

PUBLIC LAW 110-229—MAY 8, 2008

CONSOLIDATED NATURAL  
RESOURCES ACT OF 2008

Public Law 110–229  
110th Congress

An Act

May 8, 2008

[S. 2739]

Consolidated  
Natural  
Resources Act  
of 2008.  
16 USC 1 note.

To authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

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

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

Sec. 1. Short title; table of contents.

**TITLE I—FOREST SERVICE AUTHORIZATIONS**

Sec. 101. Wild Sky Wilderness.

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**

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Sec. 312. Lowell National Historical Park boundary adjustment.

Sec. 313. Minidoka National Historic Site.

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**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. Sense of Congress regarding the designation of the Museum of the American Quilter's Society of the United States.
- Sec. 336. Sense of Congress regarding the designation of the National Museum of Wildlife Art of the United States.
- Sec. 337. 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.
- 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.
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- Sec. 443. Designation of Abraham Lincoln National Heritage Area.
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## 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.
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## 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.
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- Sec. 711. Delegate to House of Representatives from Commonwealth of the Northern Mariana Islands.
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- Sec. 714. Determination of election procedure.
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- Sec. 716. Lack of effect on covenant.
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- 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.
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## TITLE I—FOREST SERVICE AUTHORIZATIONS

### SEC. 101. WILD SKY WILDERNESS.

Washington.

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

16 USC 1132  
note.

(1) ADDITIONS.—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled “Wild Sky Wilderness Proposal” and dated February 6, 2007, which shall be known as the “Wild Sky Wilderness”.

(2) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this section with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The map and description shall have the same force and effect as if included in this section, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

#### (b) ADMINISTRATION PROVISIONS.—

##### (1) IN GENERAL.—

(A) Subject to valid existing rights, lands designated as wilderness by this section shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that, with respect to any wilderness areas designated by this section, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(B) To fulfill the purposes of this section and the Wilderness Act and to achieve administrative efficiencies, the Secretary of Agriculture may manage the area designated by this section as a comprehensive part of the larger complex of adjacent and nearby wilderness areas.

##### (2) NEW TRAILS.—

(A) The Secretary of Agriculture shall consult with interested parties and shall establish a trail plan for Forest Service lands in order to develop—

Plan.

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

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

Deadline.  
Reports.

(B) Within 2 years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the trail plan required under this section. This report shall include the identification of priority trails for development.

Communications  
and tele-  
communications.

(3) REPEATER SITE.—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a joint Forest Service and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communications for safety, health, and emergency services.

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

(5) EVERGREEN MOUNTAIN LOOKOUT.—The designation under this section shall not preclude the operation and maintenance of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of such lookout was occurring as of the date of enactment of this Act.

(c) AUTHORIZATION FOR LAND ACQUISITION.—

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

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

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

(d) LAND EXCHANGES.—The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled “Chelan County Public Utility District Exchange” and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

Deadline.

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

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of the date of enactment of this Act, to maintain an existing telemetry site to monitor snow

pack on 1.82 acres on the Wenatchee National Forest in the State of Washington.

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

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a telemetry site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

Notification.

**SEC. 102. DESIGNATION OF NATIONAL RECREATIONAL TRAIL, WILLAMETTE NATIONAL FOREST, OREGON, IN HONOR OF JIM WEAVER, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.**

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

(b) **INTERPRETIVE SIGN.**—Using funds available for the Forest Service, the Secretary of Agriculture shall prepare, install, and maintain an appropriate sign at the trailhead of the Jim Weaver Loop Trail to indicate the name of the trail and to provide information regarding the life and career of Congressman Jim Weaver.

## **TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS**

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

California.  
43 USC 1786.

(a) **DEFINITIONS.**—In this section:

(1) **LIGHT STATION.**—The term “Light Station” means Piedras Blancas Light Station.

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

(3) **PUBLIC LANDS.**—The term “public lands” has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(e)).

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

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

(1) The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations.

(2) The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine

habitat that provides critical information to research institutions throughout the world.

(3) The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities.

(4) The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes.

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

(6) The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.

(7) Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management.

(8) Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States.

(c) DESIGNATION OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Piedras Blancas Light Station, in San Luis Obispo County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Piedras Blancas Historic Light Station Outstanding Natural Area.

(2) MAPS AND LEGAL DESCRIPTIONS.—The boundaries of the Outstanding Natural Area as those shown on the map entitled "Piedras Blancas Historic Light Station: Outstanding Natural Area", dated May 5, 2004, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

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

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



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

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

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(d) MANAGEMENT OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, including an emphasis on preserving and restoring the Light Station facilities, consistent with the requirements of subsection (c)(3).

(2) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in subsection (c)(1).

(3) MANAGEMENT PLAN.—Not later than 3 years after of the date of enactment of this Act, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in subsection (c)(1). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and the contents shall include—

Deadline.

(A) provisions designed to ensure the protection of the resources and values described in subsection (c)(1);

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

(C) an implementation plan for a continuing program of interpretation and public education about the Light Station and its importance to the surrounding community;

(D) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in paragraph (1) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and

(E) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(4) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with the local communities and the Hearst San

Simeon State Historical Monument, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(5) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in subsection (c)(1) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(6) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

- (A) donation;
- (B) exchange with a willing party; or
- (C) purchase from a willing seller.

(7) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

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

(A) restrict or preclude overflights, including low level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

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

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

(9) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(10) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this subsection, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural

and religious activities in such areas by the Indian tribe or Indian religious community. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996 et seq.; commonly referred to as the “American Indian Religious Freedom Act”).

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

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 202. JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.**

Florida.  
43 USC 1787.

(a) DEFINITIONS.—In this section:

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

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

(3) LOCAL PARTNERS.—The term “Local Partners” includes—

- (A) Palm Beach County, Florida;
- (B) the Town of Jupiter, Florida;
- (C) the Village of Tequesta, Florida; and
- (D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan developed under subsection (c)(1).

(5) MAP.—The term “map” means the map entitled “Jupiter Inlet Lighthouse Outstanding Natural Area” and dated October 29, 2007.

(6) OUTSTANDING NATURAL AREA.—The term “Outstanding Natural Area” means the Jupiter Inlet Lighthouse Outstanding Natural Area established by subsection (b)(1).

(7) PUBLIC LAND.—The term “public land” has the meaning given the term “public lands” in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

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

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

(b) ESTABLISHMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in paragraph (2) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(2) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land

surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(A) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(B) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(4) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights, subsection (e), and any existing withdrawals under the Executive orders and public land order described in subparagraph (B), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

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

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

(iii) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(B) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in subparagraph (A) are—

(i) the Executive Order dated October 22, 1854;

(ii) Executive Order No. 4254 (June 12, 1925);

and

(iii) Public Land Order No. 7202 (61 Fed. Reg. 29758).

(c) MANAGEMENT PLAN.—

Deadline.

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

(A) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(B) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(2) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(A) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, and other partners; and

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

(3) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

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

(A) objectives and provisions to ensure—

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

(ii) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

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

(C) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(D) a proposal for administrative and public facilities to be developed or improved that—

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

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

(E) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(F) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(5) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

(d) MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) MANAGEMENT.—

(A) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

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

(ii) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems; and

(iii) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws.

(B) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(2) USES.—Subject to valid existing rights and subsection (e), the Secretary shall only allow uses of the Outstanding

Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further the purposes for which the Outstanding Natural Area is established.

(3) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary may, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area.

(4) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in subsection (b)(2).

(5) ACQUISITION OF LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

- (i) adjacent to the Outstanding Natural Area; and
- (ii) identified in the management plan as appropriate for acquisition.

(B) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under subparagraph (A) only by donation, exchange, or purchase from a willing seller with donated or appropriated funds.

(C) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under subparagraph (A) shall be added to, and administered as part of, the Outstanding Natural Area.

(6) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(A) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(B) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

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

(7) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding

Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

(e) EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

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

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

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

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 203. NEVADA NATIONAL GUARD LAND CONVEYANCE, CLARK COUNTY, NEVADA.**

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

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

## TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

### Subtitle A—Cooperative Agreements

16 USC 1j.

#### SEC. 301. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources and—

(1) provide for—

(A) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(B) preventing, controlling, or eradicating invasive exotic species that are within a unit of the National Park System or adjacent to a unit of the National Park System; or

(C) restoration of natural resources, including native wildlife habitat or ecosystems;

(2) include a statement of purpose demonstrating how the agreement will—

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

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

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

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

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

(c) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary



for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

## Subtitle B—Boundary Adjustments and Authorizations

### SEC. 311. CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT. 16 USC 461 note.

(a) DEFINITIONS.—In this section:

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

(2) MAP.—The term “map” means the map entitled “Sandburg Center Alternative” numbered 445/80,017 and dated April 2007.

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

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

(c) VISITOR CENTER.—To preserve the historic character and landscape of the site, the Secretary may also acquire up to five acres for the development of a visitor center and visitor parking area adjacent to or in the general vicinity of the Historic Site.

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

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

(f) ADMINISTRATION.—Land added to the Historic Site by this section shall be administered as part of the Historic Site in accordance with applicable laws and regulations.

### SEC. 312. LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT. Massachusetts.

The Act entitled “An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes” approved June 5, 1978 (Public Law 95–290; 92 Stat. 290; 16 U.S.C. 410cc et seq.) is amended as follows:

(1) In section 101(a), by adding a new paragraph after paragraph (2) as follows: 16 USC 410cc–11.

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

(2) In section 202(a)(2), by adding at the end the following new subparagraph: 16 USC 410cc–22.

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

- “(i) 91 Pevey Street.
- “(ii) The portion of 607 Middlesex Place.
- “(iii) Eagle Court.
- “(iv) The portion of 50 Payne Street.
- “(v) 726 Broadway.”.

Idaho.  
Washington.  
16 USC 431 note,  
461 note.

### SEC. 313. MINIDOKA NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

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

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

(b) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Minidoka Internment National Monument, located in the State and established by Presidential Proclamation 7395 of January 17, 2001, is adjusted to include the Nidoto Nai Yoni (“Let it not happen again”) memorial (referred to in this subsection as the “memorial”), which—

(i) commemorates the Japanese Americans of Bainbridge Island, Washington, who were the first to be forcibly removed from their homes and relocated to internment camps during World War II under Executive Order No. 9066; and

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

(B) MAP.—The map referred to in subparagraph (A) shall be kept on file and made available for public inspection in the appropriate offices of the National Park Service.

(2) ADMINISTRATION OF MEMORIAL.—

(A) IN GENERAL.—The memorial shall be administered as part of the Minidoka Internment National Monument.

(B) AGREEMENTS.—To carry out this subsection, the Secretary may enter into agreements with—

(i) the City of Bainbridge Island, Washington;

(ii) the Bainbridge Island Metropolitan Park and Recreational District;

(iii) the Bainbridge Island Japanese American Community Memorial Committee;

(iv) the Bainbridge Island Historical Society; and

(v) other appropriate individuals or entities.

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

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

(ii) enter into cooperative agreements with, or make grants to, the City of Bainbridge Island, Washington, and other non-Federal entities for the development of facilities, infrastructure, and interpretive media at the memorial, if any Federal funds provided

by a grant or through a cooperative agreement are matched with non-Federal funds.

(D) ADMINISTRATION AND VISITOR USE SITE.—The Secretary may operate and maintain a site in the State of Washington for administrative and visitor use purposes associated with the Minidoka Internment National Monument.

(c) ESTABLISHMENT OF MINIDOKA NATIONAL HISTORIC SITE.—

(1) DEFINITIONS.—In this section:

(A) HISTORIC SITE.—The term “Historic Site” means the Minidoka National Historic Site established by paragraph (2)(A).

(B) MINIDOKA MAP.—The term “Minidoka Map” means the map entitled “Minidoka National Historic Site, Proposed Boundary Map”, numbered 194/80,004, and dated December 2006.

(2) ESTABLISHMENT.—

(A) NATIONAL HISTORIC SITE.—In order to protect, preserve, and interpret the resources associated with the former Minidoka Relocation Center where Japanese Americans were incarcerated during World War II, there is established the Minidoka National Historic Site.

(B) MINIDOKA INTERNMENT NATIONAL MONUMENT.—

(i) IN GENERAL.—The Minidoka Internment National Monument (referred to in this subsection as the “Monument”), as described in Presidential Proclamation 7395 of January 17, 2001, is abolished.

Abolished.

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

(iii) FUNDS.—Any funds available for purposes of the Monument shall be available for the Historic Site.

(C) REFERENCES.—Any reference in a law (other than in this title), map, regulation, document, record, or other paper of the United States to the “Minidoka Internment National Monument” shall be considered to be a reference to the “Minidoka National Historic Site”.

(3) BOUNDARY OF HISTORIC SITE.—

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

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

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

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

(4) LAND TRANSFERS AND ACQUISITION.—

(A) TRANSFER FROM BUREAU OF RECLAMATION.—Administrative jurisdiction over the land identified on the Minidoka Map as “BOR parcel 1” and “BOR parcel 2”, including any improvements on, and appurtenances to, the parcels, is transferred from the Bureau of Reclamation to the National Park Service for inclusion in the Historic Site.

(B) TRANSFER FROM BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the land identified on the

Minidoka Map as “Public Domain Lands” is transferred from the Bureau of Land Management to the National Park Service for inclusion in the Historic Site, and the portions of any prior Secretarial orders withdrawing the land are revoked.

(C) ACQUISITION AUTHORITY.—The Secretary may acquire any land or interest in land located within the boundary of the Historic Site, as depicted on the Minidoka Map, by—

- (i) donation;
- (ii) purchase with donated or appropriated funds from a willing seller; or
- (iii) exchange.

(5) ADMINISTRATION.—

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

- (i) this Act; and
- (ii) laws (including regulations) generally applicable to units of the National Park System, including—

(I) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

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

(B) INTERPRETATION AND EDUCATION.—

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

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

(II) the living conditions of the relocation centers;

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

(IV) the contributions to the United States military made by Japanese Americans who had been interned.

(ii) ORAL HISTORIES.—To the extent feasible, the collection of oral histories and testimonials from Japanese Americans who were confined shall be a part of the interpretive program at the Historic Site.

(iii) COORDINATION.—The Secretary shall coordinate the development of interpretive and educational materials and programs for the Historic Site with the Manzanar National Historic Site in the State of California.

(C) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—The Bainbridge Island Japanese American Memorial shall be administered in accordance with subsection (b)(2).

(D) CONTINUED AGRICULTURAL USE.—In keeping with the historical use of the land following the decommission of the Minidoka Relocation Center, the Secretary may issue a special use permit or enter into a lease to allow agricultural uses within the Historic Site under appropriate terms and conditions, as determined by the Secretary.

(6) DISCLAIMER OF INTEREST IN LAND.—

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

(i) in the final order of condemnation, for the case numbered 2479, filed on January 31, 1947, in the District Court of the United States, in and for the District of Idaho, Southern Division; and

(ii) on the Minidoka Map.

(B) PROCESS.—The Secretary shall issue the document of disclaimer of interest in land under subsection (a) in accordance with section 315(b) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745(b)).

(C) EFFECT.—The issuance by the Secretary of the document of disclaimer of interest in land under subsection (a) shall have the same effect as a quit-claim deed issued by the United States.

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

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term “Agreement” means Agreement No. 5-07-10-L1688 between the United States and the District, entitled “Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2”.

(B) DISTRICT.—The term “District” means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, of the State.

(2) AUTHORITY TO CONVEY TITLE.—

(A) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(i) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(ii) to the city of Gooding, located in Gooding County, of the State, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(iii) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(B) COMPLIANCE WITH AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(3) COMPLIANCE WITH OTHER LAWS.—

(A) IN GENERAL.—On conveyance of the land and improvements under paragraph (2)(A)(i), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(B) APPLICABLE AUTHORITY.—Nothing in this subsection modifies or otherwise affects the applicability of

Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) to project water provided to the District.

(4) REVOCATION OF WITHDRAWALS.—

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

(B) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subparagraph (A) subject to valid existing rights.

(5) LIABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), upon completion of a conveyance under paragraph (2), the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(B) EXCEPTION.—Subparagraph (A) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

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

(6) FUTURE BENEFITS.—

(A) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under paragraph (2)(A)(i), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(B) ELIGIBILITY FOR FEDERAL FUNDING.—

(i) IN GENERAL.—Except as provided in clause (ii), the District shall not be eligible to receive Federal funding to assist in any activity described in subparagraph (A) relating to land and improvements transferred under paragraph (2)(A)(i).

(ii) EXCEPTION.—Clause (i) shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

(7) NATIONAL ENVIRONMENTAL POLICY ACT.—Before completing any conveyance under this subsection, the Secretary shall complete all actions required under—

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

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

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(D) all other applicable laws (including regulations).

(8) PAYMENT.—

(A) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under paragraph (2)(A)(i), the District shall pay the fair market value for the withdrawn lands to be acquired by the District, in accordance with the terms of the Agreement.

(B) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka National Historic Site, the Secretary, acting through the Commissioner of Reclamation, shall provide to the District a grant in the amount of \$52,996, in accordance with the terms of the Agreement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

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

(a) EXTENSION OF LAND CONVEYANCE AUTHORITY.—Section 102(d) of Public Law 99-420 (16 U.S.C. 341 note) is amended by striking paragraph (2) and inserting the following:

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

(b) EXTENSION OF ACADIA NATIONAL PARK ADVISORY COMMISSION.—

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

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 25, 2006. 16 USC 341 note.

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

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

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

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

“(a) IN GENERAL.—The Secretary may provide assistance in the planning, construction, and operation of an intermodal transportation center located outside of the boundary of the Park in the town of Trenton, Maine to improve the management, interpretation, and visitor enjoyment of the Park.

“(b) AGREEMENTS.—To carry out subsection (a), in administering the intermodal transportation center, the Secretary may enter into interagency agreements with other Federal agencies, and, notwithstanding chapter 63 of title 31, United States Code, cooperative agreements, under appropriate terms and conditions, with State and local agencies, and nonprofit organizations—

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

“(2) to conduct activities that facilitate the dissemination of information relating to the Park and the Island Explorer transit system or any successor transit system;

“(3) to provide financial assistance for the construction of the intermodal transportation center in exchange for space in the center that is sufficient to interpret the Park; and

“(4) to assist with the operation and maintenance of the intermodal transportation center.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary not more than 40 percent of the total cost necessary to carry out this section (including planning, design and construction of the intermodal transportation center).

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

## Subtitle C—Studies

### SEC. 321. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

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

(2) consider the findings and recommendations contained in the document entitled “Vision Plan for Newtonia Battlefield Preservation” and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

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

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson’s Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;



(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

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

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

Deadline.  
Reports.

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

**SEC. 322. NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM.**

Missouri.  
Illinois.

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

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

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

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

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

(5) In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise \$1,000,000 to construct a memorial building and general improvement of the plaza area and the construction of Soldiers' Memorial began on October 21, 1935.

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

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

(b) **STUDY.**—The Secretary of the Interior shall carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum, located at 1315 Chestnut, St. Louis, Missouri, as a unit of the National Park System.

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

Applicability.

(d) **REPORT.**—The Secretary shall submit a report describing the results the study required by this section to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

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

Arkansas.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of the Wolf House located on Highway 5 in Norfolk, Arkansas, to determine—

(1) the suitability and feasibility of designating the Wolf House as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Wolf House by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

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

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Texas.

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

(a) **DEFINITIONS.**—In this section:

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

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) **STUDY OF SUITABILITY AND FEASIBILITY OF ESTABLISHING MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.**—

Deadline.

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available, the Secretary shall conduct a special resource study to determine the feasibility and suitability of establishing a memorial as a unit or units of the National Park System to the Space Shuttle Columbia on land in the State of Texas described in paragraph (2) on which large debris from the Shuttle was recovered.

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

(A) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

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

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

(D) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(3) **ADDITIONAL SITES.**—The Secretary may recommend to Congress additional sites in the State of Texas relating to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

Arizona.  
California.  
Deadline.

**SEC. 325. CÉSAR E. CHÁVEZ STUDY.**

(a) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the “Secretary”)

shall complete a special resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

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

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

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

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

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union; and

(C) State and local historical associations and societies, including any State historic preservation offices in the State in which the site is located.

(c) REPORT.—On completion of the study, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### **SEC. 326. TAUNTON, MASSACHUSETTS, SPECIAL RESOURCE STUDY.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the appropriate State historic preservation officers, State historical societies, the city of Taunton, Massachusetts, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

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

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

(b) **REPORT.**—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study required under subsection (a).

(c) **PRIVATE PROPERTY.**—The recommendations in the report submitted pursuant to subsection (b) shall include discussion and consideration of the concerns expressed by private landowners with respect to designating certain structures referred to in this section as a unit of the National Park System.

California.

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

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

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

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

(b) **DOCUMENTATION.**—In conducting the study authorized under subsection (a), the Secretary shall document—

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

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

(c) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5).

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

(1) the results of the study; and

(2) any recommendations of the Secretary.

## Subtitle D—Memorials, Commissions, and Museums

### SEC. 331. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.

District of  
Columbia.  
40 USC 8903  
note.

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

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

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him". Thus, the legend of the "Swamp Fox" was born.

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

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

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

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. Since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

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

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

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

(d) **USE OF FEDERAL FUNDS PROHIBITED.**—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) **DEPOSIT OF EXCESS FUNDS.**—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) **DEFINITIONS.**—For the purposes of this section, the terms “commemorative work” and “the District of Columbia and its environs” have the meanings given to such terms in section 8902(a) of title 40, United States Code.

40 USC 8903  
note.

16 USC 431 note.

**SEC. 332. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.**

Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1274) is amended—

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

“(j) **POWERS OF THE COMMISSION.**—

“(1) **IN GENERAL.**—

“(A) **POWERS.**—The Commission may—

“(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

“(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;

“(iii) hold hearings and enter into contracts;

“(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

“(v) take such actions as are necessary to carry out this section.

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

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

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

“(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

“(3) FEDERAL COOPERATION.—At the request of the Commission, a Federal department or agency may provide any information or other assistance to the Commission that the head of the Federal department or agency determines to be appropriate.

“(4) POWERS OF MEMBERS AND AGENTS.—

“(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

“(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

“(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

“(ii) perform other duties as designated by the Chairperson of the Commission.

“(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

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

(2) by redesignating subsection (o) as subsection (q); and

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

“(o) STAFF AND SUPPORT SERVICES.—

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

Appointment.

“(2) STAFF.—

“(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS-15 of the General Schedule.

“(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

“(3) STAFF OF FEDERAL AGENCIES.—On request of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

“(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

“(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

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

“(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

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

“(7) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

“(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(C) LIABILITY.—

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

“(ii) EXCEPTION.—Section 4(d) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(d)) shall not apply for purposes of a claim against a volunteer described in subparagraph (A).

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

### SEC. 333. COMMISSION TO STUDY THE POTENTIAL CREATION OF A NATIONAL MUSEUM OF THE AMERICAN LATINO.

(a) ESTABLISHMENT OF COMMISSION.—

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



(2) MEMBERSHIP.—The Commission shall consist of 23 members appointed not later than 6 months after the date of enactment of this Act as follows: Deadline.

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

(B) The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 3 voting members.

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

(3) QUALIFICATIONS.—Members of the Commission shall be chosen from among individuals, or representatives of institutions or entities, who possess either—

(A) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

(i) expertise in museum administration;

(ii) expertise in fundraising for nonprofit or cultural institutions;

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

(iv) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or

(v) extensive experience in public or elected service;

or

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

(b) FUNCTIONS OF THE COMMISSION.—

(1) PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.—The Commission shall submit a report to the President and the Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC (hereafter in this section referred to as the "Museum"). Reports.

(2) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

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

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

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

(C) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the

Commission of Fine Arts, the Department of the Interior and Smithsonian Institution.

(D) Whether the Museum should be located within the Smithsonian Institution.

(E) The governance and organizational structure from which the Museum should operate.

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

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

Recommendations.

(4) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under paragraph (1) and the report submitted under paragraph (3), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

Deadline.

(5) NATIONAL CONFERENCE.—In carrying out its functions under this section, the Commission may convene a national conference on the Museum, comprised of individuals committed to the advancement of American Latino life, art, history, and culture, not later than 18 months after the commission members are selected.

(c) ADMINISTRATIVE PROVISIONS.—

(1) FACILITIES AND SUPPORT OF DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall provide from funds appropriated for this purpose administrative services, facilities, and funds necessary for the performance of the Commission's functions. These funds shall be made available prior to any meetings of the Commission.

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

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

Applicability.

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

(d) DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.—

(1) DEADLINE.—The Commission shall submit final versions of the reports and plans required under subsection (b) not later than 24 months after the date of the Commission's first meeting.

(2) TERMINATION.—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to paragraph (1).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for carrying out the activities of the Commission \$2,100,000 for the first fiscal year beginning after the date of enactment of this Act and \$1,100,000 for the second fiscal year beginning after the date of enactment of this Act.

**SEC. 334. HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION.**

(a) **COORDINATION.**—Each commission established under this section shall coordinate with the other respective commission established under this section to ensure that commemorations of Henry Hudson, Robert Fulton, and Samuel de Champlain are—

- (1) consistent with the plans and programs of the commemorative commissions established by the States of New York and Vermont; and
- (2) well-organized and successful.

(b) **DEFINITIONS.**—In this section:

(1) **CHAMPLAIN COMMEMORATION.**—The term “Champlain commemoration” means the commemoration of the 400th anniversary of the voyage of Samuel de Champlain.

(2) **CHAMPLAIN COMMISSION.**—The term “Champlain Commission” means the Champlain Quadricentennial Commemoration Commission established by subsection (c)(1).

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

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

- (A) the 200th anniversary of the voyage of Robert Fulton in the Clermont; and
- (B) the 400th anniversary of the voyage of Henry Hudson in the Half Moon.

(5) **HUDSON-FULTON COMMISSION.**—The term “Hudson-Fulton Commission” means the Hudson-Fulton 400th Commemoration Commission established by subsection (d)(1).

(6) **LAKE CHAMPLAIN BASIN PROGRAM.**—The term “Lake Champlain Basin Program” means the partnership established by section 120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) between the States of New York and Vermont and Federal agencies to carry out the Lake Champlain management plan entitled, “Opportunities for Action: An Evolving Plan for the Lake Champlain Basin”.

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

(c) **ESTABLISHMENT OF CHAMPLAIN COMMISSION.**—

(1) **IN GENERAL.**—There is established a commission to be known as the “Champlain Quadricentennial Commemoration Commission”.

(2) **MEMBERSHIP.**—

(A) **COMPOSITION.**—The Champlain Commission shall be composed of 10 members, of whom—

- (i) 1 member shall be the Director of the National Park Service (or a designee);
- (ii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

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

(II) residents of Champlain Valley, New York;

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

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

(II) residents of the State of Vermont; and

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

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

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

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Champlain Commission shall be appointed for the life of the Champlain Commission.

(ii) VACANCIES.—A vacancy on the Champlain Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Champlain Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain;

(B) facilitate activities relating to the Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Champlain Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the Lake Champlain Basin Program;

(iv) the National Endowment for the Arts; and

(v) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyage of Samuel de Champlain;

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

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyage of Samuel de Champlain;

(G) ensure that the Champlain 2009 anniversary provides a lasting legacy and a long-term public benefit by assisting in the development of appropriate programs and facilities;

(H) help ensure that the observances of the voyage of Samuel de Champlain are inclusive and appropriately

recognize the experiences and heritage of all people present when Samuel de Champlain arrived in the Champlain Valley; and

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

(d) ESTABLISHMENT OF HUDSON-FULTON COMMISSION.—

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

(2) MEMBERSHIP.—

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

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

(ii) 1 member shall be appointed by the Secretary, after considering the recommendation of the Governor of the State of New York;

(iii) 6 members shall be appointed by the Secretary, after considering the recommendations of the Members of the House of Representatives whose districts encompass the Hudson River Valley;

(iv) 2 members shall be appointed by the Secretary, after considering the recommendations of the Members of the Senate from the State of New York;

(v) 2 members shall be—

(I) appointed by the Secretary; and

(II) individuals who have an interest in, support for, and expertise appropriate with respect to, the Hudson-Fulton commemoration, of whom—

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

(bb) 1 member shall be an individual with expertise in the State of New York, as it relates to the Hudson-Fulton commemoration;

(vi) 1 member shall be the Chairperson of a commemorative commission formed by the State of New York (or the designee of the Chairperson); and

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

(I) considering the recommendation of the Mayor of the city of New York; and

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

(B) TERM; VACANCIES.—

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

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

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

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

(i) the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River; and

(ii) the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis;

(B) facilitate activities relating to the Hudson-Fulton-Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Hudson-Fulton Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the National Park Service, with respect to the Hudson River Valley National Heritage Area;

(iv) the American Heritage Rivers Initiative Inter-agency Committee established by Executive Order 13061, dated September 11, 1997;

(v) the National Endowment for the Humanities;

(vi) the National Endowment for the Arts; and

(vii) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson and Robert Fulton;

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

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson and Robert Fulton;

(G) ensure that the Hudson-Fulton 2009 commemorations provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities; and

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

(e) COMMISSION MEETINGS.—

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

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

(A) at least twice each year; or

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

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

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

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

Deadline.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

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

(f) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

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

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS.—

(A) CHAMPLAIN COMMISSION.—The Champlain Commission may make grants in amounts not to exceed \$20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Champlain commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyage of Samuel de Champlain.

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

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Hudson-Fulton commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Henry Hudson and Robert Fulton.

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

(8) COORDINATION AND CONSULTATION WITH LAKE CHAMPLAIN BASIN PROGRAM.—The Champlain Commission shall

coordinate and consult with the Lake Champlain Basin Program to provide grants and technical assistance under paragraphs (6)(A) and (7) for the development of activities commemorating the voyage of Samuel de Champlain.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

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

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the Executive Director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State of New York or the State of Vermont, as appropriate (including subdivisions of the States); and

(ii) reimburse the State of New York or the State of Vermont for services of detailed personnel.

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

(i) accept the services of personnel detailed from the Lake Champlain Basin Program; and



(ii) reimburse the Lake Champlain Basin Program for services of detailed personnel.

(D) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(6) **VOLUNTEER AND UNCOMPENSATED SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(7) **SUPPORT SERVICES.**—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

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

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

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings and recommendations of the Commission.

(i) **TERMINATION OF COMMISSIONS.**—

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

(2) **TRANSFER OF DOCUMENTS AND MATERIALS.**—Before the date of termination specified in paragraph (1), the Commission shall transfer all of its documents and materials of the Commission to the National Archives or another appropriate Federal entity.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section for each of fiscal years 2008 through 2011—

(A) \$500,000 to the Champlain Commission; and

(B) \$500,000 to the Hudson-Fulton Commission.

(2) **AVAILABILITY.**—Amounts made available under paragraph (1) shall remain available until expended.

**SEC. 335. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE MUSEUM OF THE AMERICAN QUILTER'S SOCIETY OF THE UNITED STATES.**

(a) **FINDINGS.**—Congress finds that—

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

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

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

(4) the Museum, centrally located in Paducah, Kentucky, and open to the public year-round, averages 40,000 visitors per year;

(5) individuals from all 50 States and from more than 25 foreign countries have visited the Museum;

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

(7) many members of the Museum's Friends have supported the Museum annually since the Museum began in 1991;

(8) quilts exhibited in the Museum are representative of the Nation and its cultures thanks to the wide diversity of themes and topics, quilts, and quiltmakers; and

(9) the Museum of the American Quilter's Society has national significance and support.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Museum of the American Quilter's Society, located at 215 Jefferson Street, Paducah, Kentucky, should be designated as the "National Quilt Museum of the United States".

**SEC. 336. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE NATIONAL MUSEUM OF WILDLIFE ART OF THE UNITED STATES.**

(a) FINDINGS.—Congress finds that—

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

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

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

(4) the National Museum of Wildlife Art is the only public museum in the United States with the mission of enriching and inspiring public appreciation and knowledge of fine art, while exploring the relationship between humanity and nature by collecting fine art focused on wildlife;

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

(6) the National Museum of Wildlife Art is accredited with the American Association of Museums, continues to grow in national recognition and importance with members from every State, and has a Board of Trustees and a National Advisory Board composed of major benefactors and leaders in the arts and sciences from throughout the United States;

(7) the permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, and contemporary American artists,

including Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, and Jamie Wyeth;

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

(9) the National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children; and

(10) a great opportunity exists to use the invaluable resources of the National Museum of Wildlife Art to teach the schoolchildren of the United States, through onsite visits, traveling exhibits, classroom curriculum, online distance learning, and other educational initiatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, should be designated as the “National Museum of Wildlife Art of the United States”.

**SEC. 337. REDESIGNATION OF ELLIS ISLAND LIBRARY.**

New York.

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

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ellis Island Library on the third floor of the Ellis Island Immigration Museum referred to in subsection (a) shall be deemed to be a reference to the “Bob Hope Memorial Library”.

## Subtitle E—Trails and Rivers

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

State listing.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(26) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled ‘Star-Spangled Banner National Historic Trail’, numbered T02/80,000, and dated June 2007.

“(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

“(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

“(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

“(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

“(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

“(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

“(i) carrying out preservation and development of the trail; and

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

**SEC. 342. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.**

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

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

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and

Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.

Contracts.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated \$150,000 per year for a period not to exceed 10 years.

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

State listing.

(a) **DEFINITIONS.**—In this section:

(1) **EASTERN LEGACY SITES.**—The term “Eastern Legacy sites” means the sites associated with the preparation or return phases of the Lewis and Clark expedition, commonly known as the “Eastern Legacy”, including sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. This includes the routes followed by Meriwether Lewis and William Clark, whether independently or together.

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

(b) **SPECIAL RESOURCE STUDY.**—

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

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

(B) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) **STUDY REQUIREMENTS.**—

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

(B) **IMPACT ON TOURISM.**—In conducting the study, the Secretary shall analyze the potential impact that the inclusion of the Eastern Legacy sites is likely to have on tourist visitation to the western portion of the trail.

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

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

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

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107-65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

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

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

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

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

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

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the “Eightmile River Watershed Management Plan”), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05-18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

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

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

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

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and  
(4) by adding at the end the following:

“(170) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

“(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

“(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

“(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

“(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

“(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.”.

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the “Eightmile River”) shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

16 USC 1274  
note.

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

16 USC 1274  
note.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

16 USC 1274  
note.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the

16 USC 1274  
note.

National Park System or be subject to regulations which govern the National Park System.

16 USC 1274  
note.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed “villages” and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (b). The authority of the Secretary to acquire lands for the purposes of this section shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

16 USC 1274  
note.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

## Subtitle F—Denali National Park and Alaska Railroad Exchange

16 USC 1132  
note; 45 USC  
1203 note.

### SEC. 351. DENALI NATIONAL PARK AND ALASKA RAILROAD CORPORATION EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) CORPORATION.—The term “Corporation” means the Alaska Railroad Corporation owned by the State of Alaska.

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

(b) EXCHANGE.—

(1) IN GENERAL.—

(A) EASEMENT EXPANDED.—The Secretary is authorized to grant to the Alaska Railroad Corporation an exclusive-use easement on land that is identified by the Secretary within Denali National Park for the purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station.



(B) EASEMENT RELINQUISHED.—In exchange for the easement granted in subparagraph (A), the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.

(2) CONDITIONS OF THE EXCHANGE.—

(A) EQUAL EXCHANGE.—The exchange of easements under this section shall be on an approximately equal-acre basis.

(B) TOTAL ACRES.—The easement granted under paragraph (1)(A) shall not exceed 25 acres.

(C) INTERESTS CONVEYED.—The easement conveyed to the Alaska Railroad Corporation by the Secretary under this section shall be under the same terms as the exclusive use easement granted to the Railroad in Denali National Park in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985-994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The easement relinquished by the Alaska Railroad Corporation to the United States under this section shall, with respect to the portion being exchanged, be the full title and interest received by the Alaska Railroad in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985-994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.).

(D) COSTS.—The Alaska Railroad shall pay all costs associated with the exchange under this section, including the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the costs of any surveys, and other reasonable costs.

(E) LAND TO BE PART OF WILDERNESS.—The land underlying any easement relinquished to the United States under this section that is adjacent to designated wilderness is hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371).

(F) OTHER TERMS AND CONDITIONS.—The Secretary shall require any additional terms and conditions under this section that the Secretary determines to be appropriate to protect the interests of the United States and of Denali National Park.

## **Subtitle G—National Underground Railroad Network to Freedom Amendments**

### **SEC. 361. AUTHORIZING APPROPRIATIONS FOR SPECIFIC PURPOSES.**

(a) IN GENERAL.—The National Underground Railroad Network to Freedom Act of 1998 (16 U.S.C. 4691 et seq.) is amended—

- (1) by striking section 3(d);
- (2) by striking section 4(d); and
- (3) by adding at the end the following:

16 USC 4691-1.

16 USC 4691-2.

16 USC 469l–3.

**“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

“(a) AMOUNTS.—There are authorized to be appropriated to carry out this Act \$2,500,000 for each fiscal year, to be allocated as follows:

“(1) \$2,000,000 is to be used for the purposes of section 3.

“(2) \$500,000 is to be used for the purposes of section 4.

“(b) RESTRICTIONS.—No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this Act.”.

16 USC 469l–1 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the beginning of the fiscal year immediately following the date of the enactment of this Act.

## **Subtitle H—Grand Canyon Subcontractors**

**SEC. 371. DEFINITIONS.**

In this subtitle:

(1) IDIQ.—The term “IDIQ” means an Indefinite Deliver/Indefinite Quantity contract.

(2) PARK.—The term “park” means Grand Canyon National Park.

(3) PGI.—The term “PGI” means Pacific General, Inc.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

**SEC. 372. AUTHORIZATION.**

The Secretary is authorized, subject to the appropriation of such funds as may be necessary, to pay the amount owed to the subcontractors of PGI for work performed at the park under an IDIQ with PGI between fiscal years 2002 and 2003, provided that—

(1) the primary contract between PGI and the National Park Service is terminated;

(2) the amount owed to the subcontractors is verified;

(3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI; and

(4) the subcontractors provide a written statement that payment of the amount verified in paragraph (2) represents payment in full by the United States for all work performed at the park under the IDIQ with PGI between fiscal years 2002 and 2003.

## **TITLE IV—NATIONAL HERITAGE AREAS**

State listing.  
16 USC 461 note.

### **Subtitle A—Journey Through Hallowed Ground National Heritage Area**

**SEC. 401. PURPOSES.**

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study

entitled “The Journey Through Hallowed Ground National Heritage Area Feasibility Study” dated September 2006;

(2) to preserve, support, conserve, and interpret the legacy of the American history created along the National Heritage Area;

(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;

(5) to recognize and interpret the effect of the Civil War on the civilian population of the National Heritage Area during the war and post-war reconstruction period;

(6) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the National Heritage Area; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

#### **SEC. 402. DEFINITIONS.**

In this subtitle—

(1) **NATIONAL HERITAGE AREA.**—The term “National Heritage Area” means the Journey Through Hallowed Ground National Heritage Area established in this subtitle.

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Journey Through Hallowed Ground Partnership, a Virginia non-profit, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

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

#### **SEC. 403. DESIGNATION OF THE JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is hereby established the Journey Through Hallowed Ground National Heritage Area.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and

surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia.

(2) MAP.—The boundaries of the National Heritage Area shall include all of those lands and interests as generally depicted on the map titled “Journey Through Hallowed Ground National Heritage Area”, numbered P90/80,000, and dated October 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

#### SEC. 404. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

Recommendations.

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3). Deadline.

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and

develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

**(4) DISAPPROVAL.—**

(A) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

**(5) AMENDMENTS.—**

(A) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

**(6) AUTHORITIES.—**The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

**SEC. 405. EVALUATION; REPORT.**

(a) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) **EVALUATION.**—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

#### SEC. 406. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the National Heritage Area, the Journey Through Hallowed Ground Partnership, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle; Plan.

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying— Reports.

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

#### SEC. 407. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

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

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

#### SEC. 408. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

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



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

**SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than \$15,000,000 may be appropriated to carry out this subtitle.

(c) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 410. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 411. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

## **Subtitle B—Niagara Falls National Heritage Area**

New York.  
16 USC 461 note.

**SEC. 421. PURPOSES.**

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the National Park Service study report entitled “Niagara National Heritage Area Study” dated 2005;

(2) to preserve, support, conserve, and interpret the natural, scenic, cultural, and historic resources within the National Heritage Area;

(3) to promote heritage, cultural, and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in American history and culture, including Native American, Colonial American, European American, and African American heritage;

(5) to enhance a cooperative management framework to assist State, local, and Tribal governments, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural, and recreational sites in the National Heritage Area;

(6) to conserve and interpret the history of the development of hydroelectric power in the United States and its role in developing the American economy; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National

Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

**SEC. 422. DEFINITIONS.**

In this subtitle:

(1) COMMISSION.—The term “Commission” means the Niagara Falls National Heritage Area Commission established under this subtitle.

(2) GOVERNOR.—The term “Governor” means the Governor of the State of New York.

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the National Heritage Area designated pursuant to this subtitle.

(4) MANAGEMENT PLAN.—The term “management plan” means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(5) NATIONAL HERITAGE AREA.—The term “National Heritage Area” means the Niagara Falls National Heritage Area established in this subtitle.

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

**SEC. 423. DESIGNATION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Niagara Falls National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of the area from the western boundary of the town of Wheatfield, New York, extending to the mouth of the Niagara River on Lake Ontario, including the city of Niagara Falls, New York, the villages of Youngstown and Lewiston, New York, land and water within the boundaries of the Heritage Area in Niagara County, New York, and any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan developed under this subtitle.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled “Niagara Falls National Heritage Area,” and numbered P76/80,000 and dated July, 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

**SEC. 424. MANAGEMENT PLAN.**

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

Recommendations.

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

## Deadline.

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

**SEC. 425. EVALUATION; REPORT.**

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**SEC. 426. LOCAL COORDINATING ENTITY.**

(a) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—

Effective dates.

(1) for the 5-year period beginning on the date of enactment of this subtitle, the Commission; and

(2) on expiration of the 5-year period described in paragraph (1), a private nonprofit or governmental organization designated by the Commission.

(b) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity, shall—

Plan.

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

Reports.

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and

(5) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.

(c) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(d) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

#### **SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.**

(a) **ESTABLISHMENT.**—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.

(b) **MEMBERSHIP.**—The Commission shall be composed of 17 members, of whom—

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

(2) 5 members shall be appointed by the Secretary, after consideration of the recommendation of the Governor, from among individuals with knowledge and experience of—

(A) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or

(B) any successors of the agencies described in subparagraph (A);

(3) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Niagara Falls, New York;

(4) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;

(5) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Lewiston, New York;

(6) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;

(7) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and

(8) 6 members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—

(A) 4 members shall be appointed by the Secretary, after consideration of the recommendation of the 2 members of the Senate from the State; and

(B) 2 members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the National Heritage Area.

(c) TERMS; VACANCIES.—

(1) TERM.—A member of the Commission shall be appointed for a term not to exceed 5 years.

(2) VACANCIES.—

(A) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(B) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) VICE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) QUORUM.—

(1) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.

(2) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(2) NOTICE.—Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the National Heritage Area.

(3) APPLICABLE LAW.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(g) AUTHORITIES OF THE COMMISSION.—In addition to the authorities otherwise granted in this subtitle, the Commission may—

(1) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;

(2) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or nonreimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;

(3) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and

(4) use the United States mails in the same manner as other agencies of the Federal Government.

(h) DUTIES OF THE COMMISSION.—To further the purposes of the National Heritage Area, in addition to the duties otherwise listed in this subtitle, the Commission shall assist in the transition of the management of the National Heritage Area from the Commission to the local coordinating entity designated under this subtitle.

(i) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(j) GIFTS.—For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift or charitable contribution to the Commission shall be considered to be a charitable contribution or gift to the United States.

(k) USE OF FEDERAL FUNDS.—Except as provided for the leasing of administrative facilities under subsection (g)(1), the Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.



**SEC. 428. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this subtitle—

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

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**SEC. 429. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

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

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

**SEC. 430. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than \$15,000,000 may be appropriated to carry out this subtitle.

(c) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 431. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 432. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Illinois.  
16 USC 461 note.

## **Subtitle C—Abraham Lincoln National Heritage Area**

**SEC. 441. PURPOSES.**

The purposes of this subtitle include—

(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled “Feasibility Study of the Proposed Abraham Lincoln National Heritage Area” prepared for the Looking for Lincoln Heritage Coalition in 2002 and revised in 2007;

(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key periods in the growth of America, including Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the distinctive role the region played in shaping the man who would become the 16th President of the United States, and how Abraham Lincoln’s life left its traces in the stories, folklore, buildings, streetscapes, and landscapes of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

**SEC. 442. DEFINITIONS.**

In this subtitle:

(1) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Looking for Lincoln Heritage Coalition, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) **MANAGEMENT PLAN.**—The term “management plan” means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies,

strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(3) NATIONAL HERITAGE AREA.—The term “National Heritage Area” means the Abraham Lincoln National Heritage Area established in this subtitle.

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

**SEC. 443. DESIGNATION OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Abraham Lincoln National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, Vermillion, Warren and Woodford counties.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled “Proposed Abraham Lincoln National Heritage Area”, and numbered 338/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

**SEC. 444. MANAGEMENT PLAN.**

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund,

Recommendations.

manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

Deadline.

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

**SEC. 445. EVALUATION; REPORT.**

(a) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) **EVALUATION.**—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) **REPORT.**—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**SEC. 446. LOCAL COORDINATING ENTITY.**

(a) **DUTIES.**—To further the purposes of the National Heritage Area, the Looking for Lincoln Heritage Coalition, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the National Heritage

Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

**SEC. 447. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this subtitle—

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

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**SEC. 448. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity,

including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

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

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

**SEC. 449. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than \$15,000,000 may be appropriated to carry out this subtitle.

(c) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 450. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 451. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of the enactment of this subtitle.

## Subtitle D—Authorization Extensions and Viability Studies

16 USC 461 note. **SEC. 461. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.**

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as redesignated by section 474(9)), and 909(c), by striking “\$10,000,000” and inserting “\$15,000,000”.

**SEC. 462. EVALUATION AND REPORT.**

(a) **IN GENERAL.**—For the nine National Heritage Areas authorized in Division II of the Omnibus Parks and Public Lands Management Act of 1996, not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) **EVALUATION.**—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local management entity with respect to—



(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the investments of Federal, State, Tribal, and local government and private entities in each National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

## Subtitle E—Technical Corrections and Additions

### SEC. 471. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS. 16 USC 461 note.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333 as amended by Public Law 106–176 and Public Law 109–338) is amended—

(1) by striking section 103(b) and inserting the following:

“(b) BOUNDARIES.—The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawah County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled ‘A Coal Mining Heritage Study: Southern West Virginia’ conducted pursuant to title VI of Public Law 100–699.”;

(2) by striking section 105 and inserting the following:

#### “SEC. 105. ELIGIBLE RESOURCES.

“(a) IN GENERAL.—The resources eligible for the assistance under section 104 shall include—

“(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawah County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

“(2) the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled ‘A Coal Mining Heritage Study: Southern West Virginia’ conducted pursuant to title VI of Public Law 100–699.

“(b) PRIORITY.—Priority consideration shall be given to those sites listed as ‘Conservation Priorities’ and ‘Important Historic Resources’ as depicted on the map entitled ‘Study Area: Historic Resources’ in such study.”;

(3) in section 106(a)—

(A) by striking “Governor” and all that follows through “Parks,” and inserting “National Coal Heritage Area Authority”; and

(B) in paragraph (3), by striking “State of West Virginia” and all that follows through “entities, or” and inserting “National Coal Heritage Area Authority or”; and (4) in section 106(b), by inserting “not” before “meet”.

**SEC. 472. RIVERS OF STEEL NATIONAL HERITAGE AREA ADDITION.**

16 USC 461 note. Section 403(b) of title IV of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended by inserting “Butler,” after “Beaver,”.

**SEC. 473. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ADDITION.**

16 USC 461 note. Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraphs:

“(O) Berkeley County.

“(P) Saluda County.

“(Q) The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.”.

16 USC 461 note. **SEC. 474. OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.**

Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended—

(1) by striking “Canal National Heritage Corridor” each place it appears and inserting “National Heritage Canalway”;

(2) by striking “corridor” each place it appears and inserting “canalway”, except in references to the feasibility study and management plan;

(3) in the heading of section 808(a)(3), by striking “CORRIDOR” and inserting “CANALWAY”;

(4) in the title heading, by striking “**CANAL NATIONAL HERITAGE CORRIDOR**” and inserting “**NATIONAL HERITAGE CANALWAY**”;

(5) in section 803—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B)), by striking “808” and inserting “806”; and

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking “807(a)” and inserting “805(a)”;

(6) in the heading of section 804, by striking “**CANAL NATIONAL HERITAGE CORRIDOR**” and inserting “**NATIONAL HERITAGE CANALWAY**”;

(7) in the second sentence of section 804(b)(1), by striking “808” and inserting “806”;

(8) by striking sections 805 and 806;

(9) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(10) in section 805(c)(2) (as redesignated by paragraph (9)), by striking “808” and inserting “806”;

(11) in section 806 (as redesignated by paragraph (9))—

(A) in subsection (a)(1), by striking “Committee” and inserting “Secretary”;

(B) in the heading of subsection (a)(1), by striking “COMMITTEE” and inserting “SECRETARY”;

(C) in subsection (a)(3), in the first sentence of subparagraph (B), by striking “Committee” and inserting “management entity”;

(D) in subsection (e), by striking “807(d)(1)” and inserting “805(d)(1)”; and

(E) in subsection (f), by striking “807(d)(1)” and inserting “805(d)(1)”; and

(12) in section 807 (as redesignated by paragraph (9)), in subsection (c) by striking “Cayohoga Valley National Recreation Area” and inserting “Cayohoga Valley National Park”;

(13) in section 808 (as redesignated by paragraph (9))—

(A) in subsection (b), by striking “Committee or”; and

(B) in subsection (c), in the matter before paragraph (1), by striking “Committee” and inserting “management entity”; and

(14) in section 809 (as redesignated by paragraph (9)), by striking “assistance” and inserting “financial assistance”.

**SEC. 475. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE EXTENSION OF AUTHORIZATION.**

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

“(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

“(A) technical assistance;

“(B) the design and fabrication of interpretive materials, devices, and signs; and

“(C) the preparation of the strategic plan.”.

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

“(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.”.

(3) Subsection (c) is amended by striking “2007” and inserting “2011”.

## **Subtitle F—Studies**

**SEC. 481. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.**

(a) DEFINITIONS.—In this section:

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

(2) STUDY AREA.—The term “study area” means—

(A) the coastal areas of Clatsop and Pacific Counties (also known as the North Beach Peninsula); and

(B) areas relating to Native American history, local history, Euro-American settlement culture, and related economic activities of the Columbia River within a corridor along the Columbia River eastward in Clatsop, Pacific, Columbia, and Wahkiakum Counties.

(b) COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.—

(1) **IN GENERAL.**—The Secretary, in consultation with the managers of any Federal land within the study area, appropriate State and local governmental agencies, tribal governments, and any interested organizations, shall conduct a study to determine the feasibility of designating the study area as the Columbia-Pacific National Heritage Area.

(2) **REQUIREMENTS.**—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(H) has a conceptual boundary map that is supported by the public.

(3) **PRIVATE PROPERTY.**—In conducting the study required by this subsection, the Secretary shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(c) **REPORT.**—Not later than 3 fiscal years after the date on which funds are made available to carry out the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the findings, conclusions, and recommendations of the Secretary with respect to the study.

**SEC. 482. STUDY OF SITES RELATING TO ABRAHAM LINCOLN IN KENTUCKY.**

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means a National Heritage Area in the State to honor Abraham Lincoln.

(2) STATE.—The term “State” means the Commonwealth of Kentucky.

(3) STUDY AREA.—The term “study area” means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Kentucky Historical Society, other State historical societies, the State Historic Preservation Officer, State tourism offices, and other appropriate organizations and agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area in the State to honor Abraham Lincoln.

(2) DESCRIPTION OF STUDY AREA.—The study area shall include—

(A) Boyle, Breckinridge, Fayette, Franklin, Hardin, Jefferson, Jessamine, Larue, Madison, Mercer, and Washington Counties in the State; and

(B) the following sites in the State:

(i) The Abraham Lincoln Birthplace National Historic Site.

(ii) The Abraham Lincoln Boyhood Home Unit.

(iii) Downtown Hodgenville, Kentucky, including the Lincoln Museum and Adolph A. Weinman statue.

(iv) Lincoln Homestead State Park and Mordecai Lincoln House.

(v) Camp Nelson Heritage Park.

(vi) Farmington Historic Home.

(vii) The Mary Todd Lincoln House.

(viii) Ashland, which is the Henry Clay Estate.

(ix) The Old State Capitol.

(x) The Kentucky Military History Museum.

(xi) The Thomas D. Clark Center for Kentucky History.

(xii) The New State Capitol.

(xiii) Whitehall.

(xiv) Perryville Battlefield State Historic Site.

(xv) The Joseph Holt House.

(xvi) Elizabethtown, Kentucky, including the Lincoln Heritage House.

(xvii) Lincoln Marriage Temple at Fort Harrod.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) interpret—

(I) the life of Abraham Lincoln; and

(II) the contributions of Abraham Lincoln to the United States;

(ii) represent distinctive aspects of the heritage of the United States;

(iii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iv) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes non-contiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and historical events that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Heritage Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(iii) have demonstrated support for designation of the Heritage Area;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Heritage Area while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the third fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

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

### **SEC. 501. ALASKA WATER RESOURCES STUDY.**

(a) DEFINITIONS.—In this section:

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

(2) STATE.—The term “State” means the State of Alaska.

(b) ALASKA WATER RESOURCES STUDY.—

(1) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, where appropriate, and in accordance with this section and other applicable provisions of law, shall conduct a study that includes—

(A) a survey of accessible water supplies, including aquifers, on the Kenai Peninsula and in the Municipality of Anchorage, the Matanuska-Susitna Borough, the city of Fairbanks, and the Fairbanks Northstar Borough;

(B) a survey of water treatment needs and technologies, including desalination, applicable to the water resources of the State; and

(C) a review of the need for enhancement of the streamflow information collected by the United States Geological Survey in the State relating to critical water needs in areas such as—

- (i) infrastructure risks to State transportation;
- (ii) flood forecasting;
- (iii) resource extraction; and
- (iv) fire management.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study required by paragraph (1).

(c) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 502. RENEGOTIATION OF PAYMENT SCHEDULE, REDWOOD VALLEY COUNTY WATER DISTRICT.**

Section 15 of Public Law 100-516 (102 Stat. 2573) is amended—

(1) by amending paragraph (2) of subsection (a) to read as follows:

“(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District’s water needs. The Secretary shall reschedule the payments due under loans numbered 14-06-200-8423A and 14-06-200-8423A Amendatory and said payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District’s repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).”; and

(2) by striking subsection (c).

**SEC. 503. AMERICAN RIVER PUMP STATION PROJECT TRANSFER.**

California.

(a) AUTHORITY TO TRANSFER.—The Secretary of the Interior (hereafter in this section referred to as the “Secretary”) shall transfer ownership of the American River Pump Station Project located at Auburn, California, which includes the Pumping Plant, associated facilities, and easements necessary for permanent operation of the facilities, to the Placer County Water Agency, in accordance with the terms of Contract No. 02-LC-20-7790 between the United States and Placer County Water Agency and the terms and conditions established in this section.

(b) **FEDERAL COSTS NONREIMBURSABLE.**—Federal costs associated with construction of the American River Pump Station Project located at Auburn, California, are nonreimbursable.

(c) **GRANT OF REAL PROPERTY INTEREST.**—The Secretary is authorized to grant title to Placer County Water Agency as provided in subsection (a) in full satisfaction of the United States' obligations under Land Purchase Contract 14-06-859-308 to provide a water supply to the Placer County Water Agency.

(d) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—

(1) **IN GENERAL.**—Before conveying land and facilities pursuant to this section, the Secretary shall comply with all applicable requirements under—

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

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the land and facilities.

(2) **EFFECT.**—Nothing in this section modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) **RELEASE FROM LIABILITY.**—Effective on the date of transfer to the Placer County Water Agency of any land or facility under this section, the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, consistent with Article 9 of Contract No. 02-LC-20-7790 between the United States and Placer County Water Agency.

#### **SEC. 504. ARTHUR V. WATKINS DAM ENLARGEMENT.**

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

(1) Arthur V. Watkins Dam is a feature of the Weber Basin Project, which was authorized by law on August 29, 1949.

(2) Increasing the height of Arthur V. Watkins Dam and construction of pertinent facilities may provide additional storage capacity for the development of additional water supply for the Weber Basin Project for uses of municipal and industrial water supply, flood control, fish and wildlife, and recreation.

(b) **AUTHORIZATION OF FEASIBILITY STUDY.**—The Secretary of the Interior, acting through the Bureau of Reclamation, is authorized to conduct a feasibility study on raising the height of Arthur V. Watkins Dam for the development of additional storage to meet water supply needs within the Weber Basin Project area and the Wasatch Front. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and a cost allocation as required under the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(c) **COST SHARES.**—

(1) **FEDERAL SHARE.**—The Federal share of the costs of the study authorized in subsection (b) shall not exceed 50 percent of the total cost of the study.

(2) **IN-KIND CONTRIBUTIONS.**—The Secretary shall accept, as appropriate, in-kind contributions of goods or services from



the Weber Basin Water Conservancy District. Such goods and services accepted under this subsection shall be counted as part of the non-Federal cost share for the study.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$1,000,000 for the Federal cost share of the study authorized in subsection (b).

(e) **SUNSET.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

**SEC. 505. NEW MEXICO WATER PLANNING ASSISTANCE.**

(a) **DEFINITIONS.**—In this section:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) **STATE.**—The term “State” means the State of New Mexico.

(b) **COMPREHENSIVE WATER PLAN ASSISTANCE.**—

(1) **IN GENERAL.**—Upon the request of the Governor of the State and subject to paragraphs (2) through (6), the Secretary shall—

(A) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(B) conduct water resources mapping in the State; and

(C) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(2) **TECHNICAL ASSISTANCE.**—Technical assistance provided under paragraph (1) may include—

(A) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(B) expansion of climate, surface water, and groundwater monitoring networks;

(C) assessment of existing water resources, surface water storage, and groundwater storage potential;

(D) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(E) participation in State planning forums and planning groups;

(F) coordination of Federal water management planning efforts;

(G) technical review of data, models, planning scenarios, and water plans developed by the State; and

(H) provision of scientific and technical specialists to support State and local activities.

(3) **ALLOCATION.**—In providing grants under paragraph (1), the Secretary shall, subject to the availability of appropriations, allocate—

(A) \$5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and

Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(B) \$1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(C) \$1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(D) \$4,500,000 for statewide digital orthophotography mapping; and

(E) such sums as are necessary to carry out additional projects consistent with paragraph (2).

(4) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(5) NONREIMBURSABLE BASIS.—Any assistance or grants provided to the State under this section shall be made on a non-reimbursable basis.

(6) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2008 through 2012.

(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

**SEC. 506. CONVEYANCE OF CERTAIN BUILDINGS AND LANDS OF THE YAKIMA PROJECT, WASHINGTON.**

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall convey to the Yakima-Tieton Irrigation District, located in Yakima County, Washington, all right, title, and interest of the United States in and to the buildings and lands of the Yakima Project, Washington, in accordance with the terms and conditions set forth in the agreement titled “Agreement Between the United States and the Yakima-Tieton Irrigation District to Transfer Title to Certain Federally Owned Buildings and Lands, With Certain Property Rights, Title, and Interest, to the Yakima-Tieton Irrigation District” (Contract No. 5-07-10-L1658).

Effective date.

(b) LIABILITY.—Effective upon the date of conveyance under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed buildings and lands, except for damages caused by acts of negligence committed by the United States or by its employees or agents before the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States

Code (popularly known as the Federal Tort Claims Act), on the date of enactment of this Act.

(c) **BENEFITS.**—After conveyance of the buildings and lands to the Yakima-Tieton Irrigation District under this section—

(1) such buildings and lands shall not be considered to be a part of a Federal reclamation project; and

(2) such irrigation district shall not be eligible to receive any benefits with respect to any buildings and lands conveyed, except benefits that would be available to a similarly situated person with respect to such buildings and lands that are not part of a Federal reclamation project.

(d) **REPORT.**—If the Secretary of the Interior has not completed the conveyance required under subsection (a) within 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that explains the reason such conveyance has not been completed and stating the date by which the conveyance will be completed.

**SEC. 507. CONJUNCTIVE USE OF SURFACE AND GROUNDWATER IN JUAB COUNTY, UTAH.**

Section 202(a)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) is amended by inserting “Juab,” after “Davis,”. 106 Stat. 4608.

**SEC. 508. EARLY REPAYMENT OF A & B IRRIGATION DISTRICT CONSTRUCTION COSTS.** Idaho.

(a) **IN GENERAL.**—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the A & B Irrigation District in the State (referred to in this section as the “District”) may repay, at any time, the construction costs of District project facilities that are allocated to land of the landowner within the District.

(b) **APPLICABILITY OF FULL-COST PRICING LIMITATIONS.**—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all land the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) **CERTIFICATION.**—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) **EFFECT.**—Nothing in this section—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Idaho State law.

**SEC. 509. OREGON WATER RESOURCES.**

(a) **EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.**—Section 301 of the Oregon

Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (a)(1), by striking “Deschutes River Basin Working Group” and inserting “Deschutes River Conservancy Working Group”;

(2) by amending the text of subsection (a)(1)(B) to read as follows: “4 representatives of private interests including two from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers and two from the environmental community;”;

(3) in subsection (b)(3), by inserting before the final period the following: “, and up to a total amount of \$2,000,000 during each of fiscal years 2007 through 2016”; and

(4) in subsection (h), by inserting before the period at the end the following: “, and \$2,000,000 for each of fiscal years 2007 through 2016”.

(b) WALLOWA LAKE DAM REHABILITATION ACT.—

(1) DEFINITIONS.—In this subsection:

(A) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term “Associated Ditch Companies, Incorporated” means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(B) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(C) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term “Wallowa Lake Dam Rehabilitation Program” means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, “Phase I Dam Assessment and Preliminary Engineering Design”, dated December 2002, and on file with the Bureau of Reclamation.

(2) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(A) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(B) CONDITIONS.—As a condition of providing funds under subparagraph (A), the Secretary shall ensure that—

(i) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(ii) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this subsection; and

(iii) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this subsection, both while and after activities are conducted using Federal funds provided under this subsection.

(C) COST SHARING.—

(i) IN GENERAL.—The Federal share of the costs of activities authorized under this subsection shall not exceed 50 percent.

(ii) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(I) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(II) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(D) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this subsection, shall comply with applicable Oregon State water law.

(E) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this subsection.

(F) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this subsection.

(3) RELATIONSHIP TO OTHER LAW.—Activities funded under this subsection shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this subsection \$6,000,000.

(5) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this subsection.

(c) LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.—

(1) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the “Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project”, dated July 2, 2004.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation \$500,000 to carry out activities under this subsection.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out paragraph (1).

(ii) FORM.—The non-Federal share required under clause (i) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and

completion of the study and environmental impact statement required under paragraph (1).

(3) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this section.

(d) NORTH UNIT IRRIGATION DISTRICT.—The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting “(referred to in this Act as the ‘District’)” after “irrigation district”; and

(B) by inserting “(referred to in this Act as the ‘Contract’)” after “1953”; and

(2) by adding at the end the following:

**“SEC. 3. ADDITIONAL TERMS.**

“On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

“(1) In Article 8(a) of the Contract, by deleting ‘a maximum of 50,000’ and inserting ‘approximately 59,000’ after ‘irrigation service to’.

“(2) In Article 11(a) of the Contract, by deleting ‘The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled “Land Classification, North Unit, Deschutes Project, 1953” which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District’ and inserting ‘The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.’

“(3) In Article 11(c) of the Contract, by deleting ‘, with the approval of the Secretary,’ after ‘District may’, by deleting ‘the 49,817.75 acre maximum limit on the irrigable area is not exceeded’ and inserting ‘irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required’ after ‘time so long as’.

“(4) In Article 11(d) of the Contract, by inserting ‘, and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law’ after ‘herein provided’.

“(5) By adding at the end of Article 12(d) the following: ‘(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District’s construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District’s total

construction charge obligation shall be completely paid by June 30, 2044.’.

“(6) In Article 14(a) of the Contract, by inserting ‘and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,’ after ‘and incidental stock and domestic uses’, by inserting ‘and for instream purposes as described above,’ after ‘irrigation, stock and domestic uses’, and by inserting ‘, including natural flow rights out of the Crooked River held by the District’ after ‘irrigation system’.

“(7) In Article 29(a) of the Contract, by inserting ‘and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law’ after ‘provided in article 11’.

“(8) In Article 34 of the Contract, by deleting ‘The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.’ after ‘for that purpose.’.

#### “SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

“The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.”.

#### SEC. 510. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.

(a) AUTHORIZATION OF STUDY.—Pursuant to reclamation laws, the Secretary of the Interior, acting through the Bureau of Reclamation and in consultation and cooperation with the States of Nebraska, Kansas, and Colorado, may conduct a study to—

(1) determine the feasibility of implementing a water supply and conservation project that will—

(A) improve water supply reliability in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, including areas in the counties of Harlan, Franklin, Webster, and Nuckolls in Nebraska and Jewel, Republic, Cloud, Washington, and Clay in Kansas (in this section referred to as the “Republican River Basin”);

(B) increase the capacity of water storage through modifications of existing projects or through new projects that serve areas in the Republican River Basin; and

(C) improve water management efficiency in the Republican River Basin through conservation and other available means and, where appropriate, evaluate integrated water resource management and supply needs in the Republican River Basin; and

(2) consider appropriate cost-sharing options for implementation of the project.

(b) **COST SHARING.**—The Federal share of the cost of the study shall not exceed 50 percent of the total cost of the study, and shall be nonreimbursable.

(c) **COOPERATIVE AGREEMENTS.**—The Secretary shall undertake the study through cooperative agreements with the State of Kansas or Nebraska and other appropriate entities determined by the Secretary.

(d) **COMPLETION AND REPORT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this Act, the Secretary of the Interior shall complete the study and transmit to the Congress a report containing the results of the study.

(2) **EXTENSION.**—If the Secretary determines that the study cannot be completed within the 3-year period beginning on the date of the enactment of this Act, the Secretary—

(A) shall, at the time of that determination, report to the Congress on the status of the study, including an estimate of the date of completion; and

(B) complete the study and transmit to the Congress a report containing the results of the study by not later than that date.

(e) **SUNSET OF AUTHORITY.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

**SEC. 511. EASTERN MUNICIPAL WATER DISTRICT.**

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

43 USC 390h-24. **“SEC. 1639. EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT, CALIFORNIA.**

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$12,000,000.

“(e) **SUNSET OF AUTHORITY.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.”.

(b) **CONFORMING AMENDMENT.**—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act



of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1638 the following:

“Sec. 1639. Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, California.”.

**SEC. 512. BAY AREA REGIONAL WATER RECYCLING PROGRAM.**

California.

**(a) PROJECT AUTHORIZATIONS.—**

(1) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a)) is amended by adding at the end the following:

**“SEC. 1642. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPE-LINE PROJECT.**

43 USC 390h–25.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

“(b) **COST SHARE.**—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000.

**“SEC. 1643. PITTSBURG RECYCLED WATER PROJECT.**

43 USC 390h–26.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) **COST SHARE.**—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,750,000.

**“SEC. 1644. ANTIOCH RECYCLED WATER PROJECT.**

43 USC 390h–27.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) **COST SHARE.**—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,250,000.

43 USC 390h-28. **“SEC. 1645. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.**

“(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000.

43 USC 390h-29. **“SEC. 1646. REDWOOD CITY RECYCLED WATER PROJECT.**

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,100,000.

43 USC 390h-30. **“SEC. 1647. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.**

“(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$7,000,000.

43 USC 390h-31. **“SEC. 1648. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.**

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$8,250,000.”.

(2) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(b)) is amended by inserting after the item relating to section 1641 the following:

- “Sec. 1642. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
- “Sec. 1643. Pittsburgh 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.”.

(b) SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.—It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–5).

**SEC. 513. BUREAU OF RECLAMATION SITE SECURITY.**

43 USC 373e.

(a) TREATMENT OF CAPITAL COSTS.—Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be nonreimbursable.

(b) TREATMENT OF SECURITY-RELATED OPERATION AND MAINTENANCE COSTS.—

(1) REIMBURSABLE COSTS.—The Secretary of the Interior shall include no more than \$18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.

(2) COSTS COLLECTED THROUGH WATER RATES.—In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this section shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.

(c) TRANSPARENCY AND REPORT TO CONGRESS.—

(1) POLICIES AND PROCEDURES.—The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of paragraphs (2) and (3), to provide for the payment of the reimbursable costs described in subsection (b).

(2) NOTICE.—On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—

(A) describing the need for the site security measure and the process for identifying and implementing the site security measure; and

(B) summarizing the administrative and legal requirements relating to the site security measure.

(3) CONSULTATION.—The Secretary shall—

(A) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and

(B) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in subparagraph (A).

(4) RESPONSE; NOTICE.—Before incurring costs pursuant to activities described in subsection (b), the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—

(A) a timely written response describing proposed actions, if any, to address the recommendation; and

(B) notice regarding the costs and status of such activities on a periodic basis.

(5) REPORT.—The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

(d) PRE-SEPTEMBER 11, 2001 SECURITY COST LEVELS.—Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

42 USC 10301  
note.

**SEC. 514. MORE WATER, MORE ENERGY, AND LESS WASTE.**

(a) FINDINGS.—The Congress finds that—

(1) development of energy resources, including oil, natural gas, coalbed methane, and geothermal resources, frequently results in bringing to the surface water extracted from underground sources;

(2) some of that produced water is used for irrigation or other purposes, but most of the water is returned to the subsurface or otherwise disposed of as waste;

(3) reducing the quantity of produced water returned to the subsurface and increasing the quantity of produced water that is made available for irrigation and other uses—

(A) would augment water supplies;

(B) could reduce the costs to energy developers for disposing of the water; and

(C) in some cases, could increase the efficiency of energy development activities; and

(4) it is in the national interest—

(A) to limit the quantity of produced water disposed of as waste;

(B) to optimize the production of energy resources; and

(C) to remove or reduce obstacles to use of produced water for irrigation or other purposes in ways that will not adversely affect water quality or the environment.

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

(1) to optimize the production of energy resources—

(A) by minimizing the quantity of produced water; and

(B) by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment; and

(2) to demonstrate means of accomplishing those results.

(c) DEFINITIONS.—In this section:

(1) LOWER BASIN STATE.—The term “Lower Basin State” means any of the States of—

(A) Arizona;

(B) California; and

(C) Nevada.

(2) PRODUCED WATER.—The term “produced water” means water from an underground source that is brought to the surface as part of the process of exploration for, or development of—

(A) oil;

(B) natural gas;

(C) coalbed methane; or

(D) any other substance to be used as an energy source.

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

(4) UPPER BASIN STATE.—The term “Upper Basin State” means any of the States of—

(A) Colorado;

(B) New Mexico;

(C) Utah; and

(D) Wyoming.

(d) IDENTIFICATION OF PROBLEMS AND SOLUTIONS.—

(1) STUDY.—The Secretary shall conduct a study to identify—

(A) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water;

(B) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes without adversely affecting water quality, public health, or the environment;

(C) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified in subparagraphs (A) and (B); and

(D) the costs and benefits associated with reducing or eliminating the obstacles identified in subparagraphs (A) and (B).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study under paragraph (1).

(e) IMPLEMENTATION.—

(1) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide financial assistance for the development of facilities, technologies, and processes to demonstrate the feasibility, effectiveness, and safety of—

(A) optimizing energy resource production by reducing the quantity of produced water generated; or

(B) increasing the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

(2) LIMITATIONS.—Assistance under this subsection—

(A) shall be provided for—

(i) at least 1 project in each of the Upper Basin States; and

(ii) at least 1 project in at least 1 of the Lower Basin States;

(B) shall not exceed \$1,000,000 for any project;

(C) shall be used to pay not more than 50 percent of the total cost of a project;

(D) shall not be used for the operation or maintenance of any facility; and

(E) may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

(f) CONSULTATION, ADVICE, AND COMMENTS.—In carrying out this section, including in preparing the report under subsection (d)(2) and establishing criteria to be used in connection with an award of financial assistance under subsection (e), the Secretary shall—

(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

(2)(A) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.); and

(B) to the extent the Secretary determines to be advisable, include that information in the report under subsection (d)(2);

(3) seek the advice of—

(A) individuals with relevant professional or academic expertise; and

(B) individuals or representatives of entities with industrial experience, particularly experience relating to production of oil, natural gas, coalbed methane, or other energy resources (including geothermal resources); and

(4) solicit comments and suggestions from the public.

(g) RELATION TO OTHER LAWS.—Nothing in this section supersedes, modifies, abrogates, or limits—

(1) the effect of any State law or any interstate authority or compact relating to—

(A) any use of water; or

(B) the regulation of water quantity or quality; or

(2) the applicability or effect of any Federal law (including regulations).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$1,000,000 to carry out subsection (d); and

(2) \$7,500,000 to carry out subsection (e).

**SEC. 515. PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION PROJECT AUTHORIZATION.** State listing.

(a) **PURPOSES.**—The purposes of this section are to authorize—

(1) the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the implementation of the Platte River Recovery Implementation Program for threatened and endangered species in the Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities; and

(2) the modification of the Pathfinder Dam and Reservoir, in accordance with the requirements described in subsection (c).

(b) **PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **AGREEMENT.**—The term “Agreement” means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary.

(B) **FIRST INCREMENT.**—The term “First Increment” means the first 13 years of the Program.

(C) **GOVERNANCE COMMITTEE.**—The term “Governance Committee” means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.

(D) **INTEREST IN LAND OR WATER.**—The term “interest in land or water” includes a fee title, short- or long-term easement, lease, or other contractual arrangement that is determined to be necessary by the Secretary to implement the land and water components of the Program.

(E) **PROGRAM.**—The term “Program” means the Platte River Recovery Implementation Program established under the Agreement.

(F) **PROJECT OR ACTIVITY.**—The term “project or activity” means—

(i) the planning, design, permitting or other compliance activity, preconstruction activity, construction, construction management, operation, maintenance, and replacement of a facility;

(ii) the acquisition of an interest in land or water;

(iii) habitat restoration;

(iv) research and monitoring;

(v) program administration; and

(vi) any other activity that is determined to be necessary by the Secretary to carry out the Program.

(G) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(H) **STATES.**—The term “States” means the States of Nebraska, Wyoming, and Colorado.

(2) **IMPLEMENTATION OF PROGRAM.**—

(A) **IN GENERAL.**—The Secretary, in cooperation with the Governance Committee, may—

(i) participate in the Program; and

(ii) carry out any projects and activities that are designated for implementation during the First Increment.

(B) AUTHORITY OF SECRETARY.—For purposes of carrying out this section, the Secretary, in cooperation with the Governance Committee, may—

(i) enter into agreements and contracts with Federal and non-Federal entities;

(ii) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;

(iii) subsequently transfer any interests acquired under clause (ii); and

(iv) accept or provide grants.

(3) COST-SHARING CONTRIBUTIONS.—

(A) IN GENERAL.—As provided in the Agreement, the States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.

(B) NON-FEDERAL CONTRIBUTIONS.—The following contributions shall constitute the States' share of the Program:

(i) \$30,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(ii) Credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.

(C) IN-KIND CONTRIBUTIONS.—The Secretary or the States may elect to provide a portion of the Federal share or non-Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.

(4) AUTHORITY TO MODIFY PROGRAM.—The Program may be modified or amended before the completion of the First Increment if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.

(5) EFFECT.—

(A) EFFECT ON RECLAMATION LAWS.—No action carried out under this subsection shall, with respect to the acreage limitation provisions of the reclamation laws—

(i) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(ii) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or

(iii) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.



(B) EFFECT ON WATER RIGHTS.—Nothing in this section—

(i) creates Federal water rights; or

(ii) requires the grant of water rights to Federal entities.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out projects and activities under this subsection \$157,140,000, as adjusted under subparagraph (C).

(B) NONREIMBURSABLE FEDERAL EXPENDITURES.—Any amounts expended under subparagraph (A) shall be considered to be nonreimbursable Federal expenditures.

(C) ADJUSTMENT.—The balance of funds remaining to be appropriated shall be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(D) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds for projects and activities made available under subparagraph (A) shall be retained for use in future fiscal years to implement projects and activities under the Program.

(7) TERMINATION OF AUTHORITY.—The authority for the Secretary to implement the First Increment shall terminate on September 30, 2020.

(c) PATHFINDER MODIFICATION PROJECT.—

(1) AUTHORIZATION OF PROJECT.—

(A) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this subsection as the “Secretary”), may—

(i) modify the Pathfinder Dam and Reservoir; and

(ii) enter into 1 or more agreements with the State of Wyoming to implement the Pathfinder Modification Project (referred to in this subsection as the “Project”), as described in Appendix F to the Final Settlement Stipulation in *Nebraska v. Wyoming*, 534 U.S. 40 (2001).

(B) FEDERAL APPROPRIATIONS.—No Federal appropriations are required to modify the Pathfinder Dam under this paragraph.

(2) AUTHORIZED USES OF PATHFINDER RESERVOIR.—Provided that all of the conditions described in paragraph (3) are first met, the approximately 54,000 acre-feet capacity of Pathfinder Reservoir, which has been lost to sediment but will be recaptured by the Project, may be used for municipal, environmental, and other purposes, as described in Appendix F to the Final Settlement Stipulation in *Nebraska v. Wyoming*, 534 U.S. 40 (2001).

(3) CONDITIONS PRECEDENT.—The actions and water uses authorized in paragraphs (1)(A)(i) and (2) shall not occur until each of the following actions have been completed:

(A) Final approval from the Wyoming legislature for the export of Project water to the State of Nebraska under the laws (including regulations) of the State of Wyoming.

(B) Final approval in a change of water use proceeding under the laws (including regulations) of the State of Wyoming for all new uses planned for Project water. Final

approval, as used in this subparagraph, includes exhaustion of any available review under State law of any administrative action authorizing the change of the Pathfinder Reservoir water right.

**SEC. 516. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.**

(a) **STUDY.**—

Deadline.

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this section as the “Secretary”), shall—

(A) conduct a feasibility study of alternatives to augment the water supplies of—

(i) the Central Oklahoma Master Conservatory District (referred to in this section as the “District”); and

(ii) cities served by the District;

(2) **INCLUSIONS.**—The study under paragraph (1) shall include recommendations of the Secretary, if any, relating to the alternatives studied.

(b) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The Federal share of the total costs of the study under subsection (a) shall not exceed 50 percent.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to conduct the study under subsection (a) \$900,000.

## **TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS**

**SEC. 601. ENERGY TECHNOLOGY TRANSFER.**

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended to read as follows:

Grants.

**“SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.**

Deadline.

“(a) **GRANTS.**—Not later than 18 months after the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2008, the Secretary shall make grants to nonprofit institutions, State and local governments, cooperative extension services, or institutions of higher education (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers. In making awards under this section, the Secretary shall—

“(1) give priority to applicants already operating or partnered with an outreach program capable of transferring knowledge and information about advanced energy efficiency methods and technologies;

“(2) ensure that, to the extent practicable, the program enables the transfer of knowledge and information—

“(A) about a variety of technologies; and

“(B) in a variety of geographic areas;

“(3) give preference to applicants that would significantly expand on or fill a gap in existing programs in a geographical region; and

“(4) consider the special needs and opportunities for increased energy efficiency for manufactured and site-built housing, including construction, renovation, and retrofit.

“(b) ACTIVITIES.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. Funds awarded under this section may be used for the following activities:

“(1) Developing and distributing informational materials on technologies that could use energy more efficiently.

“(2) Carrying out demonstrations of advanced energy methods and technologies.

“(3) Developing and conducting seminars, workshops, long-distance learning sessions, and other activities to aid in the dissemination of knowledge and information on technologies that could use energy more efficiently.

“(4) Providing or coordinating onsite energy evaluations, including instruction on the commissioning of building heating and cooling systems, for a wide range of energy end-users.

“(5) Examining the energy efficiency needs of energy end-users to develop recommended research projects for the Department.

“(6) Hiring experts in energy efficient technologies to carry out activities described in paragraphs (1) through (5).

“(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section. The application shall include, at a minimum—

“(1) a description of the applicant’s outreach program, and the geographic region it would serve, and of why the program would be capable of transferring knowledge and information about advanced energy technologies that increase efficiency of energy use;

“(2) a description of the activities the applicant would carry out, of the technologies that would be transferred, and of any other organizations that will help facilitate a regional approach to carrying out those activities;

“(3) a description of how the proposed activities would be appropriate to the specific energy needs of the geographic region to be served;

“(4) an estimate of the number and types of energy end-users expected to be reached through such activities; and

“(5) a description of how the applicant will assess the success of the program.

“(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

“(1) The ability of the applicant to carry out the proposed activities.

“(2) The extent to which the applicant will coordinate the activities of the Center with other entities as appropriate, such as State and local governments, utilities, institutions of higher education, and National Laboratories.

“(3) The appropriateness of the applicant’s outreach program for carrying out the program described in this section.

“(4) The likelihood that proposed activities could be expanded or used as a model for other areas.

“(e) COST-SHARING.—In carrying out this section, the Secretary shall require cost-sharing in accordance with the requirements of section 988 for commercial application activities.

“(f) DURATION.—

“(1) INITIAL GRANT PERIOD.—A grant awarded under this section shall be for a period of 5 years.

Procedures.

“(2) INITIAL EVALUATION.—Each grantee under this section shall be evaluated during its third year of operation under procedures established by the Secretary to determine if the grantee is accomplishing the purposes of this section described in subsection (a). The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for 3 additional years beyond the original term of the grant.

“(3) ADDITIONAL EXTENSION.—If a grantee receives an extension under paragraph (2), the grantee shall be evaluated again during the second year of the extension. The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for a final additional period of 3 additional years beyond the original extension.

“(4) LIMITATION.—No grantee may receive more than 11 years of support under this section without reapplying for support and competing against all other applicants seeking a grant at that time.

“(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities.

“(h) DEFINITIONS.—For purposes of this section:

“(1) ADVANCED ENERGY METHODS AND TECHNOLOGIES.—The term ‘advanced energy methods and technologies’ means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

“(2) CENTER.—The term ‘Center’ means an Advanced Energy Technology Transfer Center established pursuant to this section.

“(3) DISTRIBUTED GENERATION.—The term ‘distributed generation’ means an electric power generation technology, including photovoltaic, small wind, and micro-combined heat and power, that serves electric consumers at or near the site of production.

“(4) COOPERATIVE EXTENSION.—The term ‘Cooperative Extension’ means the extension services established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914.

“(5) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term ‘land-grant colleges and universities’ means—

“(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

“(B) 1890 Institutions (as defined in section 2 of that Act); and

“(C) 1994 Institutions (as defined in section 2 of that Act).

“(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated in section 911, there are authorized to be appropriated for the program under this section such sums as may be appropriated.”.

**SEC. 602. AMENDMENTS TO THE STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

**“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to the Secretary to carry out this Act \$12,000,000 for each of the fiscal years 2008 through 2012.”.

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking “coatings for sheet steels” and inserting “sheet and bar steels”; and

(2) by adding at the end the following new subparagraph:  
“(K) The development of technologies which reduce greenhouse gas emissions.”.

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 8 (15 U.S.C. 5107), by inserting “, beginning with fiscal year 2008,” after “close of each fiscal year”.

## **TITLE VII—NORTHERN MARIANA ISLANDS**

### **Subtitle A—Immigration, Security, and Labor**

**SEC. 701. STATEMENT OF CONGRESSIONAL INTENT.**

(a) IMMIGRATION AND GROWTH.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of the Congress in enacting this subtitle—

(1) to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed, by extending the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(17)), to apply to the Commonwealth of the Northern Mariana Islands

48 USC 1806  
note.

(referred to in this subtitle as the “Commonwealth”), with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth; and

(2) to minimize, to the greatest extent practicable, potential adverse economic and fiscal effects of phasing-out the Commonwealth’s nonresident contract worker program and to maximize the Commonwealth’s potential for future economic and business growth by—

(A) encouraging diversification and growth of the economy of the Commonwealth in accordance with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America through consultation with the Governor of the Commonwealth;

(C) assisting the Commonwealth in achieving a progressively higher standard of living for citizens of the Commonwealth through the provision of technical and other assistance;

(D) providing opportunities for individuals authorized to work in the United States, including citizens of the freely associated states; and

(E) providing a mechanism for the continued use of alien workers, to the extent those workers continue to be necessary to supplement the Commonwealth’s resident workforce, and to protect those workers from the potential for abuse and exploitation.

(b) **AVOIDING ADVERSE EFFECTS.**—In recognition of the Commonwealth’s unique economic circumstances, history, and geographical location, it is the intent of the Congress that the Commonwealth be given as much flexibility as possible in maintaining existing businesses and other revenue sources, and developing new economic opportunities, consistent with the mandates of this subtitle. This subtitle, and the amendments made by this subtitle, should be implemented wherever possible to expand tourism and economic development in the Commonwealth, including aiding prospective tourists in gaining access to the Commonwealth’s memorials, beaches, parks, dive sites, and other points of interest.

#### **SEC. 702. IMMIGRATION REFORM FOR THE COMMONWEALTH.**

(a) **AMENDMENT TO JOINT RESOLUTION APPROVING COVENANT ESTABLISHING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**—The Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (Public Law 94-241; 90 Stat. 263), is amended by adding at the end the following new section:

48 USC 1806.

#### **“SEC. 6. IMMIGRATION AND TRANSITION.**

“(a) **APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.**—

Effective date.

“(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1

year after the date of enactment of the Consolidated Natural Resources Act of 2008 (hereafter referred to as the ‘transition program effective date’), the provisions of the ‘immigration laws’ (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the ‘Commonwealth’), except as otherwise provided in this section.

“(2) TRANSITION PERIOD.—There shall be a transition period beginning on the transition program effective date and ending on December 31, 2014, except as provided in subsections (b) and (d), during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the ‘transition program’).

“(3) DELAY OF COMMENCEMENT OF TRANSITION PERIOD.—

“(A) IN GENERAL.—The Secretary of Homeland Security, in the Secretary’s sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

“(B) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

Deadline.

“(C) CONGRESSIONAL REVIEW.—A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

Effective date.

“(4) REQUIREMENT FOR REGULATIONS.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

“(5) INTERAGENCY AGREEMENTS.—The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

“(6) CERTAIN EDUCATION FUNDING.—In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of \$150 per nonimmigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during

the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

“(7) ASYLUM.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

Deadline.  
Reports.

“(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT WORKERS.—An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth. Not later than 3 years following the transition program effective date, the Secretary of Homeland Security shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives projecting the number of asylum claims the Secretary anticipates following the termination of the transition period, the efforts the Secretary has made to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.

“(c) NONIMMIGRANT INVESTOR VISAS.—

“(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), during the transition period, the Secretary of Homeland Security may, upon the application of an alien, classify an alien as a CNMI-only nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

“(A) has been admitted to the Commonwealth in long-term investor status under the immigration laws of the Commonwealth before the transition program effective date;

“(B) has continuously maintained residence in the Commonwealth under long-term investor status;

“(C) is otherwise admissible; and

“(D) maintains the investment or investments that formed the basis for such long-term investor status.

Deadline.  
Federal Register,  
publication.

“(2) REQUIREMENT FOR REGULATIONS.—Not later than 60 days before the transition program effective date, the Secretary of Homeland Security shall publish regulations in the Federal Register to implement this subsection.

“(d) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL WORKERS.—An alien who is seeking to enter the Commonwealth as a nonimmigrant worker may be admitted to perform work during the transition period subject to the following requirements:



“(1) Such an alien shall be treated as a nonimmigrant described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258) or adjustment of status under this section and section 245 of such Act (8 U.S.C. 1255).

“(2) The Secretary of Homeland Security shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each such nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). In adopting and enforcing this system, the Secretary shall also consider, in good faith and not later than 30 days after receipt by the Secretary, any comments and advice submitted by the Governor of the Commonwealth. This system shall provide for a reduction in the allocation of permits for such workers on an annual basis to zero, during a period not to extend beyond December 31, 2014, unless extended pursuant to paragraph 5 of this subsection. In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the Secretary of Homeland Security to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, workers authorized to be employed in the United States, including lawfully admissible freely associated state citizen labor. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under this paragraph have been met.

Permits.

Deadline.

“(3) The Secretary of Homeland Security shall set the conditions for admission of such an alien under the transition program, and the Secretary of State shall authorize the issuance of nonimmigrant visas for such an alien. Such a visa shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except admission to the Commonwealth. An alien admitted to the Commonwealth on the basis of such a visa shall be permitted to engage in employment only as authorized pursuant to the transition program.

“(4) Such an alien shall be permitted to transfer between employers in the Commonwealth during the period of such alien’s authorized stay therein, without permission of the employee’s current or prior employer, within the alien’s occupational category or another occupational category the Secretary of Homeland Security has found requires alien workers to supplement the resident workforce.

“(5)(A) Not later than 180 days prior to the expiration of the transition period, or any extension thereof, the Secretary of Labor, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Interior, and the Governor of the Commonwealth, shall ascertain the current and anticipated labor needs of the Commonwealth and determine whether an extension of up to 5 years of the provisions of this subsection is necessary to ensure an adequate number of workers will be available for legitimate businesses

Deadline.

Notice.  
Federal Register,  
publication.

in the Commonwealth. For the purpose of this subparagraph, a business shall not be considered legitimate if it engages directly or indirectly in prostitution, trafficking in minors, or any other activity that is illegal under Federal or local law. The determinations of whether a business is legitimate and to what extent, if any, it may require alien workers to supplement the resident workforce, shall be made by the Secretary of Homeland Security, in the Secretary's sole discretion.

“(B) If the Secretary of Labor determines that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, the Secretary of Labor may, through notice published in the Federal Register, provide for an additional extension period of up to 5 years.

“(C) In making the determination of whether alien workers are necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, and if so, the number of such workers that are necessary, the Secretary of Labor may consider, among other relevant factors—

“(i) government, industry, or independent workforce studies reporting on the need, or lack thereof, for alien workers in the Commonwealth's businesses;

“(ii) the unemployment rate of United States citizen workers residing in the Commonwealth;

“(iii) the unemployment rate of aliens in the Commonwealth who have been lawfully admitted for permanent residence;

“(iv) the number of unemployed alien workers in the Commonwealth;

“(v) any good faith efforts to locate, educate, train, or otherwise prepare United States citizen residents, lawful permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs;

“(vi) any available evidence tending to show that United States citizen residents, lawful permanent residents, and unemployed alien workers already in the Commonwealth are not willing to accept jobs of the type offered;

“(vii) the extent to which admittance of alien workers will affect the compensation, benefits, and living standards of existing workers within those industries and other industries authorized to employ alien workers; and

“(viii) the prior use, if any, of alien workers to fill those industry jobs, and whether the industry requires alien workers to fill those jobs.

“(6) The Secretary of Homeland Security may authorize the admission of a spouse or minor child accompanying or following to join a worker admitted pursuant to this subsection.

“(e) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH IMMIGRATION LAW.—

“(1) PROHIBITION ON REMOVAL.—

“(A) IN GENERAL.—Subject to subparagraph (B), no alien who is lawfully present in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be removed from the United States on the grounds that such alien's presence in the Commonwealth is in violation of section 212(a)(6)(A)

of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of the date—

“(i) of the completion of the period of the alien’s admission under the immigration laws of the Commonwealth; or

“(ii) that is 2 years after the transition program effective date.

“(B) LIMITATIONS.—Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of such an alien at any time, if the alien entered the Commonwealth after the date of enactment of the Consolidated Natural Resources Act of 2008, and the Secretary of Homeland Security has determined that the Government of the Commonwealth has violated section 702(i) of the Consolidated Natural Resources Act of 2008.

“(2) EMPLOYMENT AUTHORIZATION.—An alien who is lawfully present and authorized to be employed in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth until the earlier of the date—

“(A) of expiration of the alien’s employment authorization under the immigration laws of the Commonwealth; or

“(B) that is 2 years after the transition program effective date.

“(3) REGISTRATION.—The Secretary of Homeland Security may require any alien present in the Commonwealth on or after the transition period effective date to register with the Secretary in such a manner, and according to such schedule, as he may in his discretion require. Paragraphs (1) and (2) of this subsection shall not apply to any alien who fails to comply with such registration requirement. Notwithstanding any other law, the Government of the Commonwealth shall provide to the Secretary all Commonwealth immigration records or other information that the Secretary deems necessary to assist the implementation of this paragraph or other provisions of the Consolidated Natural Resources Act of 2008. Nothing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or other provision of the Immigration and Nationality Act relating to the registration of aliens.

Records.

“(4) REMOVABLE ALIENS.—Except as specifically provided in paragraph (1)(A) of this subsection, nothing in this subsection shall prohibit or limit the removal of any alien who is removable under the Immigration and Nationality Act.

“(5) PRIOR ORDERS OF REMOVAL.—The Secretary of Homeland Security may execute any administratively final order of exclusion, deportation or removal issued under authority of the immigration laws of the United States before, on, or after the transition period effective date, or under authority of the immigration laws of the Commonwealth before the transition period effective date, upon any subject of such order found in the Commonwealth on or after the transition period effective date, regardless whether the alien has previously been removed

from the United States or the Commonwealth pursuant to such order.

“(f) EFFECT ON OTHER LAWS.—The provisions of this section and of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.

“(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in the Commonwealth in violation of the immigration laws of the Commonwealth shall be counted for purposes of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

“(h) REPORT ON NONRESIDENT GUESTWORKER POPULATION.—The Secretary of the Interior, in consultation with the Secretary of Homeland Security, and the Governor of the Commonwealth, shall report to the Congress not later than 2 years after the date of enactment of the Consolidated Natural Resources Act of 2008. The report shall include—

“(1) the number of aliens residing in the Commonwealth;  
“(2) a description of the legal status (under Federal law) of such aliens;

“(3) the number of years each alien has been residing in the Commonwealth;

“(4) the current and future requirements of the Commonwealth economy for an alien workforce; and

“(5) such recommendations to the Congress, as the Secretary may deem appropriate, related to whether or not the Congress should consider permitting lawfully admitted guest workers lawfully residing in the Commonwealth on such enactment date to apply for long-term status under the immigration and nationality laws of the United States.”.

(b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT VISITORS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 214(a)(1) (8 U.S.C. 1184(a)(1))—

(A) by striking “Guam” each place such term appears and inserting “Guam or the Commonwealth of the Northern Mariana Islands”; and

(B) by striking “fifteen” and inserting “45”;

(2) in section 212(a)(7)(B) (8 U.S.C. 1182(a)(7)(B)), by amending clause (iii) to read as follows:

“(iii) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER.—For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (1).”; and

(3) by amending section 212(l) (8 U.S.C. 1182(l)) to read as follows:

“(1) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER PROGRAM.—

“(1) IN GENERAL.—The requirement of subsection (a)(7)(B)(i) may be waived by the Secretary of Homeland Security, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and

stay in Guam or the Commonwealth of the Northern Mariana Islands for a period not to exceed 45 days, if the Secretary of Homeland Security, after consultation with the Secretary of the Interior, the Secretary of State, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, determines that—

“(A) an adequate arrival and departure control system has been developed in Guam and the Commonwealth of the Northern Mariana Islands; and

“(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

“(2) ALIEN WAIVER OF RIGHTS.—An alien may not be provided a waiver under this subsection unless the alien has waived any right—

“(A) to review or appeal under this Act an immigration officer’s determination as to the admissibility of the alien at the port of entry into Guam or the Commonwealth of the Northern Mariana Islands; or

“(B) to contest, other than on the basis of an application for withholding of removal under section 241(b)(3) of this Act or under the Convention Against Torture, or an application for asylum if permitted under section 208, any action for removal of the alien.

“(3) REGULATIONS.—All necessary regulations to implement this subsection shall be promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, on or before the 180th day after the date of enactment of the Consolidated Natural Resources Act of 2008. The promulgation of such regulations shall be considered a foreign affairs function for purposes of section 553(a) of title 5, United States Code. At a minimum, such regulations should include, but not necessarily be limited to—

Deadline.

“(A) a listing of all countries whose nationals may obtain the waiver also provided by this subsection, except that such regulations shall provide for a listing of any country from which the Commonwealth has received a significant economic benefit from the number of visitors for pleasure within the one-year period preceding the date of enactment of the Consolidated Natural Resources Act of 2008, unless the Secretary of Homeland Security determines that such country’s inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories; and

“(B) any bonding requirements for nationals of some or all of those countries who may present an increased risk of overstays or other potential problems, if different from such requirements otherwise provided by law for non-immigrant visitors.

“(4) FACTORS.—In determining whether to grant or continue providing the waiver under this subsection to nationals of any country, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall consider all factors that the Secretary deems relevant, including electronic travel authorizations, procedures for reporting lost and stolen passports, repatriation of aliens, rates

of refusal for nonimmigrant visitor visas, overstays, exit systems, and information exchange.

“(5) SUSPENSION.—The Secretary of Homeland Security shall monitor the admission of nonimmigrant visitors to Guam and the Commonwealth of the Northern Mariana Islands under this subsection. If the Secretary determines that such admissions have resulted in an unacceptable number of visitors from a country remaining unlawfully in Guam or the Commonwealth of the Northern Mariana Islands, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or asylum, or that visitors from a country pose a risk to law enforcement or security interests of Guam or the Commonwealth of the Northern Mariana Islands or of the United States (including the interest in the enforcement of the immigration laws of the United States), the Secretary shall suspend the admission of nationals of such country under this subsection. The Secretary of Homeland Security may in the Secretary’s discretion suspend the Guam and Northern Mariana Islands visa waiver program at any time, on a country-by-country basis, for other good cause.

“(6) ADDITION OF COUNTRIES.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands may request the Secretary of the Interior and the Secretary of Homeland Security to add a particular country to the list of countries whose nationals may obtain the waiver provided by this subsection, and the Secretary of Homeland Security may grant such request after consultation with the Secretary of the Interior and the Secretary of State, and may promulgate regulations with respect to the inclusion of that country and any special requirements the Secretary of Homeland Security, in the Secretary’s sole discretion, may impose prior to allowing nationals of that country to obtain the waiver provided by this subsection.”.

(c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands (referred to in this subsection as “CNMI”) may request that the Secretary of Homeland Security study the feasibility of creating additional Guam or CNMI-only nonimmigrant visas to the extent that existing nonimmigrant visa categories under the Immigration and Nationality Act do not provide for the type of visitor, the duration of allowable visit, or other circumstance. The Secretary of Homeland Security may review such a request, and, after consultation with the Secretary of State and the Secretary of the Interior, shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives with respect to the feasibility of creating those additional Guam or CNMI-only visa categories. Consideration of such additional Guam or CNMI-only visa categories may include, but are not limited to, special nonimmigrant statuses for investors, students, and retirees, but shall not include nonimmigrant status for the purpose of employment in Guam or the CNMI.

(d) INSPECTION OF PERSONS ARRIVING FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS NOT VALID FOR ENTRY INTO OTHER

PARTS OF THE UNITED STATES.—Section 212(d)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by inserting “the Commonwealth of the Northern Mariana Islands,” after “Guam,”.

(e) TECHNICAL ASSISTANCE PROGRAM.—

48 USC 1807.

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Governor of the Commonwealth, the Secretary of Labor, and the Secretary of Commerce, and as provided in the Interagency Agreements required to be negotiated under section 6(a)(4) of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (Public Law 94-241), as added by subsection (a), shall provide—

(A) technical assistance and other support to the Commonwealth to identify opportunities for, and encourage diversification and growth of, the economy of the Commonwealth;

(B) technical assistance, including assistance in recruiting, training, and hiring of workers, to assist employers in the Commonwealth in securing employees first from among United States citizens and nationals resident in the Commonwealth and if an adequate number of such workers are not available, from among legal permanent residents, including lawfully admissible citizens of the freely associated states; and

(C) technical assistance, including assistance to identify types of jobs needed, identify skills needed to fulfill such jobs, and assistance to Commonwealth educational entities to develop curricula for such job skills to include training teachers and students for such skills.

(2) CONSULTATION.—In providing such technical assistance under paragraph (1), the Secretaries shall—

(A) consult with the Government of the Commonwealth, local businesses, regional banks, educational institutions, and other experts in the economy of the Commonwealth; and

(B) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the economy of the Commonwealth and to identify and encourage opportunities to meet the labor needs of the Commonwealth.

(3) COST-SHARING.—For the provision of technical assistance or support under this paragraph (other than that required to pay the salaries and expenses of Federal personnel), the Secretary of the Interior shall require a non-Federal matching contribution of 10 percent.

(f) OPERATIONS.—

48 USC 1808.

(1) ESTABLISHMENT.—At any time on and after the date of enactment of this Act, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor may establish and maintain offices and other operations in the Commonwealth for the purpose of carrying out duties under—

(A) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) the transition program established under section 6 of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (Public Law 94-241), as added by subsection (a).

(2) PERSONNEL.—To the maximum extent practicable and consistent with the satisfactory performance of assigned duties under applicable law, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor shall recruit and hire personnel from among qualified United States citizens and national applicants residing in the Commonwealth to serve as staff in carrying out operations described in paragraph (1).

(g) CONFORMING AMENDMENTS TO PUBLIC LAW 94-241.—

(1) AMENDMENTS.—Public Law 94-241 is amended as follows:

(A) In section 503 of the covenant set forth in section 1, by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(B) By striking section 506 of the covenant set forth in section 1.

(C) In section 703(b) of the covenant set forth in section 1, by striking “quarantine, passport, immigration and naturalization” and inserting “quarantine and passport”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the transition program effective date described in section 6 of Public Law 94-241 (as added by subsection (a)).

(h) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than March 1 of the first year that is at least 2 full years after the date of enactment of this subtitle, and annually thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report that evaluates the overall effect of the transition program established under section 6 of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (Public Law 94-241), as added by subsection (a), and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth.

(2) CONTENTS.—In addition to other topics otherwise required to be included under this subtitle or the amendments made by this subtitle, each report submitted under paragraph (1) shall include a description of the efforts that have been undertaken during the period covered by the report to diversify and strengthen the local economy of the Commonwealth, including efforts to promote the Commonwealth as a tourist destination. The report by the President shall include an estimate for the numbers of nonimmigrant workers described under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid adverse economic effects in Guam and the Commonwealth.

48 USC 1801  
note.

48 USC 1801  
note.

President.  
48 USC 1806  
note.

48 USC 1806  
note.



(3) GAO REPORT.—The Government Accountability Office shall submit a report to the Congress not later than 2 years after the date of enactment of this Act, to include, at a minimum, the following items:

(A) An assessment of the implementation of this subtitle and the amendments made by this subtitle, including an assessment of the performance of Federal agencies and the Government of the Commonwealth in meeting congressional intent.

(B) An assessment of the short-term and long-term impacts of implementation of this subtitle and the amendments made by this subtitle on the economy of the Commonwealth, including its ability to obtain workers to supplement its resident workforce and to maintain access to its tourists and customers, and any effect on compliance with United States treaty obligations mandating non-refoulement for refugees.

(C) An assessment of the economic benefit of the investors “grandfathered” under subsection (c) of section 6 of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (Public Law 94-241), as added by subsection (a), and the Commonwealth’s ability to attract new investors after the date of enactment of this Act.

(D) An assessment of the number of illegal aliens in the Commonwealth, including any Federal and Commonwealth efforts to locate and repatriate them.

(4) REPORTS BY THE LOCAL GOVERNMENT.—The Governor of the Commonwealth may submit an annual report to the President on the implementation of this subtitle, and the amendments made by this subtitle, with recommendations for future changes. The President shall forward the Governor’s report to the Congress with any Administration comment after an appropriate period of time for internal review, provided that nothing in this paragraph shall be construed to require the President to provide any legislative recommendation to the Congress.

48 USC 1806  
note.

President.

(5) REPORT ON FEDERAL PERSONNEL AND RESOURCE REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, after consulting with the Secretary of the Interior and other departments and agencies as may be deemed necessary, shall submit a report to the Committee on Natural Resources, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate, on the current and planned levels of Transportation Security Administration, United States Customs and Border Protection, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, and United States Coast Guard

personnel and resources necessary for fulfilling mission requirements on Guam and the Commonwealth in a manner comparable to the level provided at other similar ports of entry in the United States. In fulfilling this reporting requirement, the Secretary shall consider and anticipate the increased requirements due to the proposed realignment of military forces on Guam and in the Commonwealth and growth in the tourism sector.

48 USC 1806  
note.

(i) **REQUIRED ACTIONS PRIOR TO TRANSITION PROGRAM EFFECTIVE DATE.**—During the period beginning on the date of enactment of this Act and ending on the transition program effective date described in section 6 of Public Law 94-241 (as added by subsection (a)), the Government of the Commonwealth shall—

(1) not permit an increase in the total number of alien workers who are present in the Commonwealth as of the date of enactment of this Act; and

(2) administer its nonrefoulement protection program—

(A) according to the terms and procedures set forth in the Memorandum of Agreement entered into between the Commonwealth of the Northern Mariana Islands and the United States Department of Interior, Office of Insular Affairs, executed on September 12, 2003 (which terms and procedures, including but not limited to funding by the Secretary of the Interior and performance by the Secretary of Homeland Security of the duties of “Protection Consultant” to the Commonwealth, shall have effect on and after the date of enactment of this Act), as well as CNMI Public Law 13-61 and the Immigration Regulations Establishing a Procedural Mechanism for Persons Requesting Protection from Refoulement; and

(B) so as not to remove or otherwise effect the involuntary return of any alien whom the Protection Consultant has determined to be eligible for protection from persecution or torture.

(j) **CONFORMING AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.**—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

8 USC 1101.

(1) in section 101(a)(15)(D)(ii), by inserting “or the Commonwealth of the Northern Mariana Islands” after “Guam” each time such term appears;

(2) in section 101(a)(36), by striking “and the Virgin Islands of the United States” and inserting “the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands”;

(3) in section 101(a)(38), by striking “and the Virgin Islands of the United States” and inserting “the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands”;

8 USC 1158.  
Applicability.

(4) in section 208, by adding at the end the following:

“(e) **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**—The provisions of this section and section 209(b) shall apply to persons physically present in the Commonwealth of the Northern Mariana Islands or arriving in the Commonwealth (whether or not at a designated port of arrival and including persons who are brought to the Commonwealth after having been interdicted in international or United States waters) only on or after January 1, 2014.”; and

(5) in section 235(b)(1), by adding at the end the following: 8 USC 1225.

“(G) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Nothing in this subsection shall be construed to authorize or require any person described in section 208(e) to be permitted to apply for asylum under section 208 at any time before January 1, 2014.”.

(k) AVAILABILITY OF OTHER NONIMMIGRANT PROFESSIONALS.— 8 USC 1182 note.  
The requirements of section 212(m)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(6)(B)) shall not apply to a facility in Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

**SEC. 703. FURTHER AMENDMENTS TO PUBLIC LAW 94–241.**

Public Law 94–241, as amended, is further amended in section 4(c)(3) by striking the colon after “Marshall Islands” and inserting the following: “, except that \$200,000 in fiscal year 2009 and \$225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress”. 48 USC 1804.

**SEC. 704. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

**SEC. 705. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as specifically provided in this section or otherwise in this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the date of enactment of this Act. 48 USC 1806 note.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The amendments to the Immigration and Nationality Act made by this subtitle, and other provisions of this subtitle applying the immigration laws (as defined in section 101(a)(17) of Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)), unless specifically provided otherwise in this subtitle.

(c) CONSTRUCTION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to make any residence or presence in the Commonwealth before the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)) residence or presence in the United States, except that, for the purpose only of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) has abandoned or lost such status by reason of absence from the United States, such alien’s presence in the Commonwealth before, on, or after the date of enactment of this Act shall be considered to be presence in the United States.

## Subtitle B—Northern Mariana Islands Delegate

48 USC 1751. **SEC. 711. DELEGATE TO HOUSE OF REPRESENTATIVES FROM  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved by Public Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this subtitle.

48 USC 1752. **SEC. 712. ELECTION OF DELEGATE.**

(a) **ELECTORS AND TIME OF ELECTION.**—The Delegate shall be elected—

(1) by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands; and

(2) at the Federal general election of 2008 and at such Federal general election every 2d year thereafter.

(b) **MANNER OF ELECTION.**—

(1) **IN GENERAL.**—The Delegate shall be elected at large and by a plurality of the votes cast for the office of Delegate.

(2) **EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.**—Notwithstanding paragraph (1), if the Government of the Commonwealth of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, provides for primary elections for the election of the Delegate, the Delegate shall be elected by a majority of the votes cast in any general election for the office of Delegate for which such primary elections were held.

(c) **VACANCY.**—In case of a permanent vacancy in the office of Delegate, the office of Delegate shall remain vacant until a successor is elected and qualified.

(d) **COMMENCEMENT OF TERM.**—The term of the Delegate shall commence on the 3d day of January following the date of the election.

48 USC 1753. **SEC. 713. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

To be eligible for the office of Delegate a candidate shall—

(1) be at least 25 years of age on the date of the election;

(2) have been a citizen of the United States for at least 7 years prior to the date of the election;

(3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;

(4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and

(5) not be, on the date of the election, a candidate for any other office.

**SEC. 714. DETERMINATION OF ELECTION PROCEDURE.**

48 USC 1754.

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this subtitle.

**SEC. 715. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

48 USC 1755.

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to any other nonvoting Delegate to the House of Representatives.

**SEC. 716. LACK OF EFFECT ON COVENANT.**

48 USC 1756.

No provision of this subtitle shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 711 except section 901 of the covenant.

**SEC. 717. DEFINITION.**

48 USC 1757.

For purposes of this subtitle, the term “Delegate” means the Resident Representative referred to in section 711.

**SEC. 718. CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO MILITARY SERVICE ACADEMIES BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking “resident representative” and inserting “Delegate in Congress”.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking “resident representative” and inserting “Delegate in Congress”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking “resident representative” and inserting “Delegate in Congress”.

## **TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS**

Micronesia.  
Marshall Islands.  
Palau.

**SEC. 801. APPROVAL OF AGREEMENTS.**

(a) IN GENERAL.—Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: “, including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two

Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof”; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: “, including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof”.

48 USC 1921  
note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall be effective as of the date that is 180 days after the date of enactment of this Act.

#### **SEC. 802. FUNDS TO FACILITATE FEDERAL ACTIVITIES.**

Unobligated amounts appropriated before the date of enactment of this Act pursuant to section 105(f)(1)(A)(ii) of the Compact of Free Association Amendments Act of 2003 shall be available to both the United States Agency for International Development and the Federal Emergency Management Agency to facilitate each agency’s activities under the Federal Programs and Services Agreements.

#### **SEC. 803. CONFORMING AMENDMENT.**

(a) **IN GENERAL.**—Section 105(f)(1)(A) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

“(A) **EMERGENCY AND DISASTER ASSISTANCE.**—

“(i) **IN GENERAL.**—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively, provided that all activities carried out by the United States Agency for International Development and the Federal Emergency Management Agency under Article X of the Federal Programs and Services Agreements may be carried out notwithstanding any other provision of law. In the sections referred to in this clause, the term ‘United States Agency for International Development, Office of Foreign Disaster Assistance’ shall be construed to mean ‘the United States Agency for International Development’.

“(ii) **DEFINITION OF WILL PROVIDE FUNDING.**—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term ‘will provide funding’ means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.”.

48 USC 1921d  
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be effective as of the date that is 180 days after the date of enactment of this Act.

**SEC. 804. CLARIFICATIONS REGARDING PALAU.**

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking “and its territories” and inserting “, its territories, and the Republic of Palau”;

(2) in clause (iii)(II), by striking “, or the Republic of the Marshall Islands” and inserting “, the Republic of the Marshall Islands, or the Republic of Palau”; and

(3) in clause (ix)—

(A) by striking “Republic” both places it appears and inserting “government, institutions, and people”;

(B) by striking “2007” and inserting “2009”; and

(C) by striking “was” and inserting “were”.

**SEC. 805. AVAILABILITY OF LEGAL SERVICES.**

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: “, which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)”.

**SEC. 806. TECHNICAL AMENDMENTS.**

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking “section 177” and inserting “Section 177”.

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting “the” before “U.S.–RMI Compact,”;

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking “to include” and inserting “and include”;

(ii) in paragraph (9)(A), by inserting a comma after “may”; and

(iii) in paragraph (10), by striking “related to service” and inserting “related to such services”; and

(C) in the first sentence of subsection (j), by inserting “the” before “Interior”.

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking “Trust Fund” and inserting “Trust Funds”.

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

48 USC 1921  
note.

(i) in subsection (a), by striking “courts” and inserting “court”; and

(ii) in subsection (b)(2), by striking “the” before “November”;

(B) in section 177(a), by striking “, or Palau” and inserting “(or Palau)”;

(C) in section 179(b), by striking “amended Compact” and inserting “Compact, as amended,”;

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking “Compact, as Amended, of Free Association” and inserting “Compact of Free Association, as amended”;

(ii) in the fifth sentence of subsection (a), by striking “Trust Fund Agreement,” and inserting “Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),”;

(iii) in subsection (b)—

(I) in the first sentence, by striking “Government of the” before “Federated”; and

(II) in the second sentence, by striking “Sections 321 and 323 of the Compact of Free Association, as Amended” and inserting “Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,”; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: “and the Federal Programs and Services Agreement referred to in section 231”;

(E) in the first sentence of section 215(b), by striking “subsection(a)” and inserting “subsection (a)”;

(F) in section 221—

(i) in subsection (a)(6), by inserting “(Federal Emergency Management Agency)” after “Homeland Security”; and

(ii) in the first sentence of subsection (c), by striking “agreements” and inserting “agreement”;

(G) in the second sentence of section 222, by inserting “in” after “referred to”;

(H) in the second sentence of section 232, by striking “sections 102 (c)” and all that follows through “January 14, 1986)” and inserting “section 102(b) of Public Law 108-188, 117 Stat. 2726, December 17, 2003”;

(I) in the second sentence of section 252, by inserting “, as amended,” after “Compact”;

(J) in the first sentence of the first undesignated paragraph of section 341, by striking “Section 141” and inserting “section 141”;

(K) in section 342—

(i) in subsection (a), by striking “14 U.S.C. 195” and inserting “section 195 of title 14, United States Code”; and

(ii) in subsection (b)—



(I) by striking “46 U.S.C. 1295(b)(6)” and inserting “section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))”; and

(II) by striking “46 U.S.C. 1295b(b)(6)(C)” and inserting “section 1303(b)(6)(C) of that Act”;

(L) in the third sentence of section 354(a), by striking “section 442 and 452” and inserting “sections 442 and 452”;

(M) in section 461(h), by striking “Telecommunications” and inserting “Telecommunication”;

(N) in section 462(b)(4), by striking “of Free Association” the second place it appears; and

(O) in section 463(b), by striking “Articles IV” and inserting “Article IV”.

(2) U.S.—RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

48 USC 1921  
note.

(A) in section 174(a), by striking “court” and inserting “courts”;

(B) in section 177(a), by striking the comma before “(or Palau)”;

(C) in section 179(b), by striking “amended Compact,” and inserting “Compact, as amended,”;

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking “Compact, as Amended, of Free Association” and inserting “Compact of Free Association, as amended”;

(ii) in the first sentence of subsection (b), by striking “Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights” and inserting “Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)”;

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: “and the Federal Programs and Services Agreement referred to in section 231”;

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking “Section 231” and inserting “section 231”; and

(ii) in paragraph (5), by inserting “(Federal Emergency Management Agency)” after “Homeland Security”;

(F) in the second sentence of section 232, by striking “sections 103(m)” and all that follows through “(January

14, 1986)” and inserting “section 103(k) of Public Law 108-188, 117 Stat. 2734, December 17, 2003”;

(G) in the first sentence of section 341, by striking “Section 141” and inserting “section 141”;

(H) in section 342—

(i) in subsection (a), by striking “14 U.S.C. 195” and inserting “section 195 of title 14, United States Code”; and

(ii) in subsection (b)—

(I) by striking “46 U.S.C. 1295(b)(6)” and inserting “section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))”; and

(II) by striking “46 U.S.C. 1295b(b)(6)(C)” and inserting “section 1303(b)(6)(C) of that Act”;

(I) in the third sentence of section 354(a), by striking “section 442 and 452” and inserting “sections 442 and 452”;

(J) in the first sentence of section 443, by inserting “, as amended.” after “the Compact”;

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking “1978” and inserting “1998”; and

(ii) by striking “Telecommunications” and inserting “Telecommunication Union”; and

(L) in section 463(b), by striking “Article” and inserting “Articles”.

#### **SEC. 807. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

Section 111(e)(2) of title 17, United States Code, is amended by striking “or the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands”.

48 USC 1960  
note.

#### **SEC. 808. PALAU ROAD MAINTENANCE.**

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101-219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

48 USC 1921  
note.

#### **SEC. 809. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.**

In the U.S.-RMI Compact, the U.S.-FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term “State” means “State, territory, or the District of Columbia”.

President.

#### **SEC. 810. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.**

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section

516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) TURKEY.—To the Government of Turkey—

(A) the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG-12) and SIDES (FFG-14); and

(B) the OSPREY class minehunter coastal ship BLACKHAWK (MHC-58).

(2) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships CORMORANT (MHC-57) and KINGFISHER (MHC-56).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the OSPREY class minehunter coastal ships ORIOLE (MHC-55) and FALCON (MHC-59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC-62).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of enactment of this Act.

Approved May 8, 2008.

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CONGRESSIONAL RECORD, Vol. 154 (2008):

Apr. 10, considered and passed Senate.

Apr. 29, considered and passed House.

