

In the House of Representatives, U. S.,

December 6, 2006.

Resolved, That the bill from the Senate (S. 1829) entitled “An Act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 TITLE I—SACRAMENTO-SAN ***2 JOAQUIN DELTA***

3 SEC. 101. CALIFORNIA DELTA SUBVENTION.

4 (a) AUTHORITY.—The Secretary of the Interior, acting
5 through the Commissioner of Reclamation, shall deposit
6 within 30 days of receipt, all funds under this title into
7 the Fund established by Cal. Water Code section 12300(a),
8 to be used for project reimbursement under Cal. Water Code
9 section 12300(b)(1), as in effect before July 1, 2006.

10 (b) ADMINISTRATIVE COSTS.—The Bureau of Rec-
11 lamation may use not more than 1 percent of appropriated
12 funds to cover administrative and overhead costs.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There are
14 authorized to carry out this section \$10,000,000 for each

1 *of fiscal years 2007 through 2012. Any amounts expended*
 2 *under this subsection shall be considered to be nonreimburs-*
 3 *able Federal expenditures.*

4 ***TITLE II—NATIONAL HISTORIC***
 5 ***PRESERVATION ACT AMEND-***
 6 ***MENTS***

7 ***SEC. 201. SHORT TITLE.***

8 *This title may be cited as the “National Historic Pres-*
 9 *ervation Act Amendments of 2006”.*

10 ***SEC. 202. HISTORIC PRESERVATION OFFICER RESPONSIBIL-***
 11 ***ITIES.***

12 *Section 101(b) of the National Historic Preservation*
 13 *Act (16 U.S.C. 470a(b)) is amended by adding at the end*
 14 *the following:*

15 *“(7) The State Historic Preservation Officer*
 16 *shall have no authority to require an applicant for*
 17 *Federal assistance, permit, or license to identify his-*
 18 *toric properties outside the undertaking’s area of po-*
 19 *tential effects as determined by the Federal agency in*
 20 *accordance with the regulations implementing section*
 21 *106.*

22 *“(8) If the State Historic Preservation Officer,*
 23 *Tribal representative, or Tribal Historic Preservation*
 24 *Officer fails to respond within 30 days after an ade-*
 25 *quately documented finding of ‘no historic properties*

1 *affected’ or ‘no adverse effect’ as provided in the regu-*
 2 *lations implementing section 106, the Federal agency*
 3 *may assume that the State Historic Preservation Of-*
 4 *ficer or Tribal Historic Preservation Officer has no*
 5 *objection to the finding.”.*

6 **SEC. 203. ADDITIONAL CRITERIA FOR CERTIFICATION OF**
 7 **LOCAL GOVERNMENTS TO CARRY OUT NA-**
 8 **TIONAL HISTORIC PRESERVATION ACT.**

9 *Section 101(c)(1) of the National Historic Preserva-*
 10 *tion Act (16 U.S.C. 470a(c)(1)) is amended—*

11 *(1) by striking “and” at the end of subpara-*
 12 *graph (D);*

13 *(2) by redesignating subparagraph (E) as sub-*
 14 *paragraph (F);*

15 *(3) by inserting after subparagraph (D) the fol-*
 16 *lowing new subparagraph:*

17 *“(E) agrees that it shall not use any eligi-*
 18 *bility determination regarding the inclusion of*
 19 *any property or District on the National Reg-*
 20 *ister to initiate local regulatory requirements*
 21 *unless the entity provides full due process protec-*
 22 *tion to the owner or owners of the property or*
 23 *District through a hearing process; and”;* and

24 *(4) in the matter below the subparagraphs, by*
 25 *striking “through (E)” and inserting “through (F)”.*

1 **SEC. 204. HISTORIC PRESERVATION FUND.**

2 *Section 108 of the National Historic Preservation Act*
 3 *(16 U.S.C. 470h) is amended by striking “2005” and insert-*
 4 *ing “2015”.*

5 **SEC. 205. ADVISORY COUNCIL ON HISTORIC PRESERVA-**
 6 **TION.**

7 *(a) MEMBERSHIP.—Section 201 of the National His-*
 8 *toric Preservation Act (16 U.S.C. 470i) is amended—*

9 *(1) in subsection (a)(4), by striking “four” and*
 10 *inserting “seven”;*

11 *(2) in subsection (b), by striking “(5) and (6)”*
 12 *and inserting “paragraph (6)”;* and

13 *(3) in subsection (f), by striking “Nine” and in-*
 14 *serting “Eleven”.*

15 *(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—Sec-*
 16 *tion 205(f) of such Act (16 U.S.C. 470m(f)) is amended to*
 17 *read as follows:*

18 *“(f) Financial and administrative services (including*
 19 *those related to budgeting, accounting, financial reporting,*
 20 *personnel and procurement) shall be provided the Council*
 21 *by the Department of the Interior or, at the discretion of*
 22 *the Council, such other agency or private entity that reaches*
 23 *an agreement with the Council, for which payments shall*
 24 *be made in advance or by reimbursement from funds of the*
 25 *Council in such amounts as may be agreed upon by the*
 26 *Chairman of the Council and the head of the agency or,*

1 *in the case of a private entity, the authorized representative*
 2 *of the private entity that will provide the services. When*
 3 *a Federal agency affords such services, the regulations of*
 4 *that agency for the collection of indebtedness of personnel*
 5 *resulting from erroneous payments, prescribed under sec-*
 6 *tion 5514(b) of title 5, United States Code, shall apply to*
 7 *the collection of erroneous payments made to or on behalf*
 8 *of a Council employee, and regulations of that agency for*
 9 *the administrative control of funds under sections 1513(d)*
 10 *and 1514 of title 31, United States Code, shall apply to*
 11 *appropriations of the Council. The Council shall not be re-*
 12 *quired to prescribe such regulations.”.*

13 *(c) AUTHORIZATION OF APPROPRIATIONS.—Section*
 14 *212(a) of the Act (16 U.S.C. 470t(a)) is amended by strik-*
 15 *ing “for purposes of this title not to exceed \$4,000,000 for*
 16 *each fiscal year 1997 through 2005” and inserting “such*
 17 *amounts as may be necessary to carry out this title”.*

18 **SEC. 206. EFFECTIVENESS OF FEDERAL GRANT AND ASSIST-**
 19 **ANCE PROGRAMS IN MEETING PURPOSES**
 20 **AND POLICIES OF THE NATIONAL HISTORIC**
 21 **PRESERVATION ACT.**

22 *The National Historic Preservation Act is amended by*
 23 *inserting after section 215 (16 U.S.C. 470v–1) the following*
 24 *new section:*

1 **“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND AS-**
2 **SISTANCE PROGRAMS.**

3 “(a) *COOPERATIVE AGREEMENTS.*—*The Council may*
4 *enter into a cooperative agreement with any Federal agency*
5 *that administers a grant or assistance program for the pur-*
6 *pose of improving the effectiveness of the administration of*
7 *such program in meeting the purposes and policies of this*
8 *Act. Such cooperative agreements may include provisions*
9 *that modify the selection criteria for a grant or assistance*
10 *program to further the purposes of this Act or that allow*
11 *the Council to participate in the selection of recipients, if*
12 *such provisions are not inconsistent with the statutory au-*
13 *thorization and purpose of the grant or assistance program.*

14 “(b) *REVIEW OF GRANT AND ASSISTANCE PRO-*
15 *GRAMS.*—*The council may—*

16 “(1) *review the operation of any Federal grant*
17 *or assistance program to evaluate the effectiveness of*
18 *such program in meeting the purposes and policies of*
19 *this Act;*

20 “(2) *make recommendations to the head of the*
21 *Federal agency that administers such program to fur-*
22 *ther the consistency of the program with the purposes*
23 *and policies of this Act and to improve its effective-*
24 *ness in carrying out those purposes and policies; and*

25 “(3) *make recommendations to the President and*
26 *the Congress regarding the effectiveness of Federal*

1 *grant and assistance programs in meeting the pur-*
 2 *poses and policies of this Act, including recommenda-*
 3 *tions with regard to appropriate funding levels.”.*

4 ***TITLE III—REPEAL OF CERTAIN***
 5 ***LAWS PERTAINING TO THE***
 6 ***VIRGIN ISLANDS***

7 ***SEC. 301. REPEAL OF CERTAIN LAWS PERTAINING TO THE***
 8 ***VIRGIN ISLANDS.***

9 (a) *REPEAL.*—Sections 1 through 6 of the Act of May
 10 26, 1936 (Chapter 450; 49 Stat. 1372–1373; 48 U.S.C.
 11 1401–1401e), are repealed.

12 (b) *EFFECTIVE DATE.*—This section shall be deemed
 13 to have taken effect on July 22, 1954.

14 ***TITLE IV—NATIONAL PARK SYS-***
 15 ***TEM SPECIAL RESOURCE***
 16 ***STUDY, NEWTONIA CIVIL WAR***
 17 ***BATTLEFIELDS, MISSOURI***

18 ***SEC. 401. NATIONAL PARK SYSTEM SPECIAL RESOURCE***
 19 ***STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS,***
 20 ***MISSOURI.***

21 (a) *SPECIAL RESOURCE STUDY.*—The Secretary of the
 22 Interior shall conduct a special resource study relating to
 23 the First Battle of Newtonia in Newton County, Missouri,
 24 which occurred on September 30, 1862, and the Second Bat-
 25 tle of Newtonia, which occurred on October 28, 1864, during

1 *the Missouri Expedition of Confederate General Sterling*
 2 *Price in September and October 1864.*

3 (b) CONTENTS.—*In conducting the study under sub-*
 4 *section (a), the Secretary shall—*

5 (1) *evaluate the national significance of the*
 6 *Newtonia battlefields and their related sites;*

7 (2) *consider the findings and recommendations*
 8 *contained in the document entitled “Vision Plan for*
 9 *Newtonia Battlefield Preservation” and dated June*
 10 *2004, which was prepared by the Newtonia Battle-*
 11 *fields Protection Association;*

12 (3) *evaluate the suitability and feasibility of*
 13 *adding the battlefields and related sites as part of*
 14 *Wilson’s Creek National Battlefield or designating the*
 15 *battlefields and related sites as a unit of the National*
 16 *Park System;*

17 (4) *analyze the potential impact that the inclu-*
 18 *sion of the battlefields and related sites as part of*
 19 *Wilson’s Creek National Battlefield or their designa-*
 20 *tion as a unit of the National Park System is likely*
 21 *to have on land within or bordering the battlefields*
 22 *and related sites that is privately owned at the time*
 23 *of the study is conducted;*

24 (5) *consider alternatives for preservation, protec-*
 25 *tion, and interpretation of the battlefields and related*

1 *sites by the National Park Service, other Federal,*
2 *State, or local governmental entities, or private and*
3 *nonprofit organizations; and*

4 *(6) identify cost estimates for any necessary ac-*
5 *quisition, development, interpretation, operation, and*
6 *maintenance associated with the alternatives referred*
7 *to in paragraph (5).*

8 *(c) CRITERIA.—The criteria for the study of areas for*
9 *potential inclusion in the National Park System contained*
10 *in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall*
11 *apply to the study under subsection (a).*

12 *(d) TRANSMISSION TO CONGRESS.—Not later than*
13 *three years after the date on which funds are first made*
14 *available for the study under subsection (a), the Secretary*
15 *shall submit to the Committee on Resources of the House*
16 *of Representatives and the Committee on Energy and Nat-*
17 *ural Resources of the Senate a report containing—*

18 *(1) the results of the study; and*

19 *(2) any conclusions and recommendations of the*
20 *Secretary.*

Amend the title so as to read “An Act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, and for other purposes.”.

Attest:

Clerk.

109TH CONGRESS
2^D SESSION

S. 1829

AMENDMENTS