 means the Star-Spangled Banner and War of 1812
3 Bicentennial Commission established in subsection
4 (d)(1).

5 (3) QUALIFIED CITIZEN.—The term “qualified
6 citizen” means a citizen of the United States with
7 an interest in, support for, and expertise appropriate
8 to the commemoration.

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

11 (5) STATES.—The term “States”—

12 (A) means the States of Alabama, Ken-
13 tucky, Indiana, Louisiana, Maryland, Vermont,
14 Virginia, New York, Maine, Michigan, and
15 Ohio; and

16 (B) includes agencies and entities of each
17 State.

18 (d) STAR-SPANGLED BANNER AND WAR OF 1812
19 COMMEMORATION COMMISSION.—

20 (1) IN GENERAL.—There is established a com-
21 mission to be known as the “Star-Spangled Banner
22 and War of 1812 Bicentennial Commission”.

23 (2) MEMBERSHIP.—

24 (A) IN GENERAL.—The Commission shall
25 be composed of 22 members, of whom—

1 (i) 11 members shall be qualified citi-
2 zens appointed by the Secretary after con-
3 sideration of nominations submitted by the
4 Governors of Alabama, Kentucky, Indiana,
5 Louisiana, Maine, Maryland, Michigan,
6 New York, Ohio, Vermont, and Virginia;

7 (ii) 3 members shall be qualified citi-
8 zens appointed by the Secretary after con-
9 sideration of nominations submitted by the
10 Mayors of the District of Columbia, the
11 City of Baltimore, and the City of New Or-
12 leans;

13 (iii) 2 members shall be employees of
14 the National Park Service, of whom—

15 (I) 1 shall be the Director of the
16 National Park Service (or a designee);
17 and

18 (II) 1 shall be an employee of the
19 National Park Service having experi-
20 ence relevant to the commemoration;

21 (iv) 4 members shall be qualified citi-
22 zens appointed by the Secretary with con-
23 sideration of recommendations—

24 (I) 1 of which are submitted by
25 the majority leader of the Senate;

1 (II) 1 of which are submitted by
2 the minority leader of the Senate;

3 (III) 1 of which are submitted by
4 the majority leader of the House of
5 Representatives;

6 (IV) 1 of which are submitted by
7 the minority leader of the House of
8 Representatives; and

9 (v) 2 members shall be appointed by
10 the Secretary from among individuals with
11 expertise in the history of the War of
12 1812.

13 (B) DATE OF APPOINTMENTS.—The ap-
14 pointment of a member of the Commission shall
15 be made not later than 120 days after the date
16 of enactment of this Act.

17 (3) TERM; VACANCIES.—

18 (A) TERM.—A member shall be appointed
19 for the life of the Commission.

20 (B) VACANCIES.—A vacancy on the Com-
21 mission—

22 (i) shall not affect the powers of the
23 Commission; and

24 (ii) shall be filled in the same manner
25 as the original appointment was made.

1 (4) VOTING.—

2 (A) IN GENERAL.—The Commission shall
3 act only on an affirmative vote of a majority of
4 the members of the Commission.

5 (B) QUORUM.—A majority of the members
6 of the Commission shall constitute a quorum.

7 (5) CHAIRPERSON AND VICE CHAIRPERSON.—

8 (A) SELECTION.—The Commission shall
9 select a chairperson and a vice chairperson from
10 among the members of the Commission.

11 (B) ABSENCE OF CHAIRPERSON.—The vice
12 chairperson shall act as chairperson in the ab-
13 sence of the chairperson.

14 (6) INITIAL MEETING.—Not later than 60 days
15 after the date on which all members of the Commis-
16 sion have been appointed and funds have been pro-
17 vided, the Commission shall hold the initial meeting
18 of the Commission.

19 (7) MEETINGS.—Not less than twice a year, the
20 Commission shall meet at the call of the chairperson
21 or a majority of the members of the Commission.

22 (8) REMOVAL.—Any member who fails to at-
23 tend 3 successive meetings of the Commission or
24 who otherwise fails to participate substantively in
25 the work of the Commission may be removed by the

1 Secretary and the vacancy shall be filled in the same
2 manner as the original appointment was made.
3 Members serve at the discretion of the Secretary.

4 (e) DUTIES.—

5 (1) IN GENERAL.—The Commission shall—

6 (A) plan, encourage, develop, execute, and
7 coordinate programs, observances, and activities
8 commemorating the historic events that pre-
9 ceded and are associated with the War of 1812;

10 (B) facilitate the commemoration through-
11 out the United States and internationally;

12 (C) coordinate the activities of the Com-
13 mission with State commemoration commis-
14 sions, the National Park Service, the Depart-
15 ment of Defense, and other appropriate Federal
16 agencies;

17 (D) encourage civic, patriotic, historical,
18 educational, religious, economic, tourism, and
19 other organizations throughout the United
20 States to organize and participate in the com-
21 memoration to expand the understanding and
22 appreciation of the significance of the War of
23 1812;

24 (E) provide technical assistance to States,
25 localities, units of the National Park System,

1 and nonprofit organizations to further the com-
2 memoration and commemorative events;

3 (F) coordinate and facilitate scholarly re-
4 search on, publication about, and interpretation
5 of the people and events associated with the
6 War of 1812;

7 (G) design, develop, and provide for the
8 maintenance of an exhibit that will travel
9 throughout the United States during the com-
10 memoration period to interpret events of the
11 War of 1812 for the educational benefit of the
12 citizens of the United States;

13 (H) ensure that War of 1812 commemora-
14 tions provide a lasting legacy and long-term
15 public benefit leading to protection of the nat-
16 ural and cultural resources associated with the
17 War of 1812; and

18 (I) examine and review essential facilities
19 and infrastructure at War of 1812 sites and
20 identify possible improvements that could be
21 made to enhance and maximize visitor experi-
22 ence at the sites.

23 (2) STRATEGIC PLAN; ANNUAL PERFORMANCE
24 PLANS.—The Commission shall prepare a strategic

1 plan and annual performance plans for any activity
2 carried out by the Commission under this section.

3 (3) REPORTS.—

4 (A) ANNUAL REPORT.—The Commission
5 shall submit to Congress an annual report that
6 contains a list of each gift, bequest, or devise
7 to the Commission with a value of more than
8 \$250, together with the identity of the donor of
9 each gift, bequest, or devise.

10 (B) FINAL REPORT.—Not later than Sep-
11 tember 30, 2015, the Commission shall submit
12 to the Secretary and Congress a final report
13 that includes—

14 (i) a summary of the activities of the
15 Commission;

16 (ii) a final accounting of any funds re-
17 ceived or expended by the Commission; and

18 (iii) the final disposition of any his-
19 torically significant items acquired by the
20 Commission and other properties not pre-
21 viously reported.

22 (f) POWERS.—

23 (1) IN GENERAL.—The Commission may—

24 (A) solicit, accept, use, and dispose of gifts
25 or donations of money, services, and real and

1 personal property related to the commemoration
2 in accordance with Department of the Interior
3 and National Park Service written standards
4 for accepting gifts from outside sources;

5 (B) appoint such advisory committees as
6 the Commission determines to be necessary to
7 carry out this section;

8 (C) authorize any member or employee of
9 the Commission to take any action the Commis-
10 sion is authorized to take under this section;

11 (D) use the United States mails in the
12 same manner and under the same conditions as
13 other agencies of the Federal Government; and

14 (E) make grants to communities, non-
15 profit, commemorative commissions or organi-
16 zations, and research and scholarly organiza-
17 tions to develop programs and products to as-
18 sist in researching, publishing, marketing, and
19 distributing information relating to the com-
20 memoration.

21 (2) LEGAL AGREEMENTS.—

22 (A) IN GENERAL.—In carrying out this
23 section, the Commission may—

24 (i) procure supplies, services, and
25 property; and

1 (ii) make or enter into contracts,
2 leases, or other legal agreements.

3 (B) LENGTH.—Any contract, lease, or
4 other legal agreement made or entered into by
5 the Commission shall not extend beyond the
6 date of termination of the Commission.

7 (3) INFORMATION FROM FEDERAL AGENCIES.—

8 (A) IN GENERAL.—The Commission may
9 secure directly from a Federal agency such in-
10 formation as the Commission considers nec-
11 essary to carry out this section.

12 (B) PROVISION OF INFORMATION.—On re-
13 quest of the Chairperson of the Commission,
14 the head of the agency shall provide the infor-
15 mation to the Commission in accordance with
16 applicable laws.

17 (4) FACA NONAPPLICABILITY.—Section 14(b)
18 of the Federal Advisory Committee Act (5 U.S.C.
19 App.) shall not apply to the Commission.

20 (5) NO EFFECT ON AUTHORITY.—Nothing in
21 this section supersedes the authority of the States or
22 the National Park Service concerning the commemo-
23 ration.

24 (g) PERSONNEL MATTERS.—

25 (1) MEMBERS OF THE COMMISSION.—

1 (A) IN GENERAL.—Except as provided in
2 paragraph (3)(A), a member of the Commission
3 shall serve without compensation.

4 (B) TRAVEL EXPENSES.—A member of the
5 Commission shall be allowed travel expenses, in-
6 cluding per diem in lieu of subsistence, at rates
7 authorized for an employee of an agency under
8 subchapter I of chapter 57 of title 5, United
9 States Code, while away from the home or reg-
10 ular place of business of the member in the per-
11 formance of the duties of the Commission.

12 (C) STATUS.—A member of the Commis-
13 sion, who is not otherwise a Federal employee,
14 shall be considered a Federal employee only for
15 purposes of the provisions of law related to eth-
16 ics, conflicts of interest, corruption, and any
17 other criminal or civil statute or regulation gov-
18 erning the conduct of Federal employees.

19 (2) EXECUTIVE DIRECTOR AND OTHER
20 STAFF.—

21 (A) IN GENERAL.—The Chairperson of the
22 Commission may, without regard to the provi-
23 sions of title 5, United States Code, governing
24 appointments in the competitive service and ter-
25 mination of employees (including regulations),

1 appoint and terminate an executive director,
2 subject to confirmation by the Commission, and
3 appoint and terminate such other additional
4 personnel as are necessary to enable the Com-
5 mission to perform the duties of the Commis-
6 sion.

7 (B) STATUS.—The Executive Director and
8 other staff appointed under this paragraph
9 shall be considered Federal employees under
10 section 2105 of title 5, United States Code, not-
11 withstanding the requirements of such section.

12 (C) CONFIRMATION OF EXECUTIVE DIREC-
13 TOR.—The employment of an executive director
14 shall be subject to confirmation by the Commis-
15 sion.

16 (D) COMPENSATION.—

17 (i) IN GENERAL.—Except as provided
18 in clause (ii), the Chairperson of the Com-
19 mission may fix the compensation of the
20 executive director and other personnel
21 without regard to the provisions of chapter
22 51 and subchapter III of chapter 53 of
23 title 5, United States Code, relating to
24 classification of positions and General
25 Schedule pay rates.

1 (ii) MAXIMUM RATE OF PAY.—The
2 rate of basic pay for the executive director
3 and other personnel shall not exceed the
4 rate payable for level V of the Executive
5 Schedule under section 5316 of title 5,
6 United States Code.

7 (3) GOVERNMENT EMPLOYEES.—

8 (A) FEDERAL EMPLOYEES.—

9 (i) SERVICE ON COMMISSION.—A
10 member of the Commission who is an offi-
11 cer or employee of the Federal Government
12 shall serve without compensation in addi-
13 tion to the compensation received for the
14 services of the member as an officer or em-
15 ployee of the Federal Government.

16 (ii) DETAIL.—At the request of the
17 Commission, the head of any Federal agen-
18 cy may detail, on a reimbursable or non-
19 reimbursable basis, any of the personnel of
20 the agency to the Commission to assist the
21 Commission in carrying out the duties of
22 the Commission under this section.

23 (iii) CIVIL SERVICE STATUS.—Not-
24 withstanding any other provisions in this
25 subsection, Federal employees who serve

1 on the Commission, are detailed to the
2 Commission, or otherwise provide services
3 under the section, shall continue to be
4 Federal employees for the purpose of any
5 law specific to Federal employees, without
6 interruption or loss of civil service status
7 or privilege.

8 (B) STATE EMPLOYEES.—The Commission
9 may—

10 (i) accept the services of personnel de-
11 tailed from States (including subdivisions
12 of States) under subchapter VI of chapter
13 33 of title 5, United States Code; and

14 (ii) reimburse States for services of
15 detailed personnel.

16 (4) MEMBERS OF ADVISORY COMMITTEES.—
17 Members of advisory committees appointed under
18 subsection (f)(1)(B)—

19 (A) shall not be considered employees of
20 the Federal Government by reason of service on
21 the committees for the purpose of any law spe-
22 cific to Federal employees, except for the pur-
23 poses of chapter 11 of title 18, United States
24 Code, relating to conflicts of interest; and

1 (B) may be paid travel expenses, including
2 per diem in lieu of subsistence, at rates author-
3 ized for an employee of an agency under sub-
4 chapter I of chapter 57 of title 5, United States
5 Code, while away from the home or regular
6 place of business of the member in the perform-
7 ance of the duties of the committee.

8 (5) VOLUNTEER AND UNCOMPENSATED SERV-
9 ICES.—Notwithstanding section 1342 of title 31,
10 United States Code, the Commission may accept and
11 use such voluntary and uncompensated services as
12 the Commission determines necessary.

13 (6) SUPPORT SERVICES.—The Director of the
14 National Park Service shall provide to the Commis-
15 sion, on a reimbursable basis, such administrative
16 support services as the Commission may request.

17 (7) PROCUREMENT OF TEMPORARY AND INTER-
18 MITTENT SERVICES.—The Chairperson of the Com-
19 mission may employ experts and consultants on a
20 temporary or intermittent basis in accordance with
21 section 3109(b) of title 5, United States Code, at
22 rates for individuals that do not exceed the daily
23 equivalent of the annual rate of basic pay prescribed
24 for level V of the Executive Schedule under section
25 5316 of that title. Such personnel shall be consid-

1 ered Federal employees under section 2105 of title
2 5, United States Code, notwithstanding the require-
3 ments of such section.

4 (h) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to carry out this section not to exceed
7 \$500,000 for each of fiscal years 2008 through
8 2015.

9 (2) AVAILABILITY OF FUNDS.—Amounts appro-
10 priated under this subsection for any fiscal year
11 shall remain available until December 31, 2015.

12 (i) TERMINATION OF COMMISSION.—

13 (1) IN GENERAL.—The Commission shall termi-
14 nate on December 31, 2015.

15 (2) TRANSFER OF MATERIALS.—Not later than
16 the date of termination, the Commission shall trans-
17 fer any documents, materials, books, manuscripts,
18 miscellaneous printed matter, memorabilia, relics,
19 exhibits, and any materials donated to the Commis-
20 sion that relate to the War of 1812, to Fort
21 McHenry National Monument and Historic Shrine.

22 (3) DISPOSITION OF FUNDS.—Any funds held
23 by the Commission on the date of termination shall
24 be deposited in the general fund of the Treasury.

1 **SEC. 336. SENSE OF CONGRESS REGARDING THE DESIGNA-**
2 **TION OF THE MUSEUM OF THE AMERICAN**
3 **QUILTER'S SOCIETY OF THE UNITED STATES.**

4 (a) FINDINGS.—Congress finds that—

5 (1) the Museum of the American Quilter's Soci-
6 ety is the largest quilt museum in the world, with
7 a total of 13,400 square feet of exhibition space and
8 more than 150 quilts exhibited year-round in its 3
9 galleries;

10 (2) the mission of the Museum is to educate the
11 local, national, and international public about the
12 art, history, and heritage of quilting;

13 (3) quilts in the Museum's permanent collection
14 are made by quilters from 44 of the 50 States and
15 many foreign countries;

16 (4) the Museum, centrally located in Paducah,
17 Kentucky, and open to the public year-round, aver-
18 ages 40,000 visitors per year;

19 (5) individuals from all 50 States and from
20 more than 25 foreign countries have visited the Mu-
21 seum;

22 (6) the Museum's Friends, an organization
23 dedicated to supporting and sustaining the Museum,
24 also has members in all 50 States, with 84 percent
25 of members living more than 60 miles from the Mu-
26 seum;

1 (7) many members of the Museum’s Friends
2 have supported the Museum annually since the Mu-
3 seum began in 1991;

4 (8) quilts exhibited in the Museum are rep-
5 resentative of the Nation and its cultures thanks to
6 the wide diversity of themes and topics, quilts, and
7 quiltmakers; and

8 (9) the Museum of the American Quilter’s Soci-
9 ety has national significance and support.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the Museum of the American Quilter’s Society,
12 located at 215 Jefferson Street, Paducah, Kentucky,
13 should be designated as the “National Quilt Museum of
14 the United States”.

15 **SEC. 337. SENSE OF CONGRESS REGARDING THE DESIGNA-**
16 **TION OF THE NATIONAL MUSEUM OF WILD-**
17 **LIFE ART OF THE UNITED STATES.**

18 (a) FINDINGS.—Congress finds that—

19 (1) the National Museum of Wildlife Art in
20 Jackson, Wyoming, is devoted to inspiring global
21 recognition of fine art related to nature and wildlife;

22 (2) the National Museum of Wildlife Art is an
23 excellent example of a thematic museum that strives
24 to unify the humanities and sciences into a coherent
25 body of knowledge through art;

1 (3) the National Museum of Wildlife Art, which
2 was founded in 1987 with a private gift of a collec-
3 tion of art, has grown in stature and importance and
4 is recognized today as the world's premier museum
5 of wildlife art;

6 (4) the National Museum of Wildlife Art is the
7 only public museum in the United States with the
8 mission of enriching and inspiring public apprecia-
9 tion and knowledge of fine art, while exploring the
10 relationship between humanity and nature by col-
11 lecting fine art focused on wildlife;

12 (5) the National Museum of Wildlife Art is
13 housed in an architecturally significant and award-
14 winning 51,000-square foot facility that overlooks
15 the 28,000-acre National Elk Refuge and is adjacent
16 to the Grand Teton National Park;

17 (6) the National Museum of Wildlife Art is ac-
18 credited with the American Association of Museums,
19 continues to grow in national recognition and impor-
20 tance with members from every State, and has a
21 Board of Trustees and a National Advisory Board
22 composed of major benefactors and leaders in the
23 arts and sciences from throughout the United
24 States;

1 (7) the permanent collection of the National
2 Museum of Wildlife Art has grown to more than
3 3,000 works by important historic American artists
4 including Edward Hicks, Anna Hyatt Huntington,
5 Charles M. Russell, William Merritt Chase, and Al-
6 exander Calder, and contemporary American artists,
7 including Steve Kestrel, Bart Walter, Nancy Howe,
8 John Nieto, and Jamie Wyeth;

9 (8) the National Museum of Wildlife Art is a
10 destination attraction in the Western United States
11 with annual attendance of 92,000 visitors from all
12 over the world and an award-winning website that
13 receives more than 10,000 visits per week;

14 (9) the National Museum of Wildlife Art seeks
15 to educate a diverse audience through collecting fine
16 art focused on wildlife, presenting exceptional exhibi-
17 tions, providing community, regional, national, and
18 international outreach, and presenting extensive edu-
19 cational programming for adults and children; and

20 (10) a great opportunity exists to use the in-
21 valuable resources of the National Museum of Wild-
22 life Art to teach the schoolchildren of the United
23 States, through onsite visits, traveling exhibits,
24 classroom curriculum, online distance learning, and
25 other educational initiatives.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the National Museum of Wildlife Art, located
3 at 2820 Rungius Road, Jackson, Wyoming, should be des-
4 ignated as the “National Museum of Wildlife Art of the
5 United States”.

6 **SEC. 338. REDESIGNATION OF ELLIS ISLAND LIBRARY.**

7 (a) REDESIGNATION.—The Ellis Island Library on
8 the third floor of the Ellis Island Immigration Museum,
9 located on Ellis Island in New York Harbor, shall be
10 known and redesignated as the “Bob Hope Memorial Li-
11 brary”.

12 (b) REFERENCES.—Any reference in a law, map, reg-
13 ulation, document, paper, or other record of the United
14 States to the Ellis Island Library on the third floor of
15 the Ellis Island Immigration Museum referred to in sub-
16 section (a) shall be deemed to be a reference to the “Bob
17 Hope Memorial Library”.

18 **Subtitle E—Trails and Rivers**

19 **SEC. 341. AUTHORIZATION AND ADMINISTRATION OF STAR-**
20 **SPANGLED BANNER NATIONAL HISTORIC**
21 **TRAIL.**

22 Section 5(a) of the National Trails System Act (16
23 U.S.C. 1244(a)) is amended by adding at the end the fol-
24 lowing:

1 “(26) STAR-SPANGLED BANNER NATIONAL HIS-
2 TORIC TRAIL.—

3 “(A) IN GENERAL.—The Star-Spangled
4 Banner National Historic Trail, a trail con-
5 sisting of water and overland routes totaling ap-
6 proximately 290 miles, extending from Tangier
7 Island, Virginia, through southern Maryland,
8 the District of Columbia, and northern Virginia,
9 in the Chesapeake Bay, Patuxent River, Poto-
10 mac River, and north to the Patapsco River,
11 and Baltimore, Maryland, commemorating the
12 Chesapeake Campaign of the War of 1812 (in-
13 cluding the British invasion of Washington,
14 District of Columbia, and its associated feints,
15 and the Battle of Baltimore in summer 1814),
16 as generally depicted on the map titled ‘Star-
17 Spangled Banner National Historic Trail’,
18 numbered T02/80,000, and dated June 2007.

19 “(B) MAP.—The map referred to in sub-
20 paragraph (A) shall be maintained on file and
21 available for public inspection in the appro-
22 priate offices of the National Park Service.

23 “(C) ADMINISTRATION.—Subject to sub-
24 paragraph (E)(ii), the trail shall be adminis-
25 tered by the Secretary of the Interior.

1 “(D) LAND ACQUISITION.—No land or in-
2 terest in land outside the exterior boundaries of
3 any federally administered area may be ac-
4 quired by the United States for the trail except
5 with the consent of the owner of the land or in-
6 terest in land.

7 “(E) PUBLIC PARTICIPATION.—The Sec-
8 retary of the Interior shall—

9 “(i) encourage communities, owners of
10 land along the trail, and volunteer trail
11 groups to participate in the planning, de-
12 velopment, and maintenance of the trail;
13 and

14 “(ii) consult with other affected land-
15 owners and Federal, State, and local agen-
16 cies in the administration of the trail.

17 “(F) INTERPRETATION AND ASSIST-
18 ANCE.—Subject to the availability of appropria-
19 tions, the Secretary of the Interior may provide,
20 to State and local governments and nonprofit
21 organizations, interpretive programs and serv-
22 ices and technical assistance for use in—

23 “(i) carrying out preservation and de-
24 velopment of the trail; and

1 “(ii) providing education relating to
2 the War of 1812 along the trail.”.

3 **SEC. 342. LAND CONVEYANCE, LEWIS AND CLARK NA-**
4 **TIONAL HISTORIC TRAIL, NEBRASKA.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Interior may convey, without consideration, to the Mis-
7 souri River Basin Lewis and Clark Interpretive Trail and
8 Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit
9 organization with operational headquarters at 100
10 Valmont Drive, Nebraska City, Nebraska 68410), all
11 right, title, and interest of the United States in and to
12 the federally owned land under jurisdiction of the Sec-
13 retary consisting of 2 parcels as generally depicted on the
14 map titled “Lewis and Clark National Historic Trail”,
15 numbered 648/80,002, and dated March 2006.

16 (b) SURVEY; CONVEYANCE COST.—The exact acreage
17 and legal description of the land to be conveyed under sub-
18 section (a) shall be determined by a survey satisfactory
19 to the Secretary. The cost of the survey and all other costs
20 incurred by the Secretary to convey the land shall be borne
21 by the Missouri River Basin Lewis and Clark Interpretive
22 Trail and Visitor Center Foundation, Inc.

23 (c) CONDITION OF CONVEYANCE, USE OF CONVEYED
24 LAND.—The conveyance authorized under subsection (a)
25 shall be subject to the condition that the Missouri River

1 Basin Lewis and Clark Interpretive Trail and Visitor Cen-
2 ter Foundation, Inc. use the conveyed land as an historic
3 site and interpretive center for the Lewis and Clark Na-
4 tional Historic Trail.

5 (d) DISCONTINUANCE OF USE.—If Missouri River
6 Basin Lewis and Clark Interpretive Trail and Visitor Cen-
7 ter Foundation, Inc. determines to discontinue use of the
8 land conveyed under subsection (a) as an historic site and
9 interpretive center for the Lewis and Clark National His-
10 toric Trail, the Missouri River Basin Lewis and Clark In-
11 terpretive Trail and Visitor Center Foundation, Inc. shall
12 convey lands back to the Secretary without consideration.

13 (e) ADDITIONAL TERMS AND CONDITIONS.—The
14 Secretary may require such additional terms and condi-
15 tions in connection with the conveyance under subsection
16 (a) or the conveyance, if any, under subsection (d) as the
17 Secretary considers appropriate to protect the interests of
18 the United States. Through a written agreement with the
19 Foundation, the National Park Service shall ensure that
20 the operation of the land conveyed under subsection (a)
21 is in accordance with National Park Service standards for
22 preservation, maintenance, and interpretation.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—To assist
24 with the operation of the historic site and interpretive cen-

1 ter, there is authorized to be appropriated \$150,000 per
2 year for a period not to exceed 10 years.

3 **SEC. 343. LEWIS AND CLARK NATIONAL HISTORIC TRAIL**
4 **EXTENSION.**

5 (a) DEFINITIONS.—In this section:

6 (1) EASTERN LEGACY SITES.—The term “East-
7 ern Legacy sites” means the sites associated with
8 the preparation or return phases of the Lewis and
9 Clark expedition, commonly known as the “Eastern
10 Legacy”, including sites in Virginia, the District of
11 Columbia, Maryland, Delaware, Pennsylvania, West
12 Virginia, Ohio, Kentucky, Tennessee, Indiana, Mis-
13 souri, and Illinois. This includes the routes followed
14 by Meriwether Lewis and William Clark, whether
15 independently or together.

16 (2) TRAIL.—The term “Trail” means the Lewis
17 and Clark National Historic Trail designated by sec-
18 tion 5(a)(6) of the National Trails System Act (16
19 U.S.C. 1244(a)(6)).

20 (b) SPECIAL RESOURCE STUDY.—

21 (1) IN GENERAL.—The Secretary shall complete
22 a special resource study of the Eastern Legacy sites
23 to determine—

24 (A) the suitability and feasibility of adding
25 these sites to the Trail; and

1 (B) the methods and means for the protec-
2 tion and interpretation of these sites by the Na-
3 tional Park Service, other Federal, State, or
4 local government entities or private or non-prof-
5 it organizations.

6 (2) STUDY REQUIREMENTS.—

7 (A) IN GENERAL.—The Secretary shall
8 conduct the study in accordance with section
9 5(b) of the National Trails System Act (16
10 U.S.C. 1244(b)).

11 (B) IMPACT ON TOURISM.—In conducting
12 the study, the Secretary shall analyze the po-
13 tential impact that the inclusion of the Eastern
14 Legacy sites is likely to have on tourist visita-
15 tion to the western portion of the trail.

16 (c) REPORT.—Not later than 3 years after the date
17 on which funds are made available to carry out this sec-
18 tion, the Secretary shall submit to the Committee on Nat-
19 ural Resources of the House of Representatives and the
20 Committee on Energy and Natural Resources of the Sen-
21 ate a report containing—

22 (1) the results of the study; and

23 (2) any recommendations of the Secretary.

1 **SEC. 344. WILD AND SCENIC RIVER DESIGNATION,**
2 **EIGHTMILE RIVER, CONNECTICUT.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The Eightmile River Wild and Scenic River
5 Study Act of 2001 (Public Law 107–65; 115 Stat.
6 484) authorized the study of the Eightmile River in
7 the State of Connecticut from its headwaters down-
8 stream to its confluence with the Connecticut River
9 for potential inclusion in the National Wild and Sce-
10 nic Rivers System.

11 (2) The segments of the Eightmile River cov-
12 ered by the study are in a free-flowing condition,
13 and the outstanding resource values of the river seg-
14 ments include the cultural landscape, water quality,
15 watershed hydrology, unique species and natural
16 communities, geology, and watershed ecosystem.

17 (3) The Eightmile River Wild and Scenic Study
18 Committee has determined that—

19 (A) the outstanding resource values of
20 these river segments depend on sustaining the
21 integrity and quality of the Eightmile River wa-
22 tershed;

23 (B) these resource values are manifest
24 within the entire watershed; and

1 (C) the watershed as a whole, including its
2 protection, is itself intrinsically important to
3 this designation.

4 (4) The Eightmile River Wild and Scenic Study
5 Committee took a watershed approach in studying
6 and recommending management options for the river
7 segments and the Eightmile River watershed as a
8 whole.

9 (5) During the study, the Eightmile River Wild
10 and Scenic Study Committee, with assistance from
11 the National Park Service, prepared a comprehen-
12 sive management plan for the Eightmile River wa-
13 tershed, dated December 8, 2005 (in this section re-
14 ferred to as the “Eightmile River Watershed Man-
15 agement Plan”), which establishes objectives, stand-
16 ards, and action programs that will ensure long-term
17 protection of the outstanding values of the river and
18 compatible management of the land and water re-
19 sources of the Eightmile River and its watershed,
20 without Federal management of affected lands not
21 owned by the United States.

22 (6) The Eightmile River Wild and Scenic Study
23 Committee voted in favor of inclusion of the
24 Eightmile River in the National Wild and Scenic
25 Rivers System and included this recommendation as

1 an integral part of the Eightmile River Watershed
2 Management Plan.

3 (7) The residents of the towns lying along the
4 Eightmile River and comprising most of its water-
5 shed (Salem, East Haddam, and Lyme, Con-
6 necticut), as well as the Boards of Selectmen and
7 Land Use Commissions of these towns, voted to en-
8 dorse the Eightmile River Watershed Management
9 Plan and to seek designation of the river as a com-
10 ponent of the National Wild and Scenic Rivers Sys-
11 tem.

12 (8) The State of Connecticut General Assembly
13 enacted Public Act 05–18 to endorse the Eightmile
14 River Watershed Management Plan and to seek des-
15 ignation of the river as a component of the National
16 Wild and Scenic Rivers System.

17 (b) DESIGNATION.—Section 3(a) of the Wild and
18 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

19 (1) by redesignating paragraph (167) (relating
20 to the Musconetcong River, New Jersey) as para-
21 graph (169);

22 (2) by designating the undesignated paragraph
23 relating to the White Salmon River, Washington, as
24 paragraph (167);

1 (3) by designating the undesignated paragraph
2 relating to the Black Butte River, California, as
3 paragraph (168); and

4 (4) by adding at the end the following:

5 “(170) EIGHTMILE RIVER, CONNECTICUT.—Seg-
6 ments of the main stem and specified tributaries of the
7 Eightmile River in the State of Connecticut, totaling ap-
8 proximately 25.3 miles, to be administered by the Sec-
9 retary of the Interior as follows:

10 “(A) The entire 10.8-mile segment of the main
11 stem, starting at its confluence with Lake Hayward
12 Brook to its confluence with the Connecticut River
13 at the mouth of Hamburg Cove, as a scenic river.

14 “(B) The 8.0-mile segment of the East Branch
15 of the Eightmile River starting at Witch Meadow
16 Road to its confluence with the main stem of the
17 Eightmile River, as a scenic river.

18 “(C) The 3.9-mile segment of Harris Brook
19 starting with the confluence of an unnamed stream
20 lying 0.74 miles due east of the intersection of Hart-
21 ford Road (State Route 85) and Round Hill Road
22 to its confluence with the East Branch of the
23 Eightmile River, as a scenic river.

24 “(D) The 1.9-mile segment of Beaver Brook
25 starting at its confluence with Cedar Pond Brook to

1 its confluence with the main stem of the Eightmile
2 River, as a scenic river.

3 “(E) The 0.7-mile segment of Falls Brook from
4 its confluence with Tisdale Brook to its confluence
5 with the main stem of the Eightmile River at Ham-
6 burg Cove, as a scenic river.”.

7 (c) MANAGEMENT.—The segments of the main stem
8 and certain tributaries of the Eightmile River in the State
9 of Connecticut designated as components of the National
10 Wild and Scenic Rivers System by the amendment made
11 by subsection (b) (in this section referred to as the
12 “Eightmile River”) shall be managed in accordance with
13 the Eightmile River Watershed Management Plan and
14 such amendments to the plan as the Secretary of the Inte-
15 rior determines are consistent with this section. The
16 Eightmile River Watershed Management Plan is deemed
17 to satisfy the requirements for a comprehensive manage-
18 ment plan required by section 3(d) of the Wild and Scenic
19 Rivers Act (16 U.S.C. 1274(d)).

20 (d) COMMITTEE.—The Secretary of the Interior shall
21 coordinate the management responsibilities of the Sec-
22 retary with regard to the Eightmile River with the
23 Eightmile River Coordinating Committee, as specified in
24 the Eightmile River Watershed Management Plan.

1 (e) COOPERATIVE AGREEMENTS.—In order to pro-
2 vide for the long-term protection, preservation, and en-
3 hancement of the Eightmile River, the Secretary of the
4 Interior may enter into cooperative agreements pursuant
5 to sections 10(e) and 11(b)(1) of the Wild and Scenic Riv-
6 ers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State
7 of Connecticut, the towns of Salem, Lyme, and East
8 Haddam, Connecticut, and appropriate local planning and
9 environmental organizations. All cooperative agreements
10 authorized by this subsection shall be consistent with the
11 Eightmile River Watershed Management Plan and may in-
12 clude provisions for financial or other assistance from the
13 United States.

14 (f) RELATION TO NATIONAL PARK SYSTEM.—Not-
15 withstanding section 10(c) of the Wild and Scenic Rivers
16 Act (16 U.S.C. 1281(c)), the Eightmile River shall not
17 be administered as part of the National Park System or
18 be subject to regulations which govern the National Park
19 System.

20 (g) LAND MANAGEMENT.—The zoning ordinances
21 adopted by the towns of Salem, East Haddam, and Lyme,
22 Connecticut, in effect as of December 8, 2005, including
23 provisions for conservation of floodplains, wetlands, and
24 watercourses associated with the segments, are deemed to
25 satisfy the standards and requirements of section 6(c) of

1 the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For
2 the purpose of section 6(c) of that Act, such towns shall
3 be deemed “villages” and the provisions of that section,
4 which prohibit Federal acquisition of lands by condemna-
5 tion, shall apply to the segments designated by subsection
6 (b). The authority of the Secretary to acquire lands for
7 the purposes of this section shall be limited to acquisition
8 by donation or acquisition with the consent of the owner
9 thereof, and shall be subject to the additional criteria set
10 forth in the Eightmile River Watershed Management
11 Plan.

12 (h) WATERSHED APPROACH.—

13 (1) IN GENERAL.—In furtherance of the water-
14 shed approach to resource preservation and enhance-
15 ment articulated in the Eightmile River Watershed
16 Management Plan, the tributaries of the Eightmile
17 River watershed specified in paragraph (2) are rec-
18 ognized as integral to the protection and enhance-
19 ment of the Eightmile River and its watershed.

20 (2) COVERED TRIBUTARIES.—Paragraph (1)
21 applies with respect to Beaver Brook, Big Brook,
22 Burnhams Brook, Cedar Pond Brook, Cranberry
23 Meadow Brook, Early Brook, Falls Brook, Fraser
24 Brook, Harris Brook, Hedge Brook, Lake Hayward
25 Brook, Malt House Brook, Muddy Brook, Ransom

1 Brook, Rattlesnake Ledge Brook, Shingle Mill
2 Brook, Strongs Brook, Tisdale Brook, Witch Mead-
3 ow Brook, and all other perennial streams within the
4 Eightmile River watershed.

5 (i) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as are nec-
7 essary to carry out this section and the amendment made
8 by subsection (b).

9 **Subtitle F—Denali National Park**
10 **and Alaska Railroad Exchange**

11 **SEC. 351. DENALI NATIONAL PARK AND ALASKA RAILROAD**
12 **CORPORATION EXCHANGE.**

13 (a) DEFINITIONS.—In this section:

14 (1) CORPORATION.—The term “Corporation”
15 means the Alaska Railroad Corporation owned by
16 the State of Alaska.

17 (2) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (b) EXCHANGE.—

20 (1) IN GENERAL.—

21 (A) EASEMENT EXPANDED.—The Sec-
22 retary is authorized to grant to the Alaska Rail-
23 road Corporation an exclusive-use easement on
24 land that is identified by the Secretary within
25 Denali National Park for the purpose of pro-

1 viding a location to the Corporation for con-
2 struction, maintenance, and on-going operation
3 of track and associated support facilities for
4 turning railroad trains around near Denali
5 Park Station.

6 (B) EASEMENT RELINQUISHED.—In ex-
7 change for the easement granted in subpara-
8 graph (A), the Secretary shall require the relin-
9 quishment of certain portions of the Corpora-
10 tion's existing exclusive use easement within the
11 boundary of Denali National Park.

12 (2) CONDITIONS OF THE EXCHANGE.—

13 (A) EQUAL EXCHANGE.—The exchange of
14 easements under this section shall be on an ap-
15 proximately equal-acre basis.

16 (B) TOTAL ACRES.—The easement granted
17 under paragraph (1)(A) shall not exceed 25
18 acres.

19 (C) INTERESTS CONVEYED.—The ease-
20 ment conveyed to the Alaska Railroad Corpora-
21 tion by the Secretary under this section shall be
22 under the same terms as the exclusive use ease-
23 ment granted to the Railroad in Denali Na-
24 tional Park in the Deed for Exclusive Use
25 Easement and Railroad Related Improvements

1 filed in Book 33, pages 985–994 of the Nenana
2 Recording District, Alaska, pursuant to the
3 Alaska Railroad Transfer Act of 1982 (45
4 U.S.C. 1201 et seq.). The easement relin-
5 quished by the Alaska Railroad Corporation to
6 the United States under this section shall, with
7 respect to the portion being exchanged, be the
8 full title and interest received by the Alaska
9 Railroad in the Deed for Exclusive Use Ease-
10 ment and Railroad Related Improvements filed
11 in Book 33, pages 985–994 of the Nenana Re-
12 cording District, Alaska, pursuant to the Alas-
13 ka Railroad Transfer Act of 1982 (45 U.S.C.
14 1201 et seq.).

15 (D) COSTS.—The Alaska Railroad shall
16 pay all costs associated with the exchange
17 under this section, including the costs of com-
18 pliance with the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.), the costs
20 of any surveys, and other reasonable costs.

21 (E) LAND TO BE PART OF WILDERNESS.—
22 The land underlying any easement relinquished
23 to the United States under this section that is
24 adjacent to designated wilderness is hereby des-
25 ignated as wilderness and added to the Denali

1 Wilderness, the boundaries of which are modi-
2 fied accordingly, and shall be managed in ac-
3 cordance with applicable provisions of the Wil-
4 derness Act (78 Stat. 892) and the Alaska Na-
5 tional Interest Lands Conservation Act of 1980
6 (94 Stat. 2371).

7 (F) OTHER TERMS AND CONDITIONS.—
8 The Secretary shall require any additional
9 terms and conditions under this section that the
10 Secretary determines to be appropriate to pro-
11 tect the interests of the United States and of
12 Denali National Park.

13 **Subtitle G—National Underground**
14 **Railroad Network to Freedom**
15 **Amendments**

16 **SEC. 361. AUTHORIZING APPROPRIATIONS FOR SPECIFIC**
17 **PURPOSES.**

18 (a) IN GENERAL.—The National Underground Rail-
19 road Network to Freedom Act of 1998 (16 U.S.C. 469l
20 et seq.) is amended—

- 21 (1) by striking section 3(d);
22 (2) by striking section 4(d); and
23 (3) by adding at the end the following:

1 **“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) AMOUNTS.—There are authorized to be appro-
3 priated to carry out this Act \$2,500,000 for each fiscal
4 year, to be allocated as follows:

5 “(1) \$2,000,000 is to be used for the purposes
6 of section 3.

7 “(2) \$500,000 is to be used for the purposes of
8 section 4.

9 “(b) RESTRICTIONS.—No amounts may be appro-
10 priated for the purposes of this Act except to the Secretary
11 for carrying out the responsibilities of the Secretary as
12 set forth in this Act.”

13 (b) EFFECTIVE DATE.—The amendments made by
14 subsection (a) shall take effect at the beginning of the fis-
15 cal year immediately following the date of the enactment
16 of this Act.

17 **Subtitle H—Grand Canyon**
18 **Subcontractors**

19 **SEC. 371. DEFINITIONS.**

20 In this subtitle:

21 (1) IDIQ.—The term “IDIQ” means an Indefi-
22 nite Deliver/Indefinite Quantity contract.

23 (2) PARK.—The term “park” means Grand
24 Canyon National Park.

25 (3) PGI.—The term “PGI” means Pacific Gen-
26 eral, Inc.

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the Di-
3 rector of the National Park Service.

4 **SEC. 372. AUTHORIZATION.**

5 The Secretary is authorized, subject to the appropria-
6 tion of such funds as may be necessary, to pay the amount
7 owed to the subcontractors of PGI for work performed at
8 the park under an IDIQ with PGI between fiscal years
9 2002 and 2003, provided that—

10 (1) the primary contract between PGI and the
11 National Park Service is terminated;

12 (2) the amount owed to the subcontractors is
13 verified;

14 (3) all reasonable legal avenues or recourse
15 have been exhausted by the subcontractors to recoup
16 amounts owed directly from PGI; and

17 (4) the subcontractors provide a written state-
18 ment that payment of the amount verified in para-
19 graph (2) represents payment in full by the United
20 States for all work performed at the park under the
21 IDIQ with PGI between fiscal years 2002 and 2003.

1 **TITLE IV—NATIONAL HERITAGE**
2 **AREAS**
3 **Subtitle A—Journey Through Hal-**
4 **lowed Ground National Herit-**
5 **age Area**

6 **SEC. 401. PURPOSES.**

7 The purposes of this subtitle include—

8 (1) to recognize the national importance of the
9 natural and cultural legacies of the area, as dem-
10 onstrated in the study entitled “The Journey
11 Through Hallowed Ground National Heritage Area
12 Feasibility Study” dated September 2006;

13 (2) to preserve, support, conserve, and interpret
14 the legacy of the American history created along the
15 National Heritage Area;

16 (3) to promote heritage, cultural and rec-
17 reational tourism and to develop educational and
18 cultural programs for visitors and the general public;

19 (4) to recognize and interpret important events
20 and geographic locations representing key develop-
21 ments in the creation of America, including Native
22 American, Colonial American, European American,
23 and African American heritage;

24 (5) to recognize and interpret the effect of the
25 Civil War on the civilian population of the National

1 Heritage Area during the war and post-war recon-
2 struction period;

3 (6) to enhance a cooperative management
4 framework to assist the Commonwealth of Virginia,
5 the State of Maryland, the Commonwealth of Penn-
6 sylvania, the State of West Virginia, and their units
7 of local government, the private sector, and citizens
8 residing in the National Heritage Area in con-
9 serving, supporting, enhancing, and interpreting the
10 significant historic, cultural and recreational sites in
11 the National Heritage Area; and

12 (7) to provide appropriate linkages among units
13 of the National Park System within and surrounding
14 the National Heritage Area, to protect, enhance, and
15 interpret resources outside of park boundaries.

16 **SEC. 402. DEFINITIONS.**

17 In this subtitle—

18 (1) NATIONAL HERITAGE AREA.—The term
19 “National Heritage Area” means the Journey
20 Through Hallowed Ground National Heritage Area
21 established in this subtitle.

22 (2) LOCAL COORDINATING ENTITY.—The term
23 “local coordinating entity” means the Journey
24 Through Hallowed Ground Partnership, a Virginia

1 non-profit, which is hereby designated by Con-
2 gress—

3 (A) to develop, in partnership with others,
4 the management plan for the National Heritage
5 Area; and

6 (B) to act as a catalyst for the implemen-
7 tation of projects and programs among diverse
8 partners in the National Heritage Area.

9 (3) **MANAGEMENT PLAN.**—The term “manage-
10 ment plan” means the plan prepared by the local co-
11 ordinating entity for the National Heritage Area
12 that specifies actions, policies, strategies, perform-
13 ance goals, and recommendations to meet the goals
14 of the National Heritage Area, in accordance with
15 this subtitle.

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

18 **SEC. 403. DESIGNATION OF THE JOURNEY THROUGH HAL-**

19 **LOWED GROUND NATIONAL HERITAGE AREA.**

20 (a) **ESTABLISHMENT.**—There is hereby established
21 the Journey Through Hallowed Ground National Heritage
22 Area.

23 (b) **BOUNDARIES.**—

24 (1) **IN GENERAL.**—The Heritage Area shall
25 consist of the 175-mile region generally following the

1 Route 15 corridor and surrounding areas from
2 Adams County, Pennsylvania, through Frederick
3 County, Maryland, including the Heart of the Civil
4 War Maryland State Heritage Area, looping through
5 Brunswick, Maryland, to Harpers Ferry, West Vir-
6 ginia, back through Loudoun County, Virginia, to
7 the Route 15 corridor and surrounding areas encom-
8 passing portions of Loudoun and Prince William
9 Counties, Virginia, then Fauquier County, Virginia,
10 portions of Spotsylvania and Madison Counties, Vir-
11 ginia, and Culpepper, Rappahannock, Orange, and
12 Albemarle Counties, Virginia.

13 (2) MAP.—The boundaries of the National Her-
14 itage Area shall include all of those lands and inter-
15 ests as generally depicted on the map titled “Jour-
16 ney Through Hallowed Ground National Heritage
17 Area”, numbered P90/80,000, and dated October
18 2006. The map shall be on file and available to the
19 public in the appropriate offices of the National
20 Park Service and the local coordinating entity.

21 **SEC. 404. MANAGEMENT PLAN.**

22 (a) REQUIREMENTS.—The management plan for the
23 National Heritage Area shall—

24 (1) describe comprehensive policies, goals, strat-
25 egies, and recommendations for telling the story of

1 the heritage of the area covered by the National
2 Heritage Area and encouraging long-term resource
3 protection, enhancement, interpretation, funding,
4 management, and development of the National Her-
5 itage Area;

6 (2) include a description of actions and commit-
7 ments that Federal, State, Tribal, and local govern-
8 ments, private organizations, and citizens will take
9 to protect, enhance, interpret, fund, manage, and de-
10 velop the natural, historical, cultural, educational,
11 scenic, and recreational resources of the National
12 Heritage Area;

13 (3) specify existing and potential sources of
14 funding or economic development strategies to pro-
15 tect, enhance, interpret, fund, manage, and develop
16 the National Heritage Area;

17 (4) include an inventory of the natural, histor-
18 ical, cultural, educational, scenic, and recreational
19 resources of the National Heritage Area related to
20 the national importance and themes of the National
21 Heritage Area that should be protected, enhanced,
22 interpreted, managed, funded, and developed;

23 (5) recommend policies and strategies for re-
24 source management, including the development of
25 intergovernmental and interagency agreements to

1 protect, enhance, interpret, fund, manage, and de-
2 velop the natural, historical, cultural, educational,
3 scenic, and recreational resources of the National
4 Heritage Area;

5 (6) describe a program for implementation for
6 the management plan, including—

7 (A) performance goals;

8 (B) plans for resource protection, enhance-
9 ment, interpretation, funding, management, and
10 development; and

11 (C) specific commitments for implementa-
12 tion that have been made by the local coordi-
13 nating entity or any Federal, State, Tribal, or
14 local government agency, organization, busi-
15 ness, or individual;

16 (7) include an analysis of, and recommenda-
17 tions for, means by which Federal, State, Tribal,
18 and local programs may best be coordinated (includ-
19 ing the role of the National Park Service and other
20 Federal agencies associated with the National Herit-
21 age Area) to further the purposes of this subtitle;
22 and

23 (8) include a business plan that—

24 (A) describes the role, operation, financing,
25 and functions of the local coordinating entity

1 and of each of the major activities contained in
2 the management plan; and

3 (B) provides adequate assurances that the
4 local coordinating entity has the partnerships
5 and financial and other resources necessary to
6 implement the management plan for the Na-
7 tional Heritage Area.

8 (b) DEADLINE.—

9 (1) IN GENERAL.—Not later than 3 years after
10 the date on which funds are first made available to
11 develop the management plan after designation as a
12 National Heritage Area, the local coordinating entity
13 shall submit the management plan to the Secretary
14 for approval.

15 (2) TERMINATION OF FUNDING.—If the man-
16 agement plan is not submitted to the Secretary in
17 accordance with paragraph (1), the local coordi-
18 nating entity shall not qualify for any additional fi-
19 nancial assistance under this subtitle until such time
20 as the management plan is submitted to and ap-
21 proved by the Secretary.

22 (c) APPROVAL OF MANAGEMENT PLAN.—

23 (1) REVIEW.—Not later than 180 days after re-
24 ceiving the plan, the Secretary shall review and ap-
25 prove or disapprove the management plan for a Na-

1 tional Heritage Area on the basis of the criteria es-
2 tablished under paragraph (3).

3 (2) CONSULTATION.—The Secretary shall con-
4 sult with the Governor of each State in which the
5 National Heritage Area is located before approving
6 a management plan for the National Heritage Area.

7 (3) CRITERIA FOR APPROVAL.—In determining
8 whether to approve a management plan for a Na-
9 tional Heritage Area, the Secretary shall consider
10 whether—

11 (A) the local coordinating entity represents
12 the diverse interests of the National Heritage
13 Area, including Federal, State, Tribal, and local
14 governments, natural, and historic resource pro-
15 tection organizations, educational institutions,
16 businesses, recreational organizations, commu-
17 nity residents, and private property owners;

18 (B) the local coordinating entity—

19 (i) has afforded adequate opportunity
20 for public and Federal, State, Tribal, and
21 local governmental involvement (including
22 through workshops and hearings) in the
23 preparation of the management plan; and

1 (ii) provides for at least semiannual
2 public meetings to ensure adequate imple-
3 mentation of the management plan;

4 (C) the resource protection, enhancement,
5 interpretation, funding, management, and de-
6 velopment strategies described in the manage-
7 ment plan, if implemented, would adequately
8 protect, enhance, interpret, fund, manage, and
9 develop the natural, historic, cultural, edu-
10 cational, scenic, and recreational resources of
11 the National Heritage Area;

12 (D) the management plan would not ad-
13 versely affect any activities authorized on Fed-
14 eral land under public land laws or land use
15 plans;

16 (E) the local coordinating entity has dem-
17 onstrated the financial capability, in partner-
18 ship with others, to carry out the plan;

19 (F) the Secretary has received adequate
20 assurances from the appropriate State, Tribal,
21 and local officials whose support is needed to
22 ensure the effective implementation of the
23 State, Tribal, and local elements of the manage-
24 ment plan; and

1 (G) the management plan demonstrates
2 partnerships among the local coordinating enti-
3 ty, Federal, State, Tribal, and local govern-
4 ments, regional planning organizations, non-
5 profit organizations, or private sector parties
6 for implementation of the management plan.

7 (4) DISAPPROVAL.—

8 (A) IN GENERAL.—If the Secretary dis-
9 approves the management plan, the Secretary—

10 (i) shall advise the local coordinating
11 entity in writing of the reasons for the dis-
12 approval; and

13 (ii) may make recommendations to the
14 local coordinating entity for revisions to
15 the management plan.

16 (B) DEADLINE.—Not later than 180 days
17 after receiving a revised management plan, the
18 Secretary shall approve or disapprove the re-
19 vised management plan.

20 (5) AMENDMENTS.—

21 (A) IN GENERAL.—An amendment to the
22 management plan that substantially alters the
23 purposes of the National Heritage Area shall be
24 reviewed by the Secretary and approved or dis-

1 approved in the same manner as the original
2 management plan.

3 (B) IMPLEMENTATION.—The local coordi-
4 nating entity shall not use Federal funds au-
5 thorized by this subtitle to implement an
6 amendment to the management plan until the
7 Secretary approves the amendment.

8 (6) AUTHORITIES.—The Secretary may—

9 (A) provide technical assistance under the
10 authority of this subtitle for the development
11 and implementation of the management plan;
12 and

13 (B) enter into cooperative agreements with
14 interested parties to carry out this subtitle.

15 **SEC. 405. EVALUATION; REPORT.**

16 (a) IN GENERAL.—Not later than 3 years before the
17 date on which authority for Federal funding terminates
18 for the National Heritage Area under this subtitle, the
19 Secretary shall—

20 (1) conduct an evaluation of the accomplish-
21 ments of the National Heritage Area; and

22 (2) prepare a report in accordance with sub-
23 section (c).

24 (b) EVALUATION.—An evaluation conducted under
25 subsection (a)(1) shall—

1 (1) assess the progress of the local coordinating
2 entity with respect to—

3 (A) accomplishing the purposes of the au-
4 thorizing legislation for the National Heritage
5 Area; and

6 (B) achieving the goals and objectives of
7 the approved management plan for the National
8 Heritage Area;

9 (2) analyze the Federal, State, Tribal, local,
10 and private investments in the National Heritage
11 Area to determine the impact of the investments;
12 and

13 (3) review the management structure, partner-
14 ship relationships, and funding of the National Her-
15 itage Area for purposes of identifying the critical
16 components for sustainability of the National Herit-
17 age Area.

18 (c) REPORT.—Based on the evaluation conducted
19 under subsection (a)(1), the Secretary shall submit a re-
20 port to the Committee on Natural Resources of the United
21 States House of Representatives and the Committee on
22 Energy and Natural Resources of the United States Sen-
23 ate. The report shall include recommendations for the fu-
24 ture role of the National Park Service, if any, with respect
25 to the National Heritage Area.

1 **SEC. 406. LOCAL COORDINATING ENTITY.**

2 (a) DUTIES.—To further the purposes of the Na-
3 tional Heritage Area, the Journey Through Hallowed
4 Ground Partnership, as the local coordinating entity,
5 shall—

6 (1) prepare a management plan for the Na-
7 tional Heritage Area, and submit the management
8 plan to the Secretary, in accordance with this sub-
9 title;

10 (2) submit an annual report to the Secretary
11 for each fiscal year for which the local coordinating
12 entity receives Federal funds under this subtitle,
13 specifying—

14 (A) the specific performance goals and ac-
15 complishments of the local coordinating entity;

16 (B) the expenses and income of the local
17 coordinating entity;

18 (C) the amounts and sources of matching
19 funds;

20 (D) the amounts leveraged with Federal
21 funds and sources of the leveraging; and

22 (E) grants made to any other entities dur-
23 ing the fiscal year;

24 (3) make available for audit for each fiscal year
25 for which the local coordinating entity receives Fed-
26 eral funds under this subtitle, all information per-

1 taining to the expenditure of the funds and any
2 matching funds; and

3 (4) encourage economic viability and sustain-
4 ability that is consistent with the purposes of the
5 National Heritage Area.

6 (b) AUTHORITIES.—For the purposes of preparing
7 and implementing the approved management plan for the
8 National Heritage Area, the local coordinating entity may
9 use Federal funds made available under this subtitle to—

10 (1) make grants to political jurisdictions, non-
11 profit organizations, and other parties within the
12 National Heritage Area;

13 (2) enter into cooperative agreements with or
14 provide technical assistance to political jurisdictions,
15 nonprofit organizations, Federal agencies, and other
16 interested parties;

17 (3) hire and compensate staff, including individ-
18 uals with expertise in—

19 (A) natural, historical, cultural, edu-
20 cational, scenic, and recreational resource con-
21 servation;

22 (B) economic and community development;

23 and

24 (C) heritage planning;

1 (4) obtain funds or services from any source,
2 including other Federal programs;

3 (5) contract for goods or services; and

4 (6) support activities of partners and any other
5 activities that further the purposes of the National
6 Heritage Area and are consistent with the approved
7 management plan.

8 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
9 erty.—The local coordinating entity may not use Federal
10 funds authorized under this subtitle to acquire any inter-
11 est in real property.

12 **SEC. 407. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

13 (a) IN GENERAL.—Nothing in this subtitle affects
14 the authority of a Federal agency to provide technical or
15 financial assistance under any other law.

16 (b) CONSULTATION AND COORDINATION.—The head
17 of any Federal agency planning to conduct activities that
18 may have an impact on a National Heritage Area is en-
19 couraged to consult and coordinate the activities with the
20 Secretary and the local coordinating entity to the max-
21 imum extent practicable.

22 (c) OTHER FEDERAL AGENCIES.—Nothing in this
23 subtitle—

24 (1) modifies, alters, or amends any law or regu-
25 lation authorizing a Federal agency to manage Fed-

1 eral land under the jurisdiction of the Federal agen-
2 cy;

3 (2) limits the discretion of a Federal land man-
4 ager to implement an approved land use plan within
5 the boundaries of a National Heritage Area; or

6 (3) modifies, alters, or amends any authorized
7 use of Federal land under the jurisdiction of a Fed-
8 eral agency.

9 **SEC. 408. PRIVATE PROPERTY AND REGULATORY PROTEC-**
10 **TIONS.**

11 Nothing in this subtitle—

12 (1) abridges the rights of any property owner
13 (whether public or private), including the right to re-
14 frain from participating in any plan, project, pro-
15 gram, or activity conducted within the National Her-
16 itage Area;

17 (2) requires any property owner to permit pub-
18 lic access (including access by Federal, State, Tribal,
19 or local agencies) to the property of the property
20 owner, or to modify public access or use of property
21 of the property owner under any other Federal,
22 State, Tribal, or local law;

23 (3) alters any duly adopted land use regulation,
24 approved land use plan, or other regulatory author-
25 ity (such as the authority to make safety improve-

1 ments or increase the capacity of existing roads or
2 to construct new roads) of any Federal, State, Trib-
3 al, or local agency, or conveys any land use or other
4 regulatory authority to any local coordinating entity,
5 including but not necessarily limited to development
6 and management of energy or water or water-related
7 infrastructure;

8 (4) authorizes or implies the reservation or ap-
9 propriation of water or water rights;

10 (5) diminishes the authority of the State to
11 manage fish and wildlife, including the regulation of
12 fishing and hunting within the National Heritage
13 Area; or

14 (6) creates any liability, or affects any liability
15 under any other law, of any private property owner
16 with respect to any person injured on the private
17 property.

18 **SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
20 to subsection (b), there are authorized to be appropriated
21 to carry out this subtitle not more than \$1,000,000 for
22 any fiscal year. Funds so appropriated shall remain avail-
23 able until expended.

1 (b) LIMITATION ON TOTAL AMOUNTS APPRO-
2 PRIATED.—Not more than \$15,000,000 may be appro-
3 priated to carry out this subtitle.

4 (c) COST-SHARING REQUIREMENT.—The Federal
5 share of the total cost of any activity under this subtitle
6 shall be not more than 50 percent; the non-Federal con-
7 tribution may be in the form of in-kind contributions of
8 goods or services fairly valued.

9 **SEC. 410. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

10 Nothing in this subtitle shall preclude the local co-
11 ordinating entity from using Federal funds available under
12 other laws for the purposes for which those funds were
13 authorized.

14 **SEC. 411. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

15 The authority of the Secretary to provide financial
16 assistance under this subtitle terminates on the date that
17 is 15 years after the date of enactment of this subtitle.

18 **Subtitle B—Niagara Falls National**
19 **Heritage Area**

20 **SEC. 421. PURPOSES.**

21 The purposes of this subtitle include—

22 (1) to recognize the national importance of the
23 natural and cultural legacies of the area, as dem-
24 onstrated in the National Park Service study report

1 entitled “Niagara National Heritage Area Study”
2 dated 2005;

3 (2) to preserve, support, conserve, and interpret
4 the natural, scenic, cultural, and historic resources
5 within the National Heritage Area;

6 (3) to promote heritage, cultural, and rec-
7 reational tourism and to develop educational and
8 cultural programs for visitors and the general public;

9 (4) to recognize and interpret important events
10 and geographic locations representing key develop-
11 ments in American history and culture, including
12 Native American, Colonial American, European
13 American, and African American heritage;

14 (5) to enhance a cooperative management
15 framework to assist State, local, and Tribal govern-
16 ments, the private sector, and citizens residing in
17 the National Heritage Area in conserving, sup-
18 porting, enhancing, and interpreting the significant
19 historic, cultural, and recreational sites in the Na-
20 tional Heritage Area;

21 (6) to conserve and interpret the history of the
22 development of hydroelectric power in the United
23 States and its role in developing the American econ-
24 omy; and

1 (7) to provide appropriate linkages among units
2 of the National Park System within and surrounding
3 the National Heritage Area, to protect, enhance, and
4 interpret resources outside of park boundaries.

5 **SEC. 422. DEFINITIONS.**

6 In this subtitle:

7 (1) COMMISSION.—The term “Commission”
8 means the Niagara Falls National Heritage Area
9 Commission established under this subtitle.

10 (2) GOVERNOR.—The term “Governor” means
11 the Governor of the State of New York.

12 (3) LOCAL COORDINATING ENTITY.—The term
13 “local coordinating entity” means the local coordi-
14 nating entity for the National Heritage Area des-
15 ignated pursuant to this subtitle.

16 (4) MANAGEMENT PLAN.—The term “manage-
17 ment plan” means the plan prepared by the local co-
18 ordinating entity for the National Heritage Area
19 that specifies actions, policies, strategies, perform-
20 ance goals, and recommendations to meet the goals
21 of the National Heritage Area, in accordance with
22 this subtitle.

23 (5) NATIONAL HERITAGE AREA.—The term
24 “National Heritage Area” means the Niagara Falls
25 National Heritage Area established in this subtitle.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 423. DESIGNATION OF THE NIAGARA FALLS NATIONAL**
4 **HERITAGE AREA.**

5 (a) ESTABLISHMENT.—There is hereby established
6 the Niagara Falls National Heritage Area.

7 (b) BOUNDARIES.—

8 (1) IN GENERAL.—The National Heritage Area
9 shall consist of the area from the western boundary
10 of the town of Wheatfield, New York, extending to
11 the mouth of the Niagara River on Lake Ontario, in-
12 cluding the city of Niagara Falls, New York, the vil-
13 lages of Youngstown and Lewiston, New York, land
14 and water within the boundaries of the Heritage
15 Area in Niagara County, New York, and any addi-
16 tional thematically related sites within Erie and Ni-
17 agara Counties, New York, that are identified in the
18 management plan developed under this subtitle.

19 (2) MAP.—The boundaries of the National Her-
20 itage Area shall be as generally depicted on the map
21 titled “Niagara Falls National Heritage Area,” and
22 numbered P76/80,000 and dated July, 2006. The
23 map shall be on file and available to the public in
24 the appropriate offices of the National Park Service
25 and the local coordinating entity.

1 **SEC. 424. MANAGEMENT PLAN.**

2 (a) **REQUIREMENTS.**—The management plan for the
3 National Heritage Area shall—

4 (1) describe comprehensive policies, goals, strat-
5 egies, and recommendations for telling the story of
6 the heritage of the area covered by the National
7 Heritage Area and encouraging long-term resource
8 protection, enhancement, interpretation, funding,
9 management, and development of the National Her-
10 itage Area;

11 (2) include a description of actions and commit-
12 ments that Federal, State, Tribal, and local govern-
13 ments, private organizations, and citizens will take
14 to protect, enhance, interpret, fund, manage, and de-
15 velop the natural, historical, cultural, educational,
16 scenic, and recreational resources of the National
17 Heritage Area;

18 (3) specify existing and potential sources of
19 funding or economic development strategies to pro-
20 tect, enhance, interpret, fund, manage, and develop
21 the National Heritage Area;

22 (4) include an inventory of the natural, histor-
23 ical, cultural, educational, scenic, and recreational
24 resources of the National Heritage Area related to
25 the national importance and themes of the National

1 Heritage Area that should be protected, enhanced,
2 interpreted, managed, funded, and developed;

3 (5) recommend policies and strategies for re-
4 source management, including the development of
5 intergovernmental and interagency agreements to
6 protect, enhance, interpret, fund, manage, and de-
7 velop the natural, historical, cultural, educational,
8 scenic, and recreational resources of the National
9 Heritage Area;

10 (6) describe a program for implementation for
11 the management plan, including—

12 (A) performance goals;

13 (B) plans for resource protection, enhance-
14 ment, interpretation, funding, management, and
15 development; and

16 (C) specific commitments for implementa-
17 tion that have been made by the local coordi-
18 nating entity or any Federal, State, Tribal, or
19 local government agency, organization, busi-
20 ness, or individual;

21 (7) include an analysis of, and recommenda-
22 tions for, means by which Federal, State, Tribal,
23 and local programs may best be coordinated (includ-
24 ing the role of the National Park Service and other
25 Federal agencies associated with the National Herit-

1 age Area) to further the purposes of this subtitle;
2 and

3 (8) include a business plan that—

4 (A) describes the role, operation, financing,
5 and functions of the local coordinating entity
6 and of each of the major activities contained in
7 the management plan; and

8 (B) provides adequate assurances that the
9 local coordinating entity has the partnerships
10 and financial and other resources necessary to
11 implement the management plan for the Na-
12 tional Heritage Area.

13 (b) DEADLINE.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date on which funds are first made available to
16 develop the management plan after designation as a
17 National Heritage Area, the local coordinating entity
18 shall submit the management plan to the Secretary
19 for approval.

20 (2) TERMINATION OF FUNDING.—If the man-
21 agement plan is not submitted to the Secretary in
22 accordance with paragraph (1), the local coordi-
23 nating entity shall not qualify for any additional fi-
24 nancial assistance under this subtitle until such time

1 as the management plan is submitted to and ap-
2 proved by the Secretary.

3 (c) APPROVAL OF MANAGEMENT PLAN.—

4 (1) REVIEW.—Not later than 180 days after re-
5 ceiving the plan, the Secretary shall review and ap-
6 prove or disapprove the management plan for a Na-
7 tional Heritage Area on the basis of the criteria es-
8 tablished under paragraph (3).

9 (2) CONSULTATION.—The Secretary shall con-
10 sult with the Governor before approving a manage-
11 ment plan for the National Heritage Area.

12 (3) CRITERIA FOR APPROVAL.—In determining
13 whether to approve a management plan for a Na-
14 tional Heritage Area, the Secretary shall consider
15 whether—

16 (A) the local coordinating entity represents
17 the diverse interests of the National Heritage
18 Area, including Federal, State, Tribal, and local
19 governments, natural and historic resource pro-
20 tection organizations, educational institutions,
21 businesses, recreational organizations, commu-
22 nity residents, and private property owners;

23 (B) the local coordinating entity—

24 (i) has afforded adequate opportunity
25 for public and Federal, State, Tribal, and

1 local governmental involvement (including
2 through workshops and hearings) in the
3 preparation of the management plan; and

4 (ii) provides for at least semiannual
5 public meetings to ensure adequate imple-
6 mentation of the management plan;

7 (C) the resource protection, enhancement,
8 interpretation, funding, management, and de-
9 velopment strategies described in the manage-
10 ment plan, if implemented, would adequately
11 protect, enhance, interpret, fund, manage, and
12 develop the natural, historic, cultural, edu-
13 cational, scenic, and recreational resources of
14 the National Heritage Area;

15 (D) the management plan would not ad-
16 versely affect any activities authorized on Fed-
17 eral land under public land laws or land use
18 plans;

19 (E) the local coordinating entity has dem-
20 onstrated the financial capability, in partner-
21 ship with others, to carry out the plan;

22 (F) the Secretary has received adequate
23 assurances from the appropriate State, Tribal,
24 and local officials whose support is needed to
25 ensure the effective implementation of the

1 State, Tribal, and local elements of the manage-
2 ment plan; and

3 (G) the management plan demonstrates
4 partnerships among the local coordinating enti-
5 ty, Federal, State, Tribal, and local govern-
6 ments, regional planning organizations, non-
7 profit organizations, or private sector parties
8 for implementation of the management plan.

9 (4) DISAPPROVAL.—

10 (A) IN GENERAL.—If the Secretary dis-
11 approves the management plan, the Secretary—

12 (i) shall advise the local coordinating
13 entity in writing of the reasons for the dis-
14 approval; and

15 (ii) may make recommendations to the
16 local coordinating entity for revisions to
17 the management plan.

18 (B) DEADLINE.—Not later than 180 days
19 after receiving a revised management plan, the
20 Secretary shall approve or disapprove the re-
21 vised management plan.

22 (5) AMENDMENTS.—

23 (A) IN GENERAL.—An amendment to the
24 management plan that substantially alters the
25 purposes of the National Heritage Area shall be

1 reviewed by the Secretary and approved or dis-
2 approved in the same manner as the original
3 management plan.

4 (B) IMPLEMENTATION.—The local coordi-
5 nating entity shall not use Federal funds au-
6 thorized by this subtitle to implement an
7 amendment to the management plan until the
8 Secretary approves the amendment.

9 (6) AUTHORITIES.—The Secretary may—

10 (A) provide technical assistance under the
11 authority of this subtitle for the development
12 and implementation of the management plan;
13 and

14 (B) enter into cooperative agreements with
15 interested parties to carry out this subtitle.

16 **SEC. 425. EVALUATION; REPORT.**

17 (a) IN GENERAL.—Not later than 3 years before the
18 date on which authority for Federal funding terminates
19 for the National Heritage Area under this subtitle the Sec-
20 retary shall—

21 (1) conduct an evaluation of the accomplish-
22 ments of the National Heritage Area; and

23 (2) prepare a report in accordance with sub-
24 section (c).

1 (b) EVALUATION.—An evaluation conducted under
2 subsection (a)(1) shall—

3 (1) assess the progress of the local coordinating
4 entity with respect to—

5 (A) accomplishing the purposes of the au-
6 thORIZING legislation for the National Heritage
7 Area; and

8 (B) achieving the goals and objectives of
9 the approved management plan for the National
10 Heritage Area;

11 (2) analyze the Federal, State, Tribal, and
12 local, and private investments in the National Herit-
13 age Area to determine the impact of the invest-
14 ments; and

15 (3) review the management structure, partner-
16 ship relationships, and funding of the National Her-
17 itage Area for purposes of identifying the critical
18 components for sustainability of the National Herit-
19 age Area.

20 (c) REPORT.—Based on the evaluation conducted
21 under subsection (a)(1), the Secretary shall submit a re-
22 port to the Committee on Natural Resources of the United
23 States House of Representatives and the Committee on
24 Energy and Natural Resources of the United States Sen-
25 ate. The report shall include recommendations for the fu-

1 ture role of the National Park Service, if any, with respect
2 to the National Heritage Area.

3 **SEC. 426. LOCAL COORDINATING ENTITY.**

4 (a) DESIGNATION.—The local coordinating entity for
5 the Heritage Area shall be—

6 (1) for the 5-year period beginning on the date
7 of enactment of this subtitle, the Commission; and

8 (2) on expiration of the 5-year period described
9 in paragraph (1), a private nonprofit or govern-
10 mental organization designated by the Commission.

11 (b) DUTIES.—To further the purposes of the Na-
12 tional Heritage Area, the local coordinating entity, shall—

13 (1) prepare a management plan for the Na-
14 tional Heritage Area, and submit the management
15 plan to the Secretary, in accordance with this sub-
16 title;

17 (2) submit an annual report to the Secretary
18 for each fiscal year for which the local coordinating
19 entity receives Federal funds under this subtitle,
20 specifying—

21 (A) the specific performance goals and ac-
22 complishments of the local coordinating entity;

23 (B) the expenses and income of the local
24 coordinating entity;

1 (C) the amounts and sources of matching
2 funds;

3 (D) the amounts leveraged with Federal
4 funds and sources of the leveraging; and

5 (E) grants made to any other entities dur-
6 ing the fiscal year;

7 (3) make available for audit for each fiscal year
8 for which the local coordinating entity receives Fed-
9 eral funds under this subtitle, all information per-
10 taining to the expenditure of the funds and any
11 matching funds;

12 (4) encourage economic viability and sustain-
13 ability that is consistent with the purposes of the
14 National Heritage Area; and

15 (5) coordinate projects, activities, and programs
16 with the Erie Canalway National Heritage Corridor.

17 (c) AUTHORITIES.—For the purposes of preparing
18 and implementing the approved management plan for the
19 National Heritage Area, the local coordinating entity may
20 use Federal funds made available under this subtitle to—

21 (1) make grants to political jurisdictions, non-
22 profit organizations, and other parties within the
23 National Heritage Area;

24 (2) enter into cooperative agreements with or
25 provide technical assistance to political jurisdictions,

1 nonprofit organizations, Federal agencies, and other
2 interested parties;

3 (3) hire and compensate staff, including individ-
4 uals with expertise in—

5 (A) natural, historical, cultural, edu-
6 cational, scenic, and recreational resource con-
7 servation;

8 (B) economic and community development;
9 and

10 (C) heritage planning;

11 (4) obtain funds or services from any source,
12 including other Federal programs;

13 (5) contract for goods or services; and

14 (6) support activities of partners and any other
15 activities that further the purposes of the National
16 Heritage Area and are consistent with the approved
17 management plan.

18 (d) PROHIBITION ON ACQUISITION OF REAL PROP-
19 erty.—The local coordinating entity may not use Federal
20 funds authorized under this subtitle to acquire any inter-
21 est in real property.

22 **SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.**

23 (a) ESTABLISHMENT.—There is established within
24 the Department of the Interior the Niagara Falls National
25 Heritage Area Commission.

1 (b) MEMBERSHIP.—The Commission shall be com-
2 posed of 17 members, of whom—

3 (1) 1 member shall be the Director of the Na-
4 tional Park Service (or a designee);

5 (2) 5 members shall be appointed by the Sec-
6 retary, after consideration of the recommendation of
7 the Governor, from among individuals with knowl-
8 edge and experience of—

9 (A) the New York State Office of Parks,
10 Recreation and Historic Preservation, the Niag-
11 ara River Greenway Commission, the New York
12 Power Authority, the USA Niagara Develop-
13 ment Corporation, and the Niagara Tourism
14 and Convention Corporation; or

15 (B) any successors of the agencies de-
16 scribed in subparagraph (A);

17 (3) 1 member shall be appointed by the Sec-
18 retary, after consideration of the recommendation of
19 the mayor of Niagara Falls, New York;

20 (4) 1 member shall be appointed by the Sec-
21 retary, after consideration of the recommendation of
22 the mayor of the village of Youngstown, New York;

23 (5) 1 member shall be appointed by the Sec-
24 retary, after consideration of the recommendation of
25 the mayor of the village of Lewiston, New York;

1 (6) 1 member shall be appointed by the Sec-
2 retary, after consideration of the recommendation of
3 the Tuscarora Nation;

4 (7) 1 member shall be appointed by the Sec-
5 retary, after consideration of the recommendation of
6 the Seneca Nation of Indians; and

7 (8) 6 members shall be individuals who have an
8 interest in, support for, and expertise appropriate to
9 tourism, regional planning, history and historic pres-
10 ervation, cultural or natural resource management,
11 conservation, recreation, and education, or museum
12 services, of whom—

13 (A) 4 members shall be appointed by the
14 Secretary, after consideration of the rec-
15 ommendation of the 2 members of the Senate
16 from the State; and

17 (B) 2 members shall be appointed by the
18 Secretary, after consideration of the rec-
19 ommendation of the Member of the House of
20 Representatives whose district encompasses the
21 National Heritage Area.

22 (c) TERMS; VACANCIES.—

23 (1) TERM.—A member of the Commission shall
24 be appointed for a term not to exceed 5 years.

25 (2) VACANCIES.—

1 (A) PARTIAL TERM.—A member appointed
2 to fill a vacancy on the Commission shall serve
3 for the remainder of the term for which the
4 predecessor of the member was appointed.

5 (B) IN GENERAL.—A vacancy on the Com-
6 mission shall be filled in the same manner as
7 the original appointment was made.

8 (d) CHAIRPERSON AND VICE CHAIRPERSON.—

9 (1) SELECTION.—The Commission shall select
10 a Chairperson and Vice Chairperson from among the
11 members of the Commission.

12 (2) VICE CHAIRPERSON.—The Vice Chairperson
13 shall serve as the Chairperson in the absence of the
14 Chairperson.

15 (e) QUORUM.—

16 (1) IN GENERAL.—A majority of the members
17 of the Commission shall constitute a quorum.

18 (2) TRANSACTION.—For the transaction of any
19 business or the exercise of any power of the Com-
20 mission, the Commission shall have the power to act
21 by a majority vote of the members present at any
22 meeting at which a quorum is in attendance.

23 (f) MEETINGS.—

24 (1) IN GENERAL.—The Commission shall meet
25 at least quarterly at the call of—

1 (A) the Chairperson; or

2 (B) a majority of the members of the Com-
3 mission.

4 (2) NOTICE.—Notice of Commission meetings
5 and agendas for the meetings shall be published in
6 local newspapers that are distributed throughout the
7 National Heritage Area.

8 (3) APPLICABLE LAW.—Meetings of the Com-
9 mission shall be subject to section 552b of title 5,
10 United States Code.

11 (g) AUTHORITIES OF THE COMMISSION.—In addition
12 to the authorities otherwise granted in this subtitle, the
13 Commission may—

14 (1) request and accept from the head of any
15 Federal agency, on a reimbursable or non-reimburs-
16 able basis, any personnel of the Federal agency to
17 the Commission to assist in carrying out the duties
18 of the Commission;

19 (2) request and accept from the head of any
20 State agency or any agency of a political subdivision
21 of the State, on a reimbursable or nonreimbursable
22 basis, any personnel of the agency to the Commis-
23 sion to assist in carrying out the duties of the Com-
24 mission;

1 (3) seek, accept, and dispose of gifts, bequests,
2 grants, or donations of money, personal property, or
3 services; and

4 (4) use the United States mails in the same
5 manner as other agencies of the Federal Govern-
6 ment.

7 (h) DUTIES OF THE COMMISSION.—To further the
8 purposes of the National Heritage Area, in addition to the
9 duties otherwise listed in this subtitle, the Commission
10 shall assist in the transition of the management of the
11 National Heritage Area from the Commission to the local
12 coordinating entity designated under this subtitle.

13 (i) COMPENSATION OF MEMBERS.—

14 (1) IN GENERAL.—A member of the Commis-
15 sion shall serve without compensation.

16 (2) TRAVEL EXPENSES.—A member of the
17 Commission shall be allowed travel expenses, includ-
18 ing per diem in lieu of subsistence, at rates author-
19 ized for an employee of an agency under subchapter
20 I of chapter 57 of title 5, United States Code, while
21 away from the home or regular place of business of
22 the member in the performance of the duties of the
23 Commission.

24 (j) GIFTS.—For purposes of section 170(c) of the In-
25 ternal Revenue Code of 1986, any gift or charitable con-

1 contribution to the Commission shall be considered to be a
2 charitable contribution or gift to the United States.

3 (k) USE OF FEDERAL FUNDS.—Except as provided
4 for the leasing of administrative facilities under subsection
5 (g)(1), the Commission may not use Federal funds made
6 available to the Commission under this subtitle to acquire
7 any real property or interest in real property.

8 **SEC. 428. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

9 (a) IN GENERAL.—Nothing in this subtitle affects
10 the authority of a Federal agency to provide technical or
11 financial assistance under any other law.

12 (b) CONSULTATION AND COORDINATION.—The head
13 of any Federal agency planning to conduct activities that
14 may have an impact on a National Heritage Area is en-
15 couraged to consult and coordinate the activities with the
16 Secretary and the local coordinating entity to the max-
17 imum extent practicable.

18 (c) OTHER FEDERAL AGENCIES.—Nothing in this
19 subtitle—

20 (1) modifies, alters, or amends any law or regu-
21 lation authorizing a Federal agency to manage Fed-
22 eral land under the jurisdiction of the Federal agen-
23 cy;

1 (2) limits the discretion of a Federal land man-
2 ager to implement an approved land use plan within
3 the boundaries of a National Heritage Area; or

4 (3) modifies, alters, or amends any authorized
5 use of Federal land under the jurisdiction of a Fed-
6 eral agency.

7 **SEC. 429. PRIVATE PROPERTY AND REGULATORY PROTEC-**
8 **TIONS.**

9 Nothing in this subtitle—

10 (1) abridges the rights of any property owner
11 (whether public or private), including the right to re-
12 frain from participating in any plan, project, pro-
13 gram, or activity conducted within the National Her-
14 itage Area;

15 (2) requires any property owner to permit pub-
16 lic access (including access by Federal, State, Tribal,
17 or local agencies) to the property of the property
18 owner, or to modify public access or use of property
19 of the property owner under any other Federal,
20 State, Tribal, or local law;

21 (3) alters any duly adopted land use regulation,
22 approved land use plan, or other regulatory author-
23 ity of any Federal, State, Tribal, or local agency, or
24 conveys any land use or other regulatory authority
25 to any local coordinating entity, including but not

1 necessarily limited to development and management
2 of energy, water, or water-related infrastructure;

3 (4) authorizes or implies the reservation or ap-
4 propriation of water or water rights;

5 (5) diminishes the authority of the State to
6 manage fish and wildlife, including the regulation of
7 fishing and hunting within the National Heritage
8 Area; or

9 (6) creates any liability, or affects any liability
10 under any other law, of any private property owner
11 with respect to any person injured on the private
12 property.

13 **SEC. 430. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
15 to subsection (b), there are authorized to be appropriated
16 to carry out this subtitle not more than \$1,000,000 for
17 any fiscal year. Funds so appropriated shall remain avail-
18 able until expended.

19 (b) LIMITATION ON TOTAL AMOUNTS APPRO-
20 PRIATED.—Not more than \$15,000,000 may be appro-
21 priated to carry out this subtitle.

22 (c) COST-SHARING REQUIREMENT.—The Federal
23 share of the total cost of any activity under this subtitle
24 shall be not more than 50 percent; the non-Federal con-

1 tribution may be in the form of in-kind contributions of
2 goods or services fairly valued.

3 **SEC. 431. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

4 Nothing in this subtitle shall preclude the local co-
5 ordinating entity from using Federal funds available under
6 other laws for the purposes for which those funds were
7 authorized.

8 **SEC. 432. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

9 The authority of the Secretary to provide financial
10 assistance under this subtitle terminates on the date that
11 is 15 years after the date of enactment of this Act.

12 **Subtitle C—Abraham Lincoln**
13 **National Heritage Area**

14 **SEC. 441. PURPOSES.**

15 The purposes of this subtitle include—

16 (1) to recognize the significant natural and cul-
17 tural legacies of the area, as demonstrated in the
18 study entitled “Feasibility Study of the Proposed
19 Abraham Lincoln National Heritage Area” prepared
20 for the Looking for Lincoln Heritage Coalition in
21 2002 and revised in 2007;

22 (2) to promote heritage, cultural and rec-
23 reational tourism and to develop educational and
24 cultural programs for visitors and the general public;

1 (3) to recognize and interpret important events
2 and geographic locations representing key periods in
3 the growth of America, including Native American,
4 Colonial American, European American, and African
5 American heritage;

6 (4) to recognize and interpret the distinctive
7 role the region played in shaping the man who would
8 become the 16th President of the United States, and
9 how Abraham Lincoln's life left its traces in the sto-
10 ries, folklore, buildings, streetscapes, and landscapes
11 of the region;

12 (5) to provide a cooperative management frame-
13 work to foster a close working relationship with all
14 levels of government, the private sector, and the
15 local communities in the region in identifying, pre-
16 serving, interpreting, and developing the historical,
17 cultural, scenic, and natural resources of the region
18 for the educational and inspirational benefit of cur-
19 rent and future generations; and

20 (6) to provide appropriate linkages between
21 units of the National Park System and communities,
22 governments, and organizations within the Heritage
23 Area.

24 **SEC. 442. DEFINITIONS.**

25 In this subtitle:

1 (1) LOCAL COORDINATING ENTITY.—The term
2 “local coordinating entity” means the Looking for
3 Lincoln Heritage Coalition, which is hereby des-
4 ignated by Congress—

5 (A) to develop, in partnership with others,
6 the management plan for the National Heritage
7 Area; and

8 (B) to act as a catalyst for the implemen-
9 tation of projects and programs among diverse
10 partners in the National Heritage Area.

11 (2) MANAGEMENT PLAN.—The term “manage-
12 ment plan” means the plan prepared by the local co-
13 ordinating entity for the National Heritage Area
14 that specifies actions, policies, strategies, perform-
15 ance goals, and recommendations to meet the goals
16 of the National Heritage Area, in accordance with
17 this subtitle.

18 (3) NATIONAL HERITAGE AREA.—The term
19 “National Heritage Area” means the Abraham Lin-
20 coln National Heritage Area established in this sub-
21 title.

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

1 **SEC. 443. DESIGNATION OF ABRAHAM LINCOLN NATIONAL**
2 **HERITAGE AREA.**

3 (a) ESTABLISHMENT.—There is hereby established
4 the Abraham Lincoln National Heritage Area.

5 (b) BOUNDARIES.—

6 (1) IN GENERAL.—The National Heritage Area
7 shall consist of sites as designated by the manage-
8 ment plan within a core area located in Central Illi-
9 nois, consisting of Adams, Brown, Calhoun, Cass,
10 Champaign, Christian, Clark, Coles, Cumberland,
11 Dewitt, Douglas, Edgar, Fayette, Fulton, Greene,
12 Hancock, Henderson, Jersey, Knox, LaSalle, Logan,
13 Macon, Macoupin, Madison, Mason, McDonough,
14 McLean, Menard, Montgomery, Morgan, Moultrie,
15 Peoria, Piatt, Pike, Sangamon, Schuyler, Scott,
16 Shelby, Tazewell, Vermillion, Warren and Woodford
17 counties.

18 (2) MAP.—The boundaries of the National Her-
19 itage Area shall be as generally depicted on the map
20 titled “Proposed Abraham Lincoln National Herit-
21 age Area”, and numbered 338/80,000, and dated
22 July 2007. The map shall be on file and available
23 to the public in the appropriate offices of the Na-
24 tional Park Service and the local coordinating entity.

1 **SEC. 444. MANAGEMENT PLAN.**

2 (a) **REQUIREMENTS.**—The management plan for the
3 National Heritage Area shall—

4 (1) describe comprehensive policies, goals, strat-
5 egies, and recommendations for telling the story of
6 the heritage of the area covered by the National
7 Heritage Area and encouraging long-term resource
8 protection, enhancement, interpretation, funding,
9 management, and development of the National Her-
10 itage Area;

11 (2) include a description of actions and commit-
12 ments that Federal, State, Tribal, and local govern-
13 ments, private organizations, and citizens will take
14 to protect, enhance, interpret, fund, manage, and de-
15 velop the natural, historical, cultural, educational,
16 scenic, and recreational resources of the National
17 Heritage Area;

18 (3) specify existing and potential sources of
19 funding or economic development strategies to pro-
20 tect, enhance, interpret, fund, manage, and develop
21 the National Heritage Area;

22 (4) include an inventory of the natural, histor-
23 ical, cultural, educational, scenic, and recreational
24 resources of the National Heritage Area related to
25 the national importance and themes of the National

1 Heritage Area that should be protected, enhanced,
2 interpreted, managed, funded, and developed;

3 (5) recommend policies and strategies for re-
4 source management, including the development of
5 intergovernmental and interagency agreements to
6 protect, enhance, interpret, fund, manage, and de-
7 velop the natural, historical, cultural, educational,
8 scenic, and recreational resources of the National
9 Heritage Area;

10 (6) describe a program for implementation for
11 the management plan, including—

12 (A) performance goals;

13 (B) plans for resource protection, enhance-
14 ment, interpretation, funding, management, and
15 development; and

16 (C) specific commitments for implementa-
17 tion that have been made by the local coordi-
18 nating entity or any Federal, State, Tribal, or
19 local government agency, organization, busi-
20 ness, or individual;

21 (7) include an analysis of, and recommenda-
22 tions for, means by which Federal, State, Tribal,
23 and local programs may best be coordinated (includ-
24 ing the role of the National Park Service and other
25 Federal agencies associated with the National Herit-

1 age Area) to further the purposes of this subtitle;
2 and

3 (8) include a business plan that—

4 (A) describes the role, operation, financing,
5 and functions of the local coordinating entity
6 and of each of the major activities contained in
7 the management plan; and

8 (B) provides adequate assurances that the
9 local coordinating entity has the partnerships
10 and financial and other resources necessary to
11 implement the management plan for the Na-
12 tional Heritage Area.

13 (b) DEADLINE.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date on which funds are first made available to
16 develop the management plan after designation as a
17 National Heritage Area, the local coordinating entity
18 shall submit the management plan to the Secretary
19 for approval.

20 (2) TERMINATION OF FUNDING.—If the man-
21 agement plan is not submitted to the Secretary in
22 accordance with paragraph (1), the local coordi-
23 nating entity shall not qualify for any additional fi-
24 nancial assistance under this subtitle until such time

1 as the management plan is submitted to and ap-
2 proved by the Secretary.

3 (c) APPROVAL OF MANAGEMENT PLAN.—

4 (1) REVIEW.—Not later than 180 days after re-
5 ceiving the plan, the Secretary shall review and ap-
6 prove or disapprove the management plan for a Na-
7 tional Heritage Area on the basis of the criteria es-
8 tablished under paragraph (3).

9 (2) CONSULTATION.—The Secretary shall con-
10 sult with the Governor of each State in which the
11 National Heritage Area is located before approving
12 a management plan for the National Heritage Area.

13 (3) CRITERIA FOR APPROVAL.—In determining
14 whether to approve a management plan for a Na-
15 tional Heritage Area, the Secretary shall consider
16 whether—

17 (A) the local coordinating entity represents
18 the diverse interests of the National Heritage
19 Area, including Federal, State, Tribal, and local
20 governments, natural, and historic resource pro-
21 tection organizations, educational institutions,
22 businesses, recreational organizations, commu-
23 nity residents, and private property owners;

24 (B) the local coordinating entity—

1 (i) has afforded adequate opportunity
2 for public and Federal, State, Tribal, and
3 local governmental involvement (including
4 through workshops and hearings) in the
5 preparation of the management plan; and

6 (ii) provides for at least semiannual
7 public meetings to ensure adequate imple-
8 mentation of the management plan;

9 (C) the resource protection, enhancement,
10 interpretation, funding, management, and de-
11 velopment strategies described in the manage-
12 ment plan, if implemented, would adequately
13 protect, enhance, interpret, fund, manage, and
14 develop the natural, historic, cultural, edu-
15 cational, scenic, and recreational resources of
16 the National Heritage Area;

17 (D) the management plan would not ad-
18 versely affect any activities authorized on Fed-
19 eral land under public land laws or land use
20 plans;

21 (E) the local coordinating entity has dem-
22 onstrated the financial capability, in partner-
23 ship with others, to carry out the plan;

24 (F) the Secretary has received adequate
25 assurances from the appropriate State, Tribal,

1 and local officials whose support is needed to
2 ensure the effective implementation of the
3 State, Tribal, and local elements of the manage-
4 ment plan; and

5 (G) the management plan demonstrates
6 partnerships among the local coordinating enti-
7 ty, Federal, State, Tribal, and local govern-
8 ments, regional planning organizations, non-
9 profit organizations, or private sector parties
10 for implementation of the management plan.

11 (4) DISAPPROVAL.—

12 (A) IN GENERAL.—If the Secretary dis-
13 approves the management plan, the Secretary—

14 (i) shall advise the local coordinating
15 entity in writing of the reasons for the dis-
16 approval; and

17 (ii) may make recommendations to the
18 local coordinating entity for revisions to
19 the management plan.

20 (B) DEADLINE.—Not later than 180 days
21 after receiving a revised management plan, the
22 Secretary shall approve or disapprove the re-
23 vised management plan.

24 (5) AMENDMENTS.—

1 (A) IN GENERAL.—An amendment to the
2 management plan that substantially alters the
3 purposes of the National Heritage Area shall be
4 reviewed by the Secretary and approved or dis-
5 approved in the same manner as the original
6 management plan.

7 (B) IMPLEMENTATION.—The local coordi-
8 nating entity shall not use Federal funds au-
9 thorized by this subtitle to implement an
10 amendment to the management plan until the
11 Secretary approves the amendment.

12 (6) AUTHORITIES.—The Secretary may—

13 (A) provide technical assistance under the
14 authority of this subtitle for the development
15 and implementation of the management plan;
16 and

17 (B) enter into cooperative agreements with
18 interested parties to carry out this subtitle.

19 **SEC. 445. EVALUATION; REPORT.**

20 (a) IN GENERAL.—Not later than 3 years before the
21 date on which authority for Federal funding terminates
22 for the National Heritage Area under this subtitle, the
23 Secretary shall—

24 (1) conduct an evaluation of the accomplish-
25 ments of the National Heritage Area; and

1 (2) prepare a report in accordance with sub-
2 section (c).

3 (b) EVALUATION.—An evaluation conducted under
4 subsection (a)(1) shall—

5 (1) assess the progress of the local coordinating
6 entity with respect to—

7 (A) accomplishing the purposes of the au-
8 thorizing legislation for the National Heritage
9 Area; and

10 (B) achieving the goals and objectives of
11 the approved management plan for the National
12 Heritage Area;

13 (2) analyze the Federal, State, Tribal, and
14 local, and private investments in the National Herit-
15 age Area to determine the impact of the invest-
16 ments; and

17 (3) review the management structure, partner-
18 ship relationships, and funding of the National Her-
19 itage Area for purposes of identifying the critical
20 components for sustainability of the National Herit-
21 age Area.

22 (c) REPORT.—Based on the evaluation conducted
23 under subsection (a)(1), the Secretary shall submit a re-
24 port to the Committee on Natural Resources of the United
25 States House of Representatives and the Committee on

1 Energy and Natural Resources of the United States Sen-
2 ate. The report shall include recommendations for the fu-
3 ture role of the National Park Service, if any, with respect
4 to the National Heritage Area.

5 **SEC. 446. LOCAL COORDINATING ENTITY.**

6 (a) DUTIES.—To further the purposes of the Na-
7 tional Heritage Area, the Looking for Lincoln Heritage
8 Coalition, as the local coordinating entity, shall—

9 (1) prepare a management plan for the Na-
10 tional Heritage Area, and submit the management
11 plan to the Secretary, in accordance with this sub-
12 title;

13 (2) submit an annual report to the secretary for
14 each fiscal year for which the local coordinating enti-
15 ty receives Federal funds under this subtitle, speci-
16 fying—

17 (A) the specific performance goals and ac-
18 complishments of the local coordinating entity;

19 (B) the expenses and income of the local
20 coordinating entity;

21 (C) the amounts and sources of matching
22 funds;

23 (D) the amounts leveraged with Federal
24 funds and sources of the leveraging; and

1 (E) grants made to any other entities dur-
2 ing the fiscal year;

3 (3) make available for audit for each fiscal year
4 for which the local coordinating entity receives Fed-
5 eral funds under this subtitle, all information per-
6 taining to the expenditure of the funds and any
7 matching funds; and

8 (4) encourage economic viability and sustain-
9 ability that is consistent with the purposes of the
10 National Heritage Area.

11 (b) AUTHORITIES.—For the purposes of preparing
12 and implementing the approved management plan for the
13 National Heritage Area, the local coordinating entity may
14 use Federal funds made available under this subtitle to—

15 (1) make grants to political jurisdictions, non-
16 profit organizations, and other parties within the
17 National Heritage Area;

18 (2) enter into cooperative agreements with or
19 provide technical assistance to political jurisdictions,
20 nonprofit organizations, Federal agencies, and other
21 interested parties;

22 (3) hire and compensate staff, including individ-
23 uals with expertise in—

1 (A) natural, historical, cultural, edu-
2 cational, scenic, and recreational resource con-
3 servation;

4 (B) economic and community development;
5 and

6 (C) heritage planning;

7 (4) obtain funds or services from any source,
8 including other Federal programs;

9 (5) contract for goods or services; and

10 (6) support activities of partners and any other
11 activities that further the purposes of the National
12 Heritage Area and are consistent with the approved
13 management plan.

14 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
15 ERTY.—The local coordinating entity may not use Federal
16 funds authorized under this subtitle to acquire any inter-
17 est in real property.

18 **SEC. 447. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

19 (a) IN GENERAL.—Nothing in this subtitle affects
20 the authority of a Federal agency to provide technical or
21 financial assistance under any other law.

22 (b) CONSULTATION AND COORDINATION.—The head
23 of any Federal agency planning to conduct activities that
24 may have an impact on a National Heritage Area is en-
25 couraged to consult and coordinate the activities with the

1 Secretary and the local coordinating entity to the max-
2 imum extent practicable.

3 (c) OTHER FEDERAL AGENCIES.—Nothing in this
4 subtitle—

5 (1) modifies, alters, or amends any law or regu-
6 lation authorizing a Federal agency to manage Fed-
7 eral land under the jurisdiction of the Federal agen-
8 cy;

9 (2) limits the discretion of a Federal land man-
10 ager to implement an approved land use plan within
11 the boundaries of a National Heritage Area; or

12 (3) modifies, alters, or amends any authorized
13 use of Federal land under the jurisdiction of a Fed-
14 eral agency.

15 **SEC. 448. PRIVATE PROPERTY AND REGULATORY PROTEC-**
16 **TIONS.**

17 Nothing in this subtitle—

18 (1) abridges the rights of any property owner
19 (whether public or private), including the right to re-
20 frain from participating in any plan, project, pro-
21 gram, or activity conducted within the National Her-
22 itage Area;

23 (2) requires any property owner to permit pub-
24 lic access (including access by Federal, State, Tribal,
25 or local agencies) to the property of the property

1 owner, or to modify public access or use of property
2 of the property owner under any other Federal,
3 State, Tribal, or local law;

4 (3) alters any duly adopted land use regulation,
5 approved land use plan, or other regulatory author-
6 ity of any Federal, State, Tribal, or local agency, or
7 conveys any land use or other regulatory authority
8 to any local coordinating entity, including but not
9 necessarily limited to development and management
10 of energy, water, or water-related infrastructure;

11 (4) authorizes or implies the reservation or ap-
12 propriation of water or water rights;

13 (5) diminishes the authority of the State to
14 manage fish and wildlife, including the regulation of
15 fishing and hunting within the National Heritage
16 Area; or

17 (6) creates any liability, or affects any liability
18 under any other law, of any private property owner
19 with respect to any person injured on the private
20 property.

21 **SEC. 449. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
23 to subsection (b), there are authorized to be appropriated
24 to carry out this subtitle not more than \$1,000,000 for

1 any fiscal year. Funds so appropriated shall remain avail-
2 able until expended.

3 (b) LIMITATION ON TOTAL AMOUNTS APPRO-
4 PRIATED.—Not more than \$15,000,000 may be appro-
5 priated to carry out this subtitle.

6 (c) COST-SHARING REQUIREMENT.—The Federal
7 share of the total cost of any activity under this subtitle
8 shall be not more than 50 percent; the non-Federal con-
9 tribution may be in the form of in-kind contributions of
10 goods or services fairly valued.

11 **SEC. 450. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

12 Nothing in this subtitle shall preclude the local co-
13 ordinating entity from using Federal funds available under
14 other laws for the purposes for which those funds were
15 authorized.

16 **SEC. 451. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

17 The authority of the Secretary to provide financial
18 assistance under this subtitle terminates on the date that
19 is 15 years after the date of the enactment of this subtitle.

20 **Subtitle D—Authorization**
21 **Extensions and Viability Studies**

22 **SEC. 461. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.**

23 Division II of the Omnibus Parks and Public Lands
24 Management Act of 1996 (Public Law 104–333; 16
25 U.S.C. 461 note) is amended in each of sections 108(a),

1 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as
2 redesignated by section 474(9)), and 909(c), by striking
3 “\$10,000,000” and inserting “\$15,000,000”.

4 **SEC. 462. EVALUATION AND REPORT.**

5 (a) IN GENERAL.—For the nine National Heritage
6 Areas authorized in Division II of the Omnibus Parks and
7 Public Lands Management Act of 1996, not later than 3
8 years before the date on which authority for Federal fund-
9 ing terminates for each National Heritage Area, the Sec-
10 retary shall—

11 (1) conduct an evaluation of the accomplish-
12 ments of the National Heritage Area; and

13 (2) prepare a report in accordance with sub-
14 section (c).

15 (b) EVALUATION.—An evaluation conducted under
16 subsection (a)(1) shall—

17 (1) assess the progress of the local management
18 entity with respect to—

19 (A) accomplishing the purposes of the au-
20 thorizing legislation for the National Heritage
21 Area; and

22 (B) achieving the goals and objectives of
23 the approved management plan for the National
24 Heritage Area;

1 (1) by striking section 103(b) and inserting the
2 following:

3 “(b) BOUNDARIES.—The National Coal Heritage
4 Area shall be comprised of Lincoln County, West Virginia,
5 and Paint Creek and Cabin Creek within Kanawah Coun-
6 ty, West Virginia, and the counties that are the subject
7 of the study by the National Park Service, dated 1993,
8 entitled ‘A Coal Mining Heritage Study: Southern West
9 Virginia’ conducted pursuant to title VI of Public Law
10 100–699.”;

11 (2) by striking section 105 and inserting the
12 following:

13 **“SEC. 105. ELIGIBLE RESOURCES.**

14 “(a) IN GENERAL.—The resources eligible for the as-
15 sistance under section 104 shall include—

16 “(1) resources in Lincoln County, West Vir-
17 ginia, and Paint Creek and Cabin Creek in Kanawah
18 County, West Virginia, as determined to be appro-
19 priate by the National Coal Heritage Area Author-
20 ity; and

21 “(2) the resources set forth in appendix D of
22 the study by the National Park Service, dated 1993,
23 entitled ‘A Coal Mining Heritage Study: Southern
24 West Virginia’ conducted pursuant to title VI of
25 Public Law 100–699.

1 “(b) PRIORITY.—Priority consideration shall be given
2 to those sites listed as ‘Conservation Priorities’ and ‘Im-
3 portant Historic Resources’ as depicted on the map enti-
4 tled ‘Study Area: Historic Resources’ in such study.”;

5 (3) in section 106(a)—

6 (A) by striking “Governor” and all that
7 follows through “Parks,” and inserting “Na-
8 tional Coal Heritage Area Authority”; and

9 (B) in paragraph (3), by striking “State of
10 West Virginia” and all that follows through
11 “entities, or” and inserting “National Coal
12 Heritage Area Authority or”; and

13 (4) in section 106(b), by inserting “not” before
14 “meet”.

15 **SEC. 472. RIVERS OF STEEL NATIONAL HERITAGE AREA AD-**
16 **DITION.**

17 Section 403(b) of title IV of Division II of the Omni-
18 bus Parks and Public Lands Management Act of 1996
19 (Public Law 104–333) is amended by inserting “Butler,”
20 after “Beaver,”.

21 **SEC. 473. SOUTH CAROLINA NATIONAL HERITAGE COR-**
22 **RIDOR ADDITION.**

23 Section 604(b)(2) of title VI of Division II of the Om-
24 nibus Parks and Public Lands Management Act of 1996

1 is amended by adding at the end the following new sub-
2 paragraphs:

3 “(O) Berkeley County.

4 “(P) Saluda County.

5 “(Q) The portion of Georgetown County
6 that is not part of the Gullah/Geechee Cultural
7 Heritage Corridor.”.

8 **SEC. 474. OHIO AND ERIE CANAL NATIONAL HERITAGE**
9 **CORRIDOR TECHNICAL CORRECTIONS.**

10 Title VIII of Division II of the Omnibus Parks and
11 Public Lands Management Act of 1996 (Public Law 104–
12 333) is amended—

13 (1) by striking “Canal National Heritage Cor-
14 ridor” each place it appears and inserting “National
15 Heritage Canalway”;

16 (2) by striking “corridor” each place it appears
17 and inserting “canalway”, except in references to
18 the feasibility study and management plan;

19 (3) in the heading of section 808(a)(3), by
20 striking “CORRIDOR” and inserting “CANALWAY”;

21 (4) in the title heading, by striking “**CANAL**
22 **NATIONAL HERITAGE CORRIDOR**” and
23 inserting “**NATIONAL HERITAGE**
24 **CANALWAY**”;

25 (5) in section 803—

1 (A) by striking paragraph (2);

2 (B) by redesignating paragraphs (3), (4),
3 (5), (6), and (7) as paragraphs (2), (3), (4),
4 (5), and (6), respectively;

5 (C) in paragraph (2) (as redesignated by
6 subparagraph (B)), by striking “808” and in-
7 serting “806”; and

8 (D) in paragraph (6) (as redesignated by
9 subparagraph (B)), by striking “807(a)” and
10 inserting “805(a)”;

11 (6) in the heading of section 804, by striking
12 **“CANAL NATIONAL HERITAGE CORRIDOR”** and
13 inserting **“NATIONAL HERITAGE CANALWAY”**;

14 (7) in the second sentence of section 804(b)(1),
15 by striking “808” and inserting “806”;

16 (8) by striking sections 805 and 806;

17 (9) by redesignating sections 807, 808, 809,
18 810, 811, and 812 as sections 805, 806, 807, 808,
19 809, and 810, respectively;

20 (10) in section 805(c)(2) (as redesignated by
21 paragraph (9)), by striking “808” and inserting
22 “806”;

23 (11) in section 806 (as redesignated by para-
24 graph (9))—

1 (A) in subsection (a)(1), by striking “Com-
2 mittee” and inserting “Secretary”;

3 (B) in the heading of subsection (a)(1), by
4 striking “COMMITTEE” and inserting “SEC-
5 RETARY”;

6 (C) in subsection (a)(3), in the first sen-
7 tence of subparagraph (B), by striking “Com-
8 mittee” and inserting “management entity”;

9 (D) in subsection (e), by striking
10 “807(d)(1)” and inserting “805(d)(1)”; and

11 (E) in subsection (f), by striking
12 “807(d)(1)” and inserting “805(d)(1)”; and

13 (12) in section 807 (as redesignated by para-
14 graph (9)), in subsection (c) by striking “Cayohoga
15 Valley National Recreation Area” and inserting
16 “Cayohoga Valley National Park”;

17 (13) in section 808 (as redesignated by para-
18 graph (9))—

19 (A) in subsection (b), by striking “Com-
20 mittee or”; and

21 (B) in subsection (c), in the matter before
22 paragraph (1), by striking “Committee” and in-
23 serting “management entity”; and

1 (14) in section 809 (as redesignated by para-
2 graph (9)), by striking “assistance” and inserting
3 “financial assistance”.

4 **SEC. 475. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE**
5 **EXTENSION OF AUTHORIZATION.**

6 Section 6 of Public Law 100–515 (16 U.S.C. 1244
7 note) is amended as follows:

8 (1) Strike paragraph (1) of subsection (b) and
9 insert the following new paragraph:

10 “(1) IN GENERAL.—Amounts made available
11 under subsection (a) shall be used only for—

12 “(A) technical assistance;

13 “(B) the design and fabrication of inter-
14 pretive materials, devices, and signs; and

15 “(C) the preparation of the strategic
16 plan.”.

17 (2) Paragraph (3) of subsection (b) is amended
18 by inserting after subparagraph (B) a new subpara-
19 graph as follows:

20 “(C) Notwithstanding paragraph (3)(A),
21 funds made available under subsection (a) for
22 the preparation of the strategic plan shall not
23 require a non-Federal match.”.

24 (3) Subsection (c) is amended by striking
25 “2007” and inserting “2011”.

Subtitle F—Studies

2 SEC. 481. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA 3 STUDY.

4 (a) DEFINITIONS.—In this section:

5 (1) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (2) STUDY AREA.—The term “study area”
8 means—

9 (A) the coastal areas of Clatsop and Pa-
10 cific Counties (also known as the North Beach
11 Peninsula); and

12 (B) areas relating to Native American his-
13 tory, local history, Euro-American settlement
14 culture, and related economic activities of the
15 Columbia River within a corridor along the Co-
16 lumbia River eastward in Clatsop, Pacific, Co-
17 lumbia, and Wahkiakum Counties.

18 (b) COLUMBIA-PACIFIC NATIONAL HERITAGE AREA
19 STUDY.—

20 (1) IN GENERAL.—The Secretary, in consulta-
21 tion with the managers of any Federal land within
22 the study area, appropriate State and local govern-
23 mental agencies, tribal governments, and any inter-
24 ested organizations, shall conduct a study to deter-

1 mine the feasibility of designating the study area as
2 the Columbia-Pacific National Heritage Area.

3 (2) REQUIREMENTS.—The study shall include
4 analysis, documentation, and determinations on
5 whether the study area—

6 (A) has an assemblage of natural, historic,
7 and cultural resources that together represent
8 distinctive aspects of American heritage worthy
9 of recognition, conservation, interpretation, and
10 continuing use, and are best managed through
11 partnerships among public and private entities
12 and by combining diverse and sometimes non-
13 contiguous resources and active communities;

14 (B) reflects traditions, customs, beliefs,
15 and folklife that are a valuable part of the na-
16 tional story;

17 (C) provides outstanding opportunities to
18 conserve natural, historic, cultural, or scenic
19 features;

20 (D) provides outstanding recreational and
21 educational opportunities;

22 (E) contains resources important to the
23 identified theme or themes of the study area
24 that retain a degree of integrity capable of sup-
25 porting interpretation;

1 (F) includes residents, business interests,
2 nonprofit organizations, and local and State
3 governments that are involved in the planning,
4 have developed a conceptual financial plan that
5 outlines the roles for all participants, including
6 the Federal Government, and have dem-
7 onstrated support for the concept of a national
8 heritage area;

9 (G) has a potential local coordinating enti-
10 ty to work in partnership with residents, busi-
11 ness interests, nonprofit organizations, and
12 local and State governments to develop a na-
13 tional heritage area consistent with continued
14 local and State economic activity; and

15 (H) has a conceptual boundary map that is
16 supported by the public.

17 (3) PRIVATE PROPERTY.—In conducting the
18 study required by this subsection, the Secretary shall
19 analyze the potential impact that designation of the
20 area as a national heritage area is likely to have on
21 land within the proposed area or bordering the pro-
22 posed area that is privately owned at the time that
23 the study is conducted.

24 (c) REPORT.—Not later than 3 fiscal years after the
25 date on which funds are made available to carry out the

1 study, the Secretary shall submit to the Committee on En-
2 ergy and Natural Resources of the Senate and the Com-
3 mittee on Natural Resources of the House of Representa-
4 tives a report that describes the findings, conclusions, and
5 recommendations of the Secretary with respect to the
6 study.

7 **SEC. 482. STUDY OF SITES RELATING TO ABRAHAM LIN-**
8 **COLN IN KENTUCKY.**

9 (a) DEFINITIONS.—In this section:

10 (1) HERITAGE AREA.—The term “Heritage
11 Area” means a National Heritage Area in the State
12 to honor Abraham Lincoln.

13 (2) STATE.—The term “State” means the Com-
14 monwealth of Kentucky.

15 (3) STUDY AREA.—The term “study area”
16 means the study area described in subsection (b)(2).

17 (b) STUDY.—

18 (1) IN GENERAL.—The Secretary, in consulta-
19 tion with the Kentucky Historical Society, other
20 State historical societies, the State Historic Preser-
21 vation Officer, State tourism offices, and other ap-
22 propriate organizations and agencies, shall conduct a
23 study to assess the suitability and feasibility of des-
24 ignating the study area as a National Heritage Area
25 in the State to honor Abraham Lincoln.

1 (2) DESCRIPTION OF STUDY AREA.—The study
2 area shall include—

3 (A) Boyle, Breckinridge, Fayette, Frank-
4 lin, Hardin, Jefferson, Jessamine, Larue, Madi-
5 son, Mercer, and Washington Counties in the
6 State; and

7 (B) the following sites in the State:

8 (i) The Abraham Lincoln Birthplace
9 National Historic Site.

10 (ii) The Abraham Lincoln Boyhood
11 Home Unit.

12 (iii) Downtown Hodgenville, Ken-
13 tucky, including the Lincoln Museum and
14 Adolph A. Weinman statue.

15 (iv) Lincoln Homestead State Park
16 and Mordecai Lincoln House.

17 (v) Camp Nelson Heritage Park.

18 (vi) Farmington Historic Home.

19 (vii) The Mary Todd Lincoln House.

20 (viii) Ashland, which is the Henry
21 Clay Estate.

22 (ix) The Old State Capitol.

23 (x) The Kentucky Military History
24 Museum.

1 (xi) The Thomas D. Clark Center for
2 Kentucky History.

3 (xii) The New State Capitol.

4 (xiii) Whitehall.

5 (xiv) Perryville Battlefield State His-
6 toric Site.

7 (xv) The Joseph Holt House.

8 (xvi) Elizabethtown, Kentucky, includ-
9 ing the Lincoln Heritage House.

10 (xvii) Lincoln Marriage Temple at
11 Fort Harrod.

12 (3) REQUIREMENTS.—The study shall include
13 analysis, documentation, and determinations on
14 whether the study area—

15 (A) has an assemblage of natural, historic,
16 and cultural resources that—

17 (i) interpret—

18 (I) the life of Abraham Lincoln;

19 and

20 (II) the contributions of Abra-
21 ham Lincoln to the United States;

22 (ii) represent distinctive aspects of the
23 heritage of the United States;

1 (iii) are worthy of recognition, con-
2 servation, interpretation, and continuing
3 use; and

4 (iv) would be best managed—

5 (I) through partnerships among
6 public and private entities; and

7 (II) by linking diverse and some-
8 times noncontiguous resources and ac-
9 tive communities;

10 (B) reflects traditions, customs, beliefs,
11 and historical events that are a valuable part of
12 the story of the United States;

13 (C) provides—

14 (i) outstanding opportunities to con-
15 serve natural, historic, cultural, or scenic
16 features; and

17 (ii) outstanding educational opportu-
18 nities;

19 (D) contains resources that—

20 (i) are important to any identified
21 themes of the study area; and

22 (ii) retain a degree of integrity capa-
23 ble of supporting interpretation;

1 (E) includes residents, business interests,
2 nonprofit organizations, and State and local
3 governments that—

4 (i) are involved in the planning of the
5 Heritage Area;

6 (ii) have developed a conceptual finan-
7 cial plan that outlines the roles of all par-
8 ticipants in the Heritage Area, including
9 the Federal Government; and

10 (iii) have demonstrated support for
11 designation of the Heritage Area;

12 (F) has a potential management entity to
13 work in partnership with the individuals and
14 entities described in subparagraph (E) to de-
15 velop the Heritage Area while encouraging
16 State and local economic activity; and

17 (G) has a conceptual boundary map that is
18 supported by the public.

19 (c) REPORT.—Not later than the third fiscal year
20 after the date on which funds are first made available to
21 carry out this section, the Secretary shall submit to the
22 Committee on Natural Resources of the House of Rep-
23 resentatives and the Committee on Energy and Natural
24 Resources of the Senate a report that describes—

25 (1) the findings of the study; and

1 (2) any conclusions and recommendations of the
2 Secretary.

3 **TITLE V—BUREAU OF RECLAMA-**
4 **TION AND UNITED STATES**
5 **GEOLOGICAL SURVEY AU-**
6 **THORIZATIONS**

7 **SEC. 501. ALASKA WATER RESOURCES STUDY.**

8 (a) DEFINITIONS.—In this section:

9 (1) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (2) STATE.—The term “State” means the State
12 of Alaska.

13 (b) ALASKA WATER RESOURCES STUDY.—

14 (1) STUDY.—The Secretary, acting through the
15 Commissioner of Reclamation and the Director of
16 the United States Geological Survey, where appro-
17 priate, and in accordance with this section and other
18 applicable provisions of law, shall conduct a study
19 that includes—

20 (A) a survey of accessible water supplies,
21 including aquifers, on the Kenai Peninsula and
22 in the Municipality of Anchorage, the
23 Matanuska-Susitna Borough, the city of Fair-
24 banks, and the Fairbanks Northstar Borough;

1 (B) a survey of water treatment needs and
2 technologies, including desalination, applicable
3 to the water resources of the State; and

4 (C) a review of the need for enhancement
5 of the streamflow information collected by the
6 United States Geological Survey in the State
7 relating to critical water needs in areas such
8 as—

9 (i) infrastructure risks to State trans-
10 portation;

11 (ii) flood forecasting;

12 (iii) resource extraction; and

13 (iv) fire management.

14 (2) REPORT.—Not later than 2 years after the
15 date of enactment of this Act, the Secretary shall
16 submit to the Committee on Natural Resources of
17 the House of Representatives and the Committee on
18 Energy and Natural Resources of the Senate a re-
19 port describing the results of the study required by
20 paragraph (1).

21 (c) SUNSET.—The authority of the Secretary to carry
22 out any provisions of this section shall terminate 10 years
23 after the date of enactment of this Act.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

4 **SEC. 502. RENEGOTIATION OF PAYMENT SCHEDULE, RED-**
5 **WOOD VALLEY COUNTY WATER DISTRICT.**

6 Section 15 of Public Law 100–516 (102 Stat. 2573)
7 is amended—

8 (1) by amending paragraph (2) of subsection
9 (a) to read as follows:

10 “(2) If, as of January 1, 2006, the Secretary
11 of the Interior and the Redwood Valley County
12 Water District have not renegotiated the schedule of
13 payment, the District may enter into such additional
14 non-Federal obligations as are necessary to finance
15 procurement of dedicated water rights and improve-
16 ments necessary to store and convey those rights to
17 provide for the District’s water needs. The Secretary
18 shall reschedule the payments due under loans num-
19 bered 14–06–200–8423A and 14–06–200–8423A
20 Amendatory and said payments shall commence
21 when such additional obligations have been finan-
22 cially satisfied by the District. The date of the initial
23 payment owed by the District to the United States
24 shall be regarded as the start of the District’s repay-
25 ment period and the time upon which any interest

1 shall first be computed and assessed under section
2 5 of the Small Reclamation Projects Act of 1956 (43
3 U.S.C. 422a et seq.)”; and

4 (2) by striking subsection (c).

5 **SEC. 503. AMERICAN RIVER PUMP STATION PROJECT**
6 **TRANSFER.**

7 (a) **AUTHORITY TO TRANSFER.**—The Secretary of
8 the Interior (hereafter in this section referred to as the
9 “Secretary”) shall transfer ownership of the American
10 River Pump Station Project located at Auburn, California,
11 which includes the Pumping Plant, associated facilities,
12 and easements necessary for permanent operation of the
13 facilities, to the Placer County Water Agency, in accord-
14 ance with the terms of Contract No. 02–LC–20–7790 be-
15 tween the United States and Placer County Water Agency
16 and the terms and conditions established in this section.

17 (b) **FEDERAL COSTS NONREIMBURSABLE.**—Federal
18 costs associated with construction of the American River
19 Pump Station Project located at Auburn, California, are
20 nonreimbursable.

21 (c) **GRANT OF REAL PROPERTY INTEREST.**—The
22 Secretary is authorized to grant title to Placer County
23 Water Agency as provided in subsection (a) in full satis-
24 faction of the United States’ obligations under Land Pur-

1 chase Contract 14-06-859-308 to provide a water supply
2 to the Placer County Water Agency.

3 (d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

4 (1) IN GENERAL.—Before conveying land and
5 facilities pursuant to this section, the Secretary shall
6 comply with all applicable requirements under—

7 (A) the National Environmental Policy Act
8 of 1969 (42 U.S.C. 4321 et seq.);

9 (B) the Endangered Species Act of 1973
10 (16 U.S.C. 1531 et seq.); and

11 (C) any other law applicable to the land
12 and facilities.

13 (2) EFFECT.—Nothing in this section modifies
14 or alters any obligations under—

15 (A) the National Environmental Policy Act
16 of 1969 (42 U.S.C. 4321 et seq.); or

17 (B) the Endangered Species Act of 1973
18 (16 U.S.C. 1531 et seq.).

19 (e) RELEASE FROM LIABILITY.—Effective on the
20 date of transfer to the Placer County Water Agency of
21 any land or facility under this section, the United States
22 shall not be liable for damages arising out of any act,
23 omission, or occurrence relating to the land and facilities,
24 consistent with Article 9 of Contract No. 02-LC-20-7790

1 between the United States and Placer County Water
2 Agency.

3 **SEC. 504. ARTHUR V. WATKINS DAM ENLARGEMENT.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Arthur V. Watkins Dam is a feature of the
6 Weber Basin Project, which was authorized by law
7 on August 29, 1949.

8 (2) Increasing the height of Arthur V. Watkins
9 Dam and construction of pertinent facilities may
10 provide additional storage capacity for the develop-
11 ment of additional water supply for the Weber Basin
12 Project for uses of municipal and industrial water
13 supply, flood control, fish and wildlife, and recre-
14 ation.

15 (b) AUTHORIZATION OF FEASIBILITY STUDY.—The
16 Secretary of the Interior, acting through the Bureau of
17 Reclamation, is authorized to conduct a feasibility study
18 on raising the height of Arthur V. Watkins Dam for the
19 development of additional storage to meet water supply
20 needs within the Weber Basin Project area and the
21 Wasatch Front. The feasibility study shall include such
22 environmental evaluation as required under the National
23 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
24 seq.) and a cost allocation as required under the Reclama-
25 tion Project Act of 1939 (43 U.S.C. 485 et seq.).

1 (c) COST SHARES.—

2 (1) FEDERAL SHARE.—The Federal share of
3 the costs of the study authorized in subsection (b)
4 shall not exceed 50 percent of the total cost of the
5 study.

6 (2) IN-KIND CONTRIBUTIONS.—The Secretary
7 shall accept, as appropriate, in-kind contributions of
8 goods or services from the Weber Basin Water Con-
9 servancy District. Such goods and services accepted
10 under this subsection shall be counted as part of the
11 non-Federal cost share for the study.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary \$1,000,000
14 for the Federal cost share of the study authorized in sub-
15 section (b).

16 (e) SUNSET.—The authority of the Secretary to carry
17 out any provisions of this section shall terminate 10 years
18 after the date of enactment of this Act.

19 **SEC. 505. NEW MEXICO WATER PLANNING ASSISTANCE.**

20 (a) DEFINITIONS.—In this section:

21 (1) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior, acting through the Bu-
23 reau of Reclamation and the United States Geologi-
24 cal Survey.

1 (2) STATE.—The term “State” means the State
2 of New Mexico.

3 (b) COMPREHENSIVE WATER PLAN ASSISTANCE.—

4 (1) IN GENERAL.—Upon the request of the
5 Governor of the State and subject to paragraphs (2)
6 through (6), the Secretary shall—

7 (A) provide to the State technical assist-
8 ance and grants for the development of com-
9 prehensive State water plans;

10 (B) conduct water resources mapping in
11 the State; and

12 (C) conduct a comprehensive study of
13 groundwater resources (including potable,
14 brackish, and saline water resources) in the
15 State to assess the quantity, quality, and inter-
16 action of groundwater and surface water re-
17 sources.

18 (2) TECHNICAL ASSISTANCE.—Technical assist-
19 ance provided under paragraph (1) may include—

20 (A) acquisition of hydrologic data, ground-
21 water characterization, database development,
22 and data distribution;

23 (B) expansion of climate, surface water,
24 and groundwater monitoring networks;

1 (C) assessment of existing water resources,
2 surface water storage, and groundwater storage
3 potential;

4 (D) numerical analysis and modeling nec-
5 essary to provide an integrated understanding
6 of water resources and water management op-
7 tions;

8 (E) participation in State planning forums
9 and planning groups;

10 (F) coordination of Federal water manage-
11 ment planning efforts;

12 (G) technical review of data, models, plan-
13 ning scenarios, and water plans developed by
14 the State; and

15 (H) provision of scientific and technical
16 specialists to support State and local activities.

17 (3) ALLOCATION.—In providing grants under
18 paragraph (1), the Secretary shall, subject to the
19 availability of appropriations, allocate—

20 (A) \$5,000,000 to develop hydrologic mod-
21 els and acquire associated equipment for the
22 New Mexico Rio Grande main stem sections
23 and Rios Pueblo de Taos and Hondo, Rios
24 Nambe, Pojoaque and Teseque, Rio Chama,
25 and Lower Rio Grande tributaries;

1 (B) \$1,500,000 to complete the hydro-
2 graphic survey development of hydrologic mod-
3 els and acquire associated equipment for the
4 San Juan River and tributaries;

5 (C) \$1,000,000 to complete the hydro-
6 graphic survey development of hydrologic mod-
7 els and acquire associated equipment for South-
8 west New Mexico, including the Animas Basin,
9 the Gila River, and tributaries;

10 (D) \$4,500,000 for statewide digital
11 orthophotography mapping; and

12 (E) such sums as are necessary to carry
13 out additional projects consistent with para-
14 graph (2).

15 (4) COST-SHARING REQUIREMENT.—

16 (A) IN GENERAL.—The non-Federal share
17 of the total cost of any activity carried out
18 using a grant provided under paragraph (1)
19 shall be 50 percent.

20 (B) FORM OF NON-FEDERAL SHARE.—The
21 non-Federal share under subparagraph (A) may
22 be in the form of any in-kind services that the
23 Secretary determines would contribute substan-
24 tially toward the conduct and completion of the
25 activity assisted.

1 (5) NONREIMBURSABLE BASIS.—Any assistance
2 or grants provided to the State under this section
3 shall be made on a non-reimbursable basis.

4 (6) AUTHORIZED TRANSFERS.—On request of
5 the State, the Secretary shall directly transfer to 1
6 or more Federal agencies any amounts made avail-
7 able to the State to carry out this section.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$3,000,000 for each of fiscal years 2008 through 2012.

11 (d) SUNSET OF AUTHORITY.—The authority of the
12 Secretary to carry out any provisions of this section shall
13 terminate 10 years after the date of enactment of this Act.

14 **SEC. 506. CONVEYANCE OF CERTAIN BUILDINGS AND**
15 **LANDS OF THE YAKIMA PROJECT, WASH-**
16 **INGTON.**

17 (a) CONVEYANCE REQUIRED.—The Secretary of the
18 Interior shall convey to the Yakima-Tieton Irrigation Dis-
19 trict, located in Yakima County, Washington, all right,
20 title, and interest of the United States in and to the build-
21 ings and lands of the Yakima Project, Washington, in ac-
22 cordance with the terms and conditions set forth in the
23 agreement titled “Agreement Between the United States
24 and the Yakima-Tieton Irrigation District to Transfer
25 Title to Certain Federally Owned Buildings and Lands,

1 With Certain Property Rights, Title, and Interest, to the
2 Yakima-Tieton Irrigation District” (Contract No. 5–07–
3 10–L1658).

4 (b) LIABILITY.—Effective upon the date of convey-
5 ance under this section, the United States shall not be
6 held liable by any court for damages of any kind arising
7 out of any act, omission, or occurrence relating to the con-
8 veyed buildings and lands, except for damages caused by
9 acts of negligence committed by the United States or by
10 its employees or agents before the date of conveyance.
11 Nothing in this section increases the liability of the United
12 States beyond that provided in chapter 171 of title 28,
13 United States Code (popularly known as the Federal Tort
14 Claims Act), on the date of enactment of this Act.

15 (c) BENEFITS.—After conveyance of the buildings
16 and lands to the Yakima-Tieton Irrigation District under
17 this section—

18 (1) such buildings and lands shall not be con-
19 sidered to be a part of a Federal reclamation
20 project; and

21 (2) such irrigation district shall not be eligible
22 to receive any benefits with respect to any buildings
23 and lands conveyed, except benefits that would be
24 available to a similarly situated person with respect

1 to such buildings and lands that are not part of a
2 Federal reclamation project.

3 (d) REPORT.—If the Secretary of the Interior has not
4 completed the conveyance required under subsection (a)
5 within 12 months after the date of enactment of this Act,
6 the Secretary shall submit to Congress a report that ex-
7 plains the reason such conveyance has not been completed
8 and stating the date by which the conveyance will be com-
9 pleted.

10 **SEC. 507. CONJUNCTIVE USE OF SURFACE AND GROUND-**
11 **WATER IN JUAB COUNTY, UTAH.**

12 Section 202(a)(2) of the Reclamation Projects Au-
13 thorization and Adjustment Act of 1992 (Public Law 102-
14 575) is amended by inserting “Juab,” after “Davis,”.

15 **SEC. 508. EARLY REPAYMENT OF A & B IRRIGATION DIS-**
16 **TRICT CONSTRUCTION COSTS.**

17 (a) IN GENERAL.—Notwithstanding section 213 of
18 the Reclamation Reform Act of 1982 (43 U.S.C. 390mm),
19 any landowner within the A & B Irrigation District in the
20 State (referred to in this section as the “District”) may
21 repay, at any time, the construction costs of District
22 project facilities that are allocated to land of the land-
23 owner within the District.

24 (b) APPLICABILITY OF FULL-COST PRICING LIMITA-
25 TIONS.—On discharge, in full, of the obligation for repay-

1 ment of all construction costs described in subsection (a)
2 that are allocated to all land the landowner owns in the
3 District in question, the parcels of land shall not be sub-
4 ject to the ownership and full-cost pricing limitations
5 under Federal reclamation law (the Act of June 17, 1902
6 (32 Stat. 388, chapter 1093), and Acts supplemental to
7 and amendatory of that Act (43 U.S.C. 371 et seq.), in-
8 cluding the Reclamation Reform Act of 1982 (13 U.S.C.
9 390aa et seq.).

10 (c) CERTIFICATION.—On request of a landowner that
11 has repaid, in full, the construction costs described in sub-
12 section (a), the Secretary of the Interior shall provide to
13 the landowner a certificate described in section 213(b)(1)
14 of the Reclamation Reform Act of 1982 (43 U.S.C.
15 390mm(b)(1)).

16 (d) EFFECT.—Nothing in this section—

17 (1) modifies any contractual rights under, or
18 amends or reopens, the reclamation contract between
19 the District and the United States; or

20 (2) modifies any rights, obligations, or relation-
21 ships between the District and landowners in the
22 District under Idaho State law.

23 **SEC. 509. OREGON WATER RESOURCES.**

24 (a) EXTENSION OF PARTICIPATION OF BUREAU OF
25 RECLAMATION IN DESCHUTES RIVER CONSERVANCY.—

1 Section 301 of the Oregon Resource Conservation Act of
2 1996 (division B of Public Law 104–208; 110 Stat. 3009–
3 534) is amended—

4 (1) in subsection (a)(1), by striking “Deschutes
5 River Basin Working Group” and inserting
6 “Deschutes River Conservancy Working Group”;

7 (2) by amending the text of subsection
8 (a)(1)(B) to read as follows: “4 representatives of
9 private interests including two from irrigated agri-
10 culture who actively farm more than 100 acres of ir-
11 rrigated land and are not irrigation district managers
12 and two from the environmental community;”;

13 (3) in subsection (b)(3), by inserting before the
14 final period the following: “, and up to a total
15 amount of \$2,000,000 during each of fiscal years
16 2007 through 2016”; and

17 (4) in subsection (h), by inserting before the pe-
18 riod at the end the following: “, and \$2,000,000 for
19 each of fiscal years 2007 through 2016”.

20 (b) WALLOWA LAKE DAM REHABILITATION ACT.—

21 (1) DEFINITIONS.—In this subsection:

22 (A) ASSOCIATED DITCH COMPANIES, IN-
23 CORPORATED.—The term “Associated Ditch
24 Companies, Incorporated” means the nonprofit
25 corporation established under the laws of the

1 State of Oregon that operates Wallowa Lake
2 Dam.

3 (B) SECRETARY.—The term “Secretary”
4 means the Secretary of the Interior, acting
5 through the Commissioner of Reclamation.

6 (C) WALLOWA LAKE DAM REHABILITATION
7 PROGRAM.—The term “Wallowa Lake Dam Re-
8 habilitation Program” means the program for
9 the rehabilitation of the Wallowa Lake Dam in
10 Oregon, as contained in the engineering docu-
11 ment titled, “Phase I Dam Assessment and
12 Preliminary Engineering Design”, dated De-
13 cember 2002, and on file with the Bureau of
14 Reclamation.

15 (2) AUTHORIZATION TO PARTICIPATE IN PRO-
16 GRAM.—

17 (A) GRANTS AND COOPERATIVE AGREE-
18 MENTS.—The Secretary may provide grants to,
19 or enter into cooperative or other agreements
20 with, tribal, State, and local governmental enti-
21 ties and the Associated Ditch Companies, In-
22 corporated, to plan, design, and construct facili-
23 ties needed to implement the Wallowa Lake
24 Dam Rehabilitation Program.

1 (B) CONDITIONS.—As a condition of pro-
2 viding funds under subparagraph (A), the Sec-
3 retary shall ensure that—

4 (i) the Wallowa Lake Dam Rehabilita-
5 tion Program and activities under this sec-
6 tion meet the standards of the dam safety
7 program of the State of Oregon;

8 (ii) the Associated Ditch Companies,
9 Incorporated, agrees to assume liability for
10 any work performed, or supervised, with
11 Federal funds provided to it under this
12 subsection; and

13 (iii) the United States shall not be lia-
14 ble for damages of any kind arising out of
15 any act, omission, or occurrence relating to
16 a facility rehabilitated or constructed with
17 Federal funds provided under this sub-
18 section, both while and after activities are
19 conducted using Federal funds provided
20 under this subsection.

21 (C) COST SHARING.—

22 (i) IN GENERAL.—The Federal share
23 of the costs of activities authorized under
24 this subsection shall not exceed 50 percent.

1 (ii) EXCLUSIONS FROM FEDERAL
2 SHARE.—There shall not be credited
3 against the Federal share of such costs—

4 (I) any expenditure by the Bon-
5 neville Power Administration in the
6 Wallowa River watershed; and

7 (II) expenditures made by indi-
8 vidual agricultural producers in any
9 Federal commodity or conservation
10 program.

11 (D) COMPLIANCE WITH STATE LAW.—The
12 Secretary, in carrying out this subsection, shall
13 comply with applicable Oregon State water law.

14 (E) PROHIBITION ON HOLDING TITLE.—
15 The Federal Government shall not hold title to
16 any facility rehabilitated or constructed under
17 this subsection.

18 (F) PROHIBITION ON OPERATION AND
19 MAINTENANCE.—The Federal Government shall
20 not be responsible for the operation and mainte-
21 nance of any facility constructed or rehabili-
22 tated under this subsection.

23 (3) RELATIONSHIP TO OTHER LAW.—Activities
24 funded under this subsection shall not be considered
25 a supplemental or additional benefit under Federal

1 reclamation law (the Act of June 17, 1902 (32 Stat.
2 388, chapter 1093), and Acts supplemental to and
3 amendatory of that Act (43 U.S.C. 371 et seq.)).

4 (4) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to the Sec-
6 retary to pay the Federal share of the costs of ac-
7 tivities authorized under this subsection \$6,000,000.

8 (5) SUNSET.—The authority of the Secretary to
9 carry out any provisions of this subsection shall ter-
10minate 10 years after the date of the enactment of
11 this subsection.

12 (c) LITTLE BUTTE/BEAR CREEK SUBBASINS, OR-
13 EGON, WATER RESOURCE STUDY.—

14 (1) AUTHORIZATION.—The Secretary of the In-
15 terior, acting through the Bureau of Reclamation,
16 may participate in the Water for Irrigation, Streams
17 and the Economy Project water management feasi-
18 bility study and environmental impact statement in
19 accordance with the “Memorandum of Agreement
20 Between City of Medford and Bureau of Reclama-
21 tion for the Water for Irrigation, Streams, and the
22 Economy Project”, dated July 2, 2004.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 (A) IN GENERAL.—There is authorized to
25 be appropriated to the Bureau of Reclamation

1 \$500,000 to carry out activities under this sub-
2 section.

3 (B) NON-FEDERAL SHARE.—

4 (i) IN GENERAL.—The non-Federal
5 share shall be 50 percent of the total costs
6 of the Bureau of Reclamation in carrying
7 out paragraph (1).

8 (ii) FORM.—The non-Federal share
9 required under clause (i) may be in the
10 form of any in-kind services that the Sec-
11 retary of the Interior determines would
12 contribute substantially toward the conduct
13 and completion of the study and environ-
14 mental impact statement required under
15 paragraph (1).

16 (3) SUNSET.—The authority of the Secretary to
17 carry out any provisions of this subsection shall ter-
18 minate 10 years after the date of the enactment of
19 this section.

20 (d) NORTH UNIT IRRIGATION DISTRICT.—The Act of
21 August 10, 1954 (68 Stat. 679, chapter 663), is amend-
22 ed—

23 (1) in the first section—

1 (A) by inserting “(referred to in this Act
2 as the ‘District’)” after “irrigation district”;
3 and

4 (B) by inserting “(referred to in this Act
5 as the ‘Contract’)” after “1953”; and

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

7 **“SEC. 3. ADDITIONAL TERMS.**

8 “On approval of the District directors and notwith-
9 standing project authorizing legislation to the contrary,
10 the Contract is modified, without further action by the
11 Secretary of the Interior, to include the following modi-
12 fications:

13 “(1) In Article 8(a) of the Contract, by deleting
14 ‘a maximum of 50,000’ and inserting ‘approximately
15 59,000’ after ‘irrigation service to’.

16 “(2) In Article 11(a) of the Contract, by delet-
17 ing ‘The classified irrigable lands within the project
18 comprise 49,817.75 irrigable acres, of which
19 35,773.75 acres are in Class A and 14,044.40 in
20 Class B. These lands and the standards upon which
21 the classification was made are described in the doc-
22 ument entitled “Land Classification, North Unit,
23 Deschutes Project, 1953” which is on file in the of-
24 fice of the Regional Director, Bureau of Reclama-
25 tion, Boise, Idaho, and in the office of the District’

1 and inserting ‘The classified irrigable land within
2 the project comprises 58,902.8 irrigable acres, all of
3 which are authorized to receive irrigation water pur-
4 suant to water rights issued by the State of Oregon
5 and have in the past received water pursuant to
6 such State water rights.’.

7 “(3) In Article 11(c) of the Contract, by delet-
8 ing ‘, with the approval of the Secretary,’ after ‘Dis-
9 trict may’, by deleting ‘the 49,817.75 acre maximum
10 limit on the irrigable area is not exceeded’ and in-
11 sserting ‘irrigation service is provided to no more
12 than approximately 59,000 acres and no amendment
13 to the District boundary is required’ after ‘time so
14 long as’.

15 “(4) In Article 11(d) of the Contract, by insert-
16 ing ‘, and may further be used for instream pur-
17 poses, including fish or wildlife purposes, to the ex-
18 tent that such use is required by Oregon State law
19 in order for the District to engage in, or take advan-
20 tage of, conserved water projects as authorized by
21 Oregon State law’ after ‘herein provided’.

22 “(5) By adding at the end of Article 12(d) the
23 following: ‘(e) Notwithstanding the above subsections
24 of this Article or Article 13 below, beginning with
25 the irrigation season immediately following the date

1 of enactment of the National Forests, Parks, Public
2 Land, and Reclamation Projects Authorization Act
3 of 2007, the annual installment for each year, for
4 the District, under the Contract, on account of the
5 District's construction charge obligation, shall be a
6 fixed and equal annual amount payable on June 30
7 the year following the year for which it is applicable,
8 such that the District's total construction charge ob-
9 ligation shall be completely paid by June 30, 2044.'.

10 “(6) In Article 14(a) of the Contract, by insert-
11 ing ‘and for instream purposes, including fish or
12 wildlife purposes, to the extent that such use is re-
13 quired by Oregon State law in order for the District
14 to engage in, or take advantage of, conserved water
15 projects as authorized by Oregon State law,’ after
16 ‘and incidental stock and domestic uses’, by insert-
17 ing ‘and for instream purposes as described above,’
18 after ‘irrigation, stock and domestic uses’, and by in-
19 sserting ‘, including natural flow rights out of the
20 Crooked River held by the District’ after ‘irrigation
21 system’.

22 “(7) In Article 29(a) of the Contract, by insert-
23 ing ‘and for instream purposes, including fish or
24 wildlife purposes, to the extent that such use is re-
25 quired by Oregon State law in order for the District

1 to engage in, or take advantage of, conserved water
2 projects as authorized by Oregon State law’ after
3 ‘provided in article 11’.

4 “(8) In Article 34 of the Contract, by deleting
5 ‘The District, after the election and upon the execu-
6 tion of this contract, shall promptly secure final de-
7 cree of the proper State court approving and con-
8 firming this contract and decreeing and adjudging it
9 to be a lawful, valid, and binding general obligation
10 of the District. The District shall furnish to the
11 United States certified copies of such decrees and of
12 all pertinent supporting records.’ after ‘for that pur-
13 pose.’.

14 **“SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.**

15 “The Secretary of the Interior (acting through the
16 Commissioner of Reclamation) may in the future renego-
17 tiate with the District such terms of the Contract as the
18 District directors determine to be necessary, only upon the
19 written request of the District directors and the consent
20 of the Commissioner of Reclamation.”.

21 **SEC. 510. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.**

22 (a) AUTHORIZATION OF STUDY.—Pursuant to rec-
23 lamation laws, the Secretary of the Interior, acting
24 through the Bureau of Reclamation and in consultation

1 and cooperation with the States of Nebraska, Kansas, and
2 Colorado, may conduct a study to—

3 (1) determine the feasibility of implementing a
4 water supply and conservation project that will—

5 (A) improve water supply reliability in the
6 Republican River Basin between Harlan County
7 Lake in Nebraska and Milford Lake in Kansas,
8 including areas in the counties of Harlan,
9 Franklin, Webster, and Nuckolls in Nebraska
10 and Jewel, Republic, Cloud, Washington, and
11 Clay in Kansas (in this section referred to as
12 the “Republican River Basin”);

13 (B) increase the capacity of water storage
14 through modifications of existing projects or
15 through new projects that serve areas in the
16 Republican River Basin; and

17 (C) improve water management efficiency
18 in the Republican River Basin through con-
19 servation and other available means and, where
20 appropriate, evaluate integrated water resource
21 management and supply needs in the Repub-
22 lican River Basin; and

23 (2) consider appropriate cost-sharing options
24 for implementation of the project.

1 (b) COST SHARING.—The Federal share of the cost
2 of the study shall not exceed 50 percent of the total cost
3 of the study, and shall be nonreimbursable.

4 (c) COOPERATIVE AGREEMENTS.—The Secretary
5 shall undertake the study through cooperative agreements
6 with the State of Kansas or Nebraska and other appro-
7 priate entities determined by the Secretary.

8 (d) COMPLETION AND REPORT.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), not later than 3 years after the date of
11 the enactment of this Act, the Secretary of the Inte-
12 rior shall complete the study and transmit to the
13 Congress a report containing the results of the
14 study.

15 (2) EXTENSION.—If the Secretary determines
16 that the study cannot be completed within the 3-year
17 period beginning on the date of the enactment of
18 this Act, the Secretary—

19 (A) shall, at the time of that determina-
20 tion, report to the Congress on the status of the
21 study, including an estimate of the date of com-
22 pletion; and

23 (B) complete the study and transmit to the
24 Congress a report containing the results of the
25 study by not later than that date.

1 (e) SUNSET OF AUTHORITY.—The authority of the
2 Secretary to carry out any provisions of this section shall
3 terminate 10 years after the date of the enactment of this
4 Act.

5 **SEC. 511. EASTERN MUNICIPAL WATER DISTRICT.**

6 (a) IN GENERAL.—The Reclamation Wastewater and
7 Groundwater Study and Facilities Act (43 U.S.C. 390h
8 et seq.) is amended by adding at the end the following:

9 **“SEC. 1639. EASTERN MUNICIPAL WATER DISTRICT RECY-**
10 **CLED WATER SYSTEM PRESSURIZATION AND**
11 **EXPANSION PROJECT, CALIFORNIA.**

12 “(a) AUTHORIZATION.—The Secretary, in coopera-
13 tion with the Eastern Municipal Water District, Cali-
14 fornia, may participate in the design, planning, and con-
15 struction of permanent facilities needed to establish oper-
16 ational pressure zones that will be used to provide recycled
17 water in the district.

18 “(b) COST SHARING.—The Federal share of the cost
19 of the project described in subsection (a) shall not exceed
20 25 percent of the total cost of the project.

21 “(c) LIMITATION.—Funds provided by the Secretary
22 shall not be used for operation or maintenance of the
23 project described in subsection (a).

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$12,000,000.

4 “(e) SUNSET OF AUTHORITY.—The authority of the
5 Secretary to carry out any provisions of this section shall
6 terminate 10 years after the date of enactment of this sec-
7 tion.”.

8 (b) CONFORMING AMENDMENT.—The table of sec-
9 tions in section 2 of the Reclamation Projects Authoriza-
10 tion and Adjustment Act of 1992 (43 U.S.C. prec. 371)
11 is amended by inserting after the item relating to section
12 1638 the following:

“Sec. 1639. Eastern Municipal Water District Recycled Water System Pressur-
ization and Expansion Project, California.”.

13 **SEC. 512. BAY AREA REGIONAL WATER RECYCLING PRO-**
14 **GRAM.**

15 (a) PROJECT AUTHORIZATIONS.—

16 (1) IN GENERAL.—The Reclamation Waste-
17 water and Groundwater Study and Facilities Act (43
18 U.S.C. 390h et seq.) (as amended by section 512(a))
19 is amended by adding at the end the following:

20 **“SEC. 1642. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED**
21 **WATER PIPELINE PROJECT.**

22 “(a) AUTHORIZATION.—The Secretary, in coopera-
23 tion with the City of Palo Alto, California, and the City
24 of Mountain View, California, is authorized to participate

1 in the design, planning, and construction of recycled water
2 distribution systems.

3 “(b) COST SHARE.—The Federal share of the cost
4 of the project authorized by this section shall not exceed
5 25 percent of the total cost of the project.

6 “(c) LIMITATION.—The Secretary shall not provide
7 funds for the operation and maintenance of the project
8 authorized by this section.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 \$5,000,000.

12 **“SEC. 1643. PITTSBURG RECYCLED WATER PROJECT.**

13 “(a) AUTHORIZATION.—The Secretary, in coopera-
14 tion with the City of Pittsburg, California, and the Delta
15 Diablo Sanitation District, is authorized to participate in
16 the design, planning, and construction of recycled water
17 system facilities.

18 “(b) COST SHARE.—The Federal share of the cost
19 of the project authorized by this section shall not exceed
20 25 percent of the total cost of the project.

21 “(c) LIMITATION.—The Secretary shall not provide
22 funds for the operation and maintenance of the project
23 authorized by this section.

1 “(b) COST SHARE.—The Federal share of the cost
2 of the project authorized by this section shall not exceed
3 25 percent of the total cost of the project.

4 “(c) LIMITATION.—The Secretary shall not provide
5 funds for the operation and maintenance of the project
6 authorized by this section.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$2,500,000.

10 **“SEC. 1646. REDWOOD CITY RECYCLED WATER PROJECT.**

11 “(a) AUTHORIZATION.—The Secretary, in coopera-
12 tion with the City of Redwood City, California, is author-
13 ized to participate in the design, planning, and construc-
14 tion of recycled water system facilities.

15 “(b) COST SHARE.—The Federal share of the cost
16 of the project authorized by this section shall not exceed
17 25 percent of the total cost of the project.

18 “(c) LIMITATION.—The Secretary shall not provide
19 funds for the operation and maintenance of the project
20 authorized by this section.

21 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$1,100,000.

1 **“SEC. 1647. SOUTH SANTA CLARA COUNTY RECYCLED**
2 **WATER PROJECT.**

3 “(a) AUTHORIZATION.—The Secretary, in coopera-
4 tion with the South County Regional Wastewater Author-
5 ity and the Santa Clara Valley Water District, is author-
6 ized to participate in the design, planning, and construc-
7 tion of recycled water system distribution facilities.

8 “(b) COST SHARE.—The Federal share of the cost
9 of the project authorized by this section shall not exceed
10 25 percent of the total cost of the project.

11 “(c) LIMITATION.—The Secretary shall not provide
12 funds for the operation and maintenance of the project
13 authorized by this section.

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to carry out this section
16 \$7,000,000.

17 **“SEC. 1648. SOUTH BAY ADVANCED RECYCLED WATER**
18 **TREATMENT FACILITY.**

19 “(a) AUTHORIZATION.—The Secretary, in coopera-
20 tion with the City of San Jose, California, and the Santa
21 Clara Valley Water District, is authorized to participate
22 in the design, planning, and construction of recycled water
23 treatment facilities.

24 “(b) COST SHARE.—The Federal share of the cost
25 of the project authorized by this section shall not exceed
26 25 percent of the total cost of the project.

1 “(c) LIMITATION.—The Secretary shall not provide
2 funds for the operation and maintenance of the project
3 authorized by this section.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$8,250,000.”.

7 (2) CONFORMING AMENDMENTS.—The table of
8 sections in section 2 of the Reclamation Projects Au-
9 thorization and Adjustment Act of 1992 (43 U.S.C.
10 prec. 371) (as amended by section 512(b)) is amend-
11 ed by inserting after the item relating to section
12 1641 the following:

“Sec. 1642. Mountain View, Moffett Area Reclaimed Water Pipeline Project.

“Sec. 1643. Pittsburg Recycled Water Project.

“Sec. 1644. Antioch Recycled Water Project.

“Sec. 1645. North Coast County Water District Recycled Water Project.

“Sec. 1646. Redwood City Recycled Water Project.

“Sec. 1647. South Santa Clara County Recycled Water Project.

“Sec. 1648. South Bay Advanced Recycled Water Treatment Facility.”.

13 (b) SAN JOSE AREA WATER RECLAMATION AND
14 REUSE PROJECT.—It is the intent of Congress that a
15 comprehensive water recycling program for the San Fran-
16 cisco Bay Area include the San Jose Area water reclama-
17 tion and reuse program authorized by section 1607 of the
18 Reclamation Projects Authorization and Adjustment Act
19 of 1992 (43 U.S.C. 390h–5).

20 **SEC. 513. BUREAU OF RECLAMATION SITE SECURITY.**

21 (a) TREATMENT OF CAPITAL COSTS.—Costs incurred
22 by the Secretary of the Interior for the physical fortifica-

1 tion of Bureau of Reclamation facilities to satisfy in-
2 creased post-September 11, 2001, security needs, includ-
3 ing the construction, modification, upgrade, or replace-
4 ment of such facility fortifications, shall be nonreimburs-
5 able.

6 (b) TREATMENT OF SECURITY-RELATED OPERATION
7 AND MAINTENANCE COSTS.—

8 (1) REIMBURSABLE COSTS.—The Secretary of
9 the Interior shall include no more than \$18,900,000
10 per fiscal year, indexed each fiscal year after fiscal
11 year 2008 according to the preceding year's Con-
12 sumer Price Index, of those costs incurred for in-
13 creased levels of guards and patrols, training, pa-
14 trols by local and tribal law enforcement entities, op-
15 eration, maintenance, and replacement of guard and
16 response force equipment, and operation and mainte-
17 nance of facility fortifications at Bureau of Reclama-
18 tion facilities after the events of September 11,
19 2001, as reimbursable operation and maintenance
20 costs under Reclamation law.

21 (2) COSTS COLLECTED THROUGH WATER
22 RATES.—In the case of the Central Valley Project of
23 California, site security costs allocated to irrigation
24 and municipal and industrial water service in ac-
25 cordance with this section shall be collected by the

1 Secretary exclusively through inclusion of these costs
2 in the operation and maintenance water rates.

3 (c) TRANSPARENCY AND REPORT TO CONGRESS.—

4 (1) POLICIES AND PROCEDURES.—The Sec-
5 retary is authorized to develop policies and proce-
6 dures with project beneficiaries, consistent with the
7 requirements of paragraphs (2) and (3), to provide
8 for the payment of the reimbursable costs described
9 in subsection (b).

10 (2) NOTICE.—On identifying a Bureau of Rec-
11 lamation facility for a site security measure, the Sec-
12 retary shall provide to the project beneficiaries writ-
13 ten notice—

14 (A) describing the need for the site secu-
15 rity measure and the process for identifying
16 and implementing the site security measure;
17 and

18 (B) summarizing the administrative and
19 legal requirements relating to the site security
20 measure.

21 (3) CONSULTATION.—The Secretary shall—

22 (A) provide project beneficiaries an oppor-
23 tunity to consult with the Bureau of Reclama-
24 tion on the planning, design, and construction
25 of the site security measure; and

1 (B) in consultation with project bene-
2 ficiaries, develop and provide timeframes for the
3 consultation described in subparagraph (A).

4 (4) RESPONSE; NOTICE.—Before incurring
5 costs pursuant to activities described in subsection
6 (b), the Secretary shall consider cost containment
7 measures recommended by a project beneficiary that
8 has elected to consult with the Bureau of Reclama-
9 tion on such activities. The Secretary shall provide
10 to the project beneficiary—

11 (A) a timely written response describing
12 proposed actions, if any, to address the rec-
13 ommendation; and

14 (B) notice regarding the costs and status
15 of such activities on a periodic basis.

16 (5) REPORT.—The Secretary shall report annu-
17 ally to the Natural Resources Committee of the
18 House of Representatives and the Energy and Nat-
19 ural Resources Committee of the Senate on site se-
20 curity actions and activities undertaken pursuant to
21 this Act for each fiscal year. The report shall include
22 a summary of Federal and non-Federal expenditures
23 for the fiscal year and information relating to a 5-
24 year planning horizon for the program, detailed to

1 show pre-September 11, 2001, and post-September
2 11, 2001, costs for the site security activities.

3 (d) PRE-SEPTEMBER 11, 2001 SECURITY COST LEV-
4 ELS.—Reclamation project security costs at the levels of
5 activity that existed prior to September 11, 2001, shall
6 remain reimbursable.

7 **SEC. 514. MORE WATER, MORE ENERGY, AND LESS WASTE.**

8 (a) FINDINGS.—The Congress finds that—

9 (1) development of energy resources, including
10 oil, natural gas, coalbed methane, and geothermal
11 resources, frequently results in bringing to the sur-
12 face water extracted from underground sources;

13 (2) some of that produced water is used for ir-
14 rigation or other purposes, but most of the water is
15 returned to the subsurface or otherwise disposed of
16 as waste;

17 (3) reducing the quantity of produced water re-
18 turned to the subsurface and increasing the quantity
19 of produced water that is made available for irriga-
20 tion and other uses—

21 (A) would augment water supplies;

22 (B) could reduce the costs to energy devel-
23 opers for disposing of the water; and

24 (C) in some cases, could increase the effi-
25 ciency of energy development activities; and

1 (4) it is in the national interest—

2 (A) to limit the quantity of produced water
3 disposed of as waste;

4 (B) to optimize the production of energy
5 resources; and

6 (C) to remove or reduce obstacles to use of
7 produced water for irrigation or other purposes
8 in ways that will not adversely affect water
9 quality or the environment.

10 (b) PURPOSES.—The purposes of this section are—

11 (1) to optimize the production of energy re-
12 sources—

13 (A) by minimizing the quantity of pro-
14 duced water; and

15 (B) by facilitating the use of produced
16 water for irrigation and other purposes without
17 adversely affecting water quality or the environ-
18 ment; and

19 (2) to demonstrate means of accomplishing
20 those results.

21 (c) DEFINITIONS.—In this section:

22 (1) LOWER BASIN STATE.—The term “Lower
23 Basin State” means any of the States of—

24 (A) Arizona;

25 (B) California; and

1 (C) Nevada.

2 (2) PRODUCED WATER.—The term “produced
3 water” means water from an underground source
4 that is brought to the surface as part of the process
5 of exploration for, or development of—

6 (A) oil;

7 (B) natural gas;

8 (C) coalbed methane; or

9 (D) any other substance to be used as an
10 energy source.

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (4) UPPER BASIN STATE.—The term “Upper
14 Basin State” means any of the States of—

15 (A) Colorado;

16 (B) New Mexico;

17 (C) Utah; and

18 (D) Wyoming.

19 (d) IDENTIFICATION OF PROBLEMS AND SOLU-
20 TIONS.—

21 (1) STUDY.—The Secretary shall conduct a
22 study to identify—

23 (A) the technical, economic, environmental,
24 and other obstacles to reducing the quantity of
25 produced water;

1 (B) the technical, economic, environmental,
2 legal, and other obstacles to increasing the ex-
3 tent to which produced water can be used for
4 irrigation and other purposes without adversely
5 affecting water quality, public health, or the en-
6 vironment;

7 (C) the legislative, administrative, and
8 other actions that could reduce or eliminate the
9 obstacles identified in subparagraphs (A) and
10 (B); and

11 (D) the costs and benefits associated with
12 reducing or eliminating the obstacles identified
13 in subparagraphs (A) and (B).

14 (2) REPORT.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall
16 submit to the Committee on Natural Resources of
17 the House of Representatives and the Committee on
18 Energy and Natural Resources of the Senate a re-
19 port describing the results of the study under para-
20 graph (1).

21 (e) IMPLEMENTATION.—

22 (1) GRANTS.—Subject to the availability of ap-
23 propriations, the Secretary shall provide financial as-
24 sistance for the development of facilities, tech-

1 nologies, and processes to demonstrate the feasi-
2 bility, effectiveness, and safety of—

3 (A) optimizing energy resource production
4 by reducing the quantity of produced water
5 generated; or

6 (B) increasing the extent to which pro-
7 duced water may be recovered and made suit-
8 able for use for irrigation, municipal, or indus-
9 trial uses, or other purposes without adversely
10 affecting water quality or the environment.

11 (2) LIMITATIONS.—Assistance under this sub-
12 section—

13 (A) shall be provided for—

14 (i) at least 1 project in each of the
15 Upper Basin States; and

16 (ii) at least 1 project in at least 1 of
17 the Lower Basin States;

18 (B) shall not exceed \$1,000,000 for any
19 project;

20 (C) shall be used to pay not more than 50
21 percent of the total cost of a project;

22 (D) shall not be used for the operation or
23 maintenance of any facility; and

1 (E) may be in addition to assistance pro-
2 vided by the Federal Government pursuant to
3 other provisions of law.

4 (f) CONSULTATION, ADVICE, AND COMMENTS.—In
5 carrying out this section, including in preparing the report
6 under subsection (d)(2) and establishing criteria to be
7 used in connection with an award of financial assistance
8 under subsection (e), the Secretary shall—

9 (1) consult with the Secretary of Energy, the
10 Administrator of the Environmental Protection
11 Agency, and appropriate Governors and local offi-
12 cials;

13 (2)(A) review any relevant information devel-
14 oped in connection with research carried out by oth-
15 ers, including research carried out pursuant to sub-
16 title J of title IX of the Energy Policy Act of 2005
17 (42 U.S.C. 16371 et seq.); and

18 (B) to the extent the Secretary determines to
19 be advisable, include that information in the report
20 under subsection (d)(2);

21 (3) seek the advice of—

22 (A) individuals with relevant professional
23 or academic expertise; and

24 (B) individuals or representatives of enti-
25 ties with industrial experience, particularly ex-

1 perience relating to production of oil, natural
2 gas, coalbed methane, or other energy resources
3 (including geothermal resources); and
4 (4) solicit comments and suggestions from the
5 public.

6 (g) RELATION TO OTHER LAWS.—Nothing in this
7 section supersedes, modifies, abrogates, or limits—

8 (1) the effect of any State law or any interstate
9 authority or compact relating to—

10 (A) any use of water; or

11 (B) the regulation of water quantity or
12 quality; or

13 (2) the applicability or effect of any Federal law
14 (including regulations).

15 (h) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated—

17 (1) \$1,000,000 to carry out subsection (d); and

18 (2) \$7,500,000 to carry out subsection (e).

19 **SEC. 515. PLATTE RIVER RECOVERY IMPLEMENTATION**
20 **PROGRAM AND PATHFINDER MODIFICATION**
21 **PROJECT AUTHORIZATION.**

22 (a) PURPOSES.—The purposes of this section are to
23 authorize—

24 (1) the Secretary of the Interior, acting through
25 the Commissioner of Reclamation and in partnership

1 with the States, other Federal agencies, and other
2 non-Federal entities, to continue the cooperative ef-
3 fort among the Federal and non-Federal entities
4 through the implementation of the Platte River Re-
5 covery Implementation Program for threatened and
6 endangered species in the Central and Lower Platte
7 River Basin without creating Federal water rights or
8 requiring the grant of water rights to Federal enti-
9 ties; and

10 (2) the modification of the Pathfinder Dam and
11 Reservoir, in accordance with the requirements de-
12 scribed in subsection (c).

13 (b) PLATTE RIVER RECOVERY IMPLEMENTATION
14 PROGRAM.—

15 (1) DEFINITIONS.—In this subsection:

16 (A) AGREEMENT.—The term “Agreement”
17 means the Platte River Recovery Implementa-
18 tion Program Cooperative Agreement entered
19 into by the Governors of the States and the
20 Secretary.

21 (B) FIRST INCREMENT.—The term “First
22 Increment” means the first 13 years of the Pro-
23 gram.

24 (C) GOVERNANCE COMMITTEE.—The term
25 “Governance Committee” means the governance

1 committee established under the Agreement and
2 composed of members from the States, the Fed-
3 eral Government, environmental interests, and
4 water users.

5 (D) INTEREST IN LAND OR WATER.—The
6 term “interest in land or water” includes a fee
7 title, short- or long-term easement, lease, or
8 other contractual arrangement that is deter-
9 mined to be necessary by the Secretary to im-
10 plement the land and water components of the
11 Program.

12 (E) PROGRAM.—The term “Program”
13 means the Platte River Recovery Implementa-
14 tion Program established under the Agreement.

15 (F) PROJECT OR ACTIVITY.—The term
16 “project or activity” means—

17 (i) the planning, design, permitting or
18 other compliance activity, preconstruction
19 activity, construction, construction man-
20 agement, operation, maintenance, and re-
21 placement of a facility;

22 (ii) the acquisition of an interest in
23 land or water;

24 (iii) habitat restoration;

25 (iv) research and monitoring;

1 (v) program administration; and

2 (vi) any other activity that is deter-
3 mined to be necessary by the Secretary to
4 carry out the Program.

5 (G) SECRETARY.—The term “Secretary”
6 means the Secretary of the Interior, acting
7 through the Commissioner of Reclamation.

8 (H) STATES.—The term “States” means
9 the States of Nebraska, Wyoming, and Colo-
10 rado.

11 (2) IMPLEMENTATION OF PROGRAM.—

12 (A) IN GENERAL.—The Secretary, in co-
13 operation with the Governance Committee,
14 may—

15 (i) participate in the Program; and

16 (ii) carry out any projects and activi-
17 ties that are designated for implementation
18 during the First Increment.

19 (B) AUTHORITY OF SECRETARY.—For pur-
20 poses of carrying out this section, the Sec-
21 retary, in cooperation with the Governance
22 Committee, may—

23 (i) enter into agreements and con-
24 tracts with Federal and non-Federal enti-
25 ties;

1 (ii) acquire interests in land, water,
2 and facilities from willing sellers without
3 the use of eminent domain;

4 (iii) subsequently transfer any inter-
5 ests acquired under clause (ii); and

6 (iv) accept or provide grants.

7 (3) COST-SHARING CONTRIBUTIONS.—

8 (A) IN GENERAL.—As provided in the
9 Agreement, the States shall contribute not less
10 than 50 percent of the total contributions nec-
11 essary to carry out the Program.

12 (B) NON-FEDERAL CONTRIBUTIONS.—The
13 following contributions shall constitute the
14 States' share of the Program:

15 (i) \$30,000,000 in non-Federal funds,
16 with the balance of funds remaining to be
17 contributed to be adjusted for inflation on
18 October 1 of the year after the date of en-
19 actment of this Act and each October 1
20 thereafter.

21 (ii) Credit for contributions of water
22 or land for the purposes of implementing
23 the Program, as determined to be appro-
24 priate by the Secretary.

1 (C) IN-KIND CONTRIBUTIONS.—The Sec-
2 retary or the States may elect to provide a por-
3 tion of the Federal share or non-Federal share,
4 respectively, in the form of in-kind goods or
5 services, if the contribution of goods or services
6 is approved by the Governance Committee, as
7 provided in Attachment 1 of the Agreement.

8 (4) AUTHORITY TO MODIFY PROGRAM.—The
9 Program may be modified or amended before the
10 completion of the First Increment if the Secretary
11 and the States determine that the modifications are
12 consistent with the purposes of the Program.

13 (5) EFFECT.—

14 (A) EFFECT ON RECLAMATION LAWS.—No
15 action carried out under this subsection shall,
16 with respect to the acreage limitation provisions
17 of the reclamation laws—

18 (i) be considered in determining
19 whether a district (as the term is defined
20 in section 202 of the Reclamation Reform
21 Act of 1982 (43 U.S.C. 390bb)) has dis-
22 charged the obligation of the district to
23 repay the construction cost of project fa-
24 cilities used to make irrigation water avail-
25 able for delivery to land in the district;

1 (ii) serve as the basis for reinstating
2 acreage limitation provisions in a district
3 that has completed payment of the con-
4 struction obligations of the district; or

5 (iii) serve as the basis for increasing
6 the construction repayment obligation of
7 the district, which would extend the period
8 during which the acreage limitation provi-
9 sions would apply.

10 (B) EFFECT ON WATER RIGHTS.—Nothing
11 in this section—

12 (i) creates Federal water rights; or
13 (ii) requires the grant of water rights
14 to Federal entities.

15 (6) AUTHORIZATION OF APPROPRIATIONS.—

16 (A) IN GENERAL.—There is authorized to
17 be appropriated to carry out projects and activi-
18 ties under this subsection \$157,140,000, as ad-
19 justed under subparagraph (C).

20 (B) NONREIMBURSABLE FEDERAL EX-
21 PENDITURES.—Any amounts expended under
22 subparagraph (A) shall be considered to be non-
23 reimbursable Federal expenditures.

24 (C) ADJUSTMENT.—The balance of funds
25 remaining to be appropriated shall be adjusted

1 for inflation on October 1 of the year after the
2 date of enactment of this Act and each October
3 1 thereafter.

4 (D) AVAILABILITY OF FUNDS.—At the end
5 of each fiscal year, any unexpended funds for
6 projects and activities made available under
7 subparagraph (A) shall be retained for use in
8 future fiscal years to implement projects and
9 activities under the Program.

10 (7) TERMINATION OF AUTHORITY.—The au-
11 thority for the Secretary to implement the First In-
12 crement shall terminate on September 30, 2020.

13 (c) PATHFINDER MODIFICATION PROJECT.—

14 (1) AUTHORIZATION OF PROJECT.—

15 (A) IN GENERAL.—The Secretary of the
16 Interior, acting through the Commissioner of
17 Reclamation (referred to in this subsection as
18 the “Secretary”), may—

19 (i) modify the Pathfinder Dam and
20 Reservoir; and

21 (ii) enter into 1 or more agreements
22 with the State of Wyoming to implement
23 the Pathfinder Modification Project (re-
24 ferred to in this subsection as the
25 “Project”), as described in Appendix F to

1 the Final Settlement Stipulation in Ne-
2 braska v. Wyoming, 534 U.S. 40 (2001).

3 (B) FEDERAL APPROPRIATIONS.—No Fed-
4 eral appropriations are required to modify the
5 Pathfinder Dam under this paragraph.

6 (2) AUTHORIZED USES OF PATHFINDER RES-
7 ERVOIR.—Provided that all of the conditions de-
8 scribed in paragraph (3) are first met, the approxi-
9 mately 54,000 acre-feet capacity of Pathfinder Res-
10 ervoir, which has been lost to sediment but will be
11 recaptured by the Project, may be used for munic-
12 ipal, environmental, and other purposes, as described
13 in Appendix F to the Final Settlement Stipulation in
14 Nebraska v. Wyoming, 534 U.S. 40 (2001).

15 (3) CONDITIONS PRECEDENT.—The actions and
16 water uses authorized in paragraphs (1)(A)(i) and
17 (2) shall not occur until each of the following actions
18 have been completed:

19 (A) Final approval from the Wyoming leg-
20 islature for the export of Project water to the
21 State of Nebraska under the laws (including
22 regulations) of the State of Wyoming.

23 (B) Final approval in a change of water
24 use proceeding under the laws (including regu-
25 lations) of the State of Wyoming for all new

1 uses planned for Project water. Final approval,
2 as used in this subparagraph, includes exhaus-
3 tion of any available review under State law of
4 any administrative action authorizing the
5 change of the Pathfinder Reservoir water right.

6 **SEC. 516. CENTRAL OKLAHOMA MASTER CONSERVATORY**
7 **DISTRICT FEASIBILITY STUDY.**

8 (a) STUDY.—

9 (1) IN GENERAL.—Not later than 3 years after
10 the date of enactment of this Act, the Secretary of
11 the Interior, acting through the Commissioner of
12 Reclamation (referred to in this section as the “Sec-
13 retary”), shall—

14 (A) conduct a feasibility study of alter-
15 natives to augment the water supplies of—

16 (i) the Central Oklahoma Master Con-
17 servatory District (referred to in this sec-
18 tion as the “District”); and

19 (ii) cities served by the District;

20 (2) INCLUSIONS.—The study under paragraph
21 (1) shall include recommendations of the Secretary,
22 if any, relating to the alternatives studied.

23 (b) COST-SHARING REQUIREMENT.—

1 (1) IN GENERAL.—The Federal share of the
2 total costs of the study under subsection (a) shall
3 not exceed 50 percent.

4 (2) FORM OF NON-FEDERAL SHARE.—The non-
5 Federal share required under paragraph (1) may be
6 in the form of any in-kind services that the Sec-
7 retary determines would contribute substantially to-
8 ward the conduct and completion of the study.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Secretary to conduct
11 the study under subsection (a) \$900,000.

12 **TITLE VI—DEPARTMENT OF**
13 **ENERGY AUTHORIZATIONS**

14 **SEC. 601. ENERGY TECHNOLOGY TRANSFER.**

15 Section 917 of the Energy Policy Act of 2005 (42
16 U.S.C. 16197) is amended to read as follows:

17 **“SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER**
18 **CENTERS.**

19 “(a) GRANTS.—Not later than 18 months after the
20 date of enactment of the National Forests, Parks, Public
21 Land, and Reclamation Projects Authorization Act of
22 2008, the Secretary shall make grants to nonprofit institu-
23 tions, State and local governments, cooperative extension
24 services, or institutions of higher education (or consortia
25 thereof), to establish a geographically dispersed network

1 of Advanced Energy Technology Transfer Centers, to be
2 located in areas the Secretary determines have the great-
3 est need of the services of such Centers. In making awards
4 under this section, the Secretary shall—

5 “(1) give priority to applicants already oper-
6 ating or partnered with an outreach program capa-
7 ble of transferring knowledge and information about
8 advanced energy efficiency methods and tech-
9 nologies;

10 “(2) ensure that, to the extent practicable, the
11 program enables the transfer of knowledge and in-
12 formation—

13 “(A) about a variety of technologies; and

14 “(B) in a variety of geographic areas;

15 “(3) give preference to applicants that would
16 significantly expand on or fill a gap in existing pro-
17 grams in a geographical region; and

18 “(4) consider the special needs and opportuni-
19 ties for increased energy efficiency for manufactured
20 and site-built housing, including construction, ren-
21 ovation, and retrofit.

22 “(b) ACTIVITIES.—Each Center shall operate a pro-
23 gram to encourage demonstration and commercial applica-
24 tion of advanced energy methods and technologies through
25 education and outreach to building and industrial profes-

1 sionals, and to other individuals and organizations with
2 an interest in efficient energy use. Funds awarded under
3 this section may be used for the following activities:

4 “(1) Developing and distributing informational
5 materials on technologies that could use energy more
6 efficiently.

7 “(2) Carrying out demonstrations of advanced
8 energy methods and technologies.

9 “(3) Developing and conducting seminars,
10 workshops, long-distance learning sessions, and
11 other activities to aid in the dissemination of knowl-
12 edge and information on technologies that could use
13 energy more efficiently.

14 “(4) Providing or coordinating onsite energy
15 evaluations, including instruction on the commis-
16 sioning of building heating and cooling systems, for
17 a wide range of energy end-users.

18 “(5) Examining the energy efficiency needs of
19 energy end-users to develop recommended research
20 projects for the Department.

21 “(6) Hiring experts in energy efficient tech-
22 nologies to carry out activities described in para-
23 graphs (1) through (5).

24 “(c) APPLICATION.—A person seeking a grant under
25 this section shall submit to the Secretary an application

1 in such form and containing such information as the Sec-
2 retary may require. The Secretary may award a grant
3 under this section to an entity already in existence if the
4 entity is otherwise eligible under this section. The applica-
5 tion shall include, at a minimum—

6 “(1) a description of the applicant’s outreach
7 program, and the geographic region it would serve,
8 and of why the program would be capable of trans-
9 ferring knowledge and information about advanced
10 energy technologies that increase efficiency of energy
11 use;

12 “(2) a description of the activities the applicant
13 would carry out, of the technologies that would be
14 transferred, and of any other organizations that will
15 help facilitate a regional approach to carrying out
16 those activities;

17 “(3) a description of how the proposed activities
18 would be appropriate to the specific energy needs of
19 the geographic region to be served;

20 “(4) an estimate of the number and types of
21 energy end-users expected to be reached through
22 such activities; and

23 “(5) a description of how the applicant will as-
24 sess the success of the program.

1 “(d) SELECTION CRITERIA.—The Secretary shall
2 award grants under this section on the basis of the fol-
3 lowing criteria, at a minimum:

4 “(1) The ability of the applicant to carry out
5 the proposed activities.

6 “(2) The extent to which the applicant will co-
7 ordinate the activities of the Center with other enti-
8 ties as appropriate, such as State and local govern-
9 ments, utilities, institutions of higher education, and
10 National Laboratories.

11 “(3) The appropriateness of the applicant’s out-
12 reach program for carrying out the program de-
13 scribed in this section.

14 “(4) The likelihood that proposed activities
15 could be expanded or used as a model for other
16 areas.

17 “(e) COST-SHARING.—In carrying out this section,
18 the Secretary shall require cost-sharing in accordance with
19 the requirements of section 988 for commercial application
20 activities.

21 “(f) DURATION.—

22 “(1) INITIAL GRANT PERIOD.—A grant awarded
23 under this section shall be for a period of 5 years.

24 “(2) INITIAL EVALUATION.—Each grantee
25 under this section shall be evaluated during its third

1 year of operation under procedures established by
2 the Secretary to determine if the grantee is accom-
3 plishing the purposes of this section described in
4 subsection (a). The Secretary shall terminate any
5 grant that does not receive a positive evaluation. If
6 an evaluation is positive, the Secretary may extend
7 the grant for 3 additional years beyond the original
8 term of the grant.

9 “(3) ADDITIONAL EXTENSION.—If a grantee re-
10 ceives an extension under paragraph (2), the grantee
11 shall be evaluated again during the second year of
12 the extension. The Secretary shall terminate any
13 grant that does not receive a positive evaluation. If
14 an evaluation is positive, the Secretary may extend
15 the grant for a final additional period of 3 additional
16 years beyond the original extension.

17 “(4) LIMITATION.—No grantee may receive
18 more than 11 years of support under this section
19 without reapplying for support and competing
20 against all other applicants seeking a grant at that
21 time.

22 “(g) PROHIBITION.—None of the funds awarded
23 under this section may be used for the construction of fa-
24 cilities.

25 “(h) DEFINITIONS.—For purposes of this section:

1 “(1) ADVANCED ENERGY METHODS AND TECH-
2 NOLOGIES.—The term ‘advanced energy methods
3 and technologies’ means all methods and tech-
4 nologies that promote energy efficiency and con-
5 servation, including distributed generation tech-
6 nologies, and life-cycle analysis of energy use.

7 “(2) CENTER.—The term ‘Center’ means an
8 Advanced Energy Technology Transfer Center estab-
9 lished pursuant to this section.

10 “(3) DISTRIBUTED GENERATION.—The term
11 ‘distributed generation’ means an electric power gen-
12 eration technology, including photovoltaic, small
13 wind, and micro-combined heat and power, that
14 serves electric consumers at or near the site of pro-
15 duction.

16 “(4) COOPERATIVE EXTENSION.—The term
17 ‘Cooperative Extension’ means the extension services
18 established at the land-grant colleges and univer-
19 sities under the Smith-Lever Act of May 8, 1914.

20 “(5) LAND-GRANT COLLEGES AND UNIVER-
21 SITIES.—The term ‘land-grant colleges and univer-
22 sities’ means—

23 “(A) 1862 Institutions (as defined in sec-
24 tion 2 of the Agricultural Research, Extension,

1 and Education Reform Act of 1998 (7 U.S.C.
2 7601));

3 “(B) 1890 Institutions (as defined in sec-
4 tion 2 of that Act); and

5 “(C) 1994 Institutions (as defined in sec-
6 tion 2 of that Act).

7 “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-
8 tion to amounts otherwise authorized to be appropriated
9 in section 911, there are authorized to be appropriated
10 for the program under this section such sums as may be
11 appropriated.”.

12 **SEC. 602. AMENDMENTS TO THE STEEL AND ALUMINUM EN-**
13 **ERGY CONSERVATION AND TECHNOLOGY**
14 **COMPETITIVENESS ACT OF 1988.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
16 9 of the Steel and Aluminum Energy Conservation and
17 Technology Competitiveness Act of 1988 (15 U.S.C.
18 5108) is amended to read as follows:

19 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to the Sec-
21 retary to carry out this Act \$12,000,000 for each of the
22 fiscal years 2008 through 2012.”.

23 (b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of
24 the Steel and Aluminum Energy Conservation and Tech-

1 nology Competitiveness Act of 1988 (15 U.S.C.
2 5103(c)(1)) is amended—

3 (1) in subparagraph (H), by striking “coatings
4 for sheet steels” and inserting “sheet and bar
5 steels”; and

6 (2) by adding at the end the following new sub-
7 paragraph:

8 “(K) The development of technologies
9 which reduce greenhouse gas emissions.”.

10 (c) CONFORMING AMENDMENTS.—The Steel and
11 Aluminum Energy Conservation and Technology Competi-
12 tiveness Act of 1988 is further amended—

13 (1) by striking section 7 (15 U.S.C. 5106); and

14 (2) in section 8 (15 U.S.C. 5107), by inserting
15 “, beginning with fiscal year 2008,” after “close of
16 each fiscal year”.

17 **TITLE VII—NORTHERN MARIANA**
18 **ISLANDS**

19 **Subtitle A—Immigration, Security,**
20 **and Labor**

21 **SEC. 701. STATEMENT OF CONGRESSIONAL INTENT.**

22 (a) IMMIGRATION AND GROWTH.—In recognition of
23 the need to ensure uniform adherence to long-standing
24 fundamental immigration policies of the United States, it
25 is the intention of the Congress in enacting this subtitle—

1 (1) to ensure that effective border control pro-
2 cedures are implemented and observed, and that na-
3 tional security and homeland security issues are
4 properly addressed, by extending the immigration
5 laws (as defined in section 101(a)(17) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1101
7 (a)(17)), to apply to the Commonwealth of the
8 Northern Mariana Islands (referred to in this sub-
9 title as the “Commonwealth”), with special provi-
10 sions to allow for—

11 (A) the orderly phasing-out of the non-
12 resident contract worker program of the Com-
13 monwealth; and

14 (B) the orderly phasing-in of Federal re-
15 sponsibilities over immigration in the Common-
16 wealth; and

17 (2) to minimize, to the greatest extent prac-
18 ticable, potential adverse economic and fiscal effects
19 of phasing-out the Commonwealth’s nonresident con-
20 tract worker program and to maximize the Common-
21 wealth’s potential for future economic and business
22 growth by—

23 (A) encouraging diversification and growth
24 of the economy of the Commonwealth in accord-

1 ance with fundamental values underlying Fed-
2 eral immigration policy;

3 (B) recognizing local self-government, as
4 provided for in the Covenant To Establish a
5 Commonwealth of the Northern Mariana Is-
6 lands in Political Union With the United States
7 of America through consultation with the Gov-
8 ernor of the Commonwealth;

9 (C) assisting the Commonwealth in achiev-
10 ing a progressively higher standard of living for
11 citizens of the Commonwealth through the pro-
12 vision of technical and other assistance;

13 (D) providing opportunities for individuals
14 authorized to work in the United States, includ-
15 ing citizens of the freely associated states; and

16 (E) providing a mechanism for the contin-
17 ued use of alien workers, to the extent those
18 workers continue to be necessary to supplement
19 the Commonwealth's resident workforce, and to
20 protect those workers from the potential for
21 abuse and exploitation.

22 (b) AVOIDING ADVERSE EFFECTS.—In recognition of
23 the Commonwealth's unique economic circumstances, his-
24 tory, and geographical location, it is the intent of the Con-
25 gress that the Commonwealth be given as much flexibility

1 as possible in maintaining existing businesses and other
2 revenue sources, and developing new economic opportuni-
3 ties, consistent with the mandates of this subtitle. This
4 subtitle, and the amendments made by this subtitle,
5 should be implemented wherever possible to expand tour-
6 ism and economic development in the Commonwealth, in-
7 cluding aiding prospective tourists in gaining access to the
8 Commonwealth's memorials, beaches, parks, dive sites,
9 and other points of interest.

10 **SEC. 702. IMMIGRATION REFORM FOR THE COMMON-**
11 **WEALTH.**

12 (a) AMENDMENT TO JOINT RESOLUTION APPROVING
13 COVENANT ESTABLISHING COMMONWEALTH OF THE
14 NORTHERN MARIANA ISLANDS.—The Joint Resolution
15 entitled “A Joint Resolution to approve the ‘Covenant To
16 Establish a Commonwealth of the Northern Mariana Is-
17 lands in Political Union with the United States of Amer-
18 ica’, and for other purposes”, approved March 24, 1976
19 (Public Law 94–241; 90 Stat. 263), is amended by adding
20 at the end the following new section:

21 **“SEC. 6. IMMIGRATION AND TRANSITION.**

22 “(a) APPLICATION OF THE IMMIGRATION AND NA-
23 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION
24 PROGRAM.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), effective on the first day of the first full
3 month commencing 1 year after the date of enact-
4 ment of the Consolidated Natural Resources Act of
5 2008 (hereafter referred to as the ‘transition pro-
6 gram effective date’), the provisions of the ‘immigra-
7 tion laws’ (as defined in section 101(a)(17) of the
8 Immigration and Nationality Act (8 U.S.C.
9 1101(a)(17))) shall apply to the Commonwealth of
10 the Northern Mariana Islands (referred to in this
11 section as the ‘Commonwealth’), except as otherwise
12 provided in this section.

13 “(2) TRANSITION PERIOD.—There shall be a
14 transition period beginning on the transition pro-
15 gram effective date and ending on December 31,
16 2013, except as provided in subsections (b) and (d),
17 during which the Secretary of Homeland Security, in
18 consultation with the Secretary of State, the Attor-
19 ney General, the Secretary of Labor, and the Sec-
20 retary of the Interior, shall establish, administer,
21 and enforce a transition program to regulate immi-
22 gration to the Commonwealth, as provided in this
23 section (hereafter referred to as the ‘transition pro-
24 gram’).

1 “(3) DELAY OF COMMENCEMENT OF TRANSI-
2 TION PERIOD.—

3 “(A) IN GENERAL.—The Secretary of
4 Homeland Security, in the Secretary’s sole dis-
5 cretion, in consultation with the Secretary of
6 the Interior, the Secretary of Labor, the Sec-
7 retary of State, the Attorney General, and the
8 Governor of the Commonwealth, may determine
9 that the transition program effective date be
10 delayed for a period not to exceed more than
11 180 days after such date.

12 “(B) CONGRESSIONAL NOTIFICATION.—
13 The Secretary of Homeland Security shall no-
14 tify the Congress of a determination under sub-
15 paragraph (A) not later than 30 days prior to
16 the transition program effective date.

17 “(C) CONGRESSIONAL REVIEW.—A delay
18 of the transition program effective date shall
19 not take effect until 30 days after the date on
20 which the notification under subparagraph (B)
21 is made.

22 “(4) REQUIREMENT FOR REGULATIONS.—The
23 transition program shall be implemented pursuant to
24 regulations to be promulgated, as appropriate, by
25 the head of each agency or department of the United

1 States having responsibilities under the transition
2 program.

3 “(5) INTERAGENCY AGREEMENTS.—The Sec-
4 retary of Homeland Security, the Secretary of State,
5 the Secretary of Labor, and the Secretary of the In-
6 terior shall negotiate and implement agreements
7 among their agencies to identify and assign their re-
8 spective duties so as to ensure timely and proper im-
9 plementation of the provisions of this section. The
10 agreements should address, at a minimum, proce-
11 dures to ensure that Commonwealth employers have
12 access to adequate labor, and that tourists, students,
13 retirees, and other visitors have access to the Com-
14 monwealth without unnecessary delay or impedi-
15 ment. The agreements may also allocate funding be-
16 tween the respective agencies tasked with various re-
17 sponsibilities under this section.

18 “(6) CERTAIN EDUCATION FUNDING.—In addi-
19 tion to fees charged pursuant to section 286(m) of
20 the Immigration and Nationality Act (8 U.S.C.
21 1356(m)) to recover the full costs of providing adju-
22 dication services, the Secretary of Homeland Secu-
23 rity shall charge an annual supplemental fee of \$150
24 per nonimmigrant worker to each prospective em-
25 ployer who is issued a permit under subsection (d)

1 of this section during the transition period. Such
2 supplemental fee shall be paid into the Treasury of
3 the Commonwealth government for the purpose of
4 funding ongoing vocational educational curricula and
5 program development by Commonwealth educational
6 entities.

7 “(7) ASYLUM.—Section 208 of the Immigration
8 and Nationality Act (8 U.S.C. 1158) shall not apply
9 during the transition period to persons physically
10 present in the Commonwealth or arriving in the
11 Commonwealth (whether or not at a designated port
12 of arrival), including persons brought to the Com-
13 monwealth after having been interdicted in inter-
14 national or United States waters.

15 “(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT
16 WORKERS.—An alien, if otherwise qualified, may seek ad-
17 mission to Guam or to the Commonwealth during the
18 transition program as a nonimmigrant worker under sec-
19 tion 101(a)(15)(H) of the Immigration and Nationality
20 Act (8 U.S.C. 1101(a)(15)(H)) without counting against
21 the numerical limitations set forth in section 214(g) of
22 such Act (8 U.S.C. 1184(g)). This subsection does not
23 apply to any employment to be performed outside of Guam
24 or the Commonwealth. Not later than 3 years following
25 the transition program effective date, the Secretary of

1 Homeland Security shall issue a report to the Committee
2 on Energy and Natural Resources and the Committee on
3 the Judiciary of the Senate and the Committee on Natural
4 Resources and the Committee on the Judiciary of the
5 House of Representatives projecting the number of asylum
6 claims the Secretary anticipates following the termination
7 of the transition period, the efforts the Secretary has
8 made to ensure appropriate interdiction efforts, provide
9 for appropriate treatment of asylum seekers, and prepare
10 to accept and adjudicate asylum claims in the Common-
11 wealth.

12 “(c) NONIMMIGRANT INVESTOR VISAS.—

13 “(1) IN GENERAL.—Notwithstanding the treaty
14 requirements in section 101(a)(15)(E) of the Immi-
15 gration and Nationality Act (8 U.S.C.
16 1101(a)(15)(E)), during the transition period, the
17 Secretary of Homeland Security may, upon the ap-
18 plication of an alien, classify an alien as a CNMI-
19 only nonimmigrant under section 101(a)(15)(E)(ii)
20 of the Immigration and Nationality Act (8 U.S.C.
21 1101(a)(15)(E)(ii)) if the alien—

22 “(A) has been admitted to the Common-
23 wealth in long-term investor status under the
24 immigration laws of the Commonwealth before
25 the transition program effective date;

1 “(B) has continuously maintained resi-
2 dence in the Commonwealth under long-term
3 investor status;

4 “(C) is otherwise admissible; and

5 “(D) maintains the investment or invest-
6 ments that formed the basis for such long-term
7 investor status.

8 “(2) REQUIREMENT FOR REGULATIONS.—Not
9 later than 60 days before the transition program ef-
10 fective date, the Secretary of Homeland Security
11 shall publish regulations in the Federal Register to
12 implement this subsection.

13 “(d) SPECIAL PROVISION TO ENSURE ADEQUATE
14 EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL
15 WORKERS.—An alien who is seeking to enter the Com-
16 monwealth as a nonimmigrant worker may be admitted
17 to perform work during the transition period subject to
18 the following requirements:

19 “(1) Such an alien shall be treated as a non-
20 immigrant described in section 101(a)(15) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1101(a)(15)), including the ability to apply, if other-
23 wise eligible, for a change of nonimmigrant classi-
24 fication under section 248 of such Act (8 U.S.C.

1 1258) or adjustment of status under this section
2 and section 245 of such Act (8 U.S.C. 1255).

3 “(2) The Secretary of Homeland Security shall
4 establish, administer, and enforce a system for allo-
5 cating and determining the number, terms, and con-
6 ditions of permits to be issued to prospective em-
7 ployers for each such nonimmigrant worker de-
8 scribed in this subsection who would not otherwise
9 be eligible for admission under the Immigration and
10 Nationality Act (8 U.S.C. 1101 et seq.). In adopting
11 and enforcing this system, the Secretary shall also
12 consider, in good faith and not later than 30 days
13 after receipt by the Secretary, any comments and
14 advice submitted by the Governor of the Common-
15 wealth. This system shall provide for a reduction in
16 the allocation of permits for such workers on an an-
17 nual basisto zero, during a period not to extend be-
18 yond December 31, 2013, unless extended pursuant
19 to paragraph 5 of this subsection. In no event shall
20 a permit be valid beyond the expiration of the transi-
21 tion period. This system may be based on any rea-
22 sonable method and criteria determined by the Sec-
23 retary of Homeland Security to promote the max-
24 imum use of, and to prevent adverse effects on
25 wages and working conditions of, workers authorized

1 to be employed in the United States, including law-
2 fully admissible freely associated state citizen labor.
3 No alien shall be granted nonimmigrant classifica-
4 tion or a visa under this subsection unless the per-
5 mit requirements established under this paragraph
6 have been met.

7 “(3) The Secretary of Homeland Security shall
8 set the conditions for admission of such an alien
9 under the transition program, and the Secretary of
10 State shall authorize the issuance of nonimmigrant
11 visas for such an alien. Such a visa shall not be valid
12 for admission to the United States, as defined in
13 section 101(a)(38) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1101(a)(38)), except admission
15 to the Commonwealth. An alien admitted to the
16 Commonwealth on the basis of such a visa shall be
17 permitted to engage in employment only as author-
18 ized pursuant to the transition program.

19 “(4) Such an alien shall be permitted to trans-
20 fer between employers in the Commonwealth during
21 the period of such alien’s authorized stay therein,
22 without permission of the employee’s current or
23 prior employer, within the alien’s occupational cat-
24 egory or another occupational category the Secretary

1 of Homeland Security has found requires alien work-
2 ers to supplement the resident workforce.

3 “(5)(A) Not later than 180 days prior to the
4 expiration of the transition period, or any extension
5 thereof, the Secretary of Labor, in consultation with
6 the Secretary of Homeland Security, the Secretary
7 of Defense, the Secretary of the Interior, and the
8 Governor of the Commonwealth, shall ascertain the
9 current and anticipated labor needs of the Common-
10 wealth and determine whether an extension of up to
11 5 years of the provisions of this subsection is nec-
12 essary to ensure an adequate number of workers will
13 be available for legitimate businesses in the Com-
14 monwealth. For the purpose of this subparagraph, a
15 business shall not be considered legitimate if it en-
16 gages directly or indirectly in prostitution, traf-
17 ficking in minors, or any other activity that is illegal
18 under Federal or local law. The determinations of
19 whether a business is legitimate and to what extent,
20 if any, it may require alien workers to supplement
21 the resident workforce, shall be made by the Sec-
22 retary of Homeland Security, in the Secretary’s sole
23 discretion.

24 “(B) If the Secretary of Labor determines that
25 such an extension is necessary to ensure an ade-

1 quate number of workers for legitimate businesses in
2 the Commonwealth, the Secretary of Labor may,
3 through notice published in the Federal Register,
4 provide for an additional extension period of up to
5 5 years.

6 “(C) In making the determination of whether
7 alien workers are necessary to ensure an adequate
8 number of workers for legitimate businesses in the
9 Commonwealth, and if so, the number of such work-
10 ers that are necessary, the Secretary of Labor may
11 consider, among other relevant factors—

12 “(i) government, industry, or independent
13 workforce studies reporting on the need, or lack
14 thereof, for alien workers in the Common-
15 wealth’s businesses;

16 “(ii) the unemployment rate of United
17 States citizen workers residing in the Common-
18 wealth;

19 “(iii) the unemployment rate of aliens in
20 the Commonwealth who have been lawfully ad-
21 mitted for permanent residence;

22 “(iv) the number of unemployed alien
23 workers in the Commonwealth;

24 “(v) any good faith efforts to locate, edu-
25 cate, train, or otherwise prepare United States

1 citizen residents, lawful permanent residents,
2 and unemployed alien workers already within
3 the Commonwealth, to assume those jobs;

4 “(vi) any available evidence tending to
5 show that United States citizen residents, law-
6 ful permanent residents, and unemployed alien
7 workers already in the Commonwealth are not
8 willing to accept jobs of the type offered;

9 “(vii) the extent to which admittance of
10 alien workers will affect the compensation, ben-
11 efits, and living standards of existing workers
12 within those industries and other industries au-
13 thorized to employ alien workers; and

14 “(viii) the prior use, if any, of alien work-
15 ers to fill those industry jobs, and whether the
16 industry requires alien workers to fill those
17 jobs.

18 “(6) The Secretary of Homeland Security may
19 authorize the admission of a spouse or minor child
20 accompanying or following to join a worker admitted
21 pursuant to this subsection.

22 “(e) PERSONS LAWFULLY ADMITTED UNDER THE
23 COMMONWEALTH IMMIGRATION LAW.—

24 “(1) PROHIBITION ON REMOVAL.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), no alien who is lawfully present in
3 the Commonwealth pursuant to the immigration
4 laws of the Commonwealth on the transition
5 program effective date shall be removed from
6 the United States on the grounds that such
7 alien’s presence in the Commonwealth is in vio-
8 lation of section 212(a)(6)(A) of the Immigra-
9 tion and Nationality Act (8 U.S.C.
10 1182(a)(6)(A)), until the earlier of the date—

11 “(i) of the completion of the period of
12 the alien’s admission under the immigra-
13 tion laws of the Commonwealth; or

14 “(ii) that is 2 years after the transi-
15 tion program effective date.

16 “(B) LIMITATIONS.—Nothing in this sub-
17 section shall be construed to prevent or limit
18 the removal under subparagraph 212(a)(6)(A)
19 of the Immigration and Nationality Act (8
20 U.S.C. 1182(a)(6)(A)) of such an alien at any
21 time, if the alien entered the Commonwealth
22 after the date of enactment of the Consolidated
23 Natural Resources Act of 2008, and the Sec-
24 retary of Homeland Security has determined
25 that the Government of the Commonwealth has

1 violated section 702(i) of the Consolidated Nat-
2 ural Resources Act of 2008.

3 “(2) EMPLOYMENT AUTHORIZATION.—An alien
4 who is lawfully present and authorized to be em-
5 ployed in the Commonwealth pursuant to the immi-
6 gration laws of the Commonwealth on the transition
7 program effective date shall be considered authorized
8 by the Secretary of Homeland Security to be em-
9 ployed in the Commonwealth until the earlier of the
10 date—

11 “(A) of expiration of the alien’s employ-
12 ment authorization under the immigration laws
13 of the Commonwealth; or

14 “(B) that is 2 years after the transition
15 program effective date.

16 “(3) REGISTRATION.—The Secretary of Home-
17 land Security may require any alien present in the
18 Commonwealth on or after the transition period ef-
19 fective date to register with the Secretary in such a
20 manner, and according to such schedule, as he may
21 in his discretion require. Paragraphs (1) and (2) of
22 this subsection shall not apply to any alien who fails
23 to comply with such registration requirement. Not-
24 withstanding any other law, the Government of the
25 Commonwealth shall provide to the Secretary all

1 Commonwealth immigration records or other infor-
2 mation that the Secretary deems necessary to assist
3 the implementation of this paragraph or other provi-
4 sions of the Consolidated Natural Resources Act of
5 2008. Nothing in this paragraph shall modify or
6 limit section 262 of the Immigration and Nationality
7 Act (8 U.S.C. 1302) or other provision of the Immi-
8 gration and Nationality Act relating to the registra-
9 tion of aliens.

10 “(4) REMOVABLE ALIENS.—Except as specifi-
11 cally provided in paragraph (1)(A) of this sub-
12 section, nothing in this subsection shall prohibit or
13 limit the removal of any alien who is removable
14 under the Immigration and Nationality Act.

15 “(5) PRIOR ORDERS OF REMOVAL.—The Sec-
16 retary of Homeland Security may execute any ad-
17 ministratively final order of exclusion, deportation or
18 removal issued under authority of the immigration
19 laws of the United States before, on, or after the
20 transition period effective date, or under authority of
21 the immigration laws of the Commonwealth before
22 the transition period effective date, upon any subject
23 of such order found in the Commonwealth on or
24 after the transition period effective date, regardless
25 whether the alien has previously been removed from

1 the United States or the Commonwealth pursuant to
2 such order.

3 “(f) EFFECT ON OTHER LAWS.—The provisions of
4 this section and of the immigration laws, as defined in
5 section 101(a)(17) of the Immigration and Nationality Act
6 (8 U.S.C. 1101(a)(17)), shall, on the transition program
7 effective date, supersede and replace all laws, provisions,
8 or programs of the Commonwealth relating to the admis-
9 sion of aliens and the removal of aliens from the Common-
10 wealth.

11 “(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION
12 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY
13 ACT.—No time that an alien is present in the Common-
14 wealth in violation of the immigration laws of the Com-
15 monwealth shall be counted for purposes of inadmissibility
16 under section 212(a)(9)(B) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1182(a)(9)(B)).

18 “(h) REPORT ON NONRESIDENT GUESTWORKER
19 POPULATION.—The Secretary of the Interior, in consulta-
20 tion with the Secretary of Homeland Security, and the
21 Governor of the Commonwealth, shall report to the Con-
22 gress not later than 2 years after the date of enactment
23 of the Consolidated Natural Resources Act of 2008. The
24 report shall include—

1 “(1) the number of aliens residing in the Com-
2 monwealth;

3 “(2) a description of the legal status (under
4 Federal law) of such aliens;

5 “(3) the number of years each alien has been
6 residing in the Commonwealth;

7 “(4) the current and future requirements of the
8 Commonwealth economy for an alien workforce; and

9 “(5) such recommendations to the Congress, as
10 the Secretary may deem appropriate, related to
11 whether or not the Congress should consider permit-
12 ting lawfully admitted guest workers lawfully resid-
13 ing in the Commonwealth on such enactment date to
14 apply for long-term status under the immigration
15 and nationality laws of the United States.”.

16 (b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT
17 VISITORS.—The Immigration and Nationality Act (8
18 U.S.C. 1101 et seq.) is amended—

19 (1) in section 214(a)(1) (8 U.S.C.
20 1184(a)(1))—

21 (A) by striking “Guam” each place such
22 term appears and inserting “Guam or the Com-
23 monwealth of the Northern Mariana Islands”;
24 and

1 (B) by striking “fifteen” and inserting
2 “45”;

3 (2) in section 212(a)(7)(B) (8 U.S.C.
4 1182(a)(7)(B)), by amending clause (iii) to read as
5 follows:

6 “(iii) GUAM AND NORTHERN MARIANA
7 ISLANDS VISA WAIVER.—For provision au-
8 thorizing waiver of clause (i) in the case of
9 visitors to Guam or the Commonwealth of
10 the Northern Mariana Islands, see sub-
11 section (l).”; and

12 (3) by amending section 212(l) (8 U.S.C.
13 1182(l)) to read as follows:

14 “(l) GUAM AND NORTHERN MARIANA ISLANDS VISA
15 WAIVER PROGRAM.—

16 “(1) IN GENERAL.—The requirement of sub-
17 section (a)(7)(B)(i) may be waived by the Secretary
18 of Homeland Security, in the case of an alien apply-
19 ing for admission as a nonimmigrant visitor for busi-
20 ness or pleasure and solely for entry into and stay
21 in Guam or the Commonwealth of the Northern
22 Mariana Islands for a period not to exceed 45 days,
23 if the Secretary of Homeland Security, after con-
24 sultation with the Secretary of the Interior, the Sec-
25 retary of State, the Governor of Guam and the Gov-

1 error of the Commonwealth of the Northern Mar-
2 iana Islands, determines that—

3 “(A) an adequate arrival and departure
4 control system has been developed in Guam and
5 the Commonwealth of the Northern Mariana Is-
6 lands; and

7 “(B) such a waiver does not represent a
8 threat to the welfare, safety, or security of the
9 United States or its territories and common-
10 wealths.

11 “(2) ALIEN WAIVER OF RIGHTS.—An alien may
12 not be provided a waiver under this subsection un-
13 less the alien has waived any right—

14 “(A) to review or appeal under this Act an
15 immigration officer’s determination as to the
16 admissibility of the alien at the port of entry
17 into Guam or the Commonwealth of the North-
18 ern Mariana Islands; or

19 “(B) to contest, other than on the basis of
20 an application for withholding of removal under
21 section 241(b)(3) of this Act or under the Con-
22 vention Against Torture, or an application for
23 asylum if permitted under section 208, any ac-
24 tion for removal of the alien.

1 “(3) REGULATIONS.—All necessary regulations
2 to implement this subsection shall be promulgated
3 by the Secretary of Homeland Security, in consulta-
4 tion with the Secretary of the Interior and the Sec-
5 retary of State, on or before the 180th day after the
6 date of enactment of the Consolidated Natural Re-
7 sources Act of 2008. The promulgation of such regu-
8 lations shall be considered a foreign affairs function
9 for purposes of section 553(a) of title 5, United
10 States Code. At a minimum, such regulations should
11 include, but not necessarily be limited to—

12 “(A) a listing of all countries whose na-
13 tionals may obtain the waiver also provided by
14 this subsection, except that such regulations
15 shall provide for a listing of any country from
16 which the Commonwealth has received a signifi-
17 cant economic benefit from the number of visi-
18 tors for pleasure within the one-year period pre-
19 ceding the date of enactment of the Consoli-
20 dated Natural Resources Act of 2008, unless
21 the Secretary of Homeland Security determines
22 that such country’s inclusion on such list would
23 represent a threat to the welfare, safety, or se-
24 curity of the United States or its territories;
25 and

1 “(B) any bonding requirements for nation-
2 als of some or all of those countries who may
3 present an increased risk of overstays or other
4 potential problems, if different from such re-
5 quirements otherwise provided by law for non-
6 immigrant visitors.

7 “(4) FACTORS.—In determining whether to
8 grant or continue providing the waiver under this
9 subsection to nationals of any country, the Secretary
10 of Homeland Security, in consultation with the Sec-
11 retary of the Interior and the Secretary of State,
12 shall consider all factors that the Secretary deems
13 relevant, including electronic travel authorizations,
14 procedures for reporting lost and stolen passports,
15 repatriation of aliens, rates of refusal for non-
16 immigrant visitor visas, overstays, exit systems, and
17 information exchange.

18 “(5) SUSPENSION.—The Secretary of Home-
19 land Security shall monitor the admission of non-
20 immigrant visitors to Guam and the Commonwealth
21 of the Northern Mariana Islands under this sub-
22 section. If the Secretary determines that such admis-
23 sions have resulted in an unacceptable number of
24 visitors from a country remaining unlawfully in
25 Guam or the Commonwealth of the Northern Mar-

1 iana Islands, unlawfully obtaining entry to other
2 parts of the United States, or seeking withholding of
3 removal or asylum, or that visitors from a country
4 pose a risk to law enforcement or security interests
5 of Guam or the Commonwealth of the Northern
6 Mariana Islands or of the United States (including
7 the interest in the enforcement of the immigration
8 laws of the United States), the Secretary shall sus-
9 pend the admission of nationals of such country
10 under this subsection. The Secretary of Homeland
11 Security may in the Secretary's discretion suspend
12 the Guam and Northern Mariana Islands visa waiver
13 program at any time, on a country-by-country basis,
14 for other good cause.

15 “(6) ADDITION OF COUNTRIES.—The Governor
16 of Guam and the Governor of the Commonwealth of
17 the Northern Mariana Islands may request the Sec-
18 retary of the Interior and the Secretary of Home-
19 land Security to add a particular country to the list
20 of countries whose nationals may obtain the waiver
21 provided by this subsection, and the Secretary of
22 Homeland Security may grant such request after
23 consultation with the Secretary of the Interior and
24 the Secretary of State, and may promulgate regula-
25 tions with respect to the inclusion of that country

1 and any special requirements the Secretary of
2 Homeland Security, in the Secretary's sole discre-
3 tion, may impose prior to allowing nationals of that
4 country to obtain the waiver provided by this sub-
5 section.”.

6 (c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM
7 AND THE COMMONWEALTH OF THE NORTHERN MARIANA
8 ISLANDS.—The Governor of Guam and the Governor of
9 the Commonwealth of the Northern Mariana Islands (re-
10 ferred to in this subsection as “CNMI”) may request that
11 the Secretary of Homeland Security study the feasibility
12 of creating additional Guam or CNMI-only nonimmigrant
13 visas to the extent that existing nonimmigrant visa cat-
14 egories under the Immigration and Nationality Act do not
15 provide for the type of visitor, the duration of allowable
16 visit, or other circumstance. The Secretary of Homeland
17 Security may review such a request, and, after consulta-
18 tion with the Secretary of State and the Secretary of the
19 Interior, shall issue a report to the Committee on Energy
20 and Natural Resources and the Committee on the Judici-
21 ary of the Senate and the Committee on Natural Re-
22 sources and the Committee on the Judiciary of the House
23 of Representatives with respect to the feasibility of cre-
24 ating those additional Guam or CNMI-only visa cat-
25 egories. Consideration of such additional Guam or CNMI-

1 only visa categories may include, but are not limited to,
2 special nonimmigrant statuses for investors, students, and
3 retirees, but shall not include nonimmigrant status for the
4 purpose of employment in Guam or the CNMI.

5 (d) INSPECTION OF PERSONS ARRIVING FROM THE
6 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS;
7 GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS
8 NOT VALID FOR ENTRY INTO OTHER PARTS OF THE
9 UNITED STATES.—Section 212(d)(7) of the Immigration
10 and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by
11 inserting “the Commonwealth of the Northern Mariana
12 Islands,” after “Guam,”.

13 (e) TECHNICAL ASSISTANCE PROGRAM.—

14 (1) IN GENERAL.—The Secretary of the Inte-
15 rior, in consultation with the Governor of the Com-
16 monwealth, the Secretary of Labor, and the Sec-
17 retary of Commerce, and as provided in the Inter-
18 agency Agreements required to be negotiated under
19 section 6(a)(4) of the Joint Resolution entitled “A
20 Joint Resolution to approve the ‘Covenant To Estab-
21 lish a Commonwealth of the Northern Mariana Is-
22 lands in Political Union with the United States of
23 America’, and for other purposes”, approved March
24 24, 1976 (Public Law 94–241), as added by sub-
25 section (a), shall provide—

1 (A) technical assistance and other support
2 to the Commonwealth to identify opportunities
3 for, and encourage diversification and growth
4 of, the economy of the Commonwealth;

5 (B) technical assistance, including assist-
6 ance in recruiting, training, and hiring of work-
7 ers, to assist employers in the Commonwealth
8 in securing employees first from among United
9 States citizens and nationals resident in the
10 Commonwealth and if an adequate number of
11 such workers are not available, from among
12 legal permanent residents, including lawfully
13 admissible citizens of the freely associated
14 states; and

15 (C) technical assistance, including assist-
16 ance to identify types of jobs needed, identify
17 skills needed to fulfill such jobs, and assistance
18 to Commonwealth educational entities to de-
19 velop curricula for such job skills to include
20 training teachers and students for such skills.

21 (2) CONSULTATION.—In providing such tech-
22 nical assistance under paragraph (1), the Secretaries
23 shall—

24 (A) consult with the Government of the
25 Commonwealth, local businesses, regional

1 banks, educational institutions, and other ex-
2 perts in the economy of the Commonwealth;
3 and

4 (B) assist in the development and imple-
5 mentation of a process to identify opportunities
6 for and encourage diversification and growth of
7 the economy of the Commonwealth and to iden-
8 tify and encourage opportunities to meet the
9 labor needs of the Commonwealth.

10 (3) COST-SHARING.—For the provision of tech-
11 nical assistance or support under this paragraph
12 (other than that required to pay the salaries and ex-
13 penses of Federal personnel), the Secretary of the
14 Interior shall require a non-Federal matching con-
15 tribution of 10 percent.

16 (f) OPERATIONS.—

17 (1) ESTABLISHMENT.—At any time on and
18 after the date of enactment of this Act, the Attorney
19 General, Secretary of Homeland Security, and the
20 Secretary of Labor may establish and maintain of-
21 fices and other operations in the Commonwealth for
22 the purpose of carrying out duties under—

23 (A) the Immigration and Nationality Act
24 (8 U.S.C. 1101 et seq.); and

1 (B) the transition program established
2 under section 6 of the Joint Resolution entitled
3 “A Joint Resolution to approve the ‘Covenant
4 to Establish a Commonwealth of the Northern
5 Mariana Islands in Political Union with the
6 United States of America’, and for other pur-
7 poses”, approved March 24, 1976 (Public Law
8 94–241), as added by subsection (a).

9 (2) PERSONNEL.—To the maximum extent
10 practicable and consistent with the satisfactory per-
11 formance of assigned duties under applicable law,
12 the Attorney General, Secretary of Homeland Secu-
13 rity, and the Secretary of Labor shall recruit and
14 hire personnel from among qualified United States
15 citizens and national applicants residing in the Com-
16 monwealth to serve as staff in carrying out oper-
17 ations described in paragraph (1).

18 (g) CONFORMING AMENDMENTS TO PUBLIC LAW 94–
19 241.—

20 (1) AMENDMENTS.—Public Law 94–241 is
21 amended as follows:

22 (A) In section 503 of the covenant set
23 forth in section 1, by striking subsection (a)
24 and redesignating subsections (b) and (c) as
25 subsections (a) and (b), respectively.

1 (B) By striking section 506 of the cov-
2 enant set forth in section 1.

3 (C) In section 703(b) of the covenant set
4 forth in section 1, by striking “quarantine,
5 passport, immigration and naturalization” and
6 inserting “quarantine and passport”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall take effect on the transition
9 program effective date described in section 6 of Pub-
10 lic Law 94–241 (as added by subsection (a)).

11 (h) REPORTS TO CONGRESS.—

12 (1) IN GENERAL.—Not later than March 1 of
13 the first year that is at least 2 full years after the
14 date of enactment of this subtitle, and annually
15 thereafter, the President shall submit to the Com-
16 mittee on Energy and Natural Resources and the
17 Committee on the Judiciary of the Senate and the
18 Committee on Natural Resources and the Committee
19 on the Judiciary of the House of Representatives a
20 report that evaluates the overall effect of the transi-
21 tion program established under section 6 of the
22 Joint Resolution entitled “A Joint Resolution to ap-
23 prove the ‘Covenant To Establish a Commonwealth
24 of the Northern Mariana Islands in Political Union
25 with the United States of America’, and for other

1 purposes”, approved March 24, 1976 (Public Law
2 94–241), as added by subsection (a), and the Immi-
3 gration and Nationality Act (8 U.S.C. 1101 et seq.)
4 on the Commonwealth.

5 (2) CONTENTS.—In addition to other topics
6 otherwise required to be included under this subtitle
7 or the amendments made by this subtitle, each re-
8 port submitted under paragraph (1) shall include a
9 description of the efforts that have been undertaken
10 during the period covered by the report to diversify
11 and strengthen the local economy of the Common-
12 wealth, including efforts to promote the Common-
13 wealth as a tourist destination. The report by the
14 President shall include an estimate for the numbers
15 of nonimmigrant workers described under section
16 101(a)(15)(H) of the Immigration and Nationality
17 Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid
18 adverse economic effects in Guam and the Common-
19 wealth.

20 (3) GAO REPORT.—The Government Account-
21 ability Office shall submit a report to the Congress
22 not later than 2 years after the date of enactment
23 of this Act, to include, at a minimum, the following
24 items:

1 (A) An assessment of the implementation
2 of this subtitle and the amendments made by
3 this subtitle, including an assessment of the
4 performance of Federal agencies and the Gov-
5 ernment of the Commonwealth in meeting con-
6 gressional intent.

7 (B) An assessment of the short-term and
8 long-term impacts of implementation of this
9 subtitle and the amendments made by this sub-
10 title on the economy of the Commonwealth, in-
11 cluding its ability to obtain workers to supple-
12 ment its resident workforce and to maintain ac-
13 cess to its tourists and customers, and any ef-
14 fect on compliance with United States treaty
15 obligations mandating non-refoulement for refu-
16 gees.

17 (C) An assessment of the economic benefit
18 of the investors “grandfathered” under sub-
19 section (c) of section 6 of the Joint Resolution
20 entitled “A Joint Resolution to approve the
21 ‘Covenant To Establish a Commonwealth of the
22 Northern Mariana Islands in Political Union
23 with the United States of America’, and for
24 other purposes”, approved March 24, 1976
25 (Public Law 94–241), as added by subsection

1 (a), and the Commonwealth's ability to attract
2 new investors after the date of enactment of
3 this Act.

4 (D) An assessment of the number of illegal
5 aliens in the Commonwealth, including any
6 Federal and Commonwealth efforts to locate
7 and repatriate them.

8 (4) REPORTS BY THE LOCAL GOVERNMENT.—
9 The Governor of the Commonwealth may submit an
10 annual report to the President on the implementa-
11 tion of this subtitle, and the amendments made by
12 this subtitle, with recommendations for future
13 changes. The President shall forward the Governor's
14 report to the Congress with any Administration com-
15 ment after an appropriate period of time for internal
16 review, provided that nothing in this paragraph shall
17 be construed to require the President to provide any
18 legislative recommendation to the Congress.

19 (5) REPORT ON FEDERAL PERSONNEL AND RE-
20 SOURCE REQUIREMENTS.—Not later than 180 days
21 after the date of enactment of this Act, the Sec-
22 retary of Homeland Security, after consulting with
23 the Secretary of the Interior and other departments
24 and agencies as may be deemed necessary, shall sub-
25 mit a report to the Committee on Natural Re-

1 sources, the Committee on Homeland Security, and
2 the Committee on the Judiciary of the House of
3 Representatives, and to the Committee on Energy
4 and Natural Resources, the Committee on Homeland
5 Security and Governmental Affairs, and the Com-
6 mittee on the Judiciary of the Senate, on the cur-
7 rent and planned levels of Transportation Security
8 Administration, United States Customs and Border
9 Protection, United States Immigration and Customs
10 Enforcement, United States Citizenship and Immi-
11 gration Services, and United States Coast Guard
12 personnel and resources necessary for fulfilling mis-
13 sion requirements on Guam and the Commonwealth
14 in a manner comparable to the level provided at
15 other similar ports of entry in the United States. In
16 fulfilling this reporting requirement, the Secretary
17 shall consider and anticipate the increased require-
18 ments due to the proposed realignment of military
19 forces on Guam and in the Commonwealth and
20 growth in the tourism sector.

21 (i) REQUIRED ACTIONS PRIOR TO TRANSITION PRO-
22 GRAM EFFECTIVE DATE.—During the period beginning
23 on the date of enactment of this Act and ending on the
24 transition program effective date described in section 6 of

1 Public Law 94–241 (as added by subsection (a)), the Gov-
2 ernment of the Commonwealth shall—

3 (1) not permit an increase in the total number
4 of alien workers who are present in the Common-
5 wealth as of the date of enactment of this Act; and

6 (2) administer its nonrefoulement protection
7 program—

8 (A) according to the terms and procedures
9 set forth in the Memorandum of Agreement en-
10 tered into between the Commonwealth of the
11 Northern Mariana Islands and the United
12 States Department of Interior, Office of Insular
13 Affairs, executed on September 12, 2003 (which
14 terms and procedures, including but not limited
15 to funding by the Secretary of the Interior and
16 performance by the Secretary of Homeland Se-
17 curity of the duties of “Protection Consultant”
18 to the Commonwealth, shall have effect on and
19 after the date of enactment of this Act), as well
20 as CNMI Public Law 13–61 and the Immigra-
21 tion Regulations Establishing a Procedural
22 Mechanism for Persons Requesting Protection
23 from Refoulement; and

24 (B) so as not to remove or otherwise effect
25 the involuntary return of any alien whom the

1 Protection Consultant has determined to be eli-
2 gible for protection from persecution or torture.

3 (j) CONFORMING AMENDMENTS TO THE IMMIGRA-
4 TION AND NATIONALITY ACT.—The Immigration and Na-
5 tionality Act (8 U.S.C. 1101 et seq.) is amended—

6 (1) in section 101(a)(15)(D)(ii), by inserting
7 “or the Commonwealth of the Northern Mariana Is-
8 lands” after “Guam” each time such term appears;

9 (2) in section 101(a)(36), by striking “and the
10 Virgin Islands of the United States” and inserting
11 “the Virgin Islands of the United States, and the
12 Commonwealth of the Northern Mariana Islands”;

13 (3) in section 101(a)(38), by striking “and the
14 Virgin Islands of the United States” and inserting
15 “the Virgin Islands of the United States, and the
16 Commonwealth of the Northern Mariana Islands”;

17 (4) in section 208, by adding at the end the fol-
18 lowing:

19 “(e) COMMONWEALTH OF THE NORTHERN MARIANA
20 ISLANDS.—The provisions of this section and section
21 209(b) shall apply to persons physically present in the
22 Commonwealth of the Northern Mariana Islands or arriv-
23 ing in the Commonwealth (whether or not at a designated
24 port of arrival and including persons who are brought to
25 the Commonwealth after having been interdicted in inter-

1 national or United States waters) only on or after January
2 1, 2014.”; and

3 (5) in section 235(b)(1), by adding at the end
4 the following:

5 “(G) COMMONWEALTH OF THE NORTHERN
6 MARIANA ISLANDS.—Nothing in this subsection
7 shall be construed to authorize or require any
8 person described in section 208(e) to be per-
9 mitted to apply for asylum under section 208 at
10 any time before January 1, 2014.”.

11 (k) AVAILABILITY OF OTHER NONIMMIGRANT PRO-
12 FESSIONALS.—The requirements of section 212(m)(6)(B)
13 of the Immigration and Nationality Act (8 U.S.C.
14 1182(m)(6)(B)) shall not apply to a facility in Guam, the
15 Commonwealth of the Northern Mariana Islands, or the
16 Virgin Islands.

17 **SEC. 703. FURTHER AMENDMENTS TO PUBLIC LAW 94–241.**

18 Public Law 94–241, as amended, is further amended
19 in section 4(c)(3) by striking the colon after “Marshall
20 Islands” and inserting the following: “, except that
21 \$200,000 in fiscal year 2009 and \$225,000 annually for
22 fiscal years 2010 through 2018 are hereby rescinded; Pro-
23 vided, That the amount rescinded shall be increased by
24 the same percentage as that of the annual salary and ben-
25 efit adjustments for Members of Congress”.

1 **SEC. 704. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out this subtitle.

4 **SEC. 705. EFFECTIVE DATE.**

5 (a) IN GENERAL.—Except as specifically provided in
6 this section or otherwise in this subtitle, this subtitle and
7 the amendments made by this subtitle shall take effect on
8 the date of enactment of this Act.

9 (b) AMENDMENTS TO THE IMMIGRATION AND NA-
10 TIONALITY ACT.—The amendments to the Immigration
11 and Nationality Act made by this subtitle, and other provi-
12 sions of this subtitle applying the immigration laws (as
13 defined in section 101(a)(17) of Immigration and Nation-
14 ality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth,
15 shall take effect on the transition program effective date
16 described in section 6 of Public Law 94–241 (as added
17 by section 702(a)), unless specifically provided otherwise
18 in this subtitle.

19 (c) CONSTRUCTION.—Nothing in this subtitle or the
20 amendments made by this subtitle shall be construed to
21 make any residence or presence in the Commonwealth be-
22 fore the transition program effective date described in sec-
23 tion 6 of Public Law 94–241 (as added by section 702(a))
24 residence or presence in the United States, except that,
25 for the purpose only of determining whether an alien law-
26 fully admitted for permanent residence (as defined in sec-

1 tion 101(a)(20) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(20)) has abandoned or lost such status
3 by reason of absence from the United States, such alien's
4 presence in the Commonwealth before, on, or after the
5 date of enactment of this Act shall be considered to be
6 presence in the United States.

7 **Subtitle B—Northern Mariana**
8 **Islands Delegate**

9 **SEC. 711. DELEGATE TO HOUSE OF REPRESENTATIVES**
10 **FROM COMMONWEALTH OF THE NORTHERN**
11 **MARIANA ISLANDS.**

12 The Commonwealth of the Northern Mariana Islands
13 shall be represented in the United States Congress by the
14 Resident Representative to the United States authorized
15 by section 901 of the Covenant To Establish a Common-
16 wealth of the Northern Mariana Islands in Political Union
17 With the United States of America (approved by Public
18 Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Rep-
19 resentative shall be a nonvoting Delegate to the House of
20 Representatives, elected as provided in this subtitle.

21 **SEC. 712. ELECTION OF DELEGATE.**

22 (a) **ELECTORS AND TIME OF ELECTION.**—The Dele-
23 gate shall be elected—

1 (1) by the people qualified to vote for the popu-
2 larly elected officials of the Commonwealth of the
3 Northern Mariana Islands; and

4 (2) at the Federal general election of 2008 and
5 at such Federal general election every 2d year there-
6 after.

7 (b) MANNER OF ELECTION.—

8 (1) IN GENERAL.—The Delegate shall be elect-
9 ed at large and by a plurality of the votes cast for
10 the office of Delegate.

11 (2) EFFECT OF ESTABLISHMENT OF PRIMARY
12 ELECTIONS.—Notwithstanding paragraph (1), if the
13 Government of the Commonwealth of the Northern
14 Mariana Islands, acting pursuant to legislation en-
15 acted in accordance with the Constitution of the
16 Commonwealth of the Northern Mariana Islands,
17 provides for primary elections for the election of the
18 Delegate, the Delegate shall be elected by a majority
19 of the votes cast in any general election for the of-
20 fice of Delegate for which such primary elections
21 were held.

22 (c) VACANCY.—In case of a permanent vacancy in the
23 office of Delegate, the office of Delegate shall remain va-
24 cant until a successor is elected and qualified.

1 (d) COMMENCEMENT OF TERM.—The term of the
2 Delegate shall commence on the 3d day of January fol-
3 lowing the date of the election.

4 **SEC. 713. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

5 To be eligible for the office of Delegate a candidate
6 shall—

7 (1) be at least 25 years of age on the date of
8 the election;

9 (2) have been a citizen of the United States for
10 at least 7 years prior to the date of the election;

11 (3) be a resident and domiciliary of the Com-
12 monwealth of the Northern Mariana Islands for at
13 least 7 years prior to the date of the election;

14 (4) be qualified to vote in the Commonwealth of
15 the Northern Mariana Islands on the date of the
16 election; and

17 (5) not be, on the date of the election, a can-
18 didate for any other office.

19 **SEC. 714. DETERMINATION OF ELECTION PROCEDURE.**

20 Acting pursuant to legislation enacted in accordance
21 with the Constitution of the Commonwealth of the North-
22 ern Mariana Islands, the Government of the Common-
23 wealth of the Northern Mariana Islands may determine
24 the order of names on the ballot for election of Delegate,
25 the method by which a special election to fill a permanent

1 vacancy in the office of Delegate shall be conducted, the
2 method by which ties between candidates for the office of
3 Delegate shall be resolved, and all other matters of local
4 application pertaining to the election and the office of Del-
5 egate not otherwise expressly provided for in this subtitle.

6 **SEC. 715. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

7 Until the Rules of the House of Representatives are
8 amended to provide otherwise, the Delegate from the Com-
9 monwealth of the Northern Mariana Islands shall receive
10 the same compensation, allowances, and benefits as a
11 Member of the House of Representatives, and shall be en-
12 titled to whatever privileges and immunities are, or herein-
13 after may be, granted to any other nonvoting Delegate to
14 the House of Representatives.

15 **SEC. 716. LACK OF EFFECT ON COVENANT.**

16 No provision of this subtitle shall be construed to
17 alter, amend, or abrogate any provision of the covenant
18 referred to in section 711 except section 901 of the cov-
19 enant.

20 **SEC. 717. DEFINITION.**

21 For purposes of this subtitle, the term “Delegate”
22 means the Resident Representative referred to in section
23 711.

1 **SEC. 718. CONFORMING AMENDMENTS REGARDING AP-**
2 **POINTMENTS TO MILITARY SERVICE ACAD-**
3 **EMIES BY DELEGATE FROM THE COMMON-**
4 **WEALTH OF THE NORTHERN MARIANA IS-**
5 **LANDS.**

6 (a) UNITED STATES MILITARY ACADEMY.—Section
7 4342(a)(10) of title 10, United States Code, is amended
8 by striking “resident representative” and inserting “Dele-
9 gate in Congress”.

10 (b) UNITED STATES NAVAL ACADEMY.—Section
11 6954(a)(10) of such title is amended by striking “resident
12 representative” and inserting “Delegate in Congress”.

13 (c) UNITED STATES AIR FORCE ACADEMY.—Section
14 9342(a)(10) of such title is amended by striking “resident
15 representative” and inserting “Delegate in Congress”.

16 **TITLE VIII—COMPACTS OF FREE**
17 **ASSOCIATION AMENDMENTS**

18 **SEC. 801. APPROVAL OF AGREEMENTS.**

19 (a) IN GENERAL.—Section 101 of the Compact of
20 Free Association Amendments Act of 2003 (48 U.S.C.
21 1921) is amended—

22 (1) in the first sentence of subsection (a), by in-
23 serting before the period at the end the following: “,
24 including Article X of the Federal Programs and
25 Services Agreement Between the Government of the
26 United States and the Government of the Federated

1 States of Micronesia, as amended under the Agree-
2 ment to Amend Article X that was signed by those
3 two Governments on June 30, 2004, which shall
4 serve as the authority to implement the provisions
5 thereof”; and

6 (2) in the first sentence of subsection (b), by in-
7 serting before the period at the end the following: “,
8 including Article X of the Federal Programs and
9 Services Agreement Between the Government of the
10 United States and the Government of the Republic
11 of the Marshall Islands, as amended under the
12 Agreement to Amend Article X that was signed by
13 those two Governments on June 18, 2004, which
14 shall serve as the authority to implement the provi-
15 sions thereof”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall be effective as of the date that is 180
18 days after the date of enactment of this Act.

19 **SEC. 802. FUNDS TO FACILITATE FEDERAL ACTIVITIES.**

20 Unobligated amounts appropriated before the date of
21 enactment of this Act pursuant to section 105(f)(1)(A)(ii)
22 of the Compact of Free Association Amendments Act of
23 2003 shall be available to both the United States Agency
24 for International Development and the Federal Emer-
25 gency Management Agency to facilitate each agency’s ac-

1 tivities under the Federal Programs and Services Agree-
2 ments.

3 **SEC. 803. CONFORMING AMENDMENT.**

4 (a) IN GENERAL.—Section 105(f)(1)(A) of the Com-
5 pact of Free Association Amendments Act of 2003 (48
6 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

7 “(A) EMERGENCY AND DISASTER ASSIST-
8 ANCE.—

9 “(i) IN GENERAL.—Subject to clause
10 (ii), section 221(a)(6) of the U.S.–FSM
11 Compact and section 221(a)(5) of the
12 U.S.–RMI Compact shall each be con-
13 strued and applied in accordance with the
14 two Agreements to Amend Article X of the
15 Federal Programs and Service Agreements
16 signed on June 30, 2004, and on June 18,
17 2004, respectively, provided that all activi-
18 ties carried out by the United States Agen-
19 cy for International Development and the
20 Federal Emergency Management Agency
21 under Article X of the Federal Programs
22 and Services Agreements may be carried
23 out notwithstanding any other provision of
24 law. In the sections referred to in this
25 clause, the term ‘United States Agency for

1 International Development, Office of For-
2 eign Disaster Assistance’ shall be con-
3 strued to mean ‘the United States Agency
4 for International Development’.

5 “(ii) DEFINITION OF WILL PROVIDE
6 FUNDING.—In the second sentence of
7 paragraph 12 of each of the Agreements
8 described in clause (i), the term ‘will pro-
9 vide funding’ means will provide funding
10 through a transfer of funds using Stand-
11 ard Form 1151 or a similar document or
12 through an interagency, reimbursable
13 agreement.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 subsection (a) shall be effective as of the date that is 180
16 days after the date of enactment of this Act.

17 **SEC. 804. CLARIFICATIONS REGARDING PALAU.**

18 Section 105(f)(1)(B) of the Compact of Free Associa-
19 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B))
20 is amended—

21 (1) in clause (ii)(II), by striking “and its terri-
22 tories” and inserting “, its territories, and the Re-
23 public of Palau”;

24 (2) in clause (iii)(II), by striking “, or the Re-
25 public of the Marshall Islands” and inserting “, the

1 Republic of the Marshall Islands, or the Republic of
2 Palau”; and

3 (3) in clause (ix)—

4 (A) by striking “Republic” both places it
5 appears and inserting “government, institu-
6 tions, and people”;

7 (B) by striking “2007” and inserting
8 “2009”; and

9 (C) by striking “was” and inserting
10 “were”.

11 **SEC. 805. AVAILABILITY OF LEGAL SERVICES.**

12 Section 105(f)(1)(C) of the Compact of Free Associa-
13 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C))
14 is amended by inserting before the period at the end the
15 following: “, which shall also continue to be available to
16 the citizens of the Federated States of Micronesia, the Re-
17 public of Palau, and the Republic of the Marshall Islands
18 who legally reside in the United States (including terri-
19 tories and possessions)”.

20 **SEC. 806. TECHNICAL AMENDMENTS.**

21 (a) TITLE I.—

22 (1) SECTION 177 AGREEMENT.—Section
23 103(c)(1) of the Compact of Free Association
24 Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is

1 amended by striking “section 177” and inserting
2 “Section 177”.

3 (2) INTERPRETATION AND UNITED STATES
4 POLICY.—Section 104 of the Compact of Free Asso-
5 ciation Amendments Act of 2003 (48 U.S.C. 1921c)
6 is amended—

7 (A) in subsection (b)(1), by inserting “the”
8 before “U.S.–RMI Compact,”;

9 (B) in subsection (e)—

10 (i) in the matter preceding subpara-
11 graph (A) of paragraph (8), by striking
12 “to include” and inserting “and include”;

13 (ii) in paragraph (9)(A), by inserting
14 a comma after “may”; and

15 (iii) in paragraph (10), by striking
16 “related to service” and inserting “related
17 to such services”; and

18 (C) in the first sentence of subsection (j),
19 by inserting “the” before “Interior”.

20 (3) SUPPLEMENTAL PROVISIONS.—Section
21 105(b)(1) of the Compact of Free Association
22 Amendments Act of 2003 (48 U.S.C. 1921d(b)(1))
23 is amended by striking “Trust Fund” and inserting
24 “Trust Funds”.

25 (b) TITLE II.—

1 (1) U.S.–FSM COMPACT.—The Compact of
2 Free Association, as amended, between the Govern-
3 ment of the United States of America and the Gov-
4 ernment of the Federated States of Micronesia (as
5 provided in section 201(a) of the Compact of Free
6 Association Amendments Act of 2003 (117 Stat.
7 2757)) is amended—

8 (A) in section 174—

9 (i) in subsection (a), by striking
10 “courts” and inserting “court”; and

11 (ii) in subsection (b)(2), by striking
12 “the” before “November”;

13 (B) in section 177(a), by striking “, or
14 Palau” and inserting “(or Palau)”;

15 (C) in section 179(b), by striking “amend-
16 ed Compact” and inserting “Compact, as
17 amended,”;

18 (D) in section 211—

19 (i) in the fourth sentence of sub-
20 section (a), by striking “Compact, as
21 Amended, of Free Association” and insert-
22 ing “Compact of Free Association, as
23 amended”;

24 (ii) in the fifth sentence of subsection
25 (a), by striking “Trust Fund Agreement,”

1 and inserting “Agreement Between the
2 Government of the United States of Amer-
3 ica and the Government of the Federated
4 States of Micronesia Implementing Section
5 215 and Section 216 of the Compact, as
6 Amended, Regarding a Trust Fund (Trust
7 Fund Agreement),”;

8 (iii) in subsection (b)—

9 (I) in the first sentence, by strik-
10 ing “Government of the” before “Fed-
11 erated”; and

12 (II) in the second sentence, by
13 striking “Sections 321 and 323 of the
14 Compact of Free Association, as
15 Amended” and inserting “Sections
16 211(b), 321, and 323 of the Compact
17 of Free Association, as amended,”;
18 and

19 (iv) in the last sentence of subsection
20 (d), by inserting before the period at the
21 end the following: “and the Federal Pro-
22 grams and Services Agreement referred to
23 in section 231”;

1 (E) in the first sentence of section 215(b),
2 by striking “subsection(a)” and inserting “sub-
3 section (a)”;

4 (F) in section 221—

5 (i) in subsection (a)(6), by inserting
6 “(Federal Emergency Management Agen-
7 cy)” after “Homeland Security”; and

8 (ii) in the first sentence of subsection
9 (c), by striking “agreements” and inserting
10 “agreement”;

11 (G) in the second sentence of section 222,
12 by inserting “in” after “referred to”;

13 (H) in the second sentence of section 232,
14 by striking “sections 102 (c)” and all that fol-
15 lows through “January 14, 1986)” and insert-
16 ing “section 102(b) of Public Law 108–188,
17 117 Stat. 2726, December 17, 2003”;

18 (I) in the second sentence of section 252,
19 by inserting “, as amended,” after “Compact”;

20 (J) in the first sentence of the first undes-
21 ignated paragraph of section 341, by striking
22 “Section 141” and inserting “section 141”;

23 (K) in section 342—

1 (i) in subsection (a), by striking “14
2 U.S.C. 195” and inserting “section 195 of
3 title 14, United States Code”; and

4 (ii) in subsection (b)—

5 (I) by striking “46 U.S.C.
6 1295(b)(6)” and inserting “section
7 1303(b)(6) of the Merchant Marine
8 Act, 1936 (46 U.S.C. 1295b(b)(6))”;
9 and

10 (II) by striking “46 U.S.C.
11 1295b(b)(6)(C)” and inserting “sec-
12 tion 1303(b)(6)(C) of that Act”;

13 (L) in the third sentence of section 354(a),
14 by striking “section 442 and 452” and insert-
15 ing “sections 442 and 452”;

16 (M) in section 461(h), by striking “Tele-
17 communications” and inserting “Telecommuni-
18 cation”;

19 (N) in section 462(b)(4), by striking “of
20 Free Association” the second place it appears;
21 and

22 (O) in section 463(b), by striking “Articles
23 IV” and inserting “Article IV”.

24 (2) U.S.—RMI COMPACT.—The Compact of
25 Free Association, as amended, between the Govern-

1 erating Rights of the Government of the
2 United States in the Republic of the Mar-
3 shall Islands concluded Pursuant to Sec-
4 tions 321 and 323 of the Compact of Free
5 Association, as Amended (Agreement be-
6 tween the Government of the United
7 States and the Government of the Republic
8 of the Marshall Islands Regarding Military
9 Use and Operating Rights)”; and

10 (iii) in the last sentence of subsection
11 (e), by inserting before the period at the
12 end the following: “and the Federal Pro-
13 grams and Services Agreement referred to
14 in section 231”;

15 (E) in section 221(a)—

16 (i) in the matter preceding paragraph
17 (1), by striking “Section 231” and insert-
18 ing “section 231”; and

19 (ii) in paragraph (5), by inserting
20 “(Federal Emergency Management Agen-
21 cy)” after “Homeland Security”;

22 (F) in the second sentence of section 232,
23 by striking “sections 103(m)” and all that fol-
24 lows through “(January 14, 1986)” and insert-

1 ing “section 103(k) of Public Law 108–188,
2 117 Stat. 2734, December 17, 2003”;

3 (G) in the first sentence of section 341, by
4 striking “Section 141” and inserting “section
5 141”;

6 (H) in section 342—

7 (i) in subsection (a), by striking “14
8 U.S.C. 195” and inserting “section 195 of
9 title 14, United States Code”; and

10 (ii) in subsection (b)—

11 (I) by striking “46 U.S.C.
12 1295(b)(6)” and inserting “section
13 1303(b)(6) of the Merchant Marine
14 Act, 1936 (46 U.S.C. 1295b(b)(6))”;
15 and

16 (II) by striking “46 U.S.C.
17 1295b(b)(6)(C)” and inserting “sec-
18 tion 1303(b)(6)(C) of that Act”;

19 (I) in the third sentence of section 354(a),
20 by striking “section 442 and 452” and insert-
21 ing “sections 442 and 452”;

22 (J) in the first sentence of section 443, by
23 inserting “, as amended.” after “the Compact”;

24 (K) in the matter preceding paragraph (1)
25 of section 461(h)—

1 (i) by striking “1978” and inserting
2 “1998”; and

3 (ii) by striking “Telecommunications”
4 and inserting “Telecommunication Union”;
5 and

6 (L) in section 463(b), by striking “Article”
7 and inserting “Articles”.

8 **SEC. 807. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

9 Section 111(e)(2) of title 17, United States Code, is
10 amended by striking “or the Trust Territory of the Pacific
11 Islands” and inserting “the Federated States of Micro-
12 nesia, the Republic of Palau, or the Republic of the Mar-
13 shall Islands”.

14 **SEC. 808. PALAU ROAD MAINTENANCE.**

15 The Government of the Republic of Palau may de-
16 posit the payment otherwise payable to the Government
17 of the United States under section 111 of Public Law
18 101–219 (48 U.S.C. 1960) into a trust fund if—

19 (1) the earnings of the trust fund are expended
20 solely for maintenance of the road system con-
21 structed pursuant to section 212 of the Compact of
22 Free Association between the Government of the
23 United States of America and the Government of
24 Palau (48 U.S.C. 1931 note); and

1 CORMORANT (MHC-57) and KINGFISHER
2 (MHC-56).

3 (b) TRANSFERS BY SALE.—The President is author-
4 ized to transfer vessels to foreign recipients on a sale basis
5 under section 21 of the Arms Export Control Act (22
6 U.S.C. 2761), as follows:

7 (1) TAIWAN.—To the Taipei Economic and
8 Cultural Representative Office in the United States
9 (which is the Taiwan instrumentality designated
10 pursuant to section 10(a) of the Taiwan Relations
11 Act (22 U.S.C. 3309(a))), the OSPREY class
12 minehunter coastal ships ORIOLE (MHC-55) and
13 FALCON (MHC-59).

14 (2) TURKEY.—To the Government of Turkey,
15 the OSPREY class minehunter coastal ship
16 SHRIKE (MHC-62).

17 (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
18 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
19 of a vessel transferred to a recipient on a grant basis pur-
20 suant to authority provided by subsection (a) shall not be
21 counted against the aggregate value of excess defense arti-
22 cles transferred in any fiscal year under section 516(g)
23 of the Foreign Assistance Act of 1961.

1 (d) COSTS OF TRANSFERS.—Any expense incurred by
2 the United States in connection with a transfer authorized
3 by this section shall be charged to the recipient.

4 (e) REPAIR AND REFURBISHMENT IN UNITED
5 STATES SHIPYARDS.—To the maximum extent prac-
6 ticable, the President shall require, as a condition of the
7 transfer of a vessel under this section, that the recipient
8 to which the vessel is transferred have such repair or re-
9 furbishment of the vessel as is needed before the vessel
10 joins the naval forces of the recipient performed at a ship-
11 yard located in the United States, including a United
12 States Navy shipyard.

13 (f) EXPIRATION OF AUTHORITY.—The authority to
14 transfer a vessel under this section shall expire at the end
15 of the 2-year period beginning on the date of enactment
16 of this Act.