

113TH CONGRESS
1ST SESSION

S. 1237

To improve the administration of programs in the insular areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2013

Mr. WYDEN (for himself and Ms. MURKOWSKI) (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To improve the administration of programs in the insular areas, 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.**

4 This Act may be cited as the “Omnibus Territories
5 Act of 2013”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Territorial Sea.

Sec. 4. Adjustment of scheduled wage increases in the Commonwealth of the Northern Mariana Islands.

Sec. 5. Amendments to the Consolidated Natural Resources Act.

- Sec. 6. Study of electric rates in the insular areas.
- Sec. 7. Chief financial officer of the Virgin Islands.
- Sec. 8. Reports on estimates of revenues.
- Sec. 9. Low-income home energy assistance program.
- Sec. 10. Castle Nugent National Historic Site Establishment.
- Sec. 11. St. Croix National Heritage Area.
- Sec. 12. Guam War Claims Review Commission.
- Sec. 13. Use of certain expenditures as in-kind contributions.
- Sec. 14. Improvements in HUD assisted programs.
- Sec. 15. Benefit to cost ratio study for projects in American Samoa.
- Sec. 16. Waiver of local matching requirements.
- Sec. 17. Fishery endorsements.
- Sec. 18. Effects of minimum wage differentials in American Samoa.
- Sec. 19. American Samoa Citizenship Plebiscite Act.
- Sec. 20. Eligibility for marine turtle conservation assistance.

1 **SEC. 3. TERRITORIAL SEA.**

2 (a) IN GENERAL.—The first section and section 2 of
 3 Public Law 93–435 (48 U.S.C. 1705, 1706) are amended
 4 by inserting “the Commonwealth of the Northern Mariana
 5 Islands,” after “Guam,” each place it appears.

6 (b) REFERENCES TO DATE OF ENACTMENT.—For
 7 the purposes of the amendment made by subsection (a),
 8 each reference in Public Law 93–435 to the “date of en-
 9 actment” shall be considered to be a reference to the date
 10 of the enactment of this section.

11 **SEC. 4. ADJUSTMENT OF SCHEDULED WAGE INCREASES IN**
 12 **THE COMMONWEALTH OF THE NORTHERN**
 13 **MARIANA ISLANDS.**

14 Section 8103(b)(1)(B) of the Fair Minimum Wage
 15 Act of 2007 (29 U.S.C. 206 note; Public Law 110–28)
 16 is amended by striking “2011” and inserting “2011,
 17 2013, and 2015”.

1 **SEC. 5. AMENDMENTS TO THE CONSOLIDATED NATURAL**
 2 **RESOURCES ACT.**

3 Section 6 of the Joint Resolution entitled “A Joint
 4 Resolution to approve the ‘Covenant To Establish a Com-
 5 monwealth of the Northern Mariana Islands in Political
 6 Union with the United States of America’, and for other
 7 purposes”, approved March 24, 1976 (Public Law 94-
 8 241; 90 Stat. 263), is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2), by inserting after
 11 “subsections (b)” the following: “, (c),”; and

12 (B) by striking paragraph (6), and insert-
 13 ing the following:

14 “(6) CERTAIN EDUCATION FUNDING.—

15 “(A) IN GENERAL.—In addition to fees
 16 charged pursuant to section 286(m) of the Im-
 17 migration and Nationality Act (8 U.S.C. 1356
 18 (m)) to recover the full costs of providing adju-
 19 dication services, the Secretary of Homeland
 20 Security shall charge an annual supplemental
 21 fee of \$150 per nonimmigrant worker to each
 22 prospective employer who is issued a permit
 23 under subsection (d) of this section during the
 24 transition program. Such supplemental fee shall
 25 be paid into the Treasury of the Commonwealth
 26 government for the purpose of funding ongoing

1 vocational educational curricula and program
2 development by Commonwealth educational en-
3 tities.

4 “(B) PLAN FOR THE EXPENDITURE OF
5 FUNDS.—At the beginning of each fiscal year,
6 and prior to the payment of the supplemental
7 fee into the Treasury of the Commonwealth
8 government in that fiscal year, the Common-
9 wealth government must provide to the Sec-
10 retary of Homeland Security, a plan for the ex-
11 penditure of funds, a projection of the effective-
12 ness of these expenditures in the placement of
13 United States workers into jobs, and a report
14 on the changes in employment of United States
15 workers attributable to prior year expenditures.

16 “(C) DHS REPORT.—The Secretary of
17 Homeland Security shall report to the Congress
18 every 2 years on the effectiveness of meeting
19 the goals set out by the Commonwealth govern-
20 ment in its annual plan for the expenditure of
21 funds.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1), by striking “during
24 the transition period,”; and

25 (B) by adding at the end the following:

1 “(3) DURATION.—Notwithstanding any other
2 provision of this Act, the Secretary may classify
3 aliens pursuant to paragraph (1) until the date on
4 which the transition program terminates. If the
5 transition period is extended, the Secretary may con-
6 tinue to classify aliens pursuant to paragraph (1)
7 until the date on which all extensions are termi-
8 nated.”; and

9 (3) in subsection (d)(2), by striking “December
10 31, 2014” and inserting “December 31, 2019”.

11 **SEC. 6. STUDY OF ELECTRIC RATES IN THE INSULAR**
12 **AREAS.**

13 (a) DEFINITIONS.—In this section:

14 (1) COMPREHENSIVE ENERGY PLAN.—The term
15 “comprehensive energy plan” means a comprehen-
16 sive energy plan prepared and updated under sub-
17 sections (c) and (e) of section 604 of the Act entitled
18 “An Act to authorize appropriations for certain in-
19 sular areas of the United States, and for other pur-
20 poses”, approved December 24, 1980 (48 U.S.C.
21 1492).

22 (2) ENERGY ACTION PLAN.—The term “energy
23 action plan” means the plan required by subsection
24 (d).

1 (3) FREELY ASSOCIATED STATES.—The term
2 “Freely Associated States” means the Federated
3 States of Micronesia, the Republic of the Marshall
4 Islands, and the Republic of Palau.

5 (4) INSULAR AREAS.—The term “insular areas”
6 means American Samoa, the Commonwealth of the
7 Northern Mariana Islands, Puerto Rico, Guam, and
8 the Virgin Islands.

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

11 (6) TEAM.—The term “team” means the team
12 established by the Secretary under subsection (b).

13 (b) ESTABLISHMENT.—Not later than 180 days after
14 the date of enactment of this Act, the Secretary shall,
15 within the Empowering Insular Communities activity, es-
16 tablish a team of technical, policy, and financial experts—

17 (1) to develop an energy action plan addressing
18 the energy needs of each of the insular areas and
19 Freely Associated States; and

20 (2) to assist each of the insular areas and Free-
21 ly Associated States in implementing such plan.

22 (c) PARTICIPATION OF REGIONAL UTILITY ORGANI-
23 ZATIONS.—In establishing the team, the Secretary shall
24 consider including regional utility organizations.

1 (d) ENERGY ACTION PLAN.—In accordance with sub-
2 section (b), the energy action plan shall include—

3 (1) recommendations, based on the comprehen-
4 sive energy plan where applicable, to—

5 (A) reduce reliance and expenditures on
6 imported fossil fuels;

7 (B) develop indigenous, nonfossil fuel en-
8 ergy sources; and

9 (C) improve performance of energy infra-
10 structure and overall energy efficiency;

11 (2) a schedule for implementation of such rec-
12 ommendations and identification and prioritization
13 of specific projects;

14 (3) a financial and engineering plan for imple-
15 menting and sustaining projects; and

16 (4) benchmarks for measuring progress toward
17 implementation.

18 (e) REPORTS TO SECRETARY.—Not later than 1 year
19 after the date on which the Secretary establishes the team
20 and annually thereafter, the team shall submit to the Sec-
21 retary a report detailing progress made in fulfilling its
22 charge and in implementing the energy action plan.

23 (f) ANNUAL REPORTS TO CONGRESS.—Not later
24 than 30 days after the date on which the Secretary re-
25 ceives a report submitted by the team under subsection

1 (e), the Secretary shall submit to the appropriate commit-
2 tees of Congress a summary of the report of the team.

3 **SEC. 7. CHIEF FINANCIAL OFFICER OF THE VIRGIN IS-**
4 **LANDS.**

5 (a) REFERENDUM.—As part of the next regularly
6 scheduled, islands-wide election in the Virgin Islands after
7 the date of enactment of this Act, the Board of Elections
8 of the Virgin Islands shall hold a referendum to seek the
9 approval of the people of the Virgin Islands regarding
10 whether the position of Chief Financial Officer of the Gov-
11 ernment of the Virgin Islands shall be established as a
12 part of the executive branch of the Government of the Vir-
13 gin Islands. The referendum shall be binding and con-
14 ducted according to the laws of the Virgin Islands, except
15 that the results shall be determined by a majority of the
16 ballots cast.

17 (b) CHIEF FINANCIAL OFFICER OF THE VIRGIN IS-
18 LANDS.—

19 (1) APPOINTMENT OF CHIEF FINANCIAL OFFI-
20 CER.—

21 (A) IN GENERAL.—If the majority of bal-
22 lots cast in a referendum under subsection (a)
23 approve the establishment of the position of
24 Chief Financial Officer of the Government of
25 the Virgin Islands, the Governor of the Virgin

1 Islands shall appoint a Chief Financial Officer,
2 with the advice and consent of the Legislature
3 of the Virgin Islands, from the names on the
4 list required under subsection (b)(4). If the
5 Governor has nominated a person for Chief Fi-
6 nancial Officer but the Legislature of the Virgin
7 Islands has not confirmed a nominee within 90
8 days after receiving the list pursuant to sub-
9 section (b)(4), the Governor shall appoint from
10 such list a Chief Financial Officer on an acting
11 basis until the Legislature consents to a Chief
12 Financial Officer.

13 (B) ACTING CHIEF FINANCIAL OFFICER.—
14 If a Chief Financial Officer has not been ap-
15 pointed under subparagraph (A) within 180
16 days after the date of the enactment of this
17 Act, the Virgin Islands Chief Financial Officer
18 Search Commission, by majority vote, shall ap-
19 point from the names on the list submitted
20 under subsection (b)(4), an Acting Chief Finan-
21 cial Officer to serve in that capacity until a
22 Chief Financial Officer is appointed under the
23 first sentence of subparagraph (A). In either
24 case, if the Acting Chief Financial Officer
25 serves in an acting capacity for 180 consecutive

1 days, without further action the Acting Chief
2 Financial Officer shall become the Chief Finan-
3 cial Officer.

4 (2) DUTIES OF CHIEF FINANCIAL OFFICER.—
5 The duties of the Chief Financial Officer shall in-
6 clude the following:

7 (A) Develop and report on the financial
8 status of the Government of the Virgin Islands
9 not later than 6 months after appointment and
10 quarterly thereafter. Such reports shall be
11 available to the public.

12 (B) Each year prepare and certify spend-
13 ing limits of the annual budget, including an-
14 nual estimates of all revenues of the territory
15 without regard to sources, and whether or not
16 the annual budget is balanced.

17 (C) Revise and update standards for finan-
18 cial management, including inventory and con-
19 tracting, for the Government of the Virgin Is-
20 lands in general and for each agency in con-
21 junction with the agency head.

22 (3) DOCUMENTS PROVIDED.—The heads of
23 each department of the Government of the Virgin Is-
24 lands, in particular the head of the Department of
25 Finance of the Virgin Islands and the head of the

1 Internal Revenue Bureau of the Virgin Islands shall
2 provide all documents and information under the ju-
3 risdiction of that head that the Chief Financial Offi-
4 cer considers required to carry out his or her func-
5 tions to the Chief Financial Officer.

6 (4) CONDITIONS RELATED TO CHIEF FINANCIAL
7 OFFICER.—

8 (A) TERM.—The Chief Financial Officer
9 shall be appointed for a term of 5 years.

10 (B) REMOVAL.—The Chief Financial Offi-
11 cer shall not be removed except for cause. An
12 Acting Chief Financial Officer may be removed
13 for cause or by a Chief Financial Officer ap-
14 pointed with the advice and consent of the Leg-
15 islature of the Virgin Islands.

16 (C) REPLACEMENT.—If the Chief Finan-
17 cial Officer is unable to continue acting in that
18 capacity due to removal, illness, death, or other-
19 wise, another Chief Financial Officer shall be
20 selected in accordance with paragraph (1).

21 (D) SALARY.—The Chief Financial Officer
22 shall be paid at a salary to be determined by
23 the Governor of the Virgin Islands, except such
24 rate may not be less than the highest rate of
25 pay for a cabinet officer of the Government of

1 the Virgin Islands or a Chief Financial Officer
2 serving in any government or semiautonomous
3 agency.

4 (c) ESTABLISHMENT OF COMMISSION.—

5 (1) ESTABLISHMENT.—There is established a
6 commission to be known as the “Virgin Islands
7 Chief Financial Officer Search Commission”.

8 (2) DUTY OF COMMISSION.—The Commission
9 shall recommend to the Governor not less than 3
10 candidates for nomination as Chief Financial Officer
11 of the Virgin Islands. Each candidate must have
12 demonstrated ability in general management of,
13 knowledge of, and extensive practical experience at
14 the highest levels of financial management in gov-
15 ernmental or business entities and must have experi-
16 ence in the development, implementation, and oper-
17 ation of financial management systems.

18 (3) MEMBERSHIP.—

19 (A) NUMBER AND APPOINTMENT.—The
20 Commission shall be composed of 8 members
21 appointed not later than 30 days after the date
22 of the enactment of this Act. Persons appointed
23 as members must have recognized business,
24 government, or financial expertise and experi-
25 ence and shall be appointed as follows:

1 (i) 1 individual appointed by the Gov-
2 ernor of the Virgin Islands.

3 (ii) 1 individual appointed by the
4 President of the Legislature of the Virgin
5 Islands.

6 (iii) 1 individual, who is an employee
7 of the Government of the Virgin Islands,
8 appointed by the Central Labor Council of
9 the Virgin Islands.

10 (iv) 1 individual appointed by the
11 Chamber of Commerce of St. Thomas-St.
12 John.

13 (v) 1 individual appointed by the
14 Chamber of Commerce of St. Croix.

15 (vi) 1 individual appointed by the
16 President of the University of the Virgin
17 Islands.

18 (vii) 1 individual, who is a resident of
19 St. John, appointed by the At-Large Mem-
20 ber of the Legislature of the Virgin Is-
21 lands.

22 (viii) 1 individual appointed by the
23 President of AARP Virgin islands.

24 (B) TERMS.—

1 (i) IN GENERAL.—Each member shall
2 be appointed for the life of the Commis-
3 sion.

4 (ii) VACANCIES.—A vacancy in the
5 Commission shall be filled in the manner
6 in which the original appointment was
7 made. Any member appointed to fill a va-
8 cancy shall be appointed for the remainder
9 of that term.

10 (C) BASIC PAY.—Members shall serve
11 without pay.

12 (D) QUORUM.—Five members of the Com-
13 mission shall constitute a quorum.

14 (E) CHAIRPERSON.—The Chairperson of
15 the Commission shall be the Chief Justice of
16 the Supreme Court of the United States Virgin
17 Islands or the designee of the Chief Justice.
18 The Chairperson shall serve as an ex officio
19 member of the Commission and shall vote only
20 in the case of a tie.

21 (F) MEETINGS.—The Commission shall
22 meet at the call of the Chairperson. The Com-
23 mission shall meet for the first time not later
24 than 15 days after all members have been ap-
25 pointed under this subsection.

1 (G) GOVERNMENT EMPLOYMENT.—Mem-
2 bers may not be current government employees,
3 except for the member appointed under sub-
4 paragraph (A)(iii).

5 (4) REPORT; RECOMMENDATIONS.—The Com-
6 mission shall transmit a report to the Governor, the
7 Committee on Natural Resources of the House of
8 Representatives and the Committee on Energy and
9 Natural Resources of the Senate not later than 60
10 days after its first meeting. The report shall name
11 the Commission’s recommendations for candidates
12 for nomination as Chief Financial Officer of the Vir-
13 gin Islands.

14 (5) TERMINATION.—The Commission shall ter-
15 minate upon the nomination and confirmation of the
16 Chief Financial Officer.

17 (d) DEFINITIONS.—For the purposes of this section,
18 the following definitions apply:

19 (1) CHIEF FINANCIAL OFFICER.—In sub-
20 sections (a) and (b), the term “Chief Financial Offi-
21 cer” means a Chief Financial Officer or Acting
22 Chief Financial Officer, as the case may be, ap-
23 pointed under subsection (a)(1).

24 (2) COMMISSION.—The term “Commission”
25 means the Virgin Islands Chief Financial Officer

1 Search Commission established pursuant to sub-
2 section (b).

3 (3) GOVERNOR.—The term “Governor” means
4 the Governor of the Virgin Islands.

5 (4) REMOVAL FOR CAUSE.—The term “removal
6 for cause” means removal based upon misconduct,
7 failure to meet job requirements, or any grounds
8 that a reasonable person would find grounds for dis-
9 charge.

10 **SEC. 8. REPORTS ON ESTIMATES OF REVENUES.**

11 The Comptroller General of the United States shall
12 submit to the appropriate committees of Congress a report
13 that—

14 (1) evaluates whether the annual estimates or
15 forecasts of revenue and expenditure of American
16 Samoa, the Commonwealth of the Northern Mariana
17 Islands, Puerto Rico, Guam, and the Virgin Islands
18 are reasonable; and

19 (2) as the Comptroller General of the United
20 States determines to be necessary, makes rec-
21 ommendations for improving the process for devel-
22 oping estimates or forecasts.

1 **SEC. 9. LOW-INCOME HOME ENERGY ASSISTANCE PRO-**
2 **GRAM.**

3 With respect to fiscal years 2014 through 2017, the
4 percentage described in section 2605(b)(2)(B)(i) of the
5 Low-Income Home Energy Assistance Act of 1981 (42
6 U.S.C. 8624(b)(2)(B)(i)) shall be 300 percent when ap-
7 plied to households located in the Virgin Islands.

8 **SEC. 10. CASTLE NUGENT NATIONAL HISTORIC SITE ESTAB-**
9 **LISHMENT.**

10 (a) DEFINITIONS.—In this section:

11 (1) HISTORIC SITE.—The term “historic site”
12 means the Castle Nugent National Historic Site es-
13 tablished in subsection (b).

14 (2) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (b) CASTLE NUGENT NATIONAL HISTORIC SITE.—

17 (1) ESTABLISHMENT.—There is established as
18 a unit of the National Park System the Castle
19 Nugent National Historic Site on the Island of St.
20 Croix, U.S. Virgin Islands, in order to preserve, pro-
21 tect, and interpret, for the benefit of present and fu-
22 ture generations, a Caribbean cultural landscape
23 that spans more than 300 years of agricultural use,
24 significant archeological resources, mangrove forests,
25 endangered sea turtle nesting beaches, an extensive

1 barrier coral reef system, and other outstanding nat-
2 ural features.

3 (2) BOUNDARIES.—The historic site consists of
4 the approximately 2,900 acres of land extending
5 from Lowrys Hill and Laprey Valley to the Carib-
6 bean Sea and from Manchenil Bay to Great Pond,
7 along with associated submerged lands to the three-
8 mile territorial limit, as generally depicted on the
9 map titled “Castle Nugent National Historic Site
10 Proposed Boundary Map”, numbered T22/100,447,
11 and dated October 2009.

12 (3) MAP AVAILABILITY.—The map referred to
13 in paragraph (2) shall be on file and available for
14 public inspection in the appropriate offices of the
15 National Park Service, Department of the Interior.

16 (4) ACQUISITION OF LAND.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), the Secretary is authorized
19 to acquire lands and interests in lands within
20 the boundaries of the historic site by donation,
21 purchase with donated funds, or exchange.

22 (B) U.S. VIRGIN ISLAND LANDS.—The
23 Secretary is authorized to acquire lands and in-
24 terests in lands owned by the U.S. Virgin Is-

1 lands or any political subdivision thereof only
2 by donation or exchange.

3 (c) ADMINISTRATION.—

4 (1) IN GENERAL.—The Secretary shall admin-
5 ister the historic site in accordance with this Act
6 and with laws generally applicable to units of the
7 National Park System, including—

8 (A) the National Park Service Organic Act
9 (39 Stat. 535; 16 U.S.C. 1 et seq.); and

10 (B) the Act of August 21, 1935 (49 Stat.
11 666; 16 U.S.C. 461 et seq.).

12 (2) SHARED RESOURCES.—To the greatest ex-
13 tent practicable, the Secretary shall use the re-
14 sources of other sites administered by the National
15 Park Service or other Federal assets on the Island
16 of St. Croix to administer the historic site.

17 (3) CONTINUED USE.—In order to maintain an
18 important feature of the cultural landscape of the
19 historic site, the Secretary may lease to the Univer-
20 sity of the Virgin Islands certain lands within the
21 boundary of the historic site for the purpose of con-
22 tinuing the university's operation breeding Senepol
23 cattle, a breed developed on St. Croix. A lease under
24 this subsection shall contain such terms and condi-
25 tions as the Secretary considers appropriate, includ-

1 ing those necessary to protect the values of the his-
2 toric site.

3 (4) MANAGEMENT PLAN.—Not later than three
4 years after funds are made available for this sub-
5 section, the Secretary shall prepare a general man-
6 agement plan for the historic site.

7 **SEC. 11. ST. CROIX NATIONAL HERITAGE AREA.**

8 (a) DEFINITIONS.—In this section:

9 (1) HERITAGE AREA.—The term “Heritage
10 Area” means the St. Croix National Heritage Area
11 established by subsection (b)(1).

12 (2) LOCAL COORDINATING ENTITY.—The term
13 “local coordinating entity” means the local coordi-
14 nating entity for the Heritage Area designated by
15 subsection (b)(4).

16 (3) MANAGEMENT PLAN.—The term “manage-
17 ment plan” means the management plan for the
18 Heritage Area required under subsection (d).

19 (4) MAP.—The term “map” means the map en-
20 titled “Proposed St. Croix National Heritage Area”
21 and dated [_____].

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (6) STATE.—The term “State” means St.
25 Croix, U.S. Virgin Islands.

1 (b) ST. CROIX NATIONAL HERITAGE AREA.—

2 (1) ESTABLISHMENT.—There is established in
3 the State the St. Croix National Heritage Area.

4 (2) CONCEPTUAL BOUNDARIES.—The Heritage
5 Area shall consist of the entire island.

6 (3) MAP.—A map of the Heritage Area shall
7 be—

8 (A) included in the management plan; and

9 (B) on file and available for public inspec-
10 tion in the appropriate offices of the National
11 Park Service.

12 (4) LOCAL COORDINATING ENTITY.—

13 (A) IN GENERAL.—The local coordinating
14 entity for the Heritage Area shall be known as
15 St. Croix United for Community, Culture, Envi-
16 ronment, and Economic Development (SUC-
17 CEED) Inc.

18 (B) MEMBERSHIP REQUIREMENTS.—Mem-
19 bership in SUCCEED, Inc. shall be open to a
20 broad cross-section of public, private, and non-
21 governmental sectors including businesses, indi-
22 viduals, agencies, and organizations that were
23 involved in the planning and development of the
24 Heritage Area prior to the enactment of this
25 Act.

1 (c) ADMINISTRATION.—

2 (1) AUTHORITIES.—For purposes of carrying
3 out the management plan, the Secretary, acting
4 through the local coordinating entity, may use
5 amounts made available under this section to—

6 (A) make grants to the State or a political
7 subdivision of the State, nonprofit organiza-
8 tions, and other persons;

9 (B) enter into cooperative agreements
10 with, or provide technical assistance to, the
11 State or a political subdivision of the State,
12 nonprofit organizations, and other interested
13 parties;

14 (C) hire and compensate staff, which shall
15 include individuals with expertise in natural,
16 cultural, and historical resources protection,
17 and heritage programming;

18 (D) obtain money or services from any
19 source including any that are provided under
20 any other Federal law or program;

21 (E) contract for goods or services; and

22 (F) undertake to be a catalyst for any
23 other activity that furthers the Heritage Area
24 and is consistent with the approved manage-
25 ment plan.

1 (2) DUTIES.—The local coordinating entity
2 shall—

3 (A) in accordance with subsection (d), pre-
4 pare and submit a management plan for the
5 Heritage Area to the Secretary;

6 (B) assist units of local government, re-
7 gional planning organizations, and nonprofit or-
8 ganizations in carrying out the approved man-
9 agement plan by—

10 (i) carrying out programs and projects
11 that recognize, protect, and enhance im-
12 portant resource values in the Heritage
13 Area;

14 (ii) establishing and maintaining in-
15 terpretive exhibits and programs in the
16 Heritage Area;

17 (iii) developing recreational and edu-
18 cational opportunities in the Heritage
19 Area;

20 (iv) increasing public awareness of,
21 and appreciation for, natural, historical,
22 scenic, and cultural resources of the Herit-
23 age Area;

24 (v) protecting and restoring historic
25 sites and buildings in the Heritage Area

1 that are consistent with Heritage Area
2 themes;

3 (vi) ensuring that clear, consistent,
4 and appropriate signs identifying points of
5 public access, and sites of interest are
6 posted throughout the Heritage Area; and

7 (vii) promoting a wide range of part-
8 nerships among governments, organiza-
9 tions, and individuals to further the Herit-
10 age Area;

11 (C) consider the interests of diverse units
12 of government, businesses, organizations, and
13 individuals in the Heritage Area in the prepara-
14 tion and implementation of the management
15 plan;

16 (D) conduct meetings open to the public at
17 least semiannually regarding the development
18 and implementation of the management plan;

19 (E) for any year that Federal funds have
20 been received under this section—

21 (i) submit an annual report to the
22 Secretary that describes the activities, ex-
23 penses, and income of the local coordi-
24 nating entity (including grants to any

1 other entities during the year that the re-
2 port is made);

3 (ii) make available to the Secretary
4 for audit all records relating to the expend-
5 iture of the funds and any matching funds;
6 and

7 (iii) require, with respect to all agree-
8 ments authorizing expenditure of Federal
9 funds by other organizations, that the or-
10 ganizations receiving the funds make avail-
11 able to the Secretary for audit all records
12 concerning the expenditure of the funds;
13 and

14 (F) encourage by appropriate means eco-
15 nomic viability that is consistent with the Herit-
16 age Area.

17 (3) PROHIBITION ON THE ACQUISITION OF
18 REAL PROPERTY.—The local coordinating entity
19 shall not use Federal funds to acquire real property
20 or any interest in real property.

21 (d) MANAGEMENT PLAN.—

22 (1) IN GENERAL.—Not later than 3 years after
23 the date of enactment of this Act, the local coordi-
24 nating entity shall submit to the Secretary for ap-

1 proval a proposed management plan for the Heritage
2 Area.

3 (2) REQUIREMENTS.—The management plan
4 shall—

5 (A) incorporate an integrated and coopera-
6 tive approach for the protection, enhancement,
7 and interpretation of the natural, cultural, his-
8 toric, scenic, and recreational resources of the
9 Heritage Area;

10 (B) take into consideration State and local
11 plans;

12 (C) include—

13 (i) an inventory of—

14 (I) the resources located in the
15 core area described in subsection
16 (b)(2); and

17 (II) any other property in the
18 core area that—

19 (aa) is related to the themes
20 of the Heritage Area; and

21 (bb) should be preserved, re-
22 stored, managed, or maintained
23 because of the significance of the
24 property;

1 (ii) describe comprehensive policies,
2 goals, strategies and recommendations for
3 telling the story of the heritage of the area
4 covered by the designation and encour-
5 aging long-term resource protection, en-
6 hancement, interpretation, funding, man-
7 agement, and development;

8 (iii) a description of actions that gov-
9 ernments, private organizations, and indi-
10 viduals have agreed to take to protect the
11 natural, historical and cultural resources of
12 the Heritage Area;

13 (iv) a program of implementation for
14 the management plan by the local coordi-
15 nating entity that includes a description
16 of—

17 (I) actions to facilitate ongoing
18 collaboration among partners to pro-
19 mote plans for resource protection,
20 restoration, and construction; and

21 (II) specific commitments for im-
22 plementation that have been made by
23 the local coordinating entity or any
24 government, organization, or indi-

1 vidual for the first 5 years of oper-
2 ation;

3 (v) the identification of sources of
4 funding for carrying out the management
5 plan;

6 (vi) analysis and recommendations for
7 means by which local, State, and Federal
8 programs, may best be coordinated to
9 carry out this section; and

10 (vii) a business plan that describes the
11 role, operation, financing, and functions of
12 the local coordinating entity and of each of
13 the major activities contained in the man-
14 agement plan and provides adequate assur-
15 ances that the local coordinating entity has
16 the partnerships and financial and other
17 resources necessary to implement the man-
18 agement plan for the National Heritage
19 Area; and

20 (D) recommend policies and strategies for
21 resource management that consider and detail
22 the application of appropriate land and water
23 management techniques, including the develop-
24 ment of intergovernmental and interagency co-
25 operative agreements to protect the natural,

1 historical, cultural, educational, scenic, and rec-
2 reational resources of the Heritage Area.

3 (3) DEADLINE.—If a proposed management
4 plan is not submitted to the Secretary by the date
5 that is 3 years after the date of enactment of this
6 Act, the local coordinating entity shall be ineligible
7 to receive additional funding under this section until
8 the date that the Secretary receives and approves
9 the management plan.

10 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
11 MENT PLAN.—

12 (A) IN GENERAL.—Not later than 180
13 days after the date of receipt of the manage-
14 ment plan under paragraph (1), the Secretary,
15 in consultation with the State, shall approve or
16 disapprove the management plan.

17 (B) CRITERIA FOR APPROVAL.—In deter-
18 mining whether to approve the management
19 plan, the Secretary shall consider whether—

20 (i) the local coordinating entity is rep-
21 resentative of the diverse interests of the
22 Heritage Area, including governments, nat-
23 ural and historic resource protection orga-
24 nizations, educational institutions, busi-
25 nesses, and recreational organizations;

1 (ii) the local coordinating entity has
2 afforded adequate opportunity, including
3 public hearings, for public and govern-
4 mental involvement in the preparation of
5 the management plan; and

6 (iii) the resource protection and inter-
7 pretation strategies contained in the man-
8 agement plan, if implemented, would ade-
9 quately protect the natural, historical, and
10 cultural resources of the Heritage Area.

11 (C) ACTION FOLLOWING DISAPPROVAL.—If
12 the Secretary disapproves the management plan
13 under subparagraph (A), the Secretary shall—

14 (i) advise the local coordinating entity
15 in writing of the reasons for the dis-
16 approval;

17 (ii) make recommendations for revi-
18 sions to the management plan; and

19 (iii) not later than 180 days after the
20 receipt of any proposed revision of the
21 management plan from the local coordi-
22 nating entity, approve or disapprove the
23 proposed revision.

24 (D) AMENDMENTS.—

1 (i) IN GENERAL.—The Secretary shall
2 approve or disapprove each amendment to
3 the management plan that the Secretary
4 determines make a substantial change to
5 the management plan.

6 (ii) USE OF FUNDS.—The local co-
7 ordinating entity shall not use Federal
8 funds authorized by this section to carry
9 out any amendments to the management
10 plan until the Secretary has approved the
11 amendments.

12 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
13 CIES.—

14 (1) IN GENERAL.—Nothing in this section af-
15 fects the authority of a Federal agency to provide
16 technical or financial assistance under any other law.

17 (2) CONSULTATION AND COORDINATION.—The
18 head of any Federal agency planning to conduct ac-
19 tivities that may have an impact on the Heritage
20 Area is encouraged to consult and coordinate the ac-
21 tivities with the Secretary and the local coordinating
22 entity to the maximum extent practicable.

23 (3) OTHER FEDERAL AGENCIES.—Nothing in
24 this section—

1 (A) modifies, alters, or amends any law or
2 regulation authorizing a Federal agency to
3 manage Federal land under the jurisdiction of
4 the Federal agency;

5 (B) limits the discretion of a Federal land
6 manager to implement an approved land use
7 plan within the boundaries of the Heritage
8 Area; or

9 (C) modifies, alters, or amends any author-
10 ized use of Federal land under the jurisdiction
11 of a Federal agency.

12 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any property owner
15 (whether public or private), including the right to re-
16 frain from participating in any plan, project, pro-
17 gram, or activity conducted within the Heritage
18 Area;

19 (2) requires any property owner to permit pub-
20 lic access (including access by Federal, State, or
21 local agencies) to the property of the property
22 owner, or to modify public access or use of property
23 of the property owner under any other Federal,
24 State, or local law;

1 (3) alters any duly adopted land use regulation,
2 approved land use plan, or other regulatory author-
3 ity of any Federal, State, or local agency, or conveys
4 any land use or other regulatory authority to the
5 local coordinating entity;

6 (4) authorizes or implies the reservation or ap-
7 propriation of water or water rights;

8 (5) diminishes the authority of the State to
9 manage fish and wildlife, including the regulation of
10 fishing and hunting within the Heritage Area; or

11 (6) creates any liability, or affects any liability
12 under any other law, of any private property owner
13 with respect to any person injured on the private
14 property.

15 (g) EVALUATION; REPORT.—

16 (1) IN GENERAL.—Not later than 3 years be-
17 fore the date on which authority for Federal funding
18 terminates for the Heritage Area, the Secretary
19 shall—

20 (A) conduct an evaluation of the accom-
21 plishments of the Heritage Area; and

22 (B) prepare a report in accordance with
23 paragraph (3).

24 (2) EVALUATION.—An evaluation conducted
25 under paragraph (1)(A) shall—

1 (A) assess the progress of the local coordi-
2 nating entity with respect to—

3 (i) accomplishing the purposes of this
4 section for the Heritage Area; and

5 (ii) achieving the goals and objectives
6 of the approved management plan for the
7 Heritage Area;

8 (B) analyze the Federal, State, local, and
9 private investments in the Heritage Area to de-
10 termine the leverage and impact of the invest-
11 ments; and

12 (C) review the management structure,
13 partnership relationships, and funding of the
14 Heritage Area for purposes of identifying the
15 critical components for sustainability of the
16 Heritage Area.

17 (3) REPORT.—

18 (A) IN GENERAL.—Based on the evalua-
19 tion conducted under paragraph (1)(A), the
20 Secretary shall prepare a report that includes
21 recommendations for the future role of the Na-
22 tional Park Service, if any, with respect to the
23 Heritage Area.

24 (B) REQUIRED ANALYSIS.—If the report
25 prepared under subparagraph (A) recommends

1 that Federal funding for the Heritage Area be
2 reauthorized, the report shall include an anal-
3 ysis of—

4 (i) ways in which Federal funding for
5 the Heritage Area may be reduced or
6 eliminated; and

7 (ii) the appropriate time period nec-
8 essary to achieve the recommended reduc-
9 tion or elimination.

10 (C) SUBMISSION TO CONGRESS.—On com-
11 pletion of the report, the Secretary shall submit
12 the report to—

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

15 (ii) the Committee on Natural Re-
16 sources of the House of Representatives.

17 (h) TERMINATION OF AUTHORITY.—The authority of
18 the Secretary to provide assistance under this section ter-
19 minates on the date that is 15 years after the date of en-
20 actment of this Act.

21 **SEC. 12. GUAM WAR CLAIMS REVIEW COMMISSION.**

22 (a) RECOGNITION OF THE SUFFERING AND LOYALTY
23 OF THE RESIDENTS OF GUAM.—

24 (1) RECOGNITION OF THE SUFFERING OF THE
25 RESIDENTS OF GUAM.—The United States recog-

1 nizes that, as described by the Guam War Claims
2 Review Commission, the residents of Guam, on ac-
3 count of their United States nationality, suffered un-
4 speakable harm as a result of the occupation of
5 Guam by Imperial Japanese military forces during
6 World War II, by being subjected to death, rape, se-
7 vere personal injury, personal injury, forced labor,
8 forced march, or internment.

9 (2) RECOGNITION OF THE LOYALTY OF THE
10 RESIDENTS OF GUAM.—The United States forever
11 will be grateful to the residents of Guam for their
12 steadfast loyalty to the United States, as dem-
13 onstrated by the countless acts of courage they per-
14 formed despite the threat of death or great bodily
15 harm they faced at the hands of the Imperial Japa-
16 nese military forces that occupied Guam during
17 World War II.

18 (b) GUAM WORLD WAR II CLAIMS FUND.—

19 (1) ESTABLISHMENT OF FUND.—The Secretary
20 of the Treasury shall establish in the Treasury of
21 the United States a special fund (in this Act re-
22 ferred to as the “Claims Fund”) for the payment of
23 claims submitted by compensable Guam victims and
24 survivors of compensable Guam decedents in accord-
25 ance with subsections (c) and (d).

1 (2) COMPOSITION OF FUND.—The Claims Fund
2 established under paragraph (1) shall be composed
3 of amounts deposited into the Claims Fund under
4 paragraph (3) and any other amounts made avail-
5 able for the payment of claims under this Act.

6 (3) PAYMENT OF CERTAIN DUTIES, TAXES, AND
7 FEES COLLECTED FROM GUAM DEPOSITED INTO
8 FUND.—

9 (A) IN GENERAL.—Notwithstanding sec-
10 tion 30 of the Organic Act of Guam (48 U.S.C.
11 1421h), the excess of—

12 (i) any amount of duties, taxes, and
13 fees collected under such subsection after
14 fiscal year 2012, over

15 (ii) the amount of duties, taxes, and
16 fees collected under such subsection during
17 fiscal year 2012,

18 shall be deposited into the Claims Fund.

19 (B) APPLICATION.—Subparagraph (A)
20 shall not apply after the date for which the Sec-
21 retary of the Treasury determines that all pay-
22 ments required to be made under subsection (c)
23 have been made.

24 (4) LIMITATION ON PAYMENTS MADE FROM
25 FUND.—

1 (A) IN GENERAL.—No payment may be
2 made in a fiscal year under subsection (c) until
3 funds are deposited into the Claims Fund in
4 such fiscal year under paragraph (3).

5 (B) AMOUNTS.—For each fiscal year in
6 which funds are deposited into the Claims Fund
7 under paragraph (3), the total amount of pay-
8 ments made in a fiscal year under subsection
9 (c) may not exceed the amount of funds avail-
10 able in the Claims Fund for such fiscal year.

11 (5) DEDUCTIONS FROM FUND FOR ADMINIS-
12 TRATIVE EXPENSES.—The Secretary of the Treasury
13 shall deduct from any amounts deposited into the
14 Claims Fund an amount equal to 5 per cent of such
15 amounts as reimbursement to the Federal Govern-
16 ment for expenses incurred by the Foreign Claims
17 Settlement Commission and by the Department of
18 the Treasury in the administration of this Act. The
19 amounts so deducted shall be covered into the
20 Treasury as miscellaneous receipts.

21 (c) PAYMENTS FOR GUAM WORLD WAR II CLAIMS.—

22 (1) PAYMENTS FOR DEATH, PERSONAL INJURY,
23 FORCED LABOR, FORCED MARCH, AND INTERN-
24 MENT.—After the Secretary of the Treasury receives
25 the certification from the Chairman of the Foreign

1 Claims Settlement Commission as required under
2 subsection (d)(2)(H), the Secretary of the Treasury
3 shall make payments to compensable Guam victims
4 and survivors of a compensable Guam decedents as
5 follows:

6 (A) COMPENSABLE GUAM VICTIM.—Before
7 making any payments under subparagraph (B),
8 the Secretary shall make payments to compen-
9 sable Guam victims as follows:

10 (i) In the case of a victim who has
11 suffered an injury described in paragraph
12 (3)(B)(i), \$15,000.

13 (ii) In the case of a victim who is not
14 described in clause (i), but who has suf-
15 fered an injury described in paragraph
16 (3)(B)(ii), \$12,000.

17 (iii) In the case of a victim who is not
18 described in clause (i) or (ii), but who has
19 suffered an injury described in paragraph
20 (3)(B)(iii), \$10,000.

21 (B) SURVIVORS OF COMPENSABLE GUAM
22 DECEDENTS.—In the case of a compensable
23 Guam decedent, the Secretary shall pay
24 \$25,000 for distribution to survivors of the de-
25 cedent in accordance with paragraph (2). The

1 Secretary shall make payments under this para-
2 graph only after all payments are made under
3 subparagraph (A).

4 (2) DISTRIBUTION OF SURVIVOR PAYMENTS.—

5 A payment made under paragraph (1)(B) to the sur-
6 vivors of a compensable Guam decedent shall be dis-
7 tributed as follows:

8 (A) In the case of a decedent whose spouse
9 is living as of the date of the enactment of this
10 Act, but who had no living children as of such
11 date, the payment shall be made to such
12 spouse.

13 (B) In the case of a decedent whose spouse
14 is living as of the date of the enactment of this
15 Act and who had one or more living children as
16 of such date, 50 percent of the payment shall
17 be made to the spouse and 50 percent shall be
18 made to such children, to be divided among
19 such children to the greatest extent possible
20 into equal shares.

21 (C) In the case of a decedent whose spouse
22 is not living as of the date of the enactment of
23 this Act and who had one or more living chil-
24 dren as of such date, the payment shall be
25 made to such children, to be divided among

1 such children to the greatest extent possible
2 into equal shares.

3 (D) In the case of a decedent whose spouse
4 is not living as of the date of the enactment of
5 this Act and who had no living children as of
6 such date, but who—

7 (i) had a parent who is living as of
8 such date, the payment shall be made to
9 the parent; or

10 (ii) had two parents who are living as
11 of such date, the payment shall be divided
12 equally between the parents.

13 (E) In the case of a decedent whose spouse
14 is not living as of the date of the enactment of
15 this Act, who had no living children as of such
16 date, and who had no parents who are living as
17 of such date, no payment shall be made.

18 (3) DEFINITIONS.—For purposes of this Act:

19 (A) COMPENSABLE GUAM DECEDENT.—
20 The term “compensable Guam decedent” means
21 an individual determined under subsection (d)
22 to have been a resident of Guam who died as
23 a result of the attack and occupation of Guam
24 by Imperial Japanese military forces during
25 World War II, or incident to the liberation of

1 Guam by United States military forces, and
2 whose death would have been compensable
3 under the Guam Meritorious Claims Act of
4 1945 (Public Law 79–224) if a timely claim
5 had been filed under the terms of such Act.

6 (B) COMPENSABLE GUAM VICTIM.—The
7 term “compensable Guam victim” means an in-
8 dividual who is not deceased as of the date of
9 the enactment of this Act and who is deter-
10 mined under subsection (d) to have suffered, as
11 a result of the attack and occupation of Guam
12 by Imperial Japanese military forces during
13 World War II, or incident to the liberation of
14 Guam by United States military forces, any of
15 the following:

16 (i) Rape or severe personal injury
17 (such as loss of a limb, dismemberment, or
18 paralysis).

19 (ii) Forced labor or a personal injury
20 not under subparagraph (A) (such as dis-
21 figurement, scarring, or burns).

22 (iii) Forced march, internment, or
23 hiding to evade internment.

24 (C) DEFINITIONS OF SEVERE PERSONAL
25 INJURIES AND PERSONAL INJURIES.—Not later

1 than 180 days after the date of the enactment
2 of this Act, the Foreign Claims Settlement
3 Commission shall promulgate regulations to
4 specify the injuries that constitute a severe per-
5 sonal injury or a personal injury for purposes of
6 subparagraphs (A) and (B), respectively, of
7 paragraph (2).

8 (d) ADJUDICATION.—

9 (1) AUTHORITY OF FOREIGN CLAIMS SETTLE-
10 MENT COMMISSION.—

11 (A) IN GENERAL.—The Foreign Claims
12 Settlement Commission shall adjudicate claims
13 and determine the eligibility of individuals for
14 payments under subsection (c).

15 (B) RULES AND REGULATIONS.—Not later
16 than 180 days after the date of the enactment
17 of this Act, the Chairman of the Foreign
18 Claims Settlement Commission shall publish in
19 the Federal Register such rules and regulations
20 as may be necessary to enable the Commission
21 to carry out the functions of the Commission
22 under this Act.

23 (2) CLAIMS SUBMITTED FOR PAYMENTS.—

24 (A) SUBMITTAL OF CLAIM.—For purposes
25 of paragraph (1)(A) and subject to subpara-

1 graph (B), the Foreign Claims Settlement Com-
2 mission may not determine an individual is eli-
3 gible for a payment under subsection (c) unless
4 the individual submits to the Commission a
5 claim in such manner and form and containing
6 such information as the Commission specifies.

7 (B) FILING PERIOD FOR CLAIMS AND NO-
8 TICE.—

9 (i) FILING PERIOD.—An individual fil-
10 ing a claim for a payment under subsection
11 (c) shall file such claim not later than one
12 year after the date on which the Foreign
13 Claims Settlement Commission publishes
14 the notice described in clause (ii).

15 (ii) NOTICE OF FILING PERIOD.—Not
16 later than 180 days after the date of the
17 enactment of this Act, the Foreign Claims
18 Settlement Commission shall publish a no-
19 tice of the deadline for filing a claim de-
20 scribed in clause (i)—

21 (I) in the Federal Register; and

22 (II) in newspaper, radio, and tel-
23 evision media in Guam.

1 (C) ADJUDICATORY DECISIONS.—The deci-
2 sion of the Foreign Claims Settlement Commis-
3 sion on each claim filed under this Act shall—

4 (i) be by majority vote;

5 (ii) be in writing;

6 (iii) state the reasons for the approval
7 or denial of the claim; and

8 (iv) if approved, state the amount of
9 the payment awarded and the distribution,
10 if any, to be made of the payment.

11 (D) DEDUCTIONS IN PAYMENT.—The For-
12 eign Claims Settlement Commission shall de-
13 duct, from a payment made to a compensable
14 Guam victim or survivors of a compensable
15 Guam decedent under this subsection, amounts
16 paid to such victim or survivors under the
17 Guam Meritorious Claims Act of 1945 (Public
18 Law 79–224) before the date of the enactment
19 of this Act.

20 (E) INTEREST.—No interest shall be paid
21 on payments made by the Foreign Claims Set-
22 tlement Commission under subsection (c).

23 (F) LIMITED COMPENSATION FOR PROVI-
24 SION OF REPRESENTATIONAL SERVICES.—

1 (i) LIMIT ON COMPENSATION.—Any
2 agreement under which an individual who
3 provided representational services to an in-
4 dividual who filed a claim for a payment
5 under this Act that provides for compensa-
6 tion to the individual who provided such
7 services in an amount that is more than
8 one percent of the total amount of such
9 payment shall be unlawful and void.

10 (ii) PENALTIES.—Whoever demands
11 or receives any compensation in excess of
12 the amount allowed under subparagraph
13 (A) shall be fined not more than \$5,000 or
14 imprisoned not more than one year, or
15 both.

16 (G) APPEALS AND FINALITY.—Objections
17 and appeals of decisions of the Foreign Claims
18 Settlement Commission shall be to the Commis-
19 sion, and upon rehearing, the decision in each
20 claim shall be final, and not subject to further
21 review by any court or agency.

22 (H) CERTIFICATIONS FOR PAYMENT.—
23 After a decision approving a claim becomes
24 final, the Chairman of the Foreign Claims Set-
25 tlement Commission shall certify such decision

1 to the Secretary of the Treasury for authoriza-
2 tion of a payment under subsection (c).

3 (I) TREATMENT OF AFFIDAVITS.—For
4 purposes of subsection (c) and subject to sub-
5 paragraph (B), the Foreign Claims Settlement
6 Commission shall treat a claim that is accom-
7 panied by an affidavit of an individual that at-
8 tests to all of the material facts required for es-
9 tablishing the eligibility of such individual for
10 payment under such subsection as establishing
11 a prima facie case of the eligibility of the indi-
12 vidual for such payment without the need for
13 further documentation, except as the Commis-
14 sion may otherwise require. Such material facts
15 shall include, with respect to a claim for a pay-
16 ment made under subsection (c)(1), a detailed
17 description of the injury or other circumstance
18 supporting the claim involved, including the
19 level of payment sought.

20 (J) RELEASE OF RELATED CLAIMS.—Ac-
21 ceptance of a payment under subsection (c) by
22 an individual for a claim related to a compen-
23 sable Guam decedent or a compensable Guam
24 victim shall be in full satisfaction of all claims
25 related to such decedent or victim, respectively,

1 arising under the Guam Meritorious Claims Act
2 of 1945 (Public Law 79–224), the imple-
3 menting regulations issued by the United States
4 Navy pursuant to such Act (Public Law 79–
5 224), or this Act.

6 **SEC. 13. USE OF CERTAIN EXPENDITURES AS IN-KIND CON-**
7 **TRIBUTIONS.**

8 (a) IN GENERAL.—Except as provided under sub-
9 section (c), local matching requirements required of an af-
10 fected jurisdiction for Federal programs may be paid in
11 cash or in-kind services provided by the affected jurisdic-
12 tion pursuant to the following:

13 (1) Section 311 of the Compact of Free Asso-
14 ciation between the Government of the United
15 States and the Government of the Federated States
16 of Micronesia, approved in the Compact of Free As-
17 sociation Amendments Act of 2003 (Public Law
18 108–188; 117 Stat. 2781).

19 (2) Section 311 of the Compact of Free Asso-
20 ciation between the Government of the United
21 States and the Government of the Republic of the
22 Marshall Islands, approved in the Compact of Free
23 Association Amendments Act of 2003 (Public Law
24 108–188; 117 Stat. 2781).

1 (3) The Compact of Free Association between
2 the Government of the United States and the Gov-
3 ernment of the Republic of Palau, approved in the
4 Palau Compact of Free Association Act (Public Law
5 99–658; 100 Stat. 3672).

6 (b) DETERMINATION OF AMOUNTS TO BE CONSID-
7 ERED IN-KIND CONTRIBUTIONS.—The Secretary of the
8 Interior shall determine the amounts that may be consid-
9 ered in-kind contributions for an affected jurisdiction
10 under this section based on a reasonable estimate of the
11 amount of impact expenditures for the Freely Associated
12 States.

13 (c) COMPETITIVE GRANTS.—Local matching require-
14 ments required of an affected jurisdiction for Federal com-
15 petitive grant programs may not be paid with in-kind serv-
16 ices under this section.

17 (d) AFFECTED JURISDICTIONS.—The term “affected
18 jurisdiction” shall have the meaning given that term in
19 section 104(e) of Public Law 108–188 (117 Stat. 2739).

20 **SEC. 14. IMPROVEMENTS IN HUD ASSISTED PROGRAMS.**

21 Section 214(a)(7) of the Housing and Community
22 Development Act of 1980 (42 U.S.C. 1436a(a)(7)) is
23 amended by striking “such alien” and all that follows
24 through the period at the end and inserting “any citizen
25 or national of the United States shall be entitled to a pref-

1 erence or priority in receiving assistance before any such
 2 alien who is otherwise eligible for such assistance.”.

3 **SEC. 15. BENEFIT TO COST RATIO STUDY FOR PROJECTS IN**
 4 **AMERICAN SAMOA.**

5 (a) STUDY.—The Comptroller General of the United
 6 States shall conduct a study regarding the use of benefit-
 7 to-cost ratio formulas by Federal departments and agen-
 8 cies for purposes of evaluating projects in American
 9 Samoa.

10 (b) CONTENTS.—In conducting the study, the Comp-
 11 troller General shall—

12 (1) assess whether the benefit-to-cost ratio for-
 13 mulas described in subsection (a) take into consider-
 14 ation—

15 (A) the remote locations in, and the cost of
 16 transportation to and from, American Samoa;
 17 and

18 (B) other significant factors that are not
 19 comparable to locations within the 48 contig-
 20 uous States; and

21 (2) assess, in particular, the use of benefit-to-
 22 cost ratio formulas by—

23 (A) the Secretary of Transportation with
 24 respect to airport traffic control tower pro-
 25 grams; and

1 (B) the Secretary of the Army, acting
2 through the Corps of Engineers, with respect to
3 a harbor project or other water resources devel-
4 opment project.

5 (3) REPORT TO CONGRESS.—Not later than 1
6 year after the date of enactment of this Act, the
7 Comptroller General shall submit to Congress a re-
8 port on the results of the study.

9 **SEC. 16. WAIVER OF LOCAL MATCHING REQUIREMENTS.**

10 (a) WAIVER OF CERTAIN MATCHING REQUIRE-
11 MENTS.—Section 501 of the Act entitled “An Act to au-
12 thorize certain appropriations for the territories of the
13 United States, to amend certain Acts relating thereto, and
14 for other purposes”, approved October 15, 1977 (48
15 U.S.C. 1469a; 91 Stat. 1164) is amended—

16 (1) in the last sentence of subsection (d), by
17 striking “by law”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(e) Notwithstanding any other provision of law, in
21 the case of American Samoa, Guam, the Virgin Islands,
22 and the Northern Mariana Islands, each department or
23 agency of the United States shall waive any requirement
24 for local matching funds (including in-kind contributions)

1 that the insular area would otherwise be required to pro-
2 vide for any non-competitive grant as follows:

3 “(1) For a grant requiring matching funds (in-
4 cluding in-kind contributions) of \$500,000 or less,
5 the entire matching requirement shall be waived.

6 “(2) For a grant requiring matching funds (in-
7 cluding in-kind contributions) of more than
8 \$500,000, \$500,000 of the matching requirement
9 shall be waived.”.

10 (b) CONFORMING AMENDMENT.—Section 601 of the
11 Act entitled “An Act to authorize appropriations for cer-
12 tain insular areas of the United States, and for other pur-
13 poses”, approved March 12, 1980 (48 U.S.C. 1469a note;
14 94 Stat. 90), is amended by striking “, and adding the
15 following sentence” and all that follows through “Is-
16 lands’.”.

17 **SEC. 17. FISHERY ENDORSEMENTS.**

18 Section 12113 of title 46, United States Code, is
19 amended by adding at the end the following:

20 “(j) CERTAIN EXEMPTION.—Paragraph (3) of sub-
21 section (a) shall not apply to any vessel—

22 “(1) the catch of which, pursuant to the fishery
23 endorsement, is offloaded and processed in American
24 Samoa; and

1 “(2) that was rebuilt outside of the United
2 States before January 1, 2011.”.

3 **SEC. 18. EFFECTS OF MINIMUM WAGE DIFFERENTIALS IN**
4 **AMERICAN SAMOA.**

5 Section 8104 of the Fair Minimum Wage Act of 2007
6 (29 U.S.C. 206 note) is amended by adding at the end
7 the following:

8 “(c) EFFECTS OF MINIMUM WAGE DIFFERENTIALS
9 IN AMERICAN SAMOA.—The reports required under this
10 section shall include an analysis of the economic effects
11 on employees and employers of the differentials in min-
12 imum wage rates among industries and classifications in
13 American Samoa under section 697 of title 29, Code of
14 Federal Regulations, including the potential effects of
15 eliminating such differentials prior to the time when such
16 rates are scheduled to be equal to the minimum wage set
17 forth in section 6(a)(1) of the Fair Labor Standards Act
18 (29 U.S.C. 206(a)(1)).”.

19 **SEC. 19. AMERICAN SAMOA CITIZENSHIP PLEBISCITE ACT.**

20 (a) SHORT TITLE.—This section may be cited as the
21 “American Samoa Citizenship Plebiscite Act”.

22 (b) FINDINGS AND PURPOSE.—

23 (1) FINDINGS.—Congress finds the following:

24 (A) Under the Immigration and Nation-
25 ality Act, persons born in Puerto Rico, Guam,

1 the United States Virgin Islands, and the Com-
2 monwealth of the Northern Mariana Islands are
3 citizens of the United States at birth. Persons
4 born in the United States territory of American
5 Samoa are nationals of the United States, but
6 not citizens, at birth.

7 (B) The term “national of the United
8 States” is defined under the Immigration and
9 Nationality Act to include persons who, though
10 not citizens of the United States, owe perma-
11 nent allegiance to the United States.

12 (C) For more than 100 years, American
13 Samoans who are United States nationals have
14 demonstrated their loyalty and allegiance to the
15 United States. On April 17, 1900, the village
16 chiefs of Tutuila and Aunu’u ceded their is-
17 lands to the United States. On July 16, 1904,
18 his Majesty King Tuimanu’a of the Manu’a Is-
19 lands and his village chiefs did the same. On
20 February 20, 1929, the United States Congress
21 officially ratified the Treaty of Cession of
22 Tutuila and Aunu’u and the Treaty of Cession
23 of Manu’a. On March 4, 1925, by Joint Resolu-
24 tion of the United States Congress, American
25 sovereignty was officially extended over Swains

1 Island and it was placed under the jurisdiction
2 of the government of American Samoa.

3 (D) Since ratification of the Treaties of
4 Cession, many American Samoans who are
5 United States nationals have joined the United
6 States Armed Forces and fought for the United
7 States during World War II, the Korean, Viet-
8 nam, and Persian Gulf wars, and most recently
9 in Iraq and Afghanistan.

10 (E) It is the responsibility of the Secretary
11 of Interior to advance the economic, social and
12 political development of the territories of the
13 United States.

14 (2) PURPOSE.—The purpose of this section is
15 to provide for a federally authorized vote in Amer-
16 ican Samoa on the question of citizenship and if a
17 majority of voters vote for citizenship, to describe
18 the steps that the President and Congress shall take
19 to enable American Samoans to be granted citizen-
20 ship.

21 (c) CITIZENSHIP VOTE.—The Secretary of Interior
22 shall direct the American Samoa Election Office to con-
23 duct a plebiscite on the issue of whether persons born in
24 American Samoa desire United States citizenship.

25 “As United States Citizens:

1 “(A) Individuals born in American Samoa
2 would be United States citizens by Federal law.

3 “(B) All persons living in American Samoa
4 who are United States nationals will become
5 United States citizens. Persons born in Amer-
6 ican Samoa will no longer be United States na-
7 tionals.

8 Do you want persons born in American Samoa to
9 become United States citizens? Yes ____ No ____?”.

10 **SEC. 20. ELIGIBILITY FOR MARINE TURTLE CONSERVATION**

11 **ASSISTANCE.**

12 The Marine Turtle Conservation Act of 2004 is
13 amended—

14 (1) in each of sections 2(b) and 3(2) (16 U.S.C.
15 6601(b), 6602(2)), by inserting “and territories of
16 the United States” after “foreign countries” each
17 place it appears;

18 (2) in section 3 (16 U.S.C. 6602), by adding at
19 the end the following:

20 “(7) TERRITORY OF THE UNITED STATES.—

21 The term ‘territory of the United States’ means each
22 of the several States of the United States, Puerto
23 Rico, the Virgin Islands, Guam, American Samoa,
24 the Commonwealth of the Northern Mariana Is-

1 lands, and any other territory or possession of the
2 United States.”; and

3 (3) in section 4(b)(1)(A) (16 U.S.C.
4 6603(b)(1)(A)), by inserting “or territory of the
5 United States” after “foreign country”.

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