

Calendar No. 572

110TH CONGRESS
2D SESSION

S. 2616

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 6), 2008

Mr. BINGAMAN introduced the following bill; which was read the first time

FEBRUARY 11, 2008

Read the second time and placed on the calendar

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Forests, Parks, Public Land, and Reclamation
6 Projects Authorization Act of 2008”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 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. 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

Sec. 311. Carl Sandburg Home National Historic Site boundary adjustment.

Sec. 312. Lowell National Historical Park boundary adjustment.

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.

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 National Museum of Wildlife Art of the United States.

Sec. 336. 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.

Sec. 442. Definitions.

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

Sec. 444. Management plan.

Sec. 445. Evaluation; report.

- Sec. 446. Local coordinating entity.
- Sec. 447. Relationship to other Federal agencies.
- Sec. 448. Private property and regulatory protections.
- Sec. 449. Authorization of appropriations.
- Sec. 450. Use of Federal funds from other sources.
- Sec. 451. Sunset for grants and other assistance.

Subtitle D—Authorization Extensions and Viability Studies

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

Subtitle E—Technical Corrections and Additions

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

Subtitle F—Studies

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

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

- Sec. 501. Alaska water resources study.
- Sec. 502. Renegotiation of payment schedule, Redwood Valley County Water District.
- Sec. 503. American River Pump Station Project transfer.
- Sec. 504. Arthur V. Watkins Dam enlargement.
- Sec. 505. New Mexico water planning assistance.
- Sec. 506. Conveyance of certain buildings and lands of the Yakima Project, Washington.
- Sec. 507. Conjunctive use of surface and groundwater in Juab County, Utah.
- Sec. 508. Early repayment of A & B Irrigation District construction costs.
- Sec. 509. Oregon water resources.
- Sec. 510. Republican River Basin feasibility study.
- Sec. 511. Eastern Municipal Water District.
- Sec. 512. Bay Area Regional Water Recycling Program.
- Sec. 513. Bureau of Reclamation site security.

TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

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

TITLE VII—NORTHERN MARIANA ISLANDS

Subtitle A—Immigration, Security, and Labor

- Sec. 701. Statement of congressional intent.
- Sec. 702. Immigration reform for the Commonwealth.
- Sec. 703. Further amendments to Public Law 94-241.

- Sec. 704. Authorization of appropriations.
 Sec. 705. Effective date.

Subtitle B—Northern Mariana Islands Delegate

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

TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

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

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

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

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

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

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

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

18 (b) ADMINISTRATION PROVISIONS.—

19 (1) IN GENERAL.—

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

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

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

11 (2) NEW TRAILS.—

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

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

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

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

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

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

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

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

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

3 (c) AUTHORIZATION FOR LAND ACQUISITION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

1 formation to research institutions throughout the
2 world.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (A) donation;

11 (B) exchange with a willing party; or

12 (C) purchase from a willing seller.

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

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

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

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

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

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

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

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

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

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

1 **SEC. 202. NEVADA NATIONAL GUARD LAND CONVEYANCE,**
 2 **CLARK COUNTY, NEVADA.**

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

10 (b) LIMITATION.—If the land described in subsection
 11 (a) ceases to be used by the Nevada National Guard, the
 12 land shall revert to Clark County, Nevada, for manage-
 13 ment in accordance with the Southern Nevada Public
 14 Land Management Act of 1998 (Public Law 105–263;
 15 112 Stat. 2343).

16 **TITLE III—NATIONAL PARK**
 17 **SERVICE AUTHORIZATIONS**
 18 **Subtitle A—Cooperative**
 19 **Agreements**

20 **SEC. 301. COOPERATIVE AGREEMENTS FOR NATIONAL**
 21 **PARK NATURAL RESOURCE PROTECTION.**

22 (a) IN GENERAL.—The Secretary of the Interior (re-
 23 ferred to in this section as the “Secretary”) may enter
 24 into cooperative agreements with State, local, or tribal
 25 governments, other Federal agencies, other public entities,
 26 educational institutions, private nonprofit organizations,

1 or participating private landowners for the purpose of pro-
2 tecting natural resources of units of the National Park
3 System through collaborative efforts on land inside and
4 outside of National Park System units.

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

8 (1) provide for—

9 (A) the preservation, conservation, and res-
10 toration of coastal and riparian systems, water-
11 sheds, and wetlands;

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

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

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

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

23 (B) benefit the parties to the agreement;

24 (3) specify any staff required and technical as-
25 sistance to be provided by the Secretary or other

1 parties to the agreement in support of activities in-
2 side and outside the unit of the National Park Sys-
3 tem that will—

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

6 (B) benefit the parties to the agreement;

7 (4) identify any materials, supplies, or equip-
8 ment and any other resources that will be contrib-
9 uted by the parties to the agreement or by other
10 Federal agencies;

11 (5) describe any financial assistance to be pro-
12 vided by the Secretary or the partners to implement
13 the agreement;

14 (6) ensure that any expenditure by the Sec-
15 retary pursuant to the agreement is determined by
16 the Secretary to support the purposes of natural re-
17 source stewardship at a unit of the National Park
18 System; and

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

22 (c) LIMITATIONS.—The Secretary shall not use any
23 funds associated with an agreement entered into under
24 subsection (a) for the purposes of land acquisition, regu-
25 latory activity, or the development, maintenance, or oper-

1 ation of infrastructure, except for ancillary support facili-
 2 ties that the Secretary determines to be necessary for the
 3 completion of projects or activities identified in the agree-
 4 ment.

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

8 **Subtitle B—Boundary Adjustments**

9 **SEC. 311. CARL SANDBURG HOME NATIONAL HISTORIC** 10 **SITE BOUNDARY ADJUSTMENT.**

11 (a) DEFINITIONS.—In this section:

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

14 (2) MAP.—The term “map” means the map en-
 15 titled “Sandburg Center Alternative” numbered 445/
 16 80,017 and dated April 2007.

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

19 (b) ACQUISITION AUTHORITY.—The Secretary may
 20 acquire from willing sellers by donation, purchase with do-
 21 nated or appropriated funds, or exchange not more than
 22 110 acres of land, water, or interests in land and water,
 23 within the area depicted on the map, to be added to the
 24 Historic Site.

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

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

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

13 (f) ADMINISTRATION.—Land added to the Historic
14 Site by this section shall be administered as part of the
15 Historic Site in accordance with applicable laws and regu-
16 lations.

17 **SEC. 312. LOWELL NATIONAL HISTORICAL PARK BOUND-**
18 **ARY ADJUSTMENT.**

19 The Act entitled “An Act to provide for the establish-
20 ment of the Lowell National Historical Park in the Com-
21 monwealth of Massachusetts, and for other purposes” ap-
22 proved June 5, 1978 (Public Law 95–290; 92 Stat. 290;
23 16 U.S.C. 410cc et seq.) is amended as follows:

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

1 “(3) The boundaries of the park are modified
 2 to include five parcels of land identified on the map
 3 entitled ‘Boundary Adjustment, Lowell National
 4 Historical Park,’ numbered 475/81,424B and dated
 5 September 2004, and as delineated in section
 6 202(a)(2)(G).”.

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

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

11 “(i) 91 Pevey Street.

12 “(ii) The portion of 607 Middlesex
 13 Place.

14 “(iii) Eagle Court.

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

16 “(v) 726 Broadway.”.

17 **Subtitle C—Studies**

18 **SEC. 321. NATIONAL PARK SYSTEM SPECIAL RESOURCE** 19 **STUDY, NEWTONIA CIVIL WAR BATTLE-** 20 **FIELDS, MISSOURI.**

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

1 1864, during the Missouri Expedition of Confederate Gen-
2 eral Sterling Price in September and October 1864.

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

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

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

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

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

24 (5) consider alternatives for preservation, pro-
25 tection, and interpretation of the battlefields and re-

1 lated sites by the National Park Service, other Fed-
2 eral, State, or local governmental entities, or private
3 and nonprofit organizations; and

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

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

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

19 (1) the results of the study; and

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

22 **SEC. 322. NATIONAL PARK SERVICE STUDY REGARDING**
23 **THE SOLDIERS' MEMORIAL MILITARY MU-**
24 **SEUM.**

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

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

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

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

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

14 (5) In 1933, Mayor Bernard F. Dickmann ap-
15 pealed to citizens and the city government to raise
16 \$1,000,000 to construct a memorial building and
17 general improvement of the plaza area and the con-
18 struction of Soldiers' Memorial began on October
19 21, 1935.

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

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

24 (b) STUDY.—The Secretary of the Interior shall carry
25 out a study to determine the suitability and feasibility of

1 designating the Soldiers' Memorial Military Museum, lo-
2 cated at 1315 Chestnut, St. Louis, Missouri, as a unit
3 of the National Park System.

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

8 (d) REPORT.—The Secretary shall submit a report
9 describing the results the study required by this section
10 to the Committee on Natural Resources of the House of
11 Representatives and the Committee on Energy and Nat-
12 ural Resources of the Senate.

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

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

17 (1) the suitability and feasibility of designating
18 the Wolf House as a unit of the National Park Sys-
19 tem; and

20 (2) the methods and means for the protection
21 and interpretation of the Wolf House by the Na-
22 tional Park Service, other Federal, State, or local
23 government entities or private or non-profit organi-
24 zations.

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

4 (c) REPORT.—Not later than 3 years after the date
5 on which funds are made available to carry out this sec-
6 tion, the Secretary shall submit to the Committee on Nat-
7 ural Resources of the House of Representatives and the
8 Committee on Energy and Natural Resources of the Sen-
9 ate a report containing—

10 (1) the results of the study; and

11 (2) any recommendations of the Secretary.

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

13 (a) DEFINITIONS.—In this section:

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

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

20 (b) STUDY OF SUITABILITY AND FEASIBILITY OF ES-
21 TABLISHING MEMORIALS TO THE SPACE SHUTTLE CO-
22 LUMBIA.—

23 (1) IN GENERAL.—Not later than 3 years after
24 the date on which funds are made available, the Sec-
25 retary shall conduct a special resource study to de-

1 termine the feasibility and suitability of establishing
2 a memorial as a unit or units of the National Park
3 System to the Space Shuttle Columbia on land in
4 the State of Texas described in paragraph (2) on
5 which large debris from the Shuttle was recovered.

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

8 (A) the parcel of land owned by the Fre-
9 donia Corporation, located at the southeast cor-
10 ner of the intersection of East Hospital Street
11 and North Fredonia Street, Nacogdoches,
12 Texas;

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

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

20 (D) the parcel of land owned by San Au-
21 gustine County, Texas, located at 1109
22 Oaklawn Street, San Augustine, Texas.

23 (3) ADDITIONAL SITES.—The Secretary may
24 recommend to Congress additional sites in the State
25 of Texas relating to the Space Shuttle Columbia for

1 establishment as memorials to the Space Shuttle Co-
2 lumbia.

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

4 (a) IN GENERAL.—Not later than 3 years after the
5 date on which funds are made available to carry out this
6 section, the Secretary of the Interior (referred to in this
7 section as the “Secretary”) shall complete a special re-
8 source study of sites in the State of Arizona, the State
9 of California, and other States that are significant to the
10 life of César E. Chávez and the farm labor movement in
11 the western United States to determine—

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

14 (2) whether any of the sites meets the criteria
15 for listing on the National Register of Historic
16 Places or designation as a national historic land-
17 mark under—

18 (A) the Act of August 21, 1935 (16 U.S.C.
19 461 et seq.); or

20 (B) the National Historic Preservation Act
21 (16 U.S.C. 470 et seq.).

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

24 (1) consider the criteria for the study of areas
25 for potential inclusion in the National Park System

1 under section 8(b)(2) of Public Law 91–383 (16
2 U.S.C. 1a–5(b)(2)); and

3 (2) consult with—

4 (A) the César E. Chávez Foundation;

5 (B) the United Farm Workers Union; and

6 (C) State and local historical associations
7 and societies, including any State historic pres-
8 ervation offices in the State in which the site is
9 located.

10 (c) REPORT.—On completion of the study, the Sec-
11 retary shall submit to the Committee on Natural Re-
12 sources of the House of Representatives and the Com-
13 mittee on Energy and Natural Resources of the Senate
14 a report that describes—

15 (1) the findings of the study; and

16 (2) any recommendations of the Secretary.

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

20 **SEC. 326. TAUNTON, MASSACHUSETTS, SPECIAL RESOURCE**
21 **STUDY.**

22 (a) IN GENERAL.—The Secretary of the Interior (re-
23 ferred to in this section as the “Secretary”), in consulta-
24 tion with the appropriate State historic preservation offi-
25 cers, State historical societies, the city of Taunton, Massa-

1 chusetts, and other appropriate organizations, shall con-
2 duct a special resources study regarding the suitability
3 and feasibility of designating certain historic buildings and
4 areas in Taunton, Massachusetts, as a unit of the Na-
5 tional Park System. The study shall be conducted and
6 completed in accordance with section 8(c) of Public Law
7 91–383 (16 U.S.C. 1a–5(c)) and shall include analysis,
8 documentation, and determinations regarding whether the
9 historic areas in Taunton—

10 (1) can be managed, curated, interpreted, re-
11 stored, preserved, and presented as an organic whole
12 under management by the National Park Service or
13 under an alternative management structure;

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

18 (3) reflect traditions, customs, beliefs, and his-
19 torical events that are valuable parts of the national
20 story;

21 (4) provide outstanding opportunities to con-
22 serve natural, historic, cultural, architectural, or sce-
23 nic features;

24 (5) provide outstanding recreational and edu-
25 cational opportunities; and

1 (6) can be managed by the National Park Serv-
 2 ice in partnership with residents, business interests,
 3 nonprofit organizations, and State and local govern-
 4 ments to develop a unit of the National Park System
 5 consistent with State and local economic activity.

6 (b) REPORT.—Not later than 3 fiscal years after the
 7 date on which funds are first made available for this sec-
 8 tion, the Secretary shall submit to the Committee on Nat-
 9 ural Resources of the House of Representatives and the
 10 Committee on Energy and Natural Resources of the Sen-
 11 ate a report on the findings, conclusions, and rec-
 12 ommendations of the study required under subsection (a).

13 (c) PRIVATE PROPERTY.—The recommendations in
 14 the report submitted pursuant to subsection (b) shall in-
 15 clude discussion and consideration of the concerns ex-
 16 pressed by private landowners with respect to designating
 17 certain structures referred to in this section as a unit of
 18 the National Park System.

19 **Subtitle D—Memorials,**
 20 **Commissions, and Museums**

21 **SEC. 331. COMMEMORATIVE WORK TO HONOR BRIGADIER**

22 **GENERAL FRANCIS MARION AND HIS FAMILY.**

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

24 (1) Francis Marion was born in 1732 in St.
 25 John’s Parish, Berkeley County, South Carolina. He

1 married Mary Esther Videau on April 20th, 1786.
2 Francis and Mary Esther Marion had no children,
3 but raised a son of a relative as their own, and gave
4 the child Francis Marion's name.

5 (2) Brigadier General Marion commanded the
6 Williamsburg Militia Revolutionary force in South
7 Carolina and was instrumental in delaying the ad-
8 vance of British forces by leading his troops in dis-
9 rupting supply lines.

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

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

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

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

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

13 (8) Brigadier General Marion's legacy must live
14 on. Since 1878, United States Reservation 18 has
15 been officially referred to as Marion Park. Located
16 between 4th and 6th Streets, S.E., at the intersec-
17 tion of E Street and South Carolina Avenue, S.E.,
18 in Washington, DC, the park lacks a formal com-
19 memoration to this South Carolina hero who was im-
20 portant to the initiation of the Nation's heritage.

21 (9) The time has come to correct this oversight
22 so that future generations of Americans will know
23 and understand the preeminent historical and last-
24 ing significance to the Nation of Brigadier General

1 Marion's contributions. Such a South Carolina hero
2 deserves to be given the proper recognition.

3 (b) AUTHORITY TO ESTABLISH COMMEMORATIVE
4 WORK.—The Marion Park Project, a committee of the
5 Palmetto Conservation Foundation, may establish a com-
6 memorative work on Federal land in the District of Co-
7 lumbia and its environs to honor Brigadier General
8 Francis Marion and his service.

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

14 (d) USE OF FEDERAL FUNDS PROHIBITED.—Fed-
15 eral funds may not be used to pay any expense of the es-
16 tablishment of the commemorative work authorized by
17 subsection (b). The Marion Park Project, a committee of
18 the Palmetto Conservation Foundation, shall be solely re-
19 sponsible for acceptance of contributions for, and payment
20 of the expenses of, the establishment of that commemora-
21 tive work.

22 (e) DEPOSIT OF EXCESS FUNDS.—If, upon payment
23 of all expenses of the establishment of the commemorative
24 work authorized by subsection (b) (including the mainte-
25 nance and preservation amount provided for in section

1 8906(b) of title 40, United States Code), or upon expira-
 2 tion of the authority for the commemorative work under
 3 chapter 89 of title 40, United States Code, there remains
 4 a balance of funds received for the establishment of that
 5 commemorative work, the Marion Park Project, a com-
 6 mittee of the Palmetto Conservation Foundation, shall
 7 transmit the amount of the balance to the Secretary of
 8 the Treasury for deposit in the account provided for in
 9 section 8906(b)(1) of such title.

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

14 **SEC. 332. DWIGHT D. EISENHOWER MEMORIAL COMMIS-**
 15 **SION.**

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

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

21 “(j) POWERS OF THE COMMISSION.—

22 “(1) IN GENERAL.—

23 “(A) POWERS.—The Commission may—

24 “(i) make such expenditures for serv-
 25 ices and materials for the purpose of car-

1 rying out this section as the Commission
2 considers advisable from funds appro-
3 priated or received as gifts for that pur-
4 pose;

5 “(ii) solicit and accept contributions
6 to be used in carrying out this section or
7 to be used in connection with the construc-
8 tion or other expenses of the memorial;

9 “(iii) hold hearings and enter into
10 contracts;

11 “(iv) enter into contracts for special-
12 ized or professional services as necessary
13 to carry out this section; and

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

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

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

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

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

6 “(3) FEDERAL COOPERATION.—At the request
7 of the Commission, a Federal department or agency
8 may provide any information or other assistance to
9 the Commission that the head of the Federal depart-
10 ment or agency determines to be appropriate.

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

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

16 “(B) ARCHITECT.—The Commission may
17 appoint an architect as an agent of the Com-
18 mission to—

19 “(i) represent the Commission on var-
20 ious governmental source selection and
21 planning boards on the selection of the
22 firms that will design and construct the
23 memorial; and

1 “(ii) perform other duties as des-
2 ignated by the Chairperson of the Commis-
3 sion.

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

12 “(5) TRAVEL.—Each member of the Commis-
13 sion shall be allowed travel expenses, including per
14 diem in lieu of subsistence, at rates authorized for
15 employees of agencies under subchapter I of chapter
16 57 of title 5, United States Code, while away from
17 their homes or regular places of business in the per-
18 formance of services for the Commission.”;

19 (2) by redesignating subsection (o) as sub-
20 section (q); and

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

22 “(o) STAFF AND SUPPORT SERVICES.—

23 “(1) EXECUTIVE DIRECTOR.—There shall be an
24 Executive Director appointed by the Commission to

1 be paid at a rate not to exceed the maximum rate
2 of basic pay for level IV of the Executive Schedule.

3 “(2) STAFF.—

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

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

22 “(3) STAFF OF FEDERAL AGENCIES.—On re-
23 quest of the Commission, the head of any Federal
24 department or agency may detail any of the per-
25 sonnel of the department or agency to the Commis-

1 sion to assist the Commission to carry out its duties
2 under this section.

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

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

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

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

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

4 “(7) VOLUNTEER SERVICES.—

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

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

15 “(C) LIABILITY.—

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

21 “(ii) EXCEPTION.—Section 4(d) of the
22 Volunteer Protection Act of 1997 (42
23 U.S.C. 14503(d)) shall not apply for pur-
24 poses of a claim against a volunteer de-
25 scribed in subparagraph (A).

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

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

7 (a) ESTABLISHMENT OF COMMISSION.—

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

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

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

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

23 (C) In addition to the members appointed
24 under subparagraph (B), the Speaker of the
25 House of Representatives, the Minority Leader

1 of the House of Representatives, the Majority
2 Leader of the Senate, and the Minority Leader
3 of the Senate shall each appoint 1 nonvoting
4 member.

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

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

13 (i) expertise in museum administra-
14 tion;

15 (ii) expertise in fundraising for non-
16 profit or cultural institutions;

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

20 (iv) experience in studying the issue of
21 the Smithsonian Institution's representa-
22 tion of American Latino art, life, history,
23 and culture; or

24 (v) extensive experience in public or
25 elected service; or

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

6 (b) FUNCTIONS OF THE COMMISSION.—

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

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

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

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

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

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

11 (D) Whether the Museum should be lo-
12 cated within the Smithsonian Institution.

13 (E) The governance and organizational
14 structure from which the Museum should oper-
15 ate.

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

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

21 (4) LEGISLATION TO CARRY OUT PLAN OF AC-
22 TION.—Based on the recommendations contained in
23 the report submitted under paragraph (1) and the
24 report submitted under paragraph (3), the Commis-
25 sion shall submit for consideration to the Committee

1 on Transportation and Infrastructure of the House
2 of Representatives, the Committee on House Admin-
3 istration of the House of Representatives, the Com-
4 mittee on Rules and Administration of the Senate,
5 the Committee on Natural Resources of the House
6 of Representatives, the Committee on Energy and
7 Natural Resources of the Senate, and the Commit-
8 tees on Appropriations of the House of Representa-
9 tives and the Senate recommendations for a legisla-
10 tive plan of action to create and construct the Mu-
11 seum.

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

19 (c) ADMINISTRATIVE PROVISIONS.—

20 (1) FACILITIES AND SUPPORT OF DEPARTMENT
21 OF THE INTERIOR.—The Department of the Interior
22 shall provide from funds appropriated for this pur-
23 pose administrative services, facilities, and funds
24 necessary for the performance of the Commission's

1 functions. These funds shall be made available prior
2 to any meetings of the Commission.

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

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

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

17 (d) DEADLINE FOR SUBMISSION OF REPORTS; TER-
18 MINATION.—

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

23 (2) TERMINATION.—The Commission shall ter-
24minate not later than 30 days after submitting the

1 final versions of reports and plans pursuant to para-
 2 graph (1).

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

9 **SEC. 334. HUDSON-FULTON-CHAMPLAIN**
 10 **QUADRICENTENNIAL COMMEMORATION**
 11 **COMMISSION.**

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

17 (1) consistent with the plans and programs of
 18 the commemorative commissions established by the
 19 States of New York and Vermont; and

20 (2) well-organized and successful.

21 (b) DEFINITIONS.—In this section:

22 (1) CHAMPLAIN COMMEMORATION.—The term
 23 “Champlain commemoration” means the commemo-
 24 ration of the 400th anniversary of the voyage of
 25 Samuel de Champlain.

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

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

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

11 (A) the 200th anniversary of the voyage of
12 Robert Fulton in the Clermont; and

13 (B) the 400th anniversary of the voyage of
14 Henry Hudson in the Half Moon.

15 (5) HUDSON-FULTON COMMISSION.—The term
16 “Hudson-Fulton Commission” means the Hudson-
17 Fulton 400th Commemoration Commission estab-
18 lished by subsection (d)(1).

19 (6) LAKE CHAMPLAIN BASIN PROGRAM.—The
20 term “Lake Champlain Basin Program” means the
21 partnership established by section 120 of the Fed-
22 eral Water Pollution Control Act (33 U.S.C. 1270)
23 between the States of New York and Vermont and
24 Federal agencies to carry out the Lake Champlain
25 management plan entitled, “Opportunities for Ac-

1 tion: An Evolving Plan for the Lake Champlain
2 Basin”.

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

5 (c) ESTABLISHMENT OF CHAMPLAIN COMMISSION.—

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

9 (2) MEMBERSHIP.—

10 (A) COMPOSITION.—The Champlain Com-
11 mission shall be composed of 10 members, of
12 whom—

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

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

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

22 (II) residents of Champlain Val-
23 ley, New York;

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

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

8 (II) residents of the State of
9 Vermont; and

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

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

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

19 (B) TERM; VACANCIES.—

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

23 (ii) VACANCIES.—A vacancy on the
24 Champlain Commission shall be filled in

1 the same manner in which the original ap-
2 pointment was made.

3 (3) DUTIES.—The Champlain Commission
4 shall—

5 (A) plan, develop, and execute programs
6 and activities appropriate to commemorate the
7 400th anniversary of the voyage of Samuel de
8 Champlain, the first European to discover and
9 explore Lake Champlain;

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

13 (C) coordinate the activities of the Cham-
14 plain Commission with—

15 (i) State commemoration commis-
16 sions;

17 (ii) appropriate Federal agencies;

18 (iii) the Lake Champlain Basin Pro-
19 gram;

20 (iv) the National Endowment for the
21 Arts; and

22 (v) the Smithsonian Institution;

23 (D) encourage civic, patriotic, historical,
24 educational, artistic, religious, economic, and
25 other organizations throughout the United

1 States to organize and participate in anniver-
2 sary activities to expand the understanding and
3 appreciation of the significance of the voyage of
4 Samuel de Champlain;

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

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

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

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

22 (I) consult and coordinate with the Lake
23 Champlain Basin Program and other relevant
24 organizations to plan and develop programs and

1 activities to commemorate the voyage of Samuel
2 de Champlain.

3 (d) ESTABLISHMENT OF HUDSON-FULTON COMMIS-
4 SION.—

5 (1) ESTABLISHMENT.—There is established a
6 commission to be known as the “Hudson-Fulton
7 400th Commemoration Commission”.

8 (2) MEMBERSHIP.—

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

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

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

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

23 (iv) 2 members shall be appointed by
24 the Secretary, after considering the rec-

1 ommendations of the Members of the Sen-
2 ate from the State of New York;

3 (v) 2 members shall be—

4 (I) appointed by the Secretary;

5 and

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

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

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

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

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

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

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

8 (B) TERM; VACANCIES.—

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

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

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

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

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

23 (ii) the 200th anniversary of the voy-
24 age of Robert Fulton, the first person to

1 use steam navigation on a commercial
2 basis;

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

6 (C) coordinate the activities of the Hud-
7 son-Fulton Commission with—

8 (i) State commemoration commis-
9 sions;

10 (ii) appropriate Federal agencies;

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

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

18 (v) the National Endowment for the
19 Humanities;

20 (vi) the National Endowment for the
21 Arts; and

22 (vii) the Smithsonian Institution;

23 (D) encourage civic, patriotic, historical,
24 educational, artistic, religious, economic, and
25 other organizations throughout the United

1 States to organize and participate in anniver-
2 sary activities to expand the understanding and
3 appreciation of the significance of the voyages
4 of Henry Hudson and Robert Fulton;

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

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

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

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

22 (e) COMMISSION MEETINGS.—

23 (1) INITIAL MEETING.—Not later than 30 days
24 after the date on which all members of a commission
25 established under this section have been appointed,

1 the applicable Commission shall hold an initial meet-
2 ing.

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

5 (A) at least twice each year; or

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

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

11 (4) CHAIRPERSON AND VICE CHAIRPERSON.—

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

15 (B) ABSENCE OF THE CHAIRPERSON.—
16 The Vice Chairperson shall serve as the Chair-
17 person in the absence of the Chairperson.

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

22 (f) COMMISSION POWERS.—

23 (1) GIFTS.—The Commission may solicit, ac-
24 cept, use, and dispose of gifts, bequests, or devises

1 of money or other property for aiding or facilitating
2 the work of the Commission.

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

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

11 (4) PROCUREMENT.—

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

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

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

1 (6) GRANTS.—

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

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

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

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

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

20 (ii) to research and scholarly organi-
21 zations to research, publish, or distribute
22 information relating to the early history of
23 the voyages of Henry Hudson and Robert
24 Fulton.

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

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

13 (g) COMMISSION PERSONNEL MATTERS.—

14 (1) COMPENSATION OF MEMBERS.—

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

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

24 (2) TRAVEL EXPENSES.—A member of the
25 Commission shall be allowed travel expenses, includ-

1 ing per diem in lieu of subsistence, at rates author-
2 ized for an employee of an agency under subchapter
3 I of chapter 57 of title 5, United States Code, while
4 away from the home or regular place of business of
5 the member in the performance of the duties of the
6 Commission.

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

13 (4) COMPENSATION.—

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

22 (B) MAXIMUM RATE OF PAY.—The rate of
23 pay for the Executive Director and other per-
24 sonnel shall not exceed the rate payable for

1 level V of the Executive Schedule under section
2 5316 of title 5, United States Code.

3 (5) DETAIL OF GOVERNMENT EMPLOYEES.—

4 (A) FEDERAL EMPLOYEES.—

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

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

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

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

23 (ii) reimburse the State of New York
24 or the State of Vermont for services of de-
25 tailed personnel.

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

4 (i) accept the services of personnel de-
5 tailed from the Lake Champlain Basin
6 Program; and

7 (ii) reimburse the Lake Champlain
8 Basin Program for services of detailed per-
9 sonnel.

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

19 (6) VOLUNTEER AND UNCOMPENSATED SERV-
20 ICES.—Notwithstanding section 1342 of title 31,
21 United States Code, the Commission may accept and
22 use voluntary and uncompensated services as the
23 Commission determines necessary.

24 (7) SUPPORT SERVICES.—The Secretary shall
25 provide to the Commission, on a reimbursable basis,

1 such administrative support services as the Commis-
2 sion may request.

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

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

9 (1) a summary of the activities of the Commis-
10 sion;

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

13 (3) the findings and recommendations of the
14 Commission.

15 (i) TERMINATION OF COMMISSIONS.—

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

18 (2) TRANSFER OF DOCUMENTS AND MATE-
19 RIALS.—Before the date of termination specified in
20 paragraph (1), the Commission shall transfer all of
21 its documents and materials of the Commission to
22 the National Archives or another appropriate Fed-
23 eral entity.

24 (j) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

8 (2) AVAILABILITY.—Amounts made available
9 under paragraph (1) shall remain available until ex-
10 pended.

11 **SEC. 335. SENSE OF CONGRESS REGARDING THE DESIGNA-**
12 **TION OF THE NATIONAL MUSEUM OF WILD-**
13 **LIFE ART OF THE UNITED STATES.**

14 (a) FINDINGS.—Congress finds that—

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

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

22 (3) the National Museum of Wildlife Art, which
23 was founded in 1987 with a private gift of a collec-
24 tion of art, has grown in stature and importance and

1 is recognized today as the world's premier museum
2 of wildlife art;

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

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

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

22 (7) the permanent collection of the National
23 Museum of Wildlife Art has grown to more than
24 3,000 works by important historic American artists
25 including Edward Hicks, Anna Hyatt Huntington,

1 Charles M. Russell, William Merritt Chase, and Al-
2 exander Calder, and contemporary American artists,
3 including Steve Kestrel, Bart Walter, Nancy Howe,
4 John Nieto, and Jamie Wyeth;

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

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

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

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the National Museum of Wildlife Art, located
24 at 2820 Rungius Road, Jackson, Wyoming, should be des-

1 ignated as the “National Museum of Wildlife Art of the
2 United States”.

3 **SEC. 336. REDESIGNATION OF ELLIS ISLAND LIBRARY.**

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

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

15 **Subtitle E—Trails and Rivers**

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

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

22 “(26) STAR-SPANGLED BANNER NATIONAL HIS-
23 TORIC TRAIL.—

24 “(A) IN GENERAL.—The Star-Spangled
25 Banner National Historic Trail, a trail con-

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

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

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

22 “(D) LAND ACQUISITION.—No land or in-
23 terest in land outside the exterior boundaries of
24 any federally administered area may be ac-
25 quired by the United States for the trail except

1 with the consent of the owner of the land or in-
2 terest in land.

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

5 “(i) encourage communities, owners of
6 land along the trail, and volunteer trail
7 groups to participate in the planning, de-
8 velopment, and maintenance of the trail;
9 and

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

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

19 “(i) carrying out preservation and de-
20 velopment of the trail; and

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

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

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

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

21 (c) CONDITION OF CONVEYANCE, USE OF CONVEYED
22 LAND.—The conveyance authorized under subsection (a)
23 shall be subject to the condition that the Missouri River
24 Basin Lewis and Clark Interpretive Trail and Visitor Cen-
25 ter Foundation, Inc. use the conveyed land as an historic

1 site and interpretive center for the Lewis and Clark Na-
2 tional Historic Trail.

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

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

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

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

3 (a) DEFINITIONS.—In this section:

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

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

18 (b) SPECIAL RESOURCE STUDY.—

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

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

24 (B) the methods and means for the protec-
25 tion and interpretation of these sites by the Na-
26 tional Park Service, other Federal, State, or

1 local government entities or private or non-prof-
2 it organizations.

3 (2) STUDY REQUIREMENTS.—The Secretary
4 shall conduct the study in accordance with section
5 5(b) of the National Trails System Act (16 U.S.C.
6 1244(b)).

7 (c) REPORT.—Not later than 3 years after the date
8 on which funds are made available to carry out this sec-
9 tion, the Secretary shall submit to the Committee on Nat-
10 ural Resources of the House of Representatives and the
11 Committee on Energy and Natural Resources of the Sen-
12 ate a report containing—

13 (1) the results of the study; and

14 (2) any recommendations of the Secretary.

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

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

18 (1) The Eightmile River Wild and Scenic River
19 Study Act of 2001 (Public Law 107–65; 115 Stat.
20 484) authorized the study of the Eightmile River in
21 the State of Connecticut from its headwaters down-
22 stream to its confluence with the Connecticut River
23 for potential inclusion in the National Wild and Sce-
24 nic Rivers System.

1 (2) The segments of the Eightmile River cov-
2 ered by the study are in a free-flowing condition,
3 and the outstanding resource values of the river seg-
4 ments include the cultural landscape, water quality,
5 watershed hydrology, unique species and natural
6 communities, geology, and watershed ecosystem.

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

9 (A) the outstanding resource values of
10 these river segments depend on sustaining the
11 integrity and quality of the Eightmile River wa-
12 tershed;

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

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

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

23 (5) During the study, the Eightmile River Wild
24 and Scenic Study Committee, with assistance from
25 the National Park Service, prepared a comprehen-

1 sive management plan for the Eightmile River wa-
2 tershed, dated December 8, 2005 (in this section re-
3 ferred to as the “Eightmile River Watershed Man-
4 agement Plan”), which establishes objectives, stand-
5 ards, and action programs that will ensure long-term
6 protection of the outstanding values of the river and
7 compatible management of the land and water re-
8 sources of the Eightmile River and its watershed,
9 without Federal management of affected lands not
10 owned by the United States.

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

17 (7) The residents of the towns lying along the
18 Eightmile River and comprising most of its water-
19 shed (Salem, East Haddam, and Lyme, Con-
20 necticut), as well as the Boards of Selectmen and
21 Land Use Commissions of these towns, voted to en-
22 dorse the Eightmile River Watershed Management
23 Plan and to seek designation of the river as a com-
24 ponent of the National Wild and Scenic Rivers Sys-
25 tem.

1 (8) The State of Connecticut General Assembly
2 enacted Public Act 05–18 to endorse the Eightmile
3 River Watershed Management Plan and to seek des-
4 ignation of the river as a component of the National
5 Wild and Scenic Rivers System.

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

8 (1) by redesignating paragraph (167) (relating
9 to the Musconetcong River, New Jersey) as para-
10 graph (169);

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

14 (3) by designating the undesignated paragraph
15 relating to the Black Butte River, California, as
16 paragraph (168); and

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

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

23 “(A) The entire 10.8-mile segment of the main
24 stem, starting at its confluence with Lake Hayward

1 Brook to its confluence with the Connecticut River
2 at the mouth of Hamburg Cove, as a scenic river.

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

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

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

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

21 (c) MANAGEMENT.—The segments of the main stem
22 and certain tributaries of the Eightmile River in the State
23 of Connecticut designated as components of the National
24 Wild and Scenic Rivers System by the amendment made
25 by subsection (b) (in this section referred to as the

1 “Eightmile River”) shall be managed in accordance with
2 the Eightmile River Watershed Management Plan and
3 such amendments to the plan as the Secretary of the Inte-
4 rior determines are consistent with this section. The
5 Eightmile River Watershed Management Plan is deemed
6 to satisfy the requirements for a comprehensive manage-
7 ment plan required by section 3(d) of the Wild and Scenic
8 Rivers Act (16 U.S.C. 1274(d)).

9 (d) COMMITTEE.—The Secretary of the Interior shall
10 coordinate the management responsibilities of the Sec-
11 retary with regard to the Eightmile River with the
12 Eightmile River Coordinating Committee, as specified in
13 the Eightmile River Watershed Management Plan.

14 (e) COOPERATIVE AGREEMENTS.—In order to pro-
15 vide for the long-term protection, preservation, and en-
16 hancement of the Eightmile River, the Secretary of the
17 Interior may enter into cooperative agreements pursuant
18 to sections 10(e) and 11(b)(1) of the Wild and Scenic Riv-
19 ers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State
20 of Connecticut, the towns of Salem, Lyme, and East
21 Haddam, Connecticut, and appropriate local planning and
22 environmental organizations. All cooperative agreements
23 authorized by this subsection shall be consistent with the
24 Eightmile River Watershed Management Plan and may in-

1 clude provisions for financial or other assistance from the
2 United States.

3 (f) RELATION TO NATIONAL PARK SYSTEM.—Not-
4 withstanding section 10(c) of the Wild and Scenic Rivers
5 Act (16 U.S.C. 1281(c)), the Eightmile River shall not
6 be administered as part of the National Park System or
7 be subject to regulations which govern the National Park
8 System.

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

1 (h) WATERSHED APPROACH.—

2 (1) IN GENERAL.—In furtherance of the water-
3 shed approach to resource preservation and enhance-
4 ment articulated in the Eightmile River Watershed
5 Management Plan, the tributaries of the Eightmile
6 River watershed specified in paragraph (2) are rec-
7 ognized as integral to the protection and enhance-
8 ment of the Eightmile River and its watershed.

9 (2) COVERED TRIBUTARIES.—Paragraph (1)
10 applies with respect to Beaver Brook, Big Brook,
11 Burnhams Brook, Cedar Pond Brook, Cranberry
12 Meadow Brook, Early Brook, Falls Brook, Fraser
13 Brook, Harris Brook, Hedge Brook, Lake Hayward
14 Brook, Malt House Brook, Muddy Brook, Ransom
15 Brook, Rattlesnake Ledge Brook, Shingle Mill
16 Brook, Strongs Brook, Tisdale Brook, Witch Mead-
17 ow Brook, and all other perennial streams within the
18 Eightmile River watershed.

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as are nec-
21 essary to carry out this section and the amendment made
22 by subsection (b).

1 **Subtitle F—Denali National Park**
2 **and Alaska Railroad Exchange**

3 **SEC. 351. DENALI NATIONAL PARK AND ALASKA RAILROAD**
4 **CORPORATION EXCHANGE.**

5 (a) DEFINITIONS.—In this section:

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

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

11 (b) EXCHANGE.—

12 (1) IN GENERAL.—

13 (A) EASEMENT EXPANDED.—The Sec-
14 retary is authorized to grant to the Alaska Rail-
15 road Corporation an exclusive-use easement on
16 land that is identified by the Secretary within
17 Denali National Park for the purpose of pro-
18 viding a location to the Corporation for con-
19 struction, maintenance, and on-going operation
20 of track and associated support facilities for
21 turning railroad trains around near Denali
22 Park Station.

23 (B) EASEMENT RELINQUISHED.—In ex-
24 change for the easement granted in subpara-
25 graph (A), the Secretary shall require the relin-

1 quishment of certain portions of the Corpora-
2 tion's existing exclusive use easement within the
3 boundary of Denali National Park.

4 (2) CONDITIONS OF THE EXCHANGE.—

5 (A) EQUAL EXCHANGE.—The exchange of
6 easements under this section shall be on an ap-
7 proximately equal-acre basis.

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

11 (C) INTERESTS CONVEYED.—The ease-
12 ment conveyed to the Alaska Railroad Corpora-
13 tion by the Secretary under this section shall be
14 under the same terms as the exclusive use ease-
15 ment granted to the Railroad in Denali Na-
16 tional Park in the Deed for Exclusive Use
17 Easement and Railroad Related Improvements
18 filed in Book 33, pages 985–994 of the Nenana
19 Recording District, Alaska, pursuant to the
20 Alaska Railroad Transfer Act of 1982 (45
21 U.S.C. 1201 et seq.). The easement relin-
22 quished by the Alaska Railroad Corporation to
23 the United States under this section shall, with
24 respect to the portion being exchanged, be the
25 full title and interest received by the Alaska

1 Railroad in the Deed for Exclusive Use Ease-
2 ment and Railroad Related Improvements filed
3 in Book 33, pages 985–994 of the Nenana Re-
4 cording District, Alaska, pursuant to the Alas-
5 ka Railroad Transfer Act of 1982 (45 U.S.C.
6 1201 et seq.).

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

13 (E) LAND TO BE PART OF WILDERNESS.—
14 The land underlying any easement relinquished
15 to the United States under this section that is
16 adjacent to designated wilderness is hereby des-
17 ignated as wilderness and added to the Denali
18 Wilderness, the boundaries of which are modi-
19 fied accordingly, and shall be managed in ac-
20 cordance with applicable provisions of the Wil-
21 derness Act (78 Stat. 892) and the Alaska Na-
22 tional Interest Lands Conservation Act of 1980
23 (94 Stat. 2371).

24 (F) OTHER TERMS AND CONDITIONS.—
25 The Secretary shall require any additional

1 terms and conditions under this section that the
2 Secretary determines to be appropriate to pro-
3 tect the interests of the United States and of
4 Denali National Park.

5 **Subtitle G—National Underground**
6 **Railroad Network to Freedom**
7 **Amendments**

8 **SEC. 361. AUTHORIZING APPROPRIATIONS FOR SPECIFIC**
9 **PURPOSES.**

10 (a) IN GENERAL.—The National Underground Rail-
11 road Network to Freedom Act of 1998 (16 U.S.C. 4691
12 et seq.) is amended—

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

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

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

20 “(1) \$2,000,000 is to be used for the purposes
21 of section 3.

22 “(2) \$500,000 is to be used for the purposes of
23 section 4.

24 “(b) RESTRICTIONS.—No amounts may be appro-
25 priated for the purposes of this Act except to the Secretary

1 for carrying out the responsibilities of the Secretary as
2 set forth in this Act.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall take effect at the beginning of the fis-
5 cal year immediately following the date of the enactment
6 of this Act.

7 **Subtitle H—Grand Canyon** 8 **Subcontractors**

9 **SEC. 371. DEFINITIONS.**

10 In this subtitle:

11 (1) IDIQ.—The term “IDIQ” means an Indefi-
12 nite Deliver/Indefinite Quantity contract.

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

15 (3) PGI.—The term “PGI” means Pacific Gen-
16 eral, Inc.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior, acting through the Di-
19 rector of the National Park Service.

20 **SEC. 372. AUTHORIZATION.**

21 The Secretary is authorized, subject to the appropria-
22 tion of such funds as may be necessary, to pay the amount
23 owed to the subcontractors of PGI for work performed at
24 the park under an IDIQ with PGI between fiscal years
25 2002 and 2003, provided that—

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

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

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

8 (4) the subcontractors provide a written state-
9 ment that payment of the amount verified in para-
10 graph (2) represents payment in full by the United
11 States for all work performed at the park under the
12 IDIQ with PGI between fiscal years 2002 and 2003.

13 **TITLE IV—NATIONAL HERITAGE**
14 **AREAS**

15 **Subtitle A—Journey Through Hal-**
16 **lowed Ground National Herit-**
17 **age Area**

18 **SEC. 401. PURPOSES.**

19 The purposes of this subtitle include—

20 (1) to recognize the national importance of the
21 natural and cultural legacies of the area, as dem-
22 onstrated in the study entitled “The Journey
23 Through Hallowed Ground National Heritage Area
24 Feasibility Study” dated September 2006;

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

4 (3) to promote heritage, cultural and rec-
5 reational tourism and to develop educational and
6 cultural programs for visitors and the general public;

7 (4) to recognize and interpret important events
8 and geographic locations representing key develop-
9 ments in the creation of America, including Native
10 American, Colonial American, European American,
11 and African American heritage;

12 (5) to recognize and interpret the effect of the
13 Civil War on the civilian population of the National
14 Heritage Area during the war and post-war recon-
15 struction period;

16 (6) to enhance a cooperative management
17 framework to assist the Commonwealth of Virginia,
18 the State of Maryland, the Commonwealth of Penn-
19 sylvania, the State of West Virginia, and their units
20 of local government, the private sector, and citizens
21 residing in the National Heritage Area in con-
22 serving, supporting, enhancing, and interpreting the
23 significant historic, cultural and recreational sites in
24 the National Heritage Area; and

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

5 **SEC. 402. DEFINITIONS.**

6 In this subtitle—

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

11 (2) LOCAL COORDINATING ENTITY.—The term
12 “local coordinating entity” means the Journey
13 Through Hallowed Ground Partnership, a Virginia
14 non-profit, which is hereby designated by Con-
15 gress—

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

19 (B) to act as a catalyst for the implemen-
20 tation of projects and programs among diverse
21 partners in the National Heritage Area.

22 (3) MANAGEMENT PLAN.—The term “manage-
23 ment plan” means the plan prepared by the local co-
24 ordinating entity for the National Heritage Area
25 that specifies actions, policies, strategies, perform-

1 ance goals, and recommendations to meet the goals
2 of the National Heritage Area, in accordance with
3 this subtitle.

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

6 **SEC. 403. DESIGNATION OF THE JOURNEY THROUGH HAL-**
7 **LOWED GROUND NATIONAL HERITAGE AREA.**

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

11 (b) BOUNDARIES.—

12 (1) IN GENERAL.—The Heritage Area shall
13 consist of the 175-mile region generally following the
14 Route 15 corridor and surrounding areas from
15 Adams County, Pennsylvania, through Frederick
16 County, Maryland, including the Heart of the Civil
17 War Maryland State Heritage Area, looping through
18 Brunswick, Maryland, to Harpers Ferry, West Vir-
19 ginia, back through Loudoun County, Virginia, to
20 the Route 15 corridor and surrounding areas encom-
21 passing portions of Loudoun and Prince William
22 Counties, Virginia, then Fauquier County, Virginia,
23 portions of Spotsylvania and Madison Counties, Vir-
24 ginia, and Culpepper, Rappahannock, Orange, and
25 Albemarle Counties, Virginia.

1 (2) MAP.—The boundaries of the National Her-
2 itage Area shall include all of those lands and inter-
3 ests as generally depicted on the map titled “Jour-
4 ney Through Hallowed Ground National Heritage
5 Area”, numbered P90/80,000, and dated October
6 2006. The map shall be on file and available to the
7 public in the appropriate offices of the National
8 Park Service and the local coordinating entity.

9 **SEC. 404. MANAGEMENT PLAN.**

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

12 (1) describe comprehensive policies, goals, strat-
13 egies, and recommendations for telling the story of
14 the heritage of the area covered by the National
15 Heritage Area and encouraging long-term resource
16 protection, enhancement, interpretation, funding,
17 management, and development of the National Her-
18 itage Area;

19 (2) include a description of actions and commit-
20 ments that Federal, State, Tribal, and local govern-
21 ments, private organizations, and citizens will take
22 to protect, enhance, interpret, fund, manage, and de-
23 velop the natural, historical, cultural, educational,
24 scenic, and recreational resources of the National
25 Heritage Area;

1 (3) specify existing and potential sources of
2 funding or economic development strategies to pro-
3 tect, enhance, interpret, fund, manage, and develop
4 the National Heritage Area;

5 (4) include an inventory of the natural, histor-
6 ical, cultural, educational, scenic, and recreational
7 resources of the National Heritage Area related to
8 the national importance and themes of the National
9 Heritage Area that should be protected, enhanced,
10 interpreted, managed, funded, and developed;

11 (5) recommend policies and strategies for re-
12 source management, including the development of
13 intergovernmental and interagency agreements to
14 protect, enhance, interpret, fund, manage, and de-
15 velop the natural, historical, cultural, educational,
16 scenic, and recreational resources of the National
17 Heritage Area;

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

20 (A) performance goals;

21 (B) plans for resource protection, enhance-
22 ment, interpretation, funding, management, and
23 development; and

24 (C) specific commitments for implementa-
25 tion that have been made by the local coordi-

1 nating entity or any Federal, State, Tribal, or
2 local government agency, organization, busi-
3 ness, or individual;

4 (7) include an analysis of, and recommenda-
5 tions for, means by which Federal, State, Tribal,
6 and local programs may best be coordinated (includ-
7 ing the role of the National Park Service and other
8 Federal agencies associated with the National Herit-
9 age Area) to further the purposes of this subtitle;
10 and

11 (8) include a business plan that—

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

16 (B) provides adequate assurances that the
17 local coordinating entity has the partnerships
18 and financial and other resources necessary to
19 implement the management plan for the Na-
20 tional Heritage Area.

21 (b) DEADLINE.—

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

1 shall submit the management plan to the Secretary
2 for approval.

3 (2) TERMINATION OF FUNDING.—If the man-
4 agement plan is not submitted to the Secretary in
5 accordance with paragraph (1), the local coordi-
6 nating entity shall not qualify for any additional fi-
7 nancial assistance under this subtitle until such time
8 as the management plan is submitted to and ap-
9 proved by the Secretary.

10 (c) APPROVAL OF MANAGEMENT PLAN.—

11 (1) REVIEW.—Not later than 180 days after re-
12 ceiving the plan, the Secretary shall review and ap-
13 prove or disapprove the management plan for a Na-
14 tional Heritage Area on the basis of the criteria es-
15 tablished under paragraph (3).

16 (2) CONSULTATION.—The Secretary shall con-
17 sult with the Governor of each State in which the
18 National Heritage Area is located before approving
19 a management plan for the National Heritage Area.

20 (3) CRITERIA FOR APPROVAL.—In determining
21 whether to approve a management plan for a Na-
22 tional Heritage Area, the Secretary shall consider
23 whether—

24 (A) the local coordinating entity represents
25 the diverse interests of the National Heritage

1 Area, including Federal, State, Tribal, and local
2 governments, natural, and historic resource pro-
3 tection organizations, educational institutions,
4 businesses, recreational organizations, commu-
5 nity residents, and private property owners;

6 (B) the local coordinating entity—

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

12 (ii) provides for at least semiannual
13 public meetings to ensure adequate imple-
14 mentation of the management plan;

15 (C) the resource protection, enhancement,
16 interpretation, funding, management, and de-
17 velopment strategies described in the manage-
18 ment plan, if implemented, would adequately
19 protect, enhance, interpret, fund, manage, and
20 develop the natural, historic, cultural, edu-
21 cational, scenic, and recreational resources of
22 the National Heritage Area;

23 (D) the management plan would not ad-
24 versely affect any activities authorized on Fed-

1 eral land under public land laws or land use
2 plans;

3 (E) the local coordinating entity has dem-
4 onstrated the financial capability, in partner-
5 ship with others, to carry out the plan;

6 (F) the Secretary has received adequate
7 assurances from the appropriate State, Tribal,
8 and local officials whose support is needed to
9 ensure the effective implementation of the
10 State, Tribal, and local elements of the manage-
11 ment plan; and

12 (G) the management plan demonstrates
13 partnerships among the local coordinating enti-
14 ty, Federal, State, Tribal, and local govern-
15 ments, regional planning organizations, non-
16 profit organizations, or private sector parties
17 for implementation of the management plan.

18 (4) DISAPPROVAL.—

19 (A) IN GENERAL.—If the Secretary dis-
20 approves the management plan, the Secretary—

21 (i) shall advise the local coordinating
22 entity in writing of the reasons for the dis-
23 approval; and

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

4 (B) DEADLINE.—Not later than 180 days
5 after receiving a revised management plan, the
6 Secretary shall approve or disapprove the re-
7 vised management plan.

8 (5) AMENDMENTS.—

9 (A) IN GENERAL.—An amendment to the
10 management plan that substantially alters the
11 purposes of the National Heritage Area shall be
12 reviewed by the Secretary and approved or dis-
13 approved in the same manner as the original
14 management plan.

15 (B) IMPLEMENTATION.—The local coordi-
16 nating entity shall not use Federal funds au-
17 thorized by this subtitle to implement an
18 amendment to the management plan until the
19 Secretary approves the amendment.

20 (6) AUTHORITIES.—The Secretary may—

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

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

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

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

8 (1) conduct an evaluation of the accomplish-
9 ments of the National Heritage Area; and

10 (2) prepare a report in accordance with sub-
11 section (c).

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

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

16 (A) accomplishing the purposes of the au-
17 thorizing legislation for the National Heritage
18 Area; and

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

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

1 (3) review the management structure, partner-
2 ship relationships, and funding of the National Her-
3 itage Area for purposes of identifying the critical
4 components for sustainability of the National Herit-
5 age Area.

6 (c) REPORT.—Based on the evaluation conducted
7 under subsection (a)(1), the Secretary shall submit a re-
8 port to the Committee on Natural Resources of the United
9 States House of Representatives and the Committee on
10 Energy and Natural Resources of the United States Sen-
11 ate. The report shall include recommendations for the fu-
12 ture role of the National Park Service, if any, with respect
13 to the National Heritage Area.

14 **SEC. 406. LOCAL COORDINATING ENTITY.**

15 (a) DUTIES.—To further the purposes of the Na-
16 tional Heritage Area, the Journey Through Hallowed
17 Ground Partnership, as the local coordinating entity,
18 shall—

19 (1) prepare a management plan for the Na-
20 tional Heritage Area, and submit the management
21 plan to the Secretary, in accordance with this sub-
22 title;

23 (2) submit an annual report to the Secretary
24 for each fiscal year for which the local coordinating

1 entity receives Federal funds under this subtitle,
2 specifying—

3 (A) the specific performance goals and ac-
4 complishments of the local coordinating entity;

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

7 (C) the amounts and sources of matching
8 funds;

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

11 (E) grants made to any other entities dur-
12 ing the fiscal year;

13 (3) make available for audit for each fiscal year
14 for which the local coordinating entity receives Fed-
15 eral funds under this subtitle, all information per-
16 taining to the expenditure of the funds and any
17 matching funds; and

18 (4) encourage economic viability and sustain-
19 ability that is consistent with the purposes of the
20 National Heritage Area.

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

1 (1) make grants to political jurisdictions, non-
2 profit organizations, and other parties within the
3 National Heritage Area;

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

8 (3) hire and compensate staff, including individ-
9 uals with expertise in—

10 (A) natural, historical, cultural, edu-
11 cational, scenic, and recreational resource con-
12 servation;

13 (B) economic and community development;
14 and

15 (C) heritage planning;

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

18 (5) contract for goods or services; and

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

23 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
24 ERTY.—The local coordinating entity may not use Federal

1 funds authorized under this subtitle to acquire any inter-
2 est in real property.

3 **SEC. 407. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

7 (b) CONSULTATION AND COORDINATION.—The head
8 of any Federal agency planning to conduct activities that
9 may have an impact on a National Heritage Area is en-
10 couraged to consult and coordinate the activities with the
11 Secretary and the local coordinating entity to the max-
12 imum extent practicable.

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

15 (1) modifies, alters, or amends any law or regu-
16 lation authorizing a Federal agency to manage Fed-
17 eral land under the jurisdiction of the Federal agen-
18 cy;

19 (2) limits the discretion of a Federal land man-
20 ager to implement an approved land use plan within
21 the boundaries of a National Heritage Area; or

22 (3) modifies, alters, or amends any authorized
23 use of Federal land under the jurisdiction of a Fed-
24 eral agency.

1 **SEC. 408. PRIVATE PROPERTY AND REGULATORY PROTEC-**
2 **TIONS.**

3 Nothing in this subtitle—

4 (1) abridges the rights of any property owner
5 (whether public or private), including the right to re-
6 frain from participating in any plan, project, pro-
7 gram, or activity conducted within the National Her-
8 itage Area;

9 (2) requires any property owner to permit pub-
10 lic access (including access by Federal, State, Tribal,
11 or local agencies) to the property of the property
12 owner, or to modify public access or use of property
13 of the property owner under any other Federal,
14 State, Tribal, or local law;

15 (3) alters any duly adopted land use regulation,
16 approved land use plan, or other regulatory author-
17 ity (such as the authority to make safety improve-
18 ments or increase the capacity of existing roads or
19 to construct new roads) of any Federal, State, Trib-
20 al, or local agency, or conveys any land use or other
21 regulatory authority to any local coordinating entity,
22 including but not necessarily limited to development
23 and management of energy or water or water-related
24 infrastructure;

25 (4) authorizes or implies the reservation or ap-
26 propriation of water or water rights;

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

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

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

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
11 to subsection (b), there are authorized to be appropriated
12 to carry out this subtitle not more than \$1,000,000 for
13 any fiscal year. Funds so appropriated shall remain avail-
14 able until expended.

15 (b) LIMITATION ON TOTAL AMOUNTS APPRO-
16 PRIATED.—Not more than \$15,000,000 may be appro-
17 priated to carry out this subtitle.

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

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

24 Nothing in this subtitle shall preclude the local co-
25 ordinating entity from using Federal funds available under

1 other laws for the purposes for which those funds were
2 authorized.

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

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

7 **Subtitle B—Niagara Falls National**
8 **Heritage Area**

9 **SEC. 421. PURPOSES.**

10 The purposes of this subtitle include—

11 (1) to recognize the national importance of the
12 natural and cultural legacies of the area, as dem-
13 onstrated in the National Park Service study report
14 entitled “Niagara National Heritage Area Study”
15 dated 2005;

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

19 (3) to promote heritage, cultural, and rec-
20 reational tourism and to develop educational and
21 cultural programs for visitors and the general public;

22 (4) to recognize and interpret important events
23 and geographic locations representing key develop-
24 ments in American history and culture, including

1 Native American, Colonial American, European
2 American, and African American heritage;

3 (5) to enhance a cooperative management
4 framework to assist State, local, and Tribal govern-
5 ments, the private sector, and citizens residing in
6 the National Heritage Area in conserving, sup-
7 porting, enhancing, and interpreting the significant
8 historic, cultural, and recreational sites in the Na-
9 tional Heritage Area;

10 (6) to conserve and interpret the history of the
11 development of hydroelectric power in the United
12 States and its role in developing the American econ-
13 omy; and

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

18 **SEC. 422. DEFINITIONS.**

19 In this subtitle:

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

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

1 (3) LOCAL COORDINATING ENTITY.—The term
2 “local coordinating entity” means the local coordi-
3 nating entity for the National Heritage Area des-
4 ignated pursuant to this subtitle.

5 (4) MANAGEMENT PLAN.—The term “manage-
6 ment plan” means the plan prepared by the local co-
7 ordinating entity for the National Heritage Area
8 that specifies actions, policies, strategies, perform-
9 ance goals, and recommendations to meet the goals
10 of the National Heritage Area, in accordance with
11 this subtitle.

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

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

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

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

21 (b) BOUNDARIES.—

22 (1) IN GENERAL.—The National Heritage Area
23 shall consist of the area from the western boundary
24 of the town of Wheatfield, New York, extending to
25 the mouth of the Niagara River on Lake Ontario, in-

1 including the city of Niagara Falls, New York, the vil-
2 lages of Youngstown and Lewiston, New York, land
3 and water within the boundaries of the Heritage
4 Area in Niagara County, New York, and any addi-
5 tional thematically related sites within Erie and Ni-
6 agara Counties, New York, that are identified in the
7 management plan developed under this subtitle.

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

15 **SEC. 424. MANAGEMENT PLAN.**

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

18 (1) describe comprehensive policies, goals, strat-
19 egies, and recommendations for telling the story of
20 the heritage of the area covered by the National
21 Heritage Area and encouraging long-term resource
22 protection, enhancement, interpretation, funding,
23 management, and development of the National Her-
24 itage Area;

1 (2) include a description of actions and commit-
2 ments that Federal, State, Tribal, and local govern-
3 ments, private organizations, and citizens will take
4 to protect, enhance, interpret, fund, manage, and de-
5 velop the natural, historical, cultural, educational,
6 scenic, and recreational resources of the National
7 Heritage Area;

8 (3) specify existing and potential sources of
9 funding or economic development strategies to pro-
10 tect, enhance, interpret, fund, manage, and develop
11 the National Heritage Area;

12 (4) include an inventory of the natural, histor-
13 ical, cultural, educational, scenic, and recreational
14 resources of the National Heritage Area related to
15 the national importance and themes of the National
16 Heritage Area that should be protected, enhanced,
17 interpreted, managed, funded, and developed;

18 (5) recommend policies and strategies for re-
19 source management, including the development of
20 intergovernmental and interagency agreements to
21 protect, enhance, interpret, fund, manage, and de-
22 velop the natural, historical, cultural, educational,
23 scenic, and recreational resources of the National
24 Heritage Area;

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

3 (A) performance goals;

4 (B) plans for resource protection, enhance-
5 ment, interpretation, funding, management, and
6 development; and

7 (C) specific commitments for implementa-
8 tion that have been made by the local coordi-
9 nating entity or any Federal, State, Tribal, or
10 local government agency, organization, busi-
11 ness, or individual;

12 (7) include an analysis of, and recommenda-
13 tions for, means by which Federal, State, Tribal,
14 and local programs may best be coordinated (includ-
15 ing the role of the National Park Service and other
16 Federal agencies associated with the National Herit-
17 age Area) to further the purposes of this subtitle;
18 and

19 (8) include a business plan that—

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

24 (B) provides adequate assurances that the
25 local coordinating entity has the partnerships

1 and financial and other resources necessary to
2 implement the management plan for the Na-
3 tional Heritage Area.

4 (b) DEADLINE.—

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

11 (2) TERMINATION OF FUNDING.—If the man-
12 agement plan is not submitted to the Secretary in
13 accordance with paragraph (1), the local coordi-
14 nating entity shall not qualify for any additional fi-
15 nancial assistance under this subtitle until such time
16 as the management plan is submitted to and ap-
17 proved by the Secretary.

18 (c) APPROVAL OF MANAGEMENT PLAN.—

19 (1) REVIEW.—Not later than 180 days after re-
20 ceiving the plan, the Secretary shall review and ap-
21 prove or disapprove the management plan for a Na-
22 tional Heritage Area on the basis of the criteria es-
23 tablished under paragraph (3).

1 (2) CONSULTATION.—The Secretary shall con-
2 sult with the Governor before approving a manage-
3 ment plan for the National Heritage Area.

4 (3) CRITERIA FOR APPROVAL.—In determining
5 whether to approve a management plan for a Na-
6 tional Heritage Area, the Secretary shall consider
7 whether—

8 (A) the local coordinating entity represents
9 the diverse interests of the National Heritage
10 Area, including Federal, State, Tribal, and local
11 governments, natural and historic resource pro-
12 tection organizations, educational institutions,
13 businesses, recreational organizations, commu-
14 nity residents, and private property owners;

15 (B) the local coordinating entity—

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

21 (ii) provides for at least semiannual
22 public meetings to ensure adequate imple-
23 mentation of the management plan;

24 (C) the resource protection, enhancement,
25 interpretation, funding, management, and de-

1 development strategies described in the manage-
2 ment plan, if implemented, would adequately
3 protect, enhance, interpret, fund, manage, and
4 develop the natural, historic, cultural, edu-
5 cational, scenic, and recreational resources of
6 the National Heritage Area;

7 (D) the management plan would not ad-
8 versely affect any activities authorized on Fed-
9 eral land under public land laws or land use
10 plans;

11 (E) the local coordinating entity has dem-
12 onstrated the financial capability, in partner-
13 ship with others, to carry out the plan;

14 (F) the Secretary has received adequate
15 assurances from the appropriate State, Tribal,
16 and local officials whose support is needed to
17 ensure the effective implementation of the
18 State, Tribal, and local elements of the manage-
19 ment plan; and

20 (G) the management plan demonstrates
21 partnerships among the local coordinating enti-
22 ty, Federal, State, Tribal, and local govern-
23 ments, regional planning organizations, non-
24 profit organizations, or private sector parties
25 for implementation of the management plan.

1 (4) DISAPPROVAL.—

2 (A) IN GENERAL.—If the Secretary dis-
3 approves the management plan, the Secretary—

4 (i) shall advise the local coordinating
5 entity in writing of the reasons for the dis-
6 approval; and

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

10 (B) DEADLINE.—Not later than 180 days
11 after receiving a revised management plan, the
12 Secretary shall approve or disapprove the re-
13 vised management plan.

14 (5) AMENDMENTS.—

15 (A) IN GENERAL.—An amendment to the
16 management plan that substantially alters the
17 purposes of the National Heritage Area shall be
18 reviewed by the Secretary and approved or dis-
19 approved in the same manner as the original
20 management plan.

21 (B) IMPLEMENTATION.—The local coordi-
22 nating entity shall not use Federal funds au-
23 thorized by this subtitle to implement an
24 amendment to the management plan until the
25 Secretary approves the amendment.

1 (6) AUTHORITIES.—The Secretary may—

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

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

8 **SEC. 425. EVALUATION; REPORT.**

9 (a) IN GENERAL.—Not later than 3 years before the
10 date on which authority for Federal funding terminates
11 for the National Heritage Area under this subtitle the Sec-
12 retary shall—

13 (1) conduct an evaluation of the accomplish-
14 ments of the National Heritage Area; and

15 (2) prepare a report in accordance with sub-
16 section (c).

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

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

21 (A) accomplishing the purposes of the au-
22 thorizing legislation for the National Heritage
23 Area; and

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

4 (2) analyze the Federal, State, Tribal, and
5 local, and private investments in the National Herit-
6 age Area to determine the impact of the invest-
7 ments; and

8 (3) review the management structure, partner-
9 ship relationships, and funding of the National Her-
10 itage Area for purposes of identifying the critical
11 components for sustainability of the National Herit-
12 age Area.

13 (c) REPORT.—Based on the evaluation conducted
14 under subsection (a)(1), the Secretary shall submit a re-
15 port to the Committee on Natural Resources of the United
16 States House of Representatives and the Committee on
17 Energy and Natural Resources of the United States Sen-
18 ate. The report shall include recommendations for the fu-
19 ture role of the National Park Service, if any, with respect
20 to the National Heritage Area.

21 **SEC. 426. LOCAL COORDINATING ENTITY.**

22 (a) DESIGNATION.—The local coordinating entity for
23 the Heritage Area shall be—

24 (1) for the 5-year period beginning on the date
25 of enactment of this subtitle, the Commission; and

1 (2) on expiration of the 5-year period described
2 in paragraph (1), a private nonprofit or govern-
3 mental organization designated by the Commission.

4 (b) DUTIES.—To further the purposes of the Na-
5 tional Heritage Area, the local coordinating entity, shall—

6 (1) prepare a management plan for the Na-
7 tional Heritage Area, and submit the management
8 plan to the Secretary, in accordance with this sub-
9 title;

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

14 (A) the specific performance goals and ac-
15 complishments of the local coordinating entity;

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

18 (C) the amounts and sources of matching
19 funds;

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

22 (E) grants made to any other entities dur-
23 ing the fiscal year;

24 (3) make available for audit for each fiscal year
25 for which the local coordinating entity receives Fed-

1 eral funds under this subtitle, all information per-
2 taining to the expenditure of the funds and any
3 matching funds;

4 (4) encourage economic viability and sustain-
5 ability that is consistent with the purposes of the
6 National Heritage Area; and

7 (5) coordinate projects, activities, and programs
8 with the Erie Canalway National Heritage Corridor.

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

13 (1) make grants to political jurisdictions, non-
14 profit organizations, and other parties within the
15 National Heritage Area;

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

20 (3) hire and compensate staff, including individ-
21 uals with expertise in—

22 (A) natural, historical, cultural, edu-
23 cational, scenic, and recreational resource con-
24 servation;

- 1 (B) economic and community development;
2 and
3 (C) heritage planning;
- 4 (4) obtain funds or services from any source,
5 including other Federal programs;
- 6 (5) contract for goods or services; and
7 (6) support activities of partners and any other
8 activities that further the purposes of the National
9 Heritage Area and are consistent with the approved
10 management plan.

11 (d) PROHIBITION ON ACQUISITION OF REAL PROP-
12 ERTY.—The local coordinating entity may not use Federal
13 funds authorized under this subtitle to acquire any inter-
14 est in real property.

15 **SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.**

16 (a) ESTABLISHMENT.—There is established within
17 the Department of the Interior the Niagara Falls National
18 Heritage Area Commission.

19 (b) MEMBERSHIP.—The Commission shall be com-
20 posed of 17 members, of whom—

21 (1) 1 member shall be the Director of the Na-
22 tional Park Service (or a designee);

23 (2) 5 members shall be appointed by the Sec-
24 retary, after consideration of the recommendation of

1 the Governor, from among individuals with knowl-
2 edge and experience of—

3 (A) the New York State Office of Parks,
4 Recreation and Historic Preservation, the Niag-
5 ara River Greenway Commission, the New York
6 Power Authority, the USA Niagara Develop-
7 ment Corporation, and the Niagara Tourism
8 and Convention Corporation; or

9 (B) any successors of the agencies de-
10 scribed in subparagraph (A);

11 (3) 1 member shall be appointed by the Sec-
12 retary, after consideration of the recommendation of
13 the mayor of Niagara Falls, New York;

14 (4) 1 member shall be appointed by the Sec-
15 retary, after consideration of the recommendation of
16 the mayor of the village of Youngstown, New York;

17 (5) 1 member shall be appointed by the Sec-
18 retary, after consideration of the recommendation of
19 the mayor of the village of Lewiston, New York;

20 (6) 1 member shall be appointed by the Sec-
21 retary, after consideration of the recommendation of
22 the Tuscarora Nation;

23 (7) 1 member shall be appointed by the Sec-
24 retary, after consideration of the recommendation of
25 the Seneca Nation of Indians; and

1 (8) 6 members shall be individuals who have an
2 interest in, support for, and expertise appropriate to
3 tourism, regional planning, history and historic pres-
4 ervation, cultural or natural resource management,
5 conservation, recreation, and education, or museum
6 services, of whom—

7 (A) 4 members shall be appointed by the
8 Secretary, after consideration of the rec-
9 ommendation of the 2 members of the Senate
10 from the State; and

11 (B) 2 members shall be appointed by the
12 Secretary, after consideration of the rec-
13 ommendation of the Member of the House of
14 Representatives whose district encompasses the
15 National Heritage Area.

16 (c) TERMS; VACANCIES.—

17 (1) TERM.—A member of the Commission shall
18 be appointed for a term not to exceed 5 years.

19 (2) VACANCIES.—

20 (A) PARTIAL TERM.—A member appointed
21 to fill a vacancy on the Commission shall serve
22 for the remainder of the term for which the
23 predecessor of the member was appointed.

1 (B) IN GENERAL.—A vacancy on the Com-
2 mission shall be filled in the same manner as
3 the original appointment was made.

4 (d) CHAIRPERSON AND VICE CHAIRPERSON.—

5 (1) SELECTION.—The Commission shall select
6 a Chairperson and Vice Chairperson from among the
7 members of the Commission.

8 (2) VICE CHAIRPERSON.—The Vice Chairperson
9 shall serve as the Chairperson in the absence of the
10 Chairperson.

11 (e) QUORUM.—

12 (1) IN GENERAL.—A majority of the members
13 of the Commission shall constitute a quorum.

14 (2) TRANSACTION.—For the transaction of any
15 business or the exercise of any power of the Com-
16 mission, the Commission shall have the power to act
17 by a majority vote of the members present at any
18 meeting at which a quorum is in attendance.

19 (f) MEETINGS.—

20 (1) IN GENERAL.—The Commission shall meet
21 at least quarterly at the call of—

22 (A) the Chairperson; or

23 (B) a majority of the members of the Com-
24 mission.

1 (2) NOTICE.—Notice of Commission meetings
2 and agendas for the meetings shall be published in
3 local newspapers that are distributed throughout the
4 National Heritage Area.

5 (3) APPLICABLE LAW.—Meetings of the Com-
6 mission shall be subject to section 552b of title 5,
7 United States Code.

8 (g) AUTHORITIES OF THE COMMISSION.—In addition
9 to the authorities otherwise granted in this subtitle, the
10 Commission may—

11 (1) request and accept from the head of any
12 Federal agency, on a reimbursable or non-reimburs-
13 able basis, any personnel of the Federal agency to
14 the Commission to assist in carrying out the duties
15 of the Commission;

16 (2) request and accept from the head of any
17 State agency or any agency of a political subdivision
18 of the State, on a reimbursable or nonreimbursable
19 basis, any personnel of the agency to the Commis-
20 sion to assist in carrying out the duties of the Com-
21 mission;

22 (3) seek, accept, and dispose of gifts, bequests,
23 grants, or donations of money, personal property, or
24 services; and

1 (4) use the United States mails in the same
2 manner as other agencies of the Federal Govern-
3 ment.

4 (h) DUTIES OF THE COMMISSION.—To further the
5 purposes of the National Heritage Area, in addition to the
6 duties otherwise listed in this subtitle, the Commission
7 shall assist in the transition of the management of the
8 National Heritage Area from the Commission to the local
9 coordinating entity designated under this subtitle.

10 (i) COMPENSATION OF MEMBERS.—

11 (1) IN GENERAL.—A member of the Commis-
12 sion shall serve without compensation.

13 (2) TRAVEL EXPENSES.—A member of the
14 Commission shall be allowed travel expenses, includ-
15 ing per diem in lieu of subsistence, at rates author-
16 ized for an employee of an agency under subchapter
17 I of chapter 57 of title 5, United States Code, while
18 away from the home or regular place of business of
19 the member in the performance of the duties of the
20 Commission.

21 (j) GIFTS.—For purposes of section 170(c) of the In-
22 ternal Revenue Code of 1986, any gift or charitable con-
23 tribution to the Commission shall be considered to be a
24 charitable contribution or gift to the United States.

1 (k) USE OF FEDERAL FUNDS.—Except as provided
2 for the leasing of administrative facilities under subsection
3 (g)(1), the Commission may not use Federal funds made
4 available to the Commission under this subtitle to acquire
5 any real property or interest in real property.

6 **SEC. 428. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

10 (b) CONSULTATION AND COORDINATION.—The head
11 of any Federal agency planning to conduct activities that
12 may have an impact on a National Heritage Area is en-
13 couraged to consult and coordinate the activities with the
14 Secretary and the local coordinating entity to the max-
15 imum extent practicable.

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

18 (1) modifies, alters, or amends any law or regu-
19 lation authorizing a Federal agency to manage Fed-
20 eral land under the jurisdiction of the Federal agen-
21 cy;

22 (2) limits the discretion of a Federal land man-
23 ager to implement an approved land use plan within
24 the boundaries of a National Heritage Area; or

1 (4) authorizes or implies the reservation or ap-
2 propriation of water or water rights;

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

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

11 **SEC. 430. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
13 to subsection (b), there are authorized to be appropriated
14 to carry out this subtitle not more than \$1,000,000 for
15 any fiscal year. Funds so appropriated shall remain avail-
16 able until expended.

17 (b) LIMITATION ON TOTAL AMOUNTS APPRO-
18 PRIATED.—Not more than \$15,000,000 may be appro-
19 priated to carry out this subtitle.

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

1 **SEC. 431. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

2 Nothing in this subtitle shall preclude the local co-
3 ordinating entity from using Federal funds available under
4 other laws for the purposes for which those funds were
5 authorized.

6 **SEC. 432. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

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

10 **Subtitle C—Abraham Lincoln**
11 **National Heritage Area**

12 **SEC. 441. PURPOSES.**

13 The purposes of this subtitle include—

14 (1) to recognize the significant natural and cul-
15 tural legacies of the area, as demonstrated in the
16 study entitled “Feasibility Study of the Proposed
17 Abraham Lincoln National Heritage Area” prepared
18 for the Looking for Lincoln Heritage Coalition in
19 2002 and revised in 2007;

20 (2) to promote heritage, cultural and rec-
21 reational tourism and to develop educational and
22 cultural programs for visitors and the general public;

23 (3) to recognize and interpret important events
24 and geographic locations representing key periods in
25 the growth of America, including Native American,

1 Colonial American, European American, and African
2 American heritage;

3 (4) to recognize and interpret the distinctive
4 role the region played in shaping the man who would
5 become the 16th President of the United States, and
6 how Abraham Lincoln’s life left its traces in the sto-
7 ries, folklore, buildings, streetscapes, and landscapes
8 of the region;

9 (5) to provide a cooperative management frame-
10 work to foster a close working relationship with all
11 levels of government, the private sector, and the
12 local communities in the region in identifying, pre-
13 serving, interpreting, and developing the historical,
14 cultural, scenic, and natural resources of the region
15 for the educational and inspirational benefit of cur-
16 rent and future generations; and

17 (6) to provide appropriate linkages between
18 units of the National Park System and communities,
19 governments, and organizations within the Heritage
20 Area.

21 **SEC. 442. DEFINITIONS.**

22 In this subtitle:

23 (1) LOCAL COORDINATING ENTITY.—The term
24 “local coordinating entity” means the Looking for

1 Lincoln Heritage Coalition, which is hereby des-
2 ignated by Congress—

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

6 (B) to act as a catalyst for the implemen-
7 tation of projects and programs among diverse
8 partners in the National Heritage Area.

9 (2) **MANAGEMENT PLAN.**—The term “manage-
10 ment plan” means the plan prepared by the local co-
11 ordinating entity for the National Heritage Area
12 that specifies actions, policies, strategies, perform-
13 ance goals, and recommendations to meet the goals
14 of the National Heritage Area, in accordance with
15 this subtitle.

16 (3) **NATIONAL HERITAGE AREA.**—The term
17 “National Heritage Area” means the Abraham Lin-
18 coln National Heritage Area established in this sub-
19 title.

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

22 **SEC. 443. DESIGNATION OF ABRAHAM LINCOLN NATIONAL**
23 **HERITAGE AREA.**

24 (a) **ESTABLISHMENT.**—There is hereby established
25 the Abraham Lincoln National Heritage Area.

1 (b) BOUNDARIES.—

2 (1) IN GENERAL.—The National Heritage Area
3 shall consist of sites as designated by the manage-
4 ment plan within a core area located in Central Illi-
5 nois, consisting of Adams, Brown, Calhoun, Cass,
6 Champaign, Christian, Clark, Coles, Cumberland,
7 Dewitt, Douglas, Edgar, Fayette, Fulton, Greene,
8 Hancock, Henderson, Jersey, Knox, LaSalle, Logan,
9 Macon, Macoupin, Madison, Mason, McDonough,
10 McLean, Menard, Montgomery, Morgan, Moultrie,
11 Peoria, Piatt, Pike, Sangamon, Schuyler, Scott,
12 Shelby, Tazewell, Vermillion, Warren and Woodford
13 counties.

14 (2) MAP.—The boundaries of the National Her-
15 itage Area shall be as generally depicted on the map
16 titled “Proposed Abraham Lincoln National Herit-
17 age Area”, and numbered 338/80,000, and dated
18 July 2007. The map shall be on file and available
19 to the public in the appropriate offices of the Na-
20 tional Park Service and the local coordinating entity.

21 **SEC. 444. MANAGEMENT PLAN.**

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

24 (1) describe comprehensive policies, goals, strat-
25 egies, and recommendations for telling the story of

1 the heritage of the area covered by the National
2 Heritage Area and encouraging long-term resource
3 protection, enhancement, interpretation, funding,
4 management, and development of the National Her-
5 itage Area;

6 (2) include a description of actions and commit-
7 ments that Federal, State, Tribal, and local govern-
8 ments, private organizations, and citizens will take
9 to protect, enhance, interpret, fund, manage, and de-
10 velop the natural, historical, cultural, educational,
11 scenic, and recreational resources of the National
12 Heritage Area;

13 (3) specify existing and potential sources of
14 funding or economic development strategies to pro-
15 tect, enhance, interpret, fund, manage, and develop
16 the National Heritage Area;

17 (4) include an inventory of the natural, histor-
18 ical, cultural, educational, scenic, and recreational
19 resources of the National Heritage Area related to
20 the national importance and themes of the National
21 Heritage Area that should be protected, enhanced,
22 interpreted, managed, funded, and developed;

23 (5) recommend policies and strategies for re-
24 source management, including the development of
25 intergovernmental and interagency agreements to

1 protect, enhance, interpret, fund, manage, and de-
2 velop the natural, historical, cultural, educational,
3 scenic, and recreational resources of the National
4 Heritage Area;

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

7 (A) performance goals;

8 (B) plans for resource protection, enhance-
9 ment, interpretation, funding, management, and
10 development; and

11 (C) specific commitments for implementa-
12 tion that have been made by the local coordi-
13 nating entity or any Federal, State, Tribal, or
14 local government agency, organization, busi-
15 ness, or individual;

16 (7) include an analysis of, and recommenda-
17 tions for, means by which Federal, State, Tribal,
18 and local programs may best be coordinated (includ-
19 ing the role of the National Park Service and other
20 Federal agencies associated with the National Herit-
21 age Area) to further the purposes of this subtitle;
22 and

23 (8) include a business plan that—

24 (A) describes the role, operation, financing,
25 and functions of the local coordinating entity

1 and of each of the major activities contained in
2 the management plan; and

3 (B) provides adequate assurances that the
4 local coordinating entity has the partnerships
5 and financial and other resources necessary to
6 implement the management plan for the Na-
7 tional Heritage Area.

8 (b) DEADLINE.—

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

15 (2) TERMINATION OF FUNDING.—If the man-
16 agement plan is not submitted to the Secretary in
17 accordance with paragraph (1), the local coordi-
18 nating entity shall not qualify for any additional fi-
19 nancial assistance under this subtitle until such time
20 as the management plan is submitted to and ap-
21 proved by the Secretary.

22 (c) APPROVAL OF MANAGEMENT PLAN.—

23 (1) REVIEW.—Not later than 180 days after re-
24 ceiving the plan, the Secretary shall review and ap-
25 prove or disapprove the management plan for a Na-

1 tional Heritage Area on the basis of the criteria es-
2 tablished under paragraph (3).

3 (2) CONSULTATION.—The Secretary shall con-
4 sult with the Governor of each State in which the
5 National Heritage Area is located before approving
6 a management plan for the National Heritage Area.

7 (3) CRITERIA FOR APPROVAL.—In determining
8 whether to approve a management plan for a Na-
9 tional Heritage Area, the Secretary shall consider
10 whether—

11 (A) the local coordinating entity represents
12 the diverse interests of the National Heritage
13 Area, including Federal, State, Tribal, and local
14 governments, natural, and historic resource pro-
15 tection organizations, educational institutions,
16 businesses, recreational organizations, commu-
17 nity residents, and private property owners;

18 (B) the local coordinating entity—

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

1 (ii) provides for at least semiannual
2 public meetings to ensure adequate imple-
3 mentation of the management plan;

4 (C) the resource protection, enhancement,
5 interpretation, funding, management, and de-
6 velopment strategies described in the manage-
7 ment plan, if implemented, would adequately
8 protect, enhance, interpret, fund, manage, and
9 develop the natural, historic, cultural, edu-
10 cational, scenic, and recreational resources of
11 the National Heritage Area;

12 (D) the management plan would not ad-
13 versely affect any activities authorized on Fed-
14 eral land under public land laws or land use
15 plans;

16 (E) the local coordinating entity has dem-
17 onstrated the financial capability, in partner-
18 ship with others, to carry out the plan;

19 (F) the Secretary has received adequate
20 assurances from the appropriate State, Tribal,
21 and local officials whose support is needed to
22 ensure the effective implementation of the
23 State, Tribal, and local elements of the manage-
24 ment plan; and

1 (G) the management plan demonstrates
2 partnerships among the local coordinating enti-
3 ty, Federal, State, Tribal, and local govern-
4 ments, regional planning organizations, non-
5 profit organizations, or private sector parties
6 for implementation of the management plan.

7 (4) DISAPPROVAL.—

8 (A) IN GENERAL.—If the Secretary dis-
9 approves the management plan, the Secretary—

10 (i) shall advise the local coordinating
11 entity in writing of the reasons for the dis-
12 approval; and

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

16 (B) DEADLINE.—Not later than 180 days
17 after receiving a revised management plan, the
18 Secretary shall approve or disapprove the re-
19 vised management plan.

20 (5) AMENDMENTS.—

21 (A) IN GENERAL.—An amendment to the
22 management plan that substantially alters the
23 purposes of the National Heritage Area shall be
24 reviewed by the Secretary and approved or dis-

1 approved in the same manner as the original
2 management plan.

3 (B) IMPLEMENTATION.—The local coordi-
4 nating entity shall not use Federal funds au-
5 thorized by this subtitle to implement an
6 amendment to the management plan until the
7 Secretary approves the amendment.

8 (6) AUTHORITIES.—The Secretary may—

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

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

15 **SEC. 445. EVALUATION; REPORT.**

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

20 (1) conduct an evaluation of the accomplish-
21 ments of the National Heritage Area; and

22 (2) prepare a report in accordance with sub-
23 section (c).

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

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

3 (A) accomplishing the purposes of the au-
4 thorizing legislation for the National Heritage
5 Area; and

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

9 (2) analyze the Federal, State, Tribal, and
10 local, and private investments in the National Herit-
11 age Area to determine the impact of the invest-
12 ments; and

13 (3) review the management structure, partner-
14 ship relationships, and funding of the National Her-
15 itage Area for purposes of identifying the critical
16 components for sustainability of the National Herit-
17 age Area.

18 (c) REPORT.—Based on the evaluation conducted
19 under subsection (a)(1), the Secretary shall submit a re-
20 port to the Committee on Natural Resources of the United
21 States House of Representatives and the Committee on
22 Energy and Natural Resources of the United States Sen-
23 ate. The report shall include recommendations for the fu-
24 ture role of the National Park Service, if any, with respect
25 to the National Heritage Area.

1 **SEC. 446. LOCAL COORDINATING ENTITY.**

2 (a) DUTIES.—To further the purposes of the Na-
3 tional Heritage Area, the Looking for Lincoln Heritage
4 Coalition, as the local coordinating entity, shall—

5 (1) prepare a management plan for the Na-
6 tional Heritage Area, and submit the management
7 plan to the Secretary, in accordance with this sub-
8 title;

9 (2) submit an annual report to the secretary for
10 each fiscal year for which the local coordinating enti-
11 ty receives Federal funds under this subtitle, speci-
12 fying—

13 (A) the specific performance goals and ac-
14 complishments of the local coordinating entity;

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

17 (C) the amounts and sources of matching
18 funds;

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

21 (E) grants made to any other entities dur-
22 ing the fiscal year;

23 (3) make available for audit for each fiscal year
24 for which the local coordinating entity receives Fed-
25 eral funds under this subtitle, all information per-

1 taining to the expenditure of the funds and any
2 matching funds; and

3 (4) encourage economic viability and sustain-
4 ability that is consistent with the purposes of the
5 National Heritage Area.

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

10 (1) make grants to political jurisdictions, non-
11 profit organizations, and other parties within the
12 National Heritage Area;

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

17 (3) hire and compensate staff, including individ-
18 uals with expertise in—

19 (A) natural, historical, cultural, edu-
20 cational, scenic, and recreational resource con-
21 servation;

22 (B) economic and community development;

23 and

24 (C) heritage planning;

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

3 (5) contract for goods or services; and

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

8 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
9 erty.—The local coordinating entity may not use Federal
10 funds authorized under this subtitle to acquire any inter-
11 est in real property.

12 **SEC. 447. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

16 (b) CONSULTATION AND COORDINATION.—The head
17 of any Federal agency planning to conduct activities that
18 may have an impact on a National Heritage Area is en-
19 couraged to consult and coordinate the activities with the
20 Secretary and the local coordinating entity to the max-
21 imum extent practicable.

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

24 (1) modifies, alters, or amends any law or regu-
25 lation authorizing a Federal agency to manage Fed-

1 eral land under the jurisdiction of the Federal agen-
2 cy;

3 (2) limits the discretion of a Federal land man-
4 ager to implement an approved land use plan within
5 the boundaries of a National Heritage Area; or

6 (3) modifies, alters, or amends any authorized
7 use of Federal land under the jurisdiction of a Fed-
8 eral agency.

9 **SEC. 448. PRIVATE PROPERTY AND REGULATORY PROTEC-**
10 **TIONS.**

11 Nothing in this subtitle—

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

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

23 (3) alters any duly adopted land use regulation,
24 approved land use plan, or other regulatory author-
25 ity of any Federal, State, Tribal, or local agency, or

1 conveys any land use or other regulatory authority
2 to any local coordinating entity, including but not
3 necessarily limited to development and management
4 of energy, water, or water-related infrastructure;

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

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

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

15 **SEC. 449. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
17 to subsection (b), there are authorized to be appropriated
18 to carry out this subtitle not more than \$1,000,000 for
19 any fiscal year. Funds so appropriated shall remain avail-
20 able until expended.

21 (b) LIMITATION ON TOTAL AMOUNTS APPRO-
22 PRIATED.—Not more than \$15,000,000 may be appro-
23 priated to carry out this subtitle.

24 (c) COST-SHARING REQUIREMENT.—The Federal
25 share of the total cost of any activity under this subtitle

1 shall be not more than 50 percent; the non-Federal con-
 2 tribution may be in the form of in-kind contributions of
 3 goods or services fairly valued.

4 **SEC. 450. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

5 Nothing in this subtitle shall preclude the local co-
 6 ordinating entity from using Federal funds available under
 7 other laws for the purposes for which those funds were
 8 authorized.

9 **SEC. 451. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

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

13 **Subtitle D—Authorization**
 14 **Extensions and Viability Studies**

15 **SEC. 461. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.**

16 Division II of the Omnibus Parks and Public Lands
 17 Management Act of 1996 (Public Law 104–333; 16
 18 U.S.C. 461 note) is amended in each of sections 108(a),
 19 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as
 20 redesignated by section 474(9)), and 909(c), by striking
 21 “\$10,000,000” and inserting “\$15,000,000”.

22 **SEC. 462. EVALUATION AND REPORT.**

23 (a) IN GENERAL.—For the nine National Heritage
 24 Areas authorized in Division II of the Omnibus Parks and
 25 Public Lands Management Act of 1996, not later than 3

1 years before the date on which authority for Federal fund-
2 ing terminates for each National Heritage Area, the Sec-
3 retary shall—

4 (1) conduct an evaluation of the accomplish-
5 ments of the National Heritage Area; and

6 (2) prepare a report in accordance with sub-
7 section (c).

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

10 (1) assess the progress of the local management
11 entity with respect to—

12 (A) accomplishing the purposes of the au-
13 thorizing legislation for the National Heritage
14 Area; and

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

18 (2) analyze the investments of Federal, State,
19 Tribal, and local government and private entities in
20 each National Heritage Area to determine the im-
21 pact of the investments; and

22 (3) review the management structure, partner-
23 ship relationships, and funding of the National Her-
24 itage Area for purposes of identifying the critical

1 components for sustainability of the National Herit-
2 age Area.

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

11 **Subtitle E—Technical Corrections** 12 **and Additions**

13 **SEC. 471. NATIONAL COAL HERITAGE AREA TECHNICAL** 14 **CORRECTIONS.**

15 Title I of Division II of the Omnibus Parks and Pub-
16 lic Lands Management Act of 1996 (Public Law 104–333
17 as amended by Public Law 106–176 and Public Law 109–
18 338) is amended—

19 (1) by striking section 103(b) and inserting the
20 following:

21 “(b) BOUNDARIES.—The National Coal Heritage
22 Area shall be comprised of Lincoln County, West Virginia,
23 and Paint Creek and Cabin Creek within Kanawah Coun-
24 ty, West Virginia, and the counties that are the subject
25 of the study by the National Park Service, dated 1993,

1 entitled ‘A Coal Mining Heritage Study: Southern West
2 Virginia’ conducted pursuant to title VI of Public Law
3 100–699.”;

4 (2) by striking section 105 and inserting the
5 following:

6 **“SEC. 105. ELIGIBLE RESOURCES.**

7 “(a) IN GENERAL.—The resources eligible for the as-
8 sistance under section 104 shall include—

9 “(1) resources in Lincoln County, West Vir-
10 ginia, and Paint Creek and Cabin Creek in Kanawah
11 County, West Virginia, as determined to be appro-
12 priate by the National Coal Heritage Area Author-
13 ity; and

14 “(2) the resources set forth in appendix D of
15 the study by the National Park Service, dated 1993,
16 entitled ‘A Coal Mining Heritage Study: Southern
17 West Virginia’ conducted pursuant to title VI of
18 Public Law 100–699.

19 “(b) PRIORITY.—Priority consideration shall be given
20 to those sites listed as ‘Conservation Priorities’ and ‘Im-
21 portant Historic Resources’ as depicted on the map enti-
22 tled ‘Study Area: Historic Resources’ in such study.”;

23 (3) in section 106(a)—

1 (A) by striking “Governor” and all that
2 follows through “Parks,” and inserting “Na-
3 tional Coal Heritage Area Authority”; and

4 (B) in paragraph (3), by striking “State of
5 West Virginia” and all that follows through
6 “entities, or” and inserting “National Coal
7 Heritage Area Authority or”; and

8 (4) in section 106(b), by inserting “not” before
9 “meet”.

10 **SEC. 472. RIVERS OF STEEL NATIONAL HERITAGE AREA AD-**
11 **DITION.**

12 Section 403(b) of title IV of Division II of the Omni-
13 bus Parks and Public Lands Management Act of 1996
14 (Public Law 104–333) is amended by inserting “Butler,”
15 after “Beaver,”.

16 **SEC. 473. SOUTH CAROLINA NATIONAL HERITAGE COR-**
17 **RIDOR ADDITION.**

18 Section 604(b)(2) of title VI of Division II of the Om-
19 nibus Parks and Public Lands Management Act of 1996
20 is amended by adding at the end the following new sub-
21 paragraphs:

22 (O) Berkeley County.

23 (P) Saluda County.

1 “(Q) The portion of Georgetown County
2 that is not part of the Gullah/Geechee Cultural
3 Heritage Corridor.”.

4 **SEC. 474. OHIO AND ERIE CANAL NATIONAL HERITAGE**
5 **CORRIDOR TECHNICAL CORRECTIONS.**

6 Title VIII of Division II of the Omnibus Parks and
7 Public Lands Management Act of 1996 (Public Law 104–
8 333) is amended—

9 (1) by striking “Canal National Heritage Cor-
10 ridor” each place it appears and inserting “National
11 Heritage Canalway”;

12 (2) by striking “corridor” each place it appears
13 and inserting “canalway”, except in references to
14 the feasibility study and management plan;

15 (3) in the heading of section 808(a)(3), by
16 striking “CORRIDOR” and inserting “CANALWAY”;

17 (4) in the title heading, by striking “**CANAL**
18 **NATIONAL HERITAGE CORRIDOR**” and
19 inserting “**NATIONAL HERITAGE**
20 **CANALWAY**”;

21 (5) in section 803—

22 (A) by striking paragraph (2);

23 (B) by redesignating paragraphs (3), (4),

24 (5), (6), and (7) as paragraphs (2), (3), (4),

25 (5), and (6), respectively;

1 (C) in paragraph (2) (as redesignated by
2 subparagraph (B)), by striking “808” and in-
3 serting “806”; and

4 (D) in paragraph (6) (as redesignated by
5 subparagraph (B)), by striking “807(a)” and
6 inserting “805(a)”;

7 (6) in the heading of section 804, by striking
8 “**CANAL NATIONAL HERITAGE CORRIDOR**” and
9 inserting “**NATIONAL HERITAGE CANALWAY**”;

10 (7) in the second sentence of section 804(b)(1),
11 by striking “808” and inserting “806”;

12 (8) by striking sections 805 and 806;

13 (9) by redesignating sections 807, 808, 809,
14 810, 811, and 812 as sections 805, 806, 807, 808,
15 809, and 810, respectively;

16 (10) in section 805(c)(2) (as redesignated by
17 paragraph (9)), by striking “808” and inserting
18 “806”;

19 (11) in section 806 (as redesignated by para-
20 graph (9))—

21 (A) in subsection (a)(1), by striking “Com-
22 mittee” and inserting “Secretary”;

23 (B) in the heading of subsection (a)(1), by
24 striking “COMMITTEE” and inserting “SEC-
25 RETARY”;

1 (C) in subsection (a)(3), in the first sen-
2 tence of subparagraph (B), by striking “Com-
3 mittee” and inserting “management entity”;

4 (D) in subsection (e), by striking
5 “807(d)(1)” and inserting “805(d)(1)”; and

6 (E) in subsection (f), by striking
7 “807(d)(1)” and inserting “805(d)(1)”;

8 (12) in section 807 (as redesignated by para-
9 graph (9)), in subsection (c) by striking “Cayohoga
10 Valley National Recreation Area” and inserting
11 “Cayohoga Valley National Park”;

12 (13) in section 808 (as redesignated by para-
13 graph (9))—

14 (A) in subsection (b), by striking “Com-
15 mittee or”; and

16 (B) in subsection (c), in the matter before
17 paragraph (1), by striking “Committee” and in-
18 serting “management entity”; and

19 (14) in section 809 (as redesignated by para-
20 graph (9)), by striking “assistance” and inserting
21 “financial assistance”.

22 **SEC. 475. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE**
23 **EXTENSION OF AUTHORIZATION.**

24 Section 6 of Public Law 100–515 (16 U.S.C. 1244
25 note) is amended as follows:

1 (1) Strike paragraph (1) of subsection (b) and
 2 insert the following new paragraph:

3 “(1) IN GENERAL.—Amounts made available
 4 under subsection (a) shall be used only for—

5 “(A) technical assistance;

6 “(B) the design and fabrication of inter-
 7 pretive materials, devices, and signs; and

8 “(C) the preparation of the strategic
 9 plan.”.

10 (2) Paragraph (3) of subsection (b) is amended
 11 by inserting after subparagraph (B) a new subpara-
 12 graph as follows:

13 “(C) Notwithstanding paragraph (3)(A),
 14 funds made available under subsection (a) for
 15 the preparation of the strategic plan shall not
 16 require a non-Federal match.”.

17 (3) Subsection (c) is amended by striking
 18 “2007” and inserting “2011”.

19 **Subtitle F—Studies**

20 **SEC. 481. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA** 21 **STUDY.**

22 (a) DEFINITIONS.—In this section:

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

1 (2) STUDY AREA.—The term “study area”
2 means—

3 (A) the coastal areas of Clatsop and Pa-
4 cific Counties (also known as the North Beach
5 Peninsula); and

6 (B) areas relating to Native American his-
7 tory, local history, Euro-American settlement
8 culture, and related economic activities of the
9 Columbia River within a corridor along the Co-
10 lumbia River eastward in Clatsop, Pacific, Co-
11 lumbia, and Wahkiakum Counties.

12 (b) COLUMBIA-PACIFIC NATIONAL HERITAGE AREA
13 STUDY.—

14 (1) IN GENERAL.—The Secretary, in consulta-
15 tion with the managers of any Federal land within
16 the study area, appropriate State and local govern-
17 mental agencies, tribal governments, and any inter-
18 ested organizations, shall conduct a study to deter-
19 mine the feasibility of designating the study area as
20 the Columbia-Pacific National Heritage Area.

21 (2) REQUIREMENTS.—The study shall include
22 analysis, documentation, and determinations on
23 whether the study area—

24 (A) has an assemblage of natural, historic,
25 and cultural resources that together represent

1 distinctive aspects of American heritage worthy
2 of recognition, conservation, interpretation, and
3 continuing use, and are best managed through
4 partnerships among public and private entities
5 and by combining diverse and sometimes non-
6 contiguous resources and active communities;

7 (B) reflects traditions, customs, beliefs,
8 and folklife that are a valuable part of the na-
9 tional story;

10 (C) provides outstanding opportunities to
11 conserve natural, historic, cultural, or scenic
12 features;

13 (D) provides outstanding recreational and
14 educational opportunities;

15 (E) contains resources important to the
16 identified theme or themes of the study area
17 that retain a degree of integrity capable of sup-
18 porting interpretation;

19 (F) includes residents, business interests,
20 nonprofit organizations, and local and State
21 governments that are involved in the planning,
22 have developed a conceptual financial plan that
23 outlines the roles for all participants, including
24 the Federal Government, and have dem-

1 onstrated support for the concept of a national
2 heritage area;

3 (G) has a potential local coordinating enti-
4 ty to work in partnership with residents, busi-
5 ness interests, nonprofit organizations, and
6 local and State governments to develop a na-
7 tional heritage area consistent with continued
8 local and State economic activity; and

9 (H) has a conceptual boundary map that is
10 supported by the public.

11 (3) PRIVATE PROPERTY.—In conducting the
12 study required by this subsection, the Secretary shall
13 analyze the potential impact that designation of the
14 area as a national heritage area is likely to have on
15 land within the proposed area or bordering the pro-
16 posed area that is privately owned at the time that
17 the study is conducted.

18 (c) REPORT.—Not later than 3 fiscal years after the
19 date on which funds are made available to carry out the
20 study, the Secretary shall submit to the Committee on En-
21 ergy and Natural Resources of the Senate and the Com-
22 mittee on Natural Resources of the House of Representa-
23 tives a report that describes the findings, conclusions, and
24 recommendations of the Secretary with respect to the
25 study.

1 **SEC. 482. STUDY OF SITES RELATING TO ABRAHAM LIN-**
2 **COLN IN KENTUCKY.**

3 (a) DEFINITIONS.—In this section:

4 (1) HERITAGE AREA.—The term “Heritage
5 Area” means a National Heritage Area in the State
6 to honor Abraham Lincoln.

7 (2) STATE.—The term “State” means the Com-
8 monwealth of Kentucky.

9 (3) STUDY AREA.—The term “study area”
10 means the study area described in subsection (b)(2).

11 (b) STUDY.—

12 (1) IN GENERAL.—The Secretary, in consulta-
13 tion with the Kentucky Historical Society, other
14 State historical societies, the State Historic Preser-
15 vation Officer, State tourism offices, and other ap-
16 propriate organizations and agencies, shall conduct a
17 study to assess the suitability and feasibility of des-
18 ignating the study area as a National Heritage Area
19 in the State to honor Abraham Lincoln.

20 (2) DESCRIPTION OF STUDY AREA.—The study
21 area shall include—

22 (A) Boyle, Breckinridge, Fayette, Frank-
23 lin, Hardin, Jefferson, Jessamine, Larue, Madi-
24 son, Mercer, and Washington Counties in the
25 State; and

26 (B) the following sites in the State:

- 1 (i) The Abraham Lincoln Birthplace
- 2 National Historic Site.
- 3 (ii) The Abraham Lincoln Boyhood
- 4 Home Unit.
- 5 (iii) Downtown Hodgenville, Ken-
- 6 tucky, including the Lincoln Museum and
- 7 Adolph A. Weinman statue.
- 8 (iv) Lincoln Homestead State Park
- 9 and Mordecai Lincoln House.
- 10 (v) Camp Nelson Heritage Park.
- 11 (vi) Farmington Historic Home.
- 12 (vii) The Mary Todd Lincoln House.
- 13 (viii) Ashland, which is the Henry
- 14 Clay Estate.
- 15 (ix) The Old State Capitol.
- 16 (x) The Kentucky Military History
- 17 Museum.
- 18 (xi) The Thomas D. Clark Center for
- 19 Kentucky History.
- 20 (xii) The New State Capitol.
- 21 (xiii) Whitehall.
- 22 (xiv) Perryville Battlefield State His-
- 23 toric Site.
- 24 (xv) The Joseph Holt House.

1 (xvi) Elizabethtown, Kentucky, includ-
2 ing the Lincoln Heritage House.

3 (xvii) Lincoln Marriage Temple at
4 Fort Harrod.

5 (3) REQUIREMENTS.—The study shall include
6 analysis, documentation, and determinations on
7 whether the study area—

8 (A) has an assemblage of natural, historic,
9 and cultural resources that—

10 (i) interpret—

11 (I) the life of Abraham Lincoln;

12 and

13 (II) the contributions of Abra-
14 ham Lincoln to the United States;

15 (ii) represent distinctive aspects of the
16 heritage of the United States;

17 (iii) are worthy of recognition, con-
18 servation, interpretation, and continuing
19 use; and

20 (iv) would be best managed—

21 (I) through partnerships among
22 public and private entities; and

23 (II) by linking diverse and some-
24 times noncontiguous resources and ac-
25 tive communities;

1 (B) reflects traditions, customs, beliefs,
2 and historical events that are a valuable part of
3 the story of the United States;

4 (C) provides—

5 (i) outstanding opportunities to con-
6 serve natural, historic, cultural, or scenic
7 features; and

8 (ii) outstanding educational opportu-
9 nities;

10 (D) contains resources that—

11 (i) are important to any identified
12 themes of the study area; and

13 (ii) retain a degree of integrity capa-
14 ble of supporting interpretation;

15 (E) includes residents, business interests,
16 nonprofit organizations, and State and local
17 governments that—

18 (i) are involved in the planning of the
19 Heritage Area;

20 (ii) have developed a conceptual finan-
21 cial plan that outlines the roles of all par-
22 ticipants in the Heritage Area, including
23 the Federal Government; and

24 (iii) have demonstrated support for
25 designation of the Heritage Area;

1 (F) has a potential management entity to
 2 work in partnership with the individuals and
 3 entities described in subparagraph (E) to de-
 4 velop the Heritage Area while encouraging
 5 State and local economic activity; and

6 (G) has a conceptual boundary map that is
 7 supported by the public.

8 (c) REPORT.—Not later than the third fiscal year
 9 after the date on which funds are first made available to
 10 carry out this section, the Secretary shall submit to the
 11 Committee on Natural Resources of the House of Rep-
 12 resentatives and the Committee on Energy and Natural
 13 Resources of the Senate a report that describes—

14 (1) the findings of the study; and

15 (2) any conclusions and recommendations of the
 16 Secretary.

17 **TITLE V—BUREAU OF RECLAMA-**
 18 **TION AND UNITED STATES**
 19 **GEOLOGICAL SURVEY AU-**
 20 **THORIZATIONS**

21 **SEC. 501. ALASKA WATER RESOURCES STUDY.**

22 (a) DEFINITIONS.—In this section:

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

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

3 (b) ALASKA WATER RESOURCES STUDY.—

4 (1) STUDY.—The Secretary, acting through the
5 Commissioner of Reclamation and the Director of
6 the United States Geological Survey, where appro-
7 priate, and in accordance with this section and other
8 applicable provisions of law, shall conduct a study
9 that includes—

10 (A) a survey of accessible water supplies,
11 including aquifers, on the Kenai Peninsula and
12 in the Municipality of Anchorage, the
13 Matanuska-Susitna Borough, the city of Fair-
14 banks, and the Fairbanks Northstar Borough;

15 (B) a survey of water treatment needs and
16 technologies, including desalination, applicable
17 to the water resources of the State; and

18 (C) a review of the need for enhancement
19 of the streamflow information collected by the
20 United States Geological Survey in the State
21 relating to critical water needs in areas such
22 as—

23 (i) infrastructure risks to State trans-
24 portation;

25 (ii) flood forecasting;

- 1 (iii) resource extraction; and
2 (iv) fire management.

3 (2) REPORT.—Not later than 2 years after the
4 date of enactment of this Act, the Secretary shall
5 submit to the Committee on Natural Resources of
6 the House of Representatives and the Committee on
7 Energy and Natural Resources of the Senate a re-
8 port describing the results of the study required by
9 paragraph (1).

10 (c) SUNSET.—The authority of the Secretary to carry
11 out any provisions of this section shall terminate 10 years
12 after the date of enactment of this Act.

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

16 **SEC. 502. RENEGOTIATION OF PAYMENT SCHEDULE, RED-**
17 **WOOD VALLEY COUNTY WATER DISTRICT.**

18 Section 15 of Public Law 100–516 (102 Stat. 2573)
19 is amended—

20 (1) by amending paragraph (2) of subsection
21 (a) to read as follows:

22 “(2) If, as of January 1, 2006, the Secretary
23 of the Interior and the Redwood Valley County
24 Water District have not renegotiated the schedule of
25 payment, the District may enter into such additional

1 non-Federal obligations as are necessary to finance
2 procurement of dedicated water rights and improve-
3 ments necessary to store and convey those rights to
4 provide for the District's water needs. The Secretary
5 shall reschedule the payments due under loans num-
6 bered 14-06-200-8423A and 14-06-200-8423A
7 Amendatory and said payments shall commence
8 when such additional obligations have been finan-
9 cially satisfied by the District. The date of the initial
10 payment owed by the District to the United States
11 shall be regarded as the start of the District's repay-
12 ment period and the time upon which any interest
13 shall first be computed and assessed under section
14 5 of the Small Reclamation Projects Act of 1956 (43
15 U.S.C. 422a et seq.); and

16 (2) by striking subsection (c).

17 **SEC. 503. AMERICAN RIVER PUMP STATION PROJECT**
18 **TRANSFER.**

19 (a) **AUTHORITY TO TRANSFER.**—The Secretary of
20 the Interior (hereafter in this section referred to as the
21 “Secretary”) shall transfer ownership of the American
22 River Pump Station Project located at Auburn, California,
23 which includes the Pumping Plant, associated facilities,
24 and easements necessary for permanent operation of the
25 facilities, to the Placer County Water Agency, in accord-

1 ance with the terms of Contract No. 02-LC-20-7790 be-
2 tween the United States and Placer County Water Agency
3 and the terms and conditions established in this section.

4 (b) FEDERAL COSTS NONREIMBURSABLE.—Federal
5 costs associated with construction of the American River
6 Pump Station Project located at Auburn, California, are
7 nonreimbursable.

8 (c) GRANT OF REAL PROPERTY INTEREST.—The
9 Secretary is authorized to grant title to Placer County
10 Water Agency as provided in subsection (a) in full satis-
11 faction of the United States' obligations under Land Pur-
12 chase Contract 14-06-859-308 to provide a water supply
13 to the Placer County Water Agency.

14 (d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

15 (1) IN GENERAL.—Before conveying land and
16 facilities pursuant to this section, the Secretary shall
17 comply with all applicable requirements under—

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

20 (B) the Endangered Species Act of 1973
21 (16 U.S.C. 1531 et seq.); and

22 (C) any other law applicable to the land
23 and facilities.

24 (2) EFFECT.—Nothing in this section modifies
25 or alters any obligations under—

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

3 (B) the Endangered Species Act of 1973
4 (16 U.S.C. 1531 et seq.).

5 (e) RELEASE FROM LIABILITY.—Effective on the
6 date of transfer to the Placer County Water Agency of
7 any land or facility under this section, the United States
8 shall not be liable for damages arising out of any act,
9 omission, or occurrence relating to the land and facilities,
10 consistent with Article 9 of Contract No. 02–LC–20–7790
11 between the United States and Placer County Water
12 Agency.

13 **SEC. 504. ARTHUR V. WATKINS DAM ENLARGEMENT.**

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

15 (1) Arthur V. Watkins Dam is a feature of the
16 Weber Basin Project, which was authorized by law
17 on August 29, 1949.

18 (2) Increasing the height of Arthur V. Watkins
19 Dam and construction of pertinent facilities may
20 provide additional storage capacity for the develop-
21 ment of additional water supply for the Weber Basin
22 Project for uses of municipal and industrial water
23 supply, flood control, fish and wildlife, and recre-
24 ation.

1 (b) AUTHORIZATION OF FEASIBILITY STUDY.—The
2 Secretary of the Interior, acting through the Bureau of
3 Reclamation, is authorized to conduct a feasibility study
4 on raising the height of Arthur V. Watkins Dam for the
5 development of additional storage to meet water supply
6 needs within the Weber Basin Project area and the
7 Wasatch Front. The feasibility study shall include such
8 environmental evaluation as required under the National
9 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.) and a cost allocation as required under the Reclama-
11 tion Project Act of 1939 (43 U.S.C. 485 et seq.).

12 (c) COST SHARES.—

13 (1) FEDERAL SHARE.—The Federal share of
14 the costs of the study authorized in subsection (b)
15 shall not exceed 50 percent of the total cost of the
16 study.

17 (2) IN-KIND CONTRIBUTIONS.—The Secretary
18 shall accept, as appropriate, in-kind contributions of
19 goods or services from the Weber Basin Water Con-
20 servancy District. Such goods and services accepted
21 under this subsection shall be counted as part of the
22 non-Federal cost share for the study.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary \$1,000,000

1 for the Federal cost share of the study authorized in sub-
2 section (b).

3 (e) SUNSET.—The authority of the Secretary to carry
4 out any provisions of this section shall terminate 10 years
5 after the date of enactment of this Act.

6 **SEC. 505. NEW MEXICO WATER PLANNING ASSISTANCE.**

7 (a) DEFINITIONS.—In this section:

8 (1) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior, acting through the Bu-
10 reau of Reclamation and the United States Geologi-
11 cal Survey.

12 (2) STATE.—The term “State” means the State
13 of New Mexico.

14 (b) COMPREHENSIVE WATER PLAN ASSISTANCE.—

15 (1) IN GENERAL.—Upon the request of the
16 Governor of the State and subject to paragraphs (2)
17 through (6), the Secretary shall—

18 (A) provide to the State technical assist-
19 ance and grants for the development of com-
20 prehensive State water plans;

21 (B) conduct water resources mapping in
22 the State; and

23 (C) conduct a comprehensive study of
24 groundwater resources (including potable,
25 brackish, and saline water resources) in the

1 State to assess the quantity, quality, and inter-
2 action of groundwater and surface water re-
3 sources.

4 (2) TECHNICAL ASSISTANCE.—Technical assist-
5 ance provided under paragraph (1) may include—

6 (A) acquisition of hydrologic data, ground-
7 water characterization, database development,
8 and data distribution;

9 (B) expansion of climate, surface water,
10 and groundwater monitoring networks;

11 (C) assessment of existing water resources,
12 surface water storage, and groundwater storage
13 potential;

14 (D) numerical analysis and modeling nec-
15 essary to provide an integrated understanding
16 of water resources and water management op-
17 tions;

18 (E) participation in State planning forums
19 and planning groups;

20 (F) coordination of Federal water manage-
21 ment planning efforts;

22 (G) technical review of data, models, plan-
23 ning scenarios, and water plans developed by
24 the State; and

1 (H) provision of scientific and technical
2 specialists to support State and local activities.

3 (3) ALLOCATION.—In providing grants under
4 paragraph (1), the Secretary shall, subject to the
5 availability of appropriations, allocate—

6 (A) \$5,000,000 to develop hydrologic mod-
7 els and acquire associated equipment for the
8 New Mexico Rio Grande main stem sections
9 and Rios Pueblo de Taos and Hondo, Rios
10 Nambe, Pojoaque and Teseque, Rio Chama,
11 and Lower Rio Grande tributaries;

12 (B) \$1,500,000 to complete the hydro-
13 graphic survey development of hydrologic mod-
14 els and acquire associated equipment for the
15 San Juan River and tributaries;

16 (C) \$1,000,000 to complete the hydro-
17 graphic survey development of hydrologic mod-
18 els and acquire associated equipment for South-
19 west New Mexico, including the Animas Basin,
20 the Gila River, and tributaries;

21 (D) \$4,500,000 for statewide digital
22 orthophotography mapping; and

23 (E) such sums as are necessary to carry
24 out additional projects consistent with para-
25 graph (2).

1 (4) COST-SHARING REQUIREMENT.—

2 (A) IN GENERAL.—The non-Federal share
3 of the total cost of any activity carried out
4 using a grant provided under paragraph (1)
5 shall be 50 percent.

6 (B) FORM OF NON-FEDERAL SHARE.—The
7 non-Federal share under subparagraph (A) may
8 be in the form of any in-kind services that the
9 Secretary determines would contribute substan-
10 tially toward the conduct and completion of the
11 activity assisted.

12 (5) NONREIMBURSABLE BASIS.—Any assistance
13 or grants provided to the State under this section
14 shall be made on a non-reimbursable basis.

15 (6) AUTHORIZED TRANSFERS.—On request of
16 the State, the Secretary shall directly transfer to 1
17 or more Federal agencies any amounts made avail-
18 able to the State to carry out this section.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$3,000,000 for each of fiscal years 2008 through 2012.

22 (d) SUNSET OF AUTHORITY.—The authority of the
23 Secretary to carry out any provisions of this section shall
24 terminate 10 years after the date of enactment of this Act.

1 **SEC. 506. CONVEYANCE OF CERTAIN BUILDINGS AND**
2 **LANDS OF THE YAKIMA PROJECT, WASH-**
3 **INGTON.**

4 (a) CONVEYANCE REQUIRED.—The Secretary of the
5 Interior shall convey to the Yakima-Tieton Irrigation Dis-
6 trict, located in Yakima County, Washington, all right,
7 title, and interest of the United States in and to the build-
8 ings and lands of the Yakima Project, Washington, in ac-
9 cordance with the terms and conditions set forth in the
10 agreement titled “Agreement Between the United States
11 and the Yakima-Tieton Irrigation District to Transfer
12 Title to Certain Federally Owned Buildings and Lands,
13 With Certain Property Rights, Title, and Interest, to the
14 Yakima-Tieton Irrigation District” (Contract No. 5–07–
15 10–L1658).

16 (b) LIABILITY.—Effective upon the date of convey-
17 ance under this section, the United States shall not be
18 held liable by any court for damages of any kind arising
19 out of any act, omission, or occurrence relating to the con-
20 veyed buildings and lands, except for damages caused by
21 acts of negligence committed by the United States or by
22 its employees or agents before the date of conveyance.
23 Nothing in this section increases the liability of the United
24 States beyond that provided in chapter 171 of title 28,
25 United States Code (popularly known as the Federal Tort
26 Claims Act), on the date of enactment of this Act.

1 (c) BENEFITS.—After conveyance of the buildings
2 and lands to the Yakima-Tieton Irrigation District under
3 this section—

4 (1) such buildings and lands shall not be con-
5 sidered to be a part of a Federal reclamation
6 project; and

7 (2) such irrigation district shall not be eligible
8 to receive any benefits with respect to any buildings
9 and lands conveyed, except benefits that would be
10 available to a similarly situated person with respect
11 to such buildings and lands that are not part of a
12 Federal reclamation project.

13 (d) REPORT.—If the Secretary of the Interior has not
14 completed the conveyance required under subsection (a)
15 within 12 months after the date of enactment of this Act,
16 the Secretary shall submit to Congress a report that ex-
17 plains the reason such conveyance has not been completed
18 and stating the date by which the conveyance will be com-
19 pleted.

20 **SEC. 507. CONJUNCTIVE USE OF SURFACE AND GROUND-**
21 **WATER IN JUAB COUNTY, UTAH.**

22 Section 202(a)(2) of the Reclamation Projects Au-
23 thorization and Adjustment Act of 1992 (Public Law 102-
24 575) is amended by inserting “Juab,” after “Davis,”.

1 **SEC. 508. EARLY REPAYMENT OF A & B IRRIGATION DIS-**
2 **TRICT CONSTRUCTION COSTS.**

3 (a) IN GENERAL.—Notwithstanding section 213 of
4 the Reclamation Reform Act of 1982 (43 U.S.C. 390mm),
5 any landowner within the A & B Irrigation District in the
6 State (referred to in this section as the “District”) may
7 repay, at any time, the construction costs of District
8 project facilities that are allocated to land of the land-
9 owner within the District.

10 (b) APPLICABILITY OF FULL-COST PRICING LIMITA-
11 TIONS.—On discharge, in full, of the obligation for repay-
12 ment of all construction costs described in subsection (a)
13 that are allocated to all land the landowner owns in the
14 District in question, the parcels of land shall not be sub-
15 ject to the ownership and full-cost pricing limitations
16 under Federal reclamation law (the Act of June 17, 1902
17 (32 Stat. 388, chapter 1093), and Acts supplemental to
18 and amendatory of that Act (43 U.S.C. 371 et seq.), in-
19 cluding the Reclamation Reform Act of 1982 (13 U.S.C.
20 390aa et seq.).

21 (c) CERTIFICATION.—On request of a landowner that
22 has repaid, in full, the construction costs described in sub-
23 section (a), the Secretary of the Interior shall provide to
24 the landowner a certificate described in section 213(b)(1)
25 of the Reclamation Reform Act of 1982 (43 U.S.C.
26 390mm(b)(1)).

1 (d) EFFECT.—Nothing in this section—

2 (1) modifies any contractual rights under, or
3 amends or reopens, the reclamation contract between
4 the District and the United States; or

5 (2) modifies any rights, obligations, or relation-
6 ships between the District and landowners in the
7 District under Idaho State law.

8 **SEC. 509. OREGON WATER RESOURCES.**

9 (a) EXTENSION OF PARTICIPATION OF BUREAU OF
10 RECLAMATION IN DESCHUTES RIVER CONSERVANCY.—

11 Section 301 of the Oregon Resource Conservation Act of
12 1996 (division B of Public Law 104–208; 110 Stat. 3009–
13 534) is amended—

14 (1) in subsection (a)(1), by striking “Deschutes
15 River Basin Working Group” and inserting
16 “Deschutes River Conservancy Working Group”;

17 (2) by amending the text of subsection
18 (a)(1)(B) to read as follows: “4 representatives of
19 private interests including two from irrigated agri-
20 culture who actively farm more than 100 acres of ir-
21 rigated land and are not irrigation district managers
22 and two from the environmental community;”;

23 (3) in subsection (b)(3), by inserting before the
24 final period the following: “, and up to a total

1 amount of \$2,000,000 during each of fiscal years
2 2007 through 2016”; and

3 (4) in subsection (h), by inserting before the pe-
4 riod at the end the following: “, and \$2,000,000 for
5 each of fiscal years 2007 through 2016”.

6 (b) WALLOWA LAKE DAM REHABILITATION ACT.—

7 (1) DEFINITIONS.—In this subsection:

8 (A) ASSOCIATED DITCH COMPANIES, IN-
9 CORPORATED.—The term “Associated Ditch
10 Companies, Incorporated” means the nonprofit
11 corporation established under the laws of the
12 State of Oregon that operates Wallowa Lake
13 Dam.

14 (B) SECRETARY.—The term “Secretary”
15 means the Secretary of the Interior, acting
16 through the Commissioner of Reclamation.

17 (C) WALLOWA LAKE DAM REHABILITATION
18 PROGRAM.—The term “Wallowa Lake Dam Re-
19 habilitation Program” means the program for
20 the rehabilitation of the Wallowa Lake Dam in
21 Oregon, as contained in the engineering docu-
22 ment titled, “Phase I Dam Assessment and
23 Preliminary Engineering Design”, dated De-
24 cember 2002, and on file with the Bureau of
25 Reclamation.

1 (2) AUTHORIZATION TO PARTICIPATE IN PRO-
2 GRAM.—

3 (A) GRANTS AND COOPERATIVE AGREE-
4 MENTS.—The Secretary may provide grants to,
5 or enter into cooperative or other agreements
6 with, tribal, State, and local governmental enti-
7 ties and the Associated Ditch Companies, In-
8 corporated, to plan, design, and construct facili-
9 ties needed to implement the Wallowa Lake
10 Dam Rehabilitation Program.

11 (B) CONDITIONS.—As a condition of pro-
12 viding funds under subparagraph (A), the Sec-
13 retary shall ensure that—

14 (i) the Wallowa Lake Dam Rehabilita-
15 tion Program and activities under this sec-
16 tion meet the standards of the dam safety
17 program of the State of Oregon;

18 (ii) the Associated Ditch Companies,
19 Incorporated, agrees to assume liability for
20 any work performed, or supervised, with
21 Federal funds provided to it under this
22 subsection; and

23 (iii) the United States shall not be lia-
24 ble for damages of any kind arising out of
25 any act, omission, or occurrence relating to

1 a facility rehabilitated or constructed with
2 Federal funds provided under this sub-
3 section, both while and after activities are
4 conducted using Federal funds provided
5 under this subsection.

6 (C) COST SHARING.—

7 (i) IN GENERAL.—The Federal share
8 of the costs of activities authorized under
9 this subsection shall not exceed 50 percent.

10 (ii) EXCLUSIONS FROM FEDERAL
11 SHARE.—There shall not be credited
12 against the Federal share of such costs—

13 (I) any expenditure by the Bon-
14 neville Power Administration in the
15 Wallowa River watershed; and

16 (II) expenditures made by indi-
17 vidual agricultural producers in any
18 Federal commodity or conservation
19 program.

20 (D) COMPLIANCE WITH STATE LAW.—The
21 Secretary, in carrying out this subsection, shall
22 comply with applicable Oregon State water law.

23 (E) PROHIBITION ON HOLDING TITLE.—
24 The Federal Government shall not hold title to

1 any facility rehabilitated or constructed under
2 this subsection.

3 (F) PROHIBITION ON OPERATION AND
4 MAINTENANCE.—The Federal Government shall
5 not be responsible for the operation and mainte-
6 nance of any facility constructed or rehabili-
7 tated under this subsection.

8 (3) RELATIONSHIP TO OTHER LAW.—Activities
9 funded under this subsection shall not be considered
10 a supplemental or additional benefit under Federal
11 reclamation law (the Act of June 17, 1902 (32 Stat.
12 388, chapter 1093), and Acts supplemental to and
13 amendatory of that Act (43 U.S.C. 371 et seq.)).

14 (4) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to the Sec-
16 retary to pay the Federal share of the costs of ac-
17 tivities authorized under this subsection \$6,000,000.

18 (5) SUNSET.—The authority of the Secretary to
19 carry out any provisions of this subsection shall ter-
20 minate 10 years after the date of the enactment of
21 this subsection.

22 (c) LITTLE BUTTE/BEAR CREEK SUBBASINS, OR-
23 EGON, WATER RESOURCE STUDY.—

24 (1) AUTHORIZATION.—The Secretary of the In-
25 terior, acting through the Bureau of Reclamation,

1 may participate in the Water for Irrigation, Streams
2 and the Economy Project water management feasi-
3 bility study and environmental impact statement in
4 accordance with the “Memorandum of Agreement
5 Between City of Medford and Bureau of Reclama-
6 tion for the Water for Irrigation, Streams, and the
7 Economy Project”, dated July 2, 2004.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—

9 (A) IN GENERAL.—There is authorized to
10 be appropriated to the Bureau of Reclamation
11 \$500,000 to carry out activities under this sub-
12 section.

13 (B) NON-FEDERAL SHARE.—

14 (i) IN GENERAL.—The non-Federal
15 share shall be 50 percent of the total costs
16 of the Bureau of Reclamation in carrying
17 out paragraph (1).

18 (ii) FORM.—The non-Federal share
19 required under clause (i) may be in the
20 form of any in-kind services that the Sec-
21 retary of the Interior determines would
22 contribute substantially toward the conduct
23 and completion of the study and environ-
24 mental impact statement required under
25 paragraph (1).

1 (3) SUNSET.—The authority of the Secretary to
2 carry out any provisions of this subsection shall ter-
3 minate 10 years after the date of the enactment of
4 this section.

5 (d) NORTH UNIT IRRIGATION DISTRICT.—The Act of
6 August 10, 1954 (68 Stat. 679, chapter 663), is amend-
7 ed—

8 (1) in the first section—

9 (A) by inserting “(referred to in this Act
10 as the ‘District’)” after “irrigation district”;
11 and

12 (B) by inserting “(referred to in this Act
13 as the ‘Contract’)” after “1953”; and

14 (2) by adding at the end the following:

15 **“SEC. 3. ADDITIONAL TERMS.**

16 “On approval of the District directors and notwith-
17 standing project authorizing legislation to the contrary,
18 the Contract is modified, without further action by the
19 Secretary of the Interior, to include the following modi-
20 fications:

21 “(1) In Article 8(a) of the Contract, by deleting
22 ‘a maximum of 50,000’ and inserting ‘approximately
23 59,000’ after ‘irrigation service to’.

24 “(2) In Article 11(a) of the Contract, by delet-
25 ing ‘The classified irrigable lands within the project

1 comprise 49,817.75 irrigable acres, of which
2 35,773.75 acres are in Class A and 14,044.40 in
3 Class B. These lands and the standards upon which
4 the classification was made are described in the doc-
5 ument entitled “Land Classification, North Unit,
6 Deschutes Project, 1953” which is on file in the of-
7 fice of the Regional Director, Bureau of Reclama-
8 tion, Boise, Idaho, and in the office of the District’
9 and inserting ‘The classified irrigable land within
10 the project comprises 58,902.8 irrigable acres, all of
11 which are authorized to receive irrigation water pur-
12 suant to water rights issued by the State of Oregon
13 and have in the past received water pursuant to
14 such State water rights.’.

15 “(3) In Article 11(c) of the Contract, by delet-
16 ing ‘, with the approval of the Secretary,’ after ‘Dis-
17 trict may’, by deleting ‘the 49,817.75 acre maximum
18 limit on the irrigable area is not exceeded’ and in-
19 serting ‘irrigation service is provided to no more
20 than approximately 59,000 acres and no amendment
21 to the District boundary is required’ after ‘time so
22 long as’.

23 “(4) In Article 11(d) of the Contract, by insert-
24 ing ‘, and may further be used for instream pur-
25 poses, including fish or wildlife purposes, to the ex-

1 tent that such use is required by Oregon State law
2 in order for the District to engage in, or take advan-
3 tage of, conserved water projects as authorized by
4 Oregon State law’ after ‘herein provided’.

5 “(5) By adding at the end of Article 12(d) the
6 following: ‘(e) Notwithstanding the above subsections
7 of this Article or Article 13 below, beginning with
8 the irrigation season immediately following the date
9 of enactment of the National Forests, Parks, Public
10 Land, and Reclamation Projects Authorization Act
11 of 2007, the annual installment for each year, for
12 the District, under the Contract, on account of the
13 District’s construction charge obligation, shall be a
14 fixed and equal annual amount payable on June 30
15 the year following the year for which it is applicable,
16 such that the District’s total construction charge ob-
17 ligation shall be completely paid by June 30, 2044.’.

18 “(6) In Article 14(a) of the Contract, by insert-
19 ing ‘and for instream purposes, including fish or
20 wildlife purposes, to the extent that such use is re-
21 quired by Oregon State law in order for the District
22 to engage in, or take advantage of, conserved water
23 projects as authorized by Oregon State law,’ after
24 ‘and incidental stock and domestic uses’, by insert-
25 ing ‘and for instream purposes as described above,’

1 after ‘irrigation, stock and domestic uses’, and by in-
2 sserting ‘, including natural flow rights out of the
3 Crooked River held by the District’ after ‘irrigation
4 system’.

5 “(7) In Article 29(a) of the Contract, by insert-
6 ing ‘and for instream purposes, including fish or
7 wildlife purposes, to the extent that such use is re-
8 quired by Oregon State law in order for the District
9 to engage in, or take advantage of, conserved water
10 projects as authorized by Oregon State law’ after
11 ‘provided in article 11’.

12 “(8) In Article 34 of the Contract, by deleting
13 ‘The District, after the election and upon the execu-
14 tion of this contract, shall promptly secure final de-
15 creee of the proper State court approving and con-
16 firming this contract and decreeing and adjudging it
17 to be a lawful, valid, and binding general obligation
18 of the District. The District shall furnish to the
19 United States certified copies of such decrees and of
20 all pertinent supporting records.’ after ‘for that pur-
21 pose.’.

22 **“SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.**

23 “The Secretary of the Interior (acting through the
24 Commissioner of Reclamation) may in the future renego-
25 tiate with the District such terms of the Contract as the

1 District directors determine to be necessary, only upon the
2 written request of the District directors and the consent
3 of the Commissioner of Reclamation.”.

4 **SEC. 510. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.**

5 (a) AUTHORIZATION OF STUDY.—Pursuant to rec-
6 lamation laws, the Secretary of the Interior, acting
7 through the Bureau of Reclamation and in consultation
8 and cooperation with the States of Nebraska, Kansas, and
9 Colorado, may conduct a study to—

10 (1) determine the feasibility of implementing a
11 water supply and conservation project that will—

12 (A) improve water supply reliability in the
13 Republican River Basin between Harlan County
14 Lake in Nebraska and Milford Lake in Kansas,
15 including areas in the counties of Harlan,
16 Franklin, Webster, and Nuckolls in Nebraska
17 and Jewel, Republic, Cloud, Washington, and
18 Clay in Kansas (in this section referred to as
19 the “Republican River Basin”);

20 (B) increase the capacity of water storage
21 through modifications of existing projects or
22 through new projects that serve areas in the
23 Republican River Basin; and

24 (C) improve water management efficiency
25 in the Republican River Basin through con-

1 servation and other available means and, where
2 appropriate, evaluate integrated water resource
3 management and supply needs in the Repub-
4 lican River Basin; and

5 (2) consider appropriate cost-sharing options
6 for implementation of the project.

7 (b) COST SHARING.—The Federal share of the cost
8 of the study shall not exceed 50 percent of the total cost
9 of the study, and shall be nonreimbursable.

10 (c) COOPERATIVE AGREEMENTS.—The Secretary
11 shall undertake the study through cooperative agreements
12 with the State of Kansas or Nebraska and other appro-
13 priate entities determined by the Secretary.

14 (d) COMPLETION AND REPORT.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), not later than 3 years after the date of
17 the enactment of this Act, the Secretary of the Inte-
18 rior shall complete the study and transmit to the
19 Congress a report containing the results of the
20 study.

21 (2) EXTENSION.—If the Secretary determines
22 that the study cannot be completed within the 3-year
23 period beginning on the date of the enactment of
24 this Act, the Secretary—

1 (A) shall, at the time of that determina-
2 tion, report to the Congress on the status of the
3 study, including an estimate of the date of com-
4 pletion; and

5 (B) complete the study and transmit to the
6 Congress a report containing the results of the
7 study by not later than that date.

8 (e) SUNSET OF AUTHORITY.—The authority of the
9 Secretary to carry out any provisions of this section shall
10 terminate 10 years after the date of the enactment of this
11 Act.

12 **SEC. 511. EASTERN MUNICIPAL WATER DISTRICT.**

13 (a) IN GENERAL.—The Reclamation Wastewater and
14 Groundwater Study and Facilities Act (43 U.S.C. 390h
15 et seq.) is amended by adding at the end the following:

16 **“SEC. 1639. EASTERN MUNICIPAL WATER DISTRICT RECY-
17 CLED WATER SYSTEM PRESSURIZATION AND
18 EXPANSION PROJECT, CALIFORNIA.**

19 “(a) AUTHORIZATION.—The Secretary, in coopera-
20 tion with the Eastern Municipal Water District, Cali-
21 fornia, may participate in the design, planning, and con-
22 struction of permanent facilities needed to establish oper-
23 ational pressure zones that will be used to provide recycled
24 water in the district.

1 “(b) COST SHARING.—The Federal share of the cost
2 of the project described in subsection (a) shall not exceed
3 25 percent of the total cost of the project.

4 “(c) LIMITATION.—Funds provided by the Secretary
5 shall not be used for operation or maintenance of the
6 project described in subsection (a).

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$12,000,000.

10 “(e) SUNSET OF AUTHORITY.—The authority of the
11 Secretary to carry out any provisions of this section shall
12 terminate 10 years after the date of enactment of this sec-
13 tion.”.

14 (b) CONFORMING AMENDMENT.—The table of sec-
15 tions in section 2 of the Reclamation Projects Authoriza-
16 tion and Adjustment Act of 1992 (43 U.S.C. prec. 371)
17 is amended by inserting after the item relating to section
18 1638 the following:

“Sec. 1639. Eastern Municipal Water District Recycled Water System Pressur-
ization and Expansion Project, California.”.

19 **SEC. 512. BAY AREA REGIONAL WATER RECYCLING PRO-**
20 **GRAM.**

21 (a) PROJECT AUTHORIZATIONS.—

22 (1) IN GENERAL.—The Reclamation Waste-
23 water and Groundwater Study and Facilities Act (43

1 U.S.C. 390h et seq.) (as amended by section 512(a))
2 is amended by adding at the end the following:

3 **“SEC. 1642. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED**
4 **WATER PIPELINE PROJECT.**

5 “(a) AUTHORIZATION.—The Secretary, in coopera-
6 tion with the City of Palo Alto, California, and the City
7 of Mountain View, California, is authorized to participate
8 in the design, planning, and construction of recycled water
9 distribution systems.

10 “(b) COST SHARE.—The Federal share of the cost
11 of the project authorized by this section shall not exceed
12 25 percent of the total cost of the project.

13 “(c) LIMITATION.—The Secretary shall not provide
14 funds for the operation and maintenance of the project
15 authorized by this section.

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$5,000,000.

19 **“SEC. 1643. PITTSBURG RECYCLED WATER PROJECT.**

20 “(a) AUTHORIZATION.—The Secretary, in coopera-
21 tion with the City of Pittsburg, California, and the Delta
22 Diablo Sanitation District, is authorized to participate in
23 the design, planning, and construction of recycled water
24 system facilities.

1 “(b) COST SHARE.—The Federal share of the cost
2 of the project authorized by this section shall not exceed
3 25 percent of the total cost of the project.

4 “(c) LIMITATION.—The Secretary shall not provide
5 funds for the operation and maintenance of the project
6 authorized by this section.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$1,750,000.

10 **“SEC. 1644. ANTIOCH RECYCLED WATER PROJECT.**

11 “(a) AUTHORIZATION.—The Secretary, in coopera-
12 tion with the City of Antioch, California, and the Delta
13 Diablo Sanitation District, is authorized to participate in
14 the design, planning, and construction of recycled water
15 system facilities.

16 “(b) COST SHARE.—The Federal share of the cost
17 of the project authorized by this section shall not exceed
18 25 percent of the total cost of the project.

19 “(c) LIMITATION.—The Secretary shall not provide
20 funds for the operation and maintenance of the project
21 authorized by this section.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$2,250,000.

1 **“SEC. 1645. NORTH COAST COUNTY WATER DISTRICT RECY-**
2 **CLED WATER PROJECT.**

3 “(a) AUTHORIZATION.—The Secretary, in coopera-
4 tion with the North Coast County Water District, is au-
5 thorized to participate in the design, planning, and con-
6 struction of recycled water system facilities.

7 “(b) COST SHARE.—The Federal share of the cost
8 of the project authorized by this section shall not exceed
9 25 percent of the total cost of the project.

10 “(c) LIMITATION.—The Secretary shall not provide
11 funds for the operation and maintenance of the project
12 authorized by this section.

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$2,500,000.

16 **“SEC. 1646. REDWOOD CITY RECYCLED WATER PROJECT.**

17 “(a) AUTHORIZATION.—The Secretary, in coopera-
18 tion with the City of Redwood City, California, is author-
19 ized to participate in the design, planning, and construc-
20 tion of recycled water system facilities.

21 “(b) COST SHARE.—The Federal share of the cost
22 of the project authorized by this section shall not exceed
23 25 percent of the total cost of the project.

24 “(c) LIMITATION.—The Secretary shall not provide
25 funds for the operation and maintenance of the project
26 authorized by this section.

1 in the design, planning, and construction of recycled water
2 treatment facilities.

3 “(b) COST SHARE.—The Federal share of the cost
4 of the project authorized by this section shall not exceed
5 25 percent of the total cost of the project.

6 “(c) LIMITATION.—The Secretary shall not provide
7 funds for the operation and maintenance of the project
8 authorized by this section.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 \$8,250,000.”.

12 (2) CONFORMING AMENDMENTS.—The table of
13 sections in section 2 of the Reclamation Projects Au-
14 thorization and Adjustment Act of 1992 (43 U.S.C.
15 prec. 371) (as amended by section 512(b)) is amend-
16 ed by inserting after the item relating to section
17 1641 the following:

“Sec. 1642. Mountain View, Moffett Area Reclaimed Water Pipeline Project.

“Sec. 1643. Pittsburg Recycled Water Project.

“Sec. 1644. Antioch Recycled Water Project.

“Sec. 1645. North Coast County Water District Recycled Water Project.

“Sec. 1646. Redwood City Recycled Water Project.

“Sec. 1647. South Santa Clara County Recycled Water Project.

“Sec. 1648. South Bay Advanced Recycled Water Treatment Facility.”.

18 (b) SAN JOSE AREA WATER RECLAMATION AND
19 REUSE PROJECT.—It is the intent of Congress that a
20 comprehensive water recycling program for the San Fran-
21 cisco Bay Area include the San Jose Area water reclama-
22 tion and reuse program authorized by section 1607 of the

1 Reclamation Projects Authorization and Adjustment Act
2 of 1992 (43 U.S.C. 390h–5).

3 **SEC. 513. BUREAU OF RECLAMATION SITE SECURITY.**

4 (a) TREATMENT OF CAPITAL COSTS.—Costs incurred
5 by the Secretary of the Interior for the physical fortifica-
6 tion of Bureau of Reclamation facilities to satisfy in-
7 creased post-September 11, 2001, security needs, includ-
8 ing the construction, modification, upgrade, or replace-
9 ment of such facility fortifications, shall be nonreimburs-
10 able.

11 (b) TREATMENT OF SECURITY-RELATED OPERATION
12 AND MAINTENANCE COSTS.—

13 (1) REIMBURSABLE COSTS.—The Secretary of
14 the Interior shall include no more than \$18,900,000
15 per fiscal year, indexed each fiscal year after fiscal
16 year 2008 according to the preceding year’s Con-
17 sumer Price Index, of those costs incurred for in-
18 creased levels of guards and patrols, training, pa-
19 trols by local and tribal law enforcement entities, op-
20 eration, maintenance, and replacement of guard and
21 response force equipment, and operation and mainte-
22 nance of facility fortifications at Bureau of Reclama-
23 tion facilities after the events of September 11,
24 2001, as reimbursable operation and maintenance
25 costs under Reclamation law.

1 (2) COSTS COLLECTED THROUGH WATER
2 RATES.—In the case of the Central Valley Project of
3 California, site security costs allocated to irrigation
4 and municipal and industrial water service in ac-
5 cordance with this section shall be collected by the
6 Secretary exclusively through inclusion of these costs
7 in the operation and maintenance water rates.

8 (c) TRANSPARENCY AND REPORT TO CONGRESS.—

9 (1) POLICIES AND PROCEDURES.—The Sec-
10 retary is authorized to develop policies and proce-
11 dures with project beneficiaries, consistent with the
12 requirements of paragraphs (2) and (3), to provide
13 for the payment of the reimbursable costs described
14 in subsection (b).

15 (2) NOTICE.—On identifying a Bureau of Rec-
16 lamation facility for a site security measure, the Sec-
17 retary shall provide to the project beneficiaries writ-
18 ten notice—

19 (A) describing the need for the site secu-
20 rity measure and the process for identifying
21 and implementing the site security measure;
22 and

23 (B) summarizing the administrative and
24 legal requirements relating to the site security
25 measure.

1 (3) CONSULTATION.—The Secretary shall—

2 (A) provide project beneficiaries an oppor-
3 tunity to consult with the Bureau of Reclama-
4 tion on the planning, design, and construction
5 of the site security measure; and

6 (B) in consultation with project bene-
7 ficiaries, develop and provide timeframes for the
8 consultation described in subparagraph (A).

9 (4) RESPONSE; NOTICE.—Before incurring
10 costs pursuant to activities described in subsection
11 (b), the Secretary shall consider cost containment
12 measures recommended by a project beneficiary that
13 has elected to consult with the Bureau of Reclama-
14 tion on such activities. The Secretary shall provide
15 to the project beneficiary—

16 (A) a timely written response describing
17 proposed actions, if any, to address the rec-
18 ommendation; and

19 (B) notice regarding the costs and status
20 of such activities on a periodic basis.

21 (5) REPORT.—The Secretary shall report annu-
22 ally to the Natural Resources Committee of the
23 House of Representatives and the Energy and Nat-
24 ural Resources Committee of the Senate on site se-
25 curity actions and activities undertaken pursuant to

1 this Act for each fiscal year. The report shall include
2 a summary of Federal and non-Federal expenditures
3 for the fiscal year and information relating to a 5-
4 year planning horizon for the program, detailed to
5 show pre-September 11, 2001, and post-September
6 11, 2001, costs for the site security activities.

7 (d) PRE-SEPTEMBER 11, 2001 SECURITY COST LEV-
8 ELS.—Reclamation project security costs at the levels of
9 activity that existed prior to September 11, 2001, shall
10 remain reimbursable.

11 **TITLE VI—DEPARTMENT OF** 12 **ENERGY AUTHORIZATIONS**

13 **SEC. 601. ENERGY TECHNOLOGY TRANSFER.**

14 Section 917 of the Energy Policy Act of 2005 (42
15 U.S.C. 16197) is amended to read as follows:

16 **“SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER** 17 **CENTERS.**

18 “(a) GRANTS.—Not later than 18 months after the
19 date of enactment of the National Forests, Parks, Public
20 Land, and Reclamation Projects Authorization Act of
21 2008, the Secretary shall make grants to nonprofit institu-
22 tions, State and local governments, cooperative extension
23 services, or institutions of higher education (or consortia
24 thereof), to establish a geographically dispersed network
25 of Advanced Energy Technology Transfer Centers, to be

1 located in areas the Secretary determines have the great-
2 est need of the services of such Centers. In making awards
3 under this section, the Secretary shall—

4 “(1) give priority to applicants already oper-
5 ating or partnered with an outreach program capa-
6 ble of transferring knowledge and information about
7 advanced energy efficiency methods and tech-
8 nologies;

9 “(2) ensure that, to the extent practicable, the
10 program enables the transfer of knowledge and in-
11 formation—

12 “(A) about a variety of technologies; and

13 “(B) in a variety of geographic areas;

14 “(3) give preference to applicants that would
15 significantly expand on or fill a gap in existing pro-
16 grams in a geographical region; and

17 “(4) consider the special needs and opportuni-
18 ties for increased energy efficiency for manufactured
19 and site-built housing, including construction, ren-
20 ovation, and retrofit.

21 “(b) ACTIVITIES.—Each Center shall operate a pro-
22 gram to encourage demonstration and commercial applica-
23 tion of advanced energy methods and technologies through
24 education and outreach to building and industrial profes-
25 sionals, and to other individuals and organizations with

1 an interest in efficient energy use. Funds awarded under
2 this section may be used for the following activities:

3 “(1) Developing and distributing informational
4 materials on technologies that could use energy more
5 efficiently.

6 “(2) Carrying out demonstrations of advanced
7 energy methods and technologies.

8 “(3) Developing and conducting seminars,
9 workshops, long-distance learning sessions, and
10 other activities to aid in the dissemination of knowl-
11 edge and information on technologies that could use
12 energy more efficiently.

13 “(4) Providing or coordinating onsite energy
14 evaluations, including instruction on the commis-
15 sioning of building heating and cooling systems, for
16 a wide range of energy end-users.

17 “(5) Examining the energy efficiency needs of
18 energy end-users to develop recommended research
19 projects for the Department.

20 “(6) Hiring experts in energy efficient tech-
21 nologies to carry out activities described in para-
22 graphs (1) through (5).

23 “(c) APPLICATION.—A person seeking a grant under
24 this section shall submit to the Secretary an application
25 in such form and containing such information as the Sec-

1 retary may require. The Secretary may award a grant
2 under this section to an entity already in existence if the
3 entity is otherwise eligible under this section. The applica-
4 tion shall include, at a minimum—

5 “(1) a description of the applicant’s outreach
6 program, and the geographic region it would serve,
7 and of why the program would be capable of trans-
8 ferring knowledge and information about advanced
9 energy technologies that increase efficiency of energy
10 use;

11 “(2) a description of the activities the applicant
12 would carry out, of the technologies that would be
13 transferred, and of any other organizations that will
14 help facilitate a regional approach to carrying out
15 those activities;

16 “(3) a description of how the proposed activities
17 would be appropriate to the specific energy needs of
18 the geographic region to be served;

19 “(4) an estimate of the number and types of
20 energy end-users expected to be reached through
21 such activities; and

22 “(5) a description of how the applicant will as-
23 sess the success of the program.

1 “(d) SELECTION CRITERIA.—The Secretary shall
2 award grants under this section on the basis of the fol-
3 lowing criteria, at a minimum:

4 “(1) The ability of the applicant to carry out
5 the proposed activities.

6 “(2) The extent to which the applicant will co-
7 ordinate the activities of the Center with other enti-
8 ties as appropriate, such as State and local govern-
9 ments, utilities, institutions of higher education, and
10 National Laboratories.

11 “(3) The appropriateness of the applicant’s out-
12 reach program for carrying out the program de-
13 scribed in this section.

14 “(4) The likelihood that proposed activities
15 could be expanded or used as a model for other
16 areas.

17 “(e) COST-SHARING.—In carrying out this section,
18 the Secretary shall require cost-sharing in accordance with
19 the requirements of section 988 for commercial application
20 activities.

21 “(f) DURATION.—

22 “(1) INITIAL GRANT PERIOD.—A grant awarded
23 under this section shall be for a period of 5 years.

24 “(2) INITIAL EVALUATION.—Each grantee
25 under this section shall be evaluated during its third

1 year of operation under procedures established by
2 the Secretary to determine if the grantee is accom-
3 plishing the purposes of this section described in
4 subsection (a). The Secretary shall terminate any
5 grant that does not receive a positive evaluation. If
6 an evaluation is positive, the Secretary may extend
7 the grant for 3 additional years beyond the original
8 term of the grant.

9 “(3) ADDITIONAL EXTENSION.—If a grantee re-
10 ceives an extension under paragraph (2), the grantee
11 shall be evaluated again during the second year of
12 the extension. The Secretary shall terminate any
13 grant that does not receive a positive evaluation. If
14 an evaluation is positive, the Secretary may extend
15 the grant for a final additional period of 3 additional
16 years beyond the original extension.

17 “(4) LIMITATION.—No grantee may receive
18 more than 11 years of support under this section
19 without reapplying for support and competing
20 against all other applicants seeking a grant at that
21 time.

22 “(g) PROHIBITION.—None of the funds awarded
23 under this section may be used for the construction of fa-
24 cilities.

25 “(h) DEFINITIONS.—For purposes of this section:

1 “(1) ADVANCED ENERGY METHODS AND TECH-
2 NOLOGIES.—The term ‘advanced energy methods
3 and technologies’ means all methods and tech-
4 nologies that promote energy efficiency and con-
5 servation, including distributed generation tech-
6 nologies, and life-cycle analysis of energy use.

7 “(2) CENTER.—The term ‘Center’ means an
8 Advanced Energy Technology Transfer Center estab-
9 lished pursuant to this section.

10 “(3) DISTRIBUTED GENERATION.—The term
11 ‘distributed generation’ means an electric power gen-
12 eration technology, including photovoltaic, small
13 wind, and micro-combined heat and power, that
14 serves electric consumers at or near the site of pro-
15 duction.

16 “(4) COOPERATIVE EXTENSION.—The term
17 ‘Cooperative Extension’ means the extension services
18 established at the land-grant colleges and univer-
19 sities under the Smith-Lever Act of May 8, 1914.

20 “(5) LAND-GRANT COLLEGES AND UNIVER-
21 SITIES.—The term ‘land-grant colleges and univer-
22 sities’ means—

23 “(A) 1862 Institutions (as defined in sec-
24 tion 2 of the Agricultural Research, Extension,

1 and Education Reform Act of 1998 (7 U.S.C.
2 7601));

3 “(B) 1890 Institutions (as defined in sec-
4 tion 2 of that Act); and

5 “(C) 1994 Institutions (as defined in sec-
6 tion 2 of that Act).

7 “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-
8 tion to amounts otherwise authorized to be appropriated
9 in section 911, there are authorized to be appropriated
10 for the program under this section such sums as may be
11 appropriated.”.

12 **SEC. 602. AMENDMENTS TO THE STEEL AND ALUMINUM EN-**
13 **ERGY CONSERVATION AND TECHNOLOGY**
14 **COMPETITIVENESS ACT OF 1988.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
16 9 of the Steel and Aluminum Energy Conservation and
17 Technology Competitiveness Act of 1988 (15 U.S.C.
18 5108) is amended to read as follows:

19 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to the Sec-
21 retary to carry out this Act \$12,000,000 for each of the
22 fiscal years 2008 through 2012.”.

23 (b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of
24 the Steel and Aluminum Energy Conservation and Tech-

1 nology Competitiveness Act of 1988 (15 U.S.C.
2 5103(c)(1)) is amended—

3 (1) in subparagraph (H), by striking “coatings
4 for sheet steels” and inserting “sheet and bar
5 steels”; and

6 (2) by adding at the end the following new sub-
7 paragraph:

8 “(K) The development of technologies
9 which reduce greenhouse gas emissions.”.

10 (c) CONFORMING AMENDMENTS.—The Steel and
11 Aluminum Energy Conservation and Technology Competi-
12 tiveness Act of 1988 is further amended—

13 (1) by striking section 7 (15 U.S.C. 5106); and

14 (2) in section 8 (15 U.S.C. 5107), by inserting
15 “, beginning with fiscal year 2008,” after “close of
16 each fiscal year”.

17 **TITLE VII—NORTHERN MARIANA**
18 **ISLANDS**

19 **Subtitle A—Immigration, Security,**
20 **and Labor**

21 **SEC. 701. STATEMENT OF CONGRESSIONAL INTENT.**

22 (a) IMMIGRATION AND GROWTH.—In recognition of
23 the need to ensure uniform adherence to long-standing
24 fundamental immigration policies of the United States, it
25 is the intention of the Congress in enacting this subtitle—

1 (1) to ensure that effective border control pro-
2 cedures are implemented and observed, and that na-
3 tional security and homeland security issues are
4 properly addressed, by extending the immigration
5 laws (as defined in section 101(a)(17) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1101
7 (a)(17)), to apply to the Commonwealth of the
8 Northern Mariana Islands (referred to in this sub-
9 title as the “Commonwealth”), with special provi-
10 sions to allow for—

11 (A) the orderly phasing-out of the non-
12 resident contract worker program of the Com-
13 monwealth; and

14 (B) the orderly phasing-in of Federal re-
15 sponsibilities over immigration in the Common-
16 wealth; and

17 (2) to minimize, to the greatest extent prac-
18 ticable, potential adverse economic and fiscal effects
19 of phasing-out the Commonwealth’s nonresident con-
20 tract worker program and to maximize the Common-
21 wealth’s potential for future economic and business
22 growth by—

23 (A) encouraging diversification and growth
24 of the economy of the Commonwealth in accord-

1 ance with fundamental values underlying Fed-
2 eral immigration policy;

3 (B) recognizing local self-government, as
4 provided for in the Covenant To Establish a
5 Commonwealth of the Northern Mariana Is-
6 lands in Political Union With the United States
7 of America through consultation with the Gov-
8 ernor of the Commonwealth;

9 (C) assisting the Commonwealth in achiev-
10 ing a progressively higher standard of living for
11 citizens of the Commonwealth through the pro-
12 vision of technical and other assistance;

13 (D) providing opportunities for individuals
14 authorized to work in the United States, includ-
15 ing citizens of the freely associated states; and

16 (E) providing a mechanism for the contin-
17 ued use of alien workers, to the extent those
18 workers continue to be necessary to supplement
19 the Commonwealth's resident workforce, and to
20 protect those workers from the potential for
21 abuse and exploitation.

22 (b) AVOIDING ADVERSE EFFECTS.—In recognition of
23 the Commonwealth's unique economic circumstances, his-
24 tory, and geographical location, it is the intent of the Con-
25 gress that the Commonwealth be given as much flexibility

1 as possible in maintaining existing businesses and other
 2 revenue sources, and developing new economic opportuni-
 3 ties, consistent with the mandates of this subtitle. This
 4 subtitle, and the amendments made by this subtitle,
 5 should be implemented wherever possible to expand tour-
 6 ism and economic development in the Commonwealth, in-
 7 cluding aiding prospective tourists in gaining access to the
 8 Commonwealth's memorials, beaches, parks, dive sites,
 9 and other points of interest.

10 **SEC. 702. IMMIGRATION REFORM FOR THE COMMON-**
 11 **WEALTH.**

12 (a) AMENDMENT TO JOINT RESOLUTION APPROVING
 13 COVENANT ESTABLISHING COMMONWEALTH OF THE
 14 NORTHERN MARIANA ISLANDS.—The Joint Resolution
 15 entitled “A Joint Resolution to approve the ‘Covenant To
 16 Establish a Commonwealth of the Northern Mariana Is-
 17 lands in Political Union with the United States of Amer-
 18 ica’, and for other purposes”, approved March 24, 1976
 19 (Public Law 94–241; 90 Stat. 263), is amended by adding
 20 at the end the following new section:

21 **“SEC. 6. IMMIGRATION AND TRANSITION.**

22 “(a) APPLICATION OF THE IMMIGRATION AND NA-
 23 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION
 24 PROGRAM.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), effective on the first day of the first full
3 month commencing 1 year after the date of enact-
4 ment of the National Forests, Parks, Public Land,
5 and Reclamation Projects Authorization Act of 2008
6 (hereafter referred to as the ‘transition program ef-
7 fective date’), the provisions of the ‘immigration
8 laws’ (as defined in section 101(a)(17) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1101(a)(17)))
10 shall apply to the Commonwealth of the Northern
11 Mariana Islands (referred to in this section as the
12 ‘Commonwealth’), except as otherwise provided in
13 this section.

14 “(2) TRANSITION PERIOD.—There shall be a
15 transition period beginning on the transition pro-
16 gram effective date and ending on December 31,
17 2013, except as provided in subsections (b) and (d),
18 during which the Secretary of Homeland Security, in
19 consultation with the Secretary of State, the Attor-
20 ney General, the Secretary of Labor, and the Sec-
21 retary of the Interior, shall establish, administer,
22 and enforce a transition program to regulate immi-
23 gration to the Commonwealth, as provided in this
24 section (hereafter referred to as the ‘transition pro-
25 gram’).

1 “(3) DELAY OF COMMENCEMENT OF TRANSI-
2 TION PERIOD.—

3 “(A) IN GENERAL.—The Secretary of
4 Homeland Security, in the Secretary’s sole dis-
5 cretion, in consultation with the Secretary of
6 the Interior, the Secretary of Labor, the Sec-
7 retary of State, the Attorney General, and the
8 Governor of the Commonwealth, may determine
9 that the transition program effective date be
10 delayed for a period not to exceed more than
11 180 days after such date.

12 “(B) CONGRESSIONAL NOTIFICATION.—
13 The Secretary of Homeland Security shall no-
14 tify the Congress of a determination under sub-
15 paragraph (A) not later than 30 days prior to
16 the transition program effective date.

17 “(C) CONGRESSIONAL REVIEW.—A delay
18 of the transition program effective date shall
19 not take effect until 30 days after the date on
20 which the notification under subparagraph (B)
21 is made.

22 “(4) REQUIREMENT FOR REGULATIONS.—The
23 transition program shall be implemented pursuant to
24 regulations to be promulgated, as appropriate, by
25 the head of each agency or department of the United

1 States having responsibilities under the transition
2 program.

3 “(5) INTERAGENCY AGREEMENTS.—The Sec-
4 retary of Homeland Security, the Secretary of State,
5 the Secretary of Labor, and the Secretary of the In-
6 terior shall negotiate and implement agreements
7 among their agencies to identify and assign their re-
8 spective duties so as to ensure timely and proper im-
9 plementation of the provisions of this section. The
10 agreements should address, at a minimum, proce-
11 dures to ensure that Commonwealth employers have
12 access to adequate labor, and that tourists, students,
13 retirees, and other visitors have access to the Com-
14 monwealth without unnecessary delay or impedi-
15 ment. The agreements may also allocate funding be-
16 tween the respective agencies tasked with various re-
17 sponsibilities under this section.

18 “(6) CERTAIN EDUCATION FUNDING.—In addi-
19 tion to fees charged pursuant to section 286(m) of
20 the Immigration and Nationality Act (8 U.S.C.
21 1356(m)) to recover the full costs of providing adju-
22 dication services, the Secretary of Homeland Secu-
23 rity shall charge an annual supplemental fee of \$150
24 per nonimmigrant worker to each prospective em-
25 ployer who is issued a permit under subsection (d)

1 of this section during the transition period. Such
2 supplemental fee shall be paid into the Treasury of
3 the Commonwealth government for the purpose of
4 funding ongoing vocational educational curricula and
5 program development by Commonwealth educational
6 entities.

7 “(7) ASYLUM.—Section 208 of the Immigration
8 and Nationality Act (8 U.S.C. 1158) shall not apply
9 during the transition period to persons physically
10 present in the Commonwealth or arriving in the
11 Commonwealth (whether or not at a designated port
12 of arrival), including persons brought to the Com-
13 monwealth after having been interdicted in inter-
14 national or United States waters.

15 “(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT
16 WORKERS.—An alien, if otherwise qualified, may seek ad-
17 mission to Guam or to the Commonwealth during the
18 transition program as a nonimmigrant worker under sec-
19 tion 101(a)(15)(H) of the Immigration and Nationality
20 Act (8 U.S.C. 1101(a)(15)(H)) without counting against
21 the numerical limitations set forth in section 214(g) of
22 such Act (8 U.S.C. 1184(g)). This subsection does not
23 apply to any employment to be performed outside of Guam
24 or the Commonwealth. Not later than 3 years following
25 the transition program effective date, the Secretary of

1 Homeland Security shall issue a report to the Committee
2 on Energy and Natural Resources and the Committee on
3 the Judiciary of the Senate and the Committee on Natural
4 Resources and the Committee on the Judiciary of the
5 House of Representatives projecting the number of asylum
6 claims the Secretary anticipates following the termination
7 of the transition period, the efforts the Secretary has
8 made to ensure appropriate interdiction efforts, provide
9 for appropriate treatment of asylum seekers, and prepare
10 to accept and adjudicate asylum claims in the Common-
11 wealth.

12 “(c) NONIMMIGRANT INVESTOR VISAS.—

13 “(1) IN GENERAL.—Notwithstanding the treaty
14 requirements in section 101(a)(15)(E) of the Immi-
15 gration and Nationality Act (8 U.S.C.
16 1101(a)(15)(E)), during the transition period, the
17 Secretary of Homeland Security may, upon the ap-
18 plication of an alien, classify an alien as a CNMI-
19 only nonimmigrant under section 101(a)(15)(E)(ii)
20 of the Immigration and Nationality Act (8 U.S.C.
21 1101(a)(15)(E)(ii)) if the alien—

22 “(A) has been admitted to the Common-
23 wealth in long-term investor status under the
24 immigration laws of the Commonwealth before
25 the transition program effective date;

1 “(B) has continuously maintained resi-
2 dence in the Commonwealth under long-term
3 investor status;

4 “(C) is otherwise admissible; and

5 “(D) maintains the investment or invest-
6 ments that formed the basis for such long-term
7 investor status.

8 “(2) REQUIREMENT FOR REGULATIONS.—Not
9 later than 60 days before the transition program ef-
10 fective date, the Secretary of Homeland Security
11 shall publish regulations in the Federal Register to
12 implement this subsection.

13 “(d) SPECIAL PROVISION TO ENSURE ADEQUATE
14 EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL
15 WORKERS.—An alien who is seeking to enter the Com-
16 monwealth as a nonimmigrant worker may be admitted
17 to perform work during the transition period subject to
18 the following requirements:

19 “(1) Such an alien shall be treated as a non-
20 immigrant described in section 101(a)(15) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1101(a)(15)), including the ability to apply, if other-
23 wise eligible, for a change of nonimmigrant classi-
24 fication under section 248 of such Act (8 U.S.C.

1 1258) or adjustment of status under this section
2 and section 245 of such Act (8 U.S.C. 1255).

3 “(2) The Secretary of Homeland Security shall
4 establish, administer, and enforce a system for allo-
5 cating and determining the number, terms, and con-
6 ditions of permits to be issued to prospective em-
7 ployers for each such nonimmigrant worker de-
8 scribed in this subsection who would not otherwise
9 be eligible for admission under the Immigration and
10 Nationality Act (8 U.S.C. 1101 et seq.). In adopting
11 and enforcing this system, the Secretary shall also
12 consider, in good faith and not later than 30 days
13 after receipt by the Secretary, any comments and
14 advice submitted by the Governor of the Common-
15 wealth. This system shall provide for a reduction in
16 the allocation of permits for such workers on an an-
17 nual basis, to zero, during a period not to extend be-
18 yond December 31, 2013, unless extended pursuant
19 to paragraph 5 of this subsection, and shall take
20 into account the number of petitions granted under
21 subsection (i). In no event shall a permit be valid be-
22 yond the expiration of the transition period. This
23 system may be based on any reasonable method and
24 criteria determined by the Secretary of Homeland
25 Security to promote the maximum use of, and to

1 prevent adverse effects on wages and working condi-
2 tions of, workers authorized to be employed in the
3 United States, including lawfully admissible freely
4 associated state citizen labor. No alien shall be
5 granted nonimmigrant classification or a visa under
6 this subsection unless the permit requirements es-
7 tablished under this paragraph have been met.

8 “(3) The Secretary of Homeland Security shall
9 set the conditions for admission of such an alien
10 under the transition program, and the Secretary of
11 State shall authorize the issuance of nonimmigrant
12 visas for such an alien. Such a visa shall not be valid
13 for admission to the United States, as defined in
14 section 101(a)(38) of the Immigration and Nation-
15 ality Act (8 U.S.C. 1101(a)(38)), except admission
16 to the Commonwealth. An alien admitted to the
17 Commonwealth on the basis of such a visa shall be
18 permitted to engage in employment only as author-
19 ized pursuant to the transition program.

20 “(4) Such an alien shall be permitted to trans-
21 fer between employers in the Commonwealth during
22 the period of such alien’s authorized stay therein,
23 without permission of the employee’s current or
24 prior employer, within the alien’s occupational cat-
25 egory or another occupational category the Secretary

1 of Homeland Security has found requires alien work-
2 ers to supplement the resident workforce.

3 “(5)(A) Not later than 180 days prior to the
4 expiration of the transition period, or any extension
5 thereof, the Secretary of Labor, in consultation with
6 the Secretary of Homeland Security, the Secretary
7 of the Interior, and the Governor of the Common-
8 wealth, shall ascertain the current and anticipated
9 labor needs of the Commonwealth and determine
10 whether an extension of up to 5 years of the provi-
11 sions of this subsection is necessary to ensure an
12 adequate number of workers will be available for le-
13 gitimate businesses in the Commonwealth. For the
14 purpose of this subparagraph, a business shall not
15 be considered legitimate if it engages directly or in-
16 directly in prostitution, trafficking in minors, or any
17 other activity that is illegal under Federal or local
18 law. The determinations of whether a business is le-
19 gitimate and to what extent, if any, it may require
20 alien workers to supplement the resident workforce,
21 shall be made by the Secretary of Homeland Secu-
22 rity, in the Secretary’s sole discretion.

23 “(B) If the Secretary of Labor determines that
24 such an extension is necessary to ensure an ade-
25 quate number of workers for legitimate businesses in

1 the Commonwealth, the Secretary of Labor may,
2 through notice published in the Federal Register,
3 provide for an additional extension period of up to
4 5 years.

5 “(C) In making the determination of whether
6 alien workers are necessary to ensure an adequate
7 number of workers for legitimate businesses in the
8 Commonwealth, and if so, the number of such work-
9 ers that are necessary, the Secretary of Labor may
10 consider, among other relevant factors—

11 “(i) government, industry, or independent
12 workforce studies reporting on the need, or lack
13 thereof, for alien workers in the Common-
14 wealth’s businesses;

15 “(ii) the unemployment rate of United
16 States citizen workers residing in the Common-
17 wealth;

18 “(iii) the unemployment rate of aliens in
19 the Commonwealth who have been lawfully ad-
20 mitted for permanent residence;

21 “(iv) the number of unemployed alien
22 workers in the Commonwealth;

23 “(v) any good faith efforts to locate, edu-
24 cate, train, or otherwise prepare United States
25 citizen residents, lawful permanent residents,

1 and unemployed alien workers already within
2 the Commonwealth, to assume those jobs;

3 “(vi) any available evidence tending to
4 show that United States citizen residents, law-
5 ful permanent residents, and unemployed alien
6 workers already in the Commonwealth are not
7 willing to accept jobs of the type offered;

8 “(vii) the extent to which admittance of
9 alien workers will affect the compensation, ben-
10 efits, and living standards of existing workers
11 within those industries and other industries au-
12 thorized to employ alien workers; and

13 “(viii) the prior use, if any, of alien work-
14 ers to fill those industry jobs, and whether the
15 industry requires alien workers to fill those
16 jobs.

17 “(6) The Secretary of Homeland Security may
18 authorize the admission of a spouse or minor child
19 accompanying or following to join a worker admitted
20 pursuant to this subsection.

21 “(e) PERSONS LAWFULLY ADMITTED UNDER THE
22 COMMONWEALTH IMMIGRATION LAW.—

23 “(1) PROHIBITION ON REMOVAL.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), no alien who is lawfully present in

1 the Commonwealth pursuant to the immigration
2 laws of the Commonwealth on the transition
3 program effective date shall be removed from
4 the United States on the grounds that such
5 alien's presence in the Commonwealth is in vio-
6 lation of section 212(a)(6)(A) of the Immigra-
7 tion and Nationality Act (8 U.S.C.
8 1182(a)(6)(A)), until the earlier of the date—

9 “(i) of the completion of the period of
10 the alien's admission under the immigra-
11 tion laws of the Commonwealth; or

12 “(ii) that is 2 years after the transi-
13 tion program effective date.

14 “(B) LIMITATIONS.—Nothing in this sub-
15 section shall be construed to prevent or limit
16 the removal under subparagraph 212(a)(6)(A)
17 of the Immigration and Nationality Act (8
18 U.S.C. 1182(a)(6)(A)) of such an alien at any
19 time, if the alien entered the Commonwealth
20 after the date of enactment of the National
21 Forests, Parks, Public Land, and Reclamation
22 Projects Authorization Act of 2008, and the
23 Secretary of Homeland Security has determined
24 that the Government of the Commonwealth has
25 violated section 702(i) of the National Forests,

1 Parks, Public Land, and Reclamation Projects
2 Authorization Act of 2008.

3 “(2) EMPLOYMENT AUTHORIZATION.—An alien
4 who is lawfully present and authorized to be em-
5 ployed in the Commonwealth pursuant to the immi-
6 gration laws of the Commonwealth on the transition
7 program effective date shall be considered authorized
8 by the Secretary of Homeland Security to be em-
9 ployed in the Commonwealth until the earlier of the
10 date—

11 “(A) of expiration of the alien’s employ-
12 ment authorization under the immigration laws
13 of the Commonwealth; or

14 “(B) that is 2 years after the transition
15 program effective date.

16 “(3) REGISTRATION.—The Secretary of Home-
17 land Security may require any alien present in the
18 Commonwealth on or after the transition period ef-
19 fective date to register with the Secretary in such a
20 manner, and according to such schedule, as he may
21 in his discretion require. Paragraphs (1) and (2) of
22 this subsection shall not apply to any alien who fails
23 to comply with such registration requirement. Not-
24 withstanding any other law, the Government of the
25 Commonwealth shall provide to the Secretary all

1 Commonwealth immigration records or other infor-
2 mation that the Secretary deems necessary to assist
3 the implementation of this paragraph or other provi-
4 sions of the National Forests, Parks, Public Land,
5 and Reclamation Projects Authorization Act of
6 2008. Nothing in this paragraph shall modify or
7 limit section 262 of the Immigration and Nationality
8 Act (8 U.S.C. 1302) or other provision of the Immi-
9 gration and Nationality Act relating to the registra-
10 tion of aliens.

11 “(4) REMOVABLE ALIENS.—Except as specifi-
12 cally provided in paragraph (1)(A) of this sub-
13 section, nothing in this subsection shall prohibit or
14 limit the removal of any alien who is removable
15 under the Immigration and Nationality Act.

16 “(5) PRIOR ORDERS OF REMOVAL.—The Sec-
17 retary of Homeland Security may execute any ad-
18 ministratively final order of exclusion, deportation or
19 removal issued under authority of the immigration
20 laws of the United States before, on, or after the
21 transition period effective date, or under authority of
22 the immigration laws of the Commonwealth before
23 the transition period effective date, upon any subject
24 of such order found in the Commonwealth on or
25 after the transition period effective date, regardless

1 whether the alien has previously been removed from
2 the United States or the Commonwealth pursuant to
3 such order.

4 “(f) EFFECT ON OTHER LAWS.—The provisions of
5 this section and of the immigration laws, as defined in
6 section 101(a)(17) of the Immigration and Nationality Act
7 (8 U.S.C. 1101(a)(17)), shall, on the transition program
8 effective date, supersede and replace all laws, provisions,
9 or programs of the Commonwealth relating to the admis-
10 sion of aliens and the removal of aliens from the Common-
11 wealth.

12 “(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION
13 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY
14 ACT.—No time that an alien is present in the Common-
15 wealth in violation of the immigration laws of the Com-
16 monwealth shall be counted for purposes of inadmissibility
17 under section 212(a)(9)(B) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1182(a)(9)(B)).

19 “(h) REPORT ON NONRESIDENT GUESTWORKER
20 POPULATION.—The Secretary of the Interior, in consulta-
21 tion with the Secretary of Homeland Security, and the
22 Governor of the Commonwealth, shall report to the Con-
23 gress not later than 2 years after the date of enactment
24 of the National Forests, Parks, Public Land, and Rec-

1 lamation Projects Authorization Act of 2008. The report
2 shall include—

3 “(1) the number of aliens residing in the Com-
4 monwealth;

5 “(2) a description of the legal status (under
6 Federal law) of such aliens;

7 “(3) the number of years each alien has been
8 residing in the Commonwealth;

9 “(4) the current and future requirements of the
10 Commonwealth economy for an alien workforce; and

11 “(5) such recommendations to the Congress, as
12 the Secretary may deem appropriate, related to
13 whether or not the Congress should consider permit-
14 ting lawfully admitted guest workers lawfully resid-
15 ing in the Commonwealth on such enactment date to
16 apply for long-term status under the immigration
17 and nationality laws of the United States.”.

18 (b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT
19 VISITORS.—The Immigration and Nationality Act (8
20 U.S.C. 1101 et seq.) is amended—

21 (1) in section 214(a)(1) (8 U.S.C.
22 1184(a)(1))—

23 (A) by striking “Guam” each place such
24 term appears and inserting “Guam or the Com-

1 monwealth of the Northern Mariana Islands”;
2 and

3 (B) by striking “fifteen” and inserting
4 “45”;

5 (2) in section 212(a)(7)(B) (8 U.S.C.
6 1182(a)(7)(B)), by amending clause (iii) to read as
7 follows:

8 “(iii) GUAM AND NORTHERN MARIANA
9 ISLANDS VISA WAIVER.—For provision au-
10 thorizing waiver of clause (i) in the case of
11 visitors to Guam or the Commonwealth of
12 the Northern Mariana Islands, see sub-
13 section (l).”; and

14 (3) by amending section 212(l) (8 U.S.C.
15 1182(l)) to read as follows:

16 “(l) GUAM AND NORTHERN MARIANA ISLANDS VISA
17 WAIVER PROGRAM.—

18 “(1) IN GENERAL.—The requirement of sub-
19 section (a)(7)(B)(i) may be waived by the Secretary
20 of Homeland Security, in the case of an alien apply-
21 ing for admission as a nonimmigrant visitor for busi-
22 ness or pleasure and solely for entry into and stay
23 in Guam or the Commonwealth of the Northern
24 Mariana Islands for a period not to exceed 45 days,
25 if the Secretary of Homeland Security, after con-

1 sultation with the Secretary of the Interior, the Sec-
2 retary of State, the Governor of Guam and the Gov-
3 ernor of the Commonwealth of the Northern Mar-
4 iana Islands, determines that—

5 “(A) an adequate arrival and departure
6 control system has been developed in Guam and
7 the Commonwealth of the Northern Mariana Is-
8 lands; and

9 “(B) such a waiver does not represent a
10 threat to the welfare, safety, or security of the
11 United States or its territories and common-
12 wealths.

13 “(2) ALIEN WAIVER OF RIGHTS.—An alien may
14 not be provided a waiver under this subsection un-
15 less the alien has waived any right—

16 “(A) to review or appeal under this Act an
17 immigration officer’s determination as to the
18 admissibility of the alien at the port of entry
19 into Guam or the Commonwealth of the North-
20 ern Mariana Islands; or

21 “(B) to contest, other than on the basis of
22 an application for withholding of removal under
23 section 241(b)(3) of this Act or under the Con-
24 vention Against Torture, or an application for

1 asylum if permitted under section 208, any ac-
2 tion for removal of the alien.

3 “(3) REGULATIONS.—All necessary regulations
4 to implement this subsection shall be promulgated
5 by the Secretary of Homeland Security, in consulta-
6 tion with the Secretary of the Interior and the Sec-
7 retary of State, on or before the 180th day after the
8 date of enactment of the National Forests, Parks,
9 Public Land, and Reclamation Projects Authoriza-
10 tion Act of 2008. The promulgation of such regula-
11 tions shall be considered a foreign affairs function
12 for purposes of section 553(a) of title 5, United
13 States Code. At a minimum, such regulations should
14 include, but not necessarily be limited to—

15 “(A) a listing of all countries whose na-
16 tionals may obtain the waiver also provided by
17 this subsection, except that such regulations
18 shall provide for a listing of any country from
19 which the Commonwealth has received a signifi-
20 cant economic benefit from the number of visi-
21 tors for pleasure within the one-year period pre-
22 ceding the date of enactment of the National
23 Forests, Parks, Public Land, and Reclamation
24 Projects Authorization Act of 2008, unless the
25 Secretary of Homeland Security determines

1 that such country’s inclusion on such list would
2 represent a threat to the welfare, safety, or se-
3 curity of the United States or its territories;
4 and

5 “(B) any bonding requirements for nation-
6 als of some or all of those countries who may
7 present an increased risk of overstays or other
8 potential problems, if different from such re-
9 quirements otherwise provided by law for non-
10 immigrant visitors.

11 “(4) FACTORS.—In determining whether to
12 grant or continue providing the waiver under this
13 subsection to nationals of any country, the Secretary
14 of Homeland Security, in consultation with the Sec-
15 retary of the Interior and the Secretary of State,
16 shall consider all factors that the Secretary deems
17 relevant, including electronic travel authorizations,
18 procedures for reporting lost and stolen passports,
19 repatriation of aliens, rates of refusal for non-
20 immigrant visitor visas, overstays, exit systems, and
21 information exchange.

22 “(5) SUSPENSION.—The Secretary of Home-
23 land Security shall monitor the admission of non-
24 immigrant visitors to Guam and the Commonwealth
25 of the Northern Mariana Islands under this sub-

1 section. If the Secretary determines that such admis-
2 sions have resulted in an unacceptable number of
3 visitors from a country remaining unlawfully in
4 Guam or the Commonwealth of the Northern Mar-
5 iana Islands, unlawfully obtaining entry to other
6 parts of the United States, or seeking withholding of
7 removal or asylum, or that visitors from a country
8 pose a risk to law enforcement or security interests
9 of Guam or the Commonwealth of the Northern
10 Mariana Islands or of the United States (including
11 the interest in the enforcement of the immigration
12 laws of the United States), the Secretary shall sus-
13 pend the admission of nationals of such country
14 under this subsection. The Secretary of Homeland
15 Security may in the Secretary's discretion suspend
16 the Guam and Northern Mariana Islands visa waiver
17 program at any time, on a country-by-country basis,
18 for other good cause.

19 “(6) ADDITION OF COUNTRIES.—The Governor
20 of Guam and the Governor of the Commonwealth of
21 the Northern Mariana Islands may request the Sec-
22 retary of the Interior and the Secretary of Home-
23 land Security to add a particular country to the list
24 of countries whose nationals may obtain the waiver
25 provided by this subsection, and the Secretary of

1 Homeland Security may grant such request after
2 consultation with the Secretary of the Interior and
3 the Secretary of State, and may promulgate regula-
4 tions with respect to the inclusion of that country
5 and any special requirements the Secretary of
6 Homeland Security, in the Secretary's sole discre-
7 tion, may impose prior to allowing nationals of that
8 country to obtain the waiver provided by this sub-
9 section.”.

10 (c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM
11 AND THE COMMONWEALTH OF THE NORTHERN MARIANA
12 ISLANDS.—The Governor of Guam and the Governor of
13 the Commonwealth of the Northern Mariana Islands (re-
14 ferred to in this subsection as “CNMI”) may request that
15 the Secretary of Homeland Security study the feasibility
16 of creating additional Guam or CNMI-only nonimmigrant
17 visas to the extent that existing nonimmigrant visa cat-
18 egories under the Immigration and Nationality Act do not
19 provide for the type of visitor, the duration of allowable
20 visit, or other circumstance. The Secretary of Homeland
21 Security may review such a request, and, after consulta-
22 tion with the Secretary of State and the Secretary of the
23 Interior, shall issue a report to the Committee on Energy
24 and Natural Resources and the Committee on the Judici-
25 ary of the Senate and the Committee on Natural Re-

1 sources and the Committee on the Judiciary of the House
2 of Representatives with respect to the feasibility of cre-
3 ating those additional Guam or CNMI-only visa cat-
4 egories. Consideration of such additional Guam or CNMI-
5 only visa categories may include, but are not limited to,
6 special nonimmigrant statuses for investors, students, and
7 retirees, but shall not include nonimmigrant status for the
8 purpose of employment in Guam or the CNMI.

9 (d) INSPECTION OF PERSONS ARRIVING FROM THE
10 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS;
11 GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS
12 NOT VALID FOR ENTRY INTO OTHER PARTS OF THE
13 UNITED STATES.—Section 212(d)(7) of the Immigration
14 and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by
15 inserting “the Commonwealth of the Northern Mariana
16 Islands,” after “Guam,”.

17 (e) TECHNICAL ASSISTANCE PROGRAM.—

18 (1) IN GENERAL.—The Secretary of the Inte-
19 rior, in consultation with the Governor of the Com-
20 monwealth, the Secretary of Labor, and the Sec-
21 retary of Commerce, and as provided in the Inter-
22 agency Agreements required to be negotiated under
23 section 6(a)(4) of the Joint Resolution entitled “A
24 Joint Resolution to approve the ‘Covenant To Estab-
25 lish a Commonwealth of the Northern Mariana Is-

1 lands in Political Union with the United States of
2 America’, and for other purposes’’, approved March
3 24, 1976 (Public Law 94–241), as added by sub-
4 section (a), shall provide—

5 (A) technical assistance and other support
6 to the Commonwealth to identify opportunities
7 for, and encourage diversification and growth
8 of, the economy of the Commonwealth;

9 (B) technical assistance, including assist-
10 ance in recruiting, training, and hiring of work-
11 ers, to assist employers in the Commonwealth
12 in securing employees first from among United
13 States citizens and nationals resident in the
14 Commonwealth and if an adequate number of
15 such workers are not available, from among
16 legal permanent residents, including lawfully
17 admissible citizens of the freely associated
18 states; and

19 (C) technical assistance, including assist-
20 ance to identify types of jobs needed, identify
21 skills needed to fulfill such jobs, and assistance
22 to Commonwealth educational entities to de-
23 velop curricula for such job skills to include
24 training teachers and students for such skills.

1 (2) CONSULTATION.—In providing such tech-
2 nical assistance under paragraph (1), the Secretaries
3 shall—

4 (A) consult with the Government of the
5 Commonwealth, local businesses, regional
6 banks, educational institutions, and other ex-
7 perts in the economy of the Commonwealth;
8 and

9 (B) assist in the development and imple-
10 mentation of a process to identify opportunities
11 for and encourage diversification and growth of
12 the economy of the Commonwealth and to iden-
13 tify and encourage opportunities to meet the
14 labor needs of the Commonwealth.

15 (3) COST-SHARING.—For the provision of tech-
16 nical assistance or support under this paragraph
17 (other than that required to pay the salaries and ex-
18 penses of Federal personnel), the Secretary of the
19 Interior shall require a non-Federal matching con-
20 tribution of 10 percent.

21 (f) OPERATIONS.—

22 (1) ESTABLISHMENT.—At any time on and
23 after the date of enactment of this Act, the Attorney
24 General, Secretary of Homeland Security, and the
25 Secretary of Labor may establish and maintain of-

1 fices and other operations in the Commonwealth for
2 the purpose of carrying out duties under—

3 (A) the Immigration and Nationality Act
4 (8 U.S.C. 1101 et seq.); and

5 (B) the transition program established
6 under section 6 of the Joint Resolution entitled
7 “A Joint Resolution to approve the ‘Covenant
8 to Establish a Commonwealth of the Northern
9 Mariana Islands in Political Union with the
10 United States of America’, and for other pur-
11 poses”, approved March 24, 1976 (Public Law
12 94–241), as added by subsection (a).

13 (2) PERSONNEL.—To the maximum extent
14 practicable and consistent with the satisfactory per-
15 formance of assigned duties under applicable law,
16 the Attorney General, Secretary of Homeland Secu-
17 rity, and the Secretary of Labor shall recruit and
18 hire personnel from among qualified United States
19 citizens and national applicants residing in the Com-
20 monwealth to serve as staff in carrying out oper-
21 ations described in paragraph (1).

22 (g) CONFORMING AMENDMENTS TO PUBLIC LAW 94–
23 241.—

24 (1) AMENDMENTS.—Public Law 94–241 is
25 amended as follows:

1 (A) In section 503 of the covenant set
2 forth in section 1, by striking subsection (a)
3 and redesignating subsections (b) and (c) as
4 subsections (a) and (b), respectively.

5 (B) By striking section 506 of the cov-
6 enant set forth in section 1.

7 (C) In section 703(b) of the covenant set
8 forth in section 1, by striking “quarantine,
9 passport, immigration and naturalization” and
10 inserting “quarantine and passport”.

11 (2) EFFECTIVE DATE.—The amendments made
12 by paragraph (1) shall take effect on the transition
13 program effective date described in section 6 of Pub-
14 lic Law 94–241 (as added by subsection (a)).

15 (h) REPORTS TO CONGRESS.—

16 (1) IN GENERAL.—Not later than March 1 of
17 the first year that is at least 2 full years after the
18 date of enactment of this subtitle, and annually
19 thereafter, the President shall submit to the Com-
20 mittee on Energy and Natural Resources and the
21 Committee on the Judiciary of the Senate and the
22 Committee on Natural Resources and the Committee
23 on the Judiciary of the House of Representatives a
24 report that evaluates the overall effect of the transi-
25 tion program established under section 6 of the

1 Joint Resolution entitled “A Joint Resolution to ap-
2 prove the ‘Covenant To Establish a Commonwealth
3 of the Northern Mariana Islands in Political Union
4 with the United States of America’, and for other
5 purposes”, approved March 24, 1976 (Public Law
6 94–241), as added by subsection (a), and the Immi-
7 gration and Nationality Act (8 U.S.C. 1101 et seq.)
8 on the Commonwealth.

9 (2) CONTENTS.—In addition to other topics
10 otherwise required to be included under this subtitle
11 or the amendments made by this subtitle, each re-
12 port submitted under paragraph (1) shall include a
13 description of the efforts that have been undertaken
14 during the period covered by the report to diversify
15 and strengthen the local economy of the Common-
16 wealth, including efforts to promote the Common-
17 wealth as a tourist destination. The report by the
18 President shall include an estimate for the numbers
19 of nonimmigrant workers described under section
20 101(a)(15)(H) of the Immigration and Nationality
21 Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid
22 adverse economic effects in Guam and the Common-
23 wealth.

24 (3) GAO REPORT.—The Government Account-
25 ability Office shall submit a report to the Congress

1 not later than 2 years after the date of enactment
2 of this Act, to include, at a minimum, the following
3 items:

4 (A) An assessment of the implementation
5 of this subtitle and the amendments made by
6 this subtitle, including an assessment of the
7 performance of Federal agencies and the Gov-
8 ernment of the Commonwealth in meeting con-
9 gressional intent.

10 (B) An assessment of the short-term and
11 long-term impacts of implementation of this
12 subtitle and the amendments made by this sub-
13 title on the economy of the Commonwealth, in-
14 cluding its ability to obtain workers to supple-
15 ment its resident workforce and to maintain ac-
16 cess to its tourists and customers, and any ef-
17 fect on compliance with United States treaty
18 obligations mandating non-refoulement for refu-
19 gees.

20 (C) An assessment of the economic benefit
21 of the investors “grandfathered” under sub-
22 section (c) of section 6 of the Joint Resolution
23 entitled “A Joint Resolution to approve the
24 ‘Covenant To Establish a Commonwealth of the
25 Northern Mariana Islands in Political Union

1 with the United States of America', and for
2 other purposes'', approved March 24, 1976
3 (Public Law 94-241), as added by subsection
4 (a), and the Commonwealth's ability to attract
5 new investors after the date of enactment of
6 this Act.

7 (D) An assessment of the number of illegal
8 aliens in the Commonwealth, including any
9 Federal and Commonwealth efforts to locate
10 and repatriate them.

11 (4) REPORTS BY THE LOCAL GOVERNMENT.—

12 The Governor of the Commonwealth may submit an
13 annual report to the President on the implementa-
14 tion of this subtitle, and the amendments made by
15 this subtitle, with recommendations for future
16 changes. The President shall forward the Governor's
17 report to the Congress with any Administration com-
18 ment after an appropriate period of time for internal
19 review, provided that nothing in this paragraph shall
20 be construed to require the President to provide any
21 legislative recommendation to the Congress.

22 (5) REPORT ON FEDERAL PERSONNEL AND RE-
23 SOURCE REQUIREMENTS.—Not later than 180 days
24 after the date of enactment of this Act, the Sec-
25 retary of Homeland Security, after consulting with

1 the Secretary of the Interior and other departments
2 and agencies as may be deemed necessary, shall sub-
3 mit a report to the Committee on Natural Re-
4 sources, the Committee on Homeland Security, and
5 the Committee on the Judiciary of the House of
6 Representatives, and to the Committee on Energy
7 and Natural Resources, the Committee on Homeland
8 Security and Governmental Affairs, and the Com-
9 mittee on the Judiciary of the Senate, on the cur-
10 rent and planned levels of Transportation Security
11 Administration, United States Customs and Border
12 Protection, United States Immigration and Customs
13 Enforcement, United States Citizenship and Immi-
14 gration Services, and United States Coast Guard
15 personnel and resources necessary for fulfilling mis-
16 sion requirements on Guam and the Commonwealth
17 in a manner comparable to the level provided at
18 other similar ports of entry in the United States. In
19 fulfilling this reporting requirement, the Secretary
20 shall consider and anticipate the increased require-
21 ments due to the proposed realignment of military
22 forces on Guam and in the Commonwealth and
23 growth in the tourism sector.

24 (i) REQUIRED ACTIONS PRIOR TO TRANSITION PRO-
25 GRAM EFFECTIVE DATE.—During the period beginning

1 on the date of enactment of this Act and ending on the
2 transition program effective date described in section 6 of
3 Public Law 94–241 (as added by subsection (a)), the Gov-
4 ernment of the Commonwealth shall—

5 (1) not permit an increase in the total number
6 of alien workers who are present in the Common-
7 wealth as of the date of enactment of this Act; and

8 (2) administer its nonrefoulement protection
9 program—

10 (A) according to the terms and procedures
11 set forth in the Memorandum of Agreement en-
12 tered into between the Commonwealth of the
13 Northern Mariana Islands and the United
14 States Department of Interior, Office of Insular
15 Affairs, executed on September 12, 2003 (which
16 terms and procedures, including but not limited
17 to funding by the Secretary of the Interior and
18 performance by the Secretary of Homeland Se-
19 curity of the duties of “Protection Consultant”
20 to the Commonwealth, shall have effect on and
21 after the date of enactment of this Act), as well
22 as CNMI Public Law 13–61 and the Immigra-
23 tion Regulations Establishing a Procedural
24 Mechanism for Persons Requesting Protection
25 from Refoulement; and

1 (B) so as not to remove or otherwise effect
2 the involuntary return of any alien whom the
3 Protection Consultant has determined to be eli-
4 gible for protection from persecution or torture.

5 (j) CONFORMING AMENDMENTS TO THE IMMIGRA-
6 TION AND NATIONALITY ACT.—The Immigration and Na-
7 tionality Act (8 U.S.C. 1101 et seq.) is amended—

8 (1) in section 101(a)(15)(D)(ii), by inserting
9 “or the Commonwealth of the Northern Mariana Is-
10 lands” after “Guam” each time such term appears;

11 (2) in section 101(a)(36), by striking “and the
12 Virgin Islands of the United States” and inserting
13 “the Virgin Islands of the United States, and the
14 Commonwealth of the Northern Mariana Islands”;

15 (3) in section 101(a)(38), by striking “and the
16 Virgin Islands of the United States” and inserting
17 “the Virgin Islands of the United States, and the
18 Commonwealth of the Northern Mariana Islands”;

19 (4) in section 208, by adding at the end the fol-
20 lowing:

21 “(e) COMMONWEALTH OF THE NORTHERN MARIANA
22 ISLANDS.—The provisions of this section and section
23 209(b) shall apply to persons physically present in the
24 Commonwealth of the Northern Mariana Islands or arriv-
25 ing in the Commonwealth (whether or not at a designated

1 port of arrival and including persons who are brought to
2 the Commonwealth after having been interdicted in inter-
3 national or United States waters) only on or after January
4 1, 2014.”; and

5 (5) in section 235(b)(1), by adding at the end
6 the following:

7 “(G) COMMONWEALTH OF THE NORTHERN
8 MARIANA ISLANDS.—Nothing in this subsection
9 shall be construed to authorize or require any
10 person described in section 208(e) to be per-
11 mitted to apply for asylum under section 208 at
12 any time before January 1, 2014.”.

13 (k) AVAILABILITY OF OTHER NONIMMIGRANT PRO-
14 FESSIONALS.—The requirements of section 212(m)(6)(B)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1182(m)(6)(B)) shall not apply to a facility in Guam, the
17 Commonwealth of the Northern Mariana Islands, or the
18 Virgin Islands.

19 **SEC. 703. FURTHER AMENDMENTS TO PUBLIC LAW 94-241.**

20 Public Law 94-241, as amended, is further amended
21 in section 4(c)(3) by striking the colon after “Marshall
22 Islands” and inserting the following: “, except that
23 \$200,000 in fiscal year 2009 and \$225,000 annually for
24 fiscal years 2010 through 2018 are hereby rescinded; Pro-
25 vided, That the amount rescinded shall be increased by

1 the same percentage as that of the annual salary and ben-
2 efit adjustments for Members of Congress”.

3 **SEC. 704. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this subtitle.

6 **SEC. 705. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Except as specifically provided in
8 this section or otherwise in this subtitle, this subtitle and
9 the amendments made by this subtitle shall take effect on
10 the date of enactment of this Act.

11 (b) AMENDMENTS TO THE IMMIGRATION AND NA-
12 TIONALITY ACT.—The amendments to the Immigration
13 and Nationality Act made by this subtitle, and other provi-
14 sions of this subtitle applying the immigration laws (as
15 defined in section 101(a)(17) of Immigration and Nation-
16 ality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth,
17 shall take effect on the transition program effective date
18 described in section 6 of Public Law 94–241 (as added
19 by section 702(a)), unless specifically provided otherwise
20 in this subtitle.

21 (c) CONSTRUCTION.—Nothing in this subtitle or the
22 amendments made by this subtitle shall be construed to
23 make any residence or presence in the Commonwealth be-
24 fore the transition program effective date described in sec-
25 tion 6 of Public Law 94–241 (as added by section 702(a))

1 residence or presence in the United States, except that,
2 for the purpose only of determining whether an alien law-
3 fully admitted for permanent residence (as defined in sec-
4 tion 101(a)(20) of the Immigration and Nationality Act
5 (8 U.S.C. 1101(a)(20))) has abandoned or lost such status
6 by reason of absence from the United States, such alien's
7 presence in the Commonwealth before, on, or after the
8 date of enactment of this Act shall be considered to be
9 presence in the United States.

10 **Subtitle B—Northern Mariana**
11 **Islands Delegate**

12 **SEC. 711. DELEGATE TO HOUSE OF REPRESENTATIVES**
13 **FROM COMMONWEALTH OF THE NORTHERN**
14 **MARIANA ISLANDS.**

15 The Commonwealth of the Northern Mariana Islands
16 shall be represented in the United States Congress by the
17 Resident Representative to the United States authorized
18 by section 901 of the Covenant To Establish a Common-
19 wealth of the Northern Mariana Islands in Political Union
20 With the United States of America (approved by Public
21 Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Rep-
22 resentative shall be a nonvoting Delegate to the House of
23 Representatives, elected as provided in this subtitle.

1 **SEC. 712. ELECTION OF DELEGATE.**

2 (a) **ELECTORS AND TIME OF ELECTION.**—The Dele-
3 gate shall be elected—

4 (1) by the people qualified to vote for the popu-
5 larly elected officials of the Commonwealth of the
6 Northern Mariana Islands; and

7 (2) at the Federal general election of 2008 and
8 at such Federal general election every 2d year there-
9 after.

10 (b) **MANNER OF ELECTION.**—

11 (1) **IN GENERAL.**—The Delegate shall be elect-
12 ed at large and by a plurality of the votes cast for
13 the office of Delegate.

14 (2) **EFFECT OF ESTABLISHMENT OF PRIMARY**
15 **ELECTIONS.**—Notwithstanding paragraph (1), if the
16 Government of the Commonwealth of the Northern
17 Mariana Islands, acting pursuant to legislation en-
18 acted in accordance with the Constitution of the
19 Commonwealth of the Northern Mariana Islands,
20 provides for primary elections for the election of the
21 Delegate, the Delegate shall be elected by a majority
22 of the votes cast in any general election for the of-
23 fice of Delegate for which such primary elections
24 were held.

1 (c) VACANCY.—In case of a permanent vacancy in the
2 office of Delegate, the office of Delegate shall remain va-
3 cant until a successor is elected and qualified.

4 (d) COMMENCEMENT OF TERM.—The term of the
5 Delegate shall commence on the 3d day of January fol-
6 lowing the date of the election.

7 **SEC. 713. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

8 To be eligible for the office of Delegate a candidate
9 shall—

10 (1) be at least 25 years of age on the date of
11 the election;

12 (2) have been a citizen of the United States for
13 at least 7 years prior to the date of the election;

14 (3) be a resident and domiciliary of the Com-
15 monwealth of the Northern Mariana Islands for at
16 least 7 years prior to the date of the election;

17 (4) be qualified to vote in the Commonwealth of
18 the Northern Mariana Islands on the date of the
19 election; and

20 (5) not be, on the date of the election, a can-
21 didate for any other office.

22 **SEC. 714. DETERMINATION OF ELECTION PROCEDURE.**

23 Acting pursuant to legislation enacted in accordance
24 with the Constitution of the Commonwealth of the North-
25 ern Mariana Islands, the Government of the Common-

1 wealth of the Northern Mariana Islands may determine
2 the order of names on the ballot for election of Delegate,
3 the method by which a special election to fill a permanent
4 vacancy in the office of Delegate shall be conducted, the
5 method by which ties between candidates for the office of
6 Delegate shall be resolved, and all other matters of local
7 application pertaining to the election and the office of Del-
8 egate not otherwise expressly provided for in this subtitle.

9 **SEC. 715. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

10 Until the Rules of the House of Representatives are
11 amended to provide otherwise, the Delegate from the Com-
12 monwealth of the Northern Mariana Islands shall receive
13 the same compensation, allowances, and benefits as a
14 Member of the House of Representatives, and shall be en-
15 titled to whatever privileges and immunities are, or herein-
16 after may be, granted to any other nonvoting Delegate to
17 the House of Representatives.

18 **SEC. 716. LACK OF EFFECT ON COVENANT.**

19 No provision of this subtitle shall be construed to
20 alter, amend, or abrogate any provision of the covenant
21 referred to in section 711 except section 901 of the cov-
22 enant.

1 **SEC. 717. DEFINITION.**

2 For purposes of this subtitle, the term “Delegate”
3 means the Resident Representative referred to in section
4 711.

5 **SEC. 718. CONFORMING AMENDMENTS REGARDING AP-
6 POINTMENTS TO MILITARY SERVICE ACAD-
7 EMIES BY DELEGATE FROM THE COMMON-
8 WEALTH OF THE NORTHERN MARIANA IS-
9 LANDS.**

10 (a) UNITED STATES MILITARY ACADEMY.—Section
11 4342(a)(10) of title 10, United States Code, is amended
12 by striking “resident representative” and inserting “Dele-
13 gate in Congress”.

14 (b) UNITED STATES NAVAL ACADEMY.—Section
15 6954(a)(10) of such title is amended by striking “resident
16 representative” and inserting “Delegate in Congress”.

17 (c) UNITED STATES AIR FORCE ACADEMY.—Section
18 9342(a)(10) of such title is amended by striking “resident
19 representative” and inserting “Delegate in Congress”.

20 **TITLE VIII—COMPACTS OF FREE
21 ASSOCIATION AMENDMENTS**

22 **SEC. 801. APPROVAL OF AGREEMENTS.**

23 (a) IN GENERAL.—Section 101 of the Compact of
24 Free Association Amendments Act of 2003 (48 U.S.C.
25 1921) is amended—

1 (1) in the first sentence of subsection (a), by in-
2 serting before the period at the end the following: “,
3 including Article X of the Federal Programs and
4 Services Agreement Between the Government of the
5 United States and the Government of the Federated
6 States of Micronesia, as amended under the Agree-
7 ment to Amend Article X that was signed by those
8 two Governments on June 30, 2004, which shall
9 serve as the authority to implement the provisions
10 thereof”; and

11 (2) in the first sentence of subsection (b), by in-
12 serting before the period at the end the following: “,
13 including Article X of the Federal Programs and
14 Services Agreement Between the Government of the
15 United States and the Government of the Republic
16 of the Marshall Islands, as amended under the
17 Agreement to Amend Article X that was signed by
18 those two Governments on June 18, 2004, which
19 shall serve as the authority to implement the provi-
20 sions thereof”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall be effective as of the date that is 180
23 days after the date of enactment of this Act.

1 **SEC. 802. FUNDS TO FACILITATE FEDERAL ACTIVITIES.**

2 Unobligated amounts appropriated before the date of
3 enactment of this Act pursuant to section 105(f)(1)(A)(ii)
4 of the Compact of Free Association Amendments Act of
5 2003 shall be available to both the United States Agency
6 for International Development and the Federal Emer-
7 gency Management Agency to facilitate each agency's ac-
8 tivities under the Federal Programs and Services Agree-
9 ments.

10 **SEC. 803. CONFORMING AMENDMENT.**

11 (a) IN GENERAL.—Section 105(f)(1)(A) of the Com-
12 pact of Free Association Amendments Act of 2003 (48
13 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

14 “(A) EMERGENCY AND DISASTER ASSIST-
15 ANCE.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii), section 221(a)(6) of the U.S.–FSM
18 Compact and section 221(a)(5) of the
19 U.S.–RMI Compact shall each be con-
20 strued and applied in accordance with the
21 two Agreements to Amend Article X of the
22 Federal Programs and Service Agreements
23 signed on June 30, 2004, and on June 18,
24 2004, respectively, provided that all activi-
25 ties carried out by the United States Agen-
26 cy for International Development and the

1 Federal Emergency Management Agency
2 under Article X of the Federal Programs
3 and Services Agreements may be carried
4 out notwithstanding any other provision of
5 law. In the sections referred to in this
6 clause, the term ‘United States Agency for
7 International Development, Office of For-
8 eign Disaster Assistance’ shall be con-
9 strued to mean ‘the United States Agency
10 for International Development’.

11 “(ii) DEFINITION OF WILL PROVIDE
12 FUNDING.—In the second sentence of
13 paragraph 12 of each of the Agreements
14 described in clause (i), the term ‘will pro-
15 vide funding’ means will provide funding
16 through a transfer of funds using Stand-
17 ard Form 1151 or a similar document or
18 through an interagency, reimbursable
19 agreement.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall be effective as of the date that is 180
22 days after the date of enactment of this Act.

1 **SEC. 804. CLARIFICATIONS REGARDING PALAU.**

2 Section 105(f)(1)(B) of the Compact of Free Associa-
3 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B))
4 is amended—

5 (1) in clause (ii)(II), by striking “and its terri-
6 tories” and inserting “, its territories, and the Re-
7 public of Palau”;

8 (2) in clause (iii)(II), by striking “, or the Re-
9 public of the Marshall Islands” and inserting “, the
10 Republic of the Marshall Islands, or the Republic of
11 Palau”; and

12 (3) in clause (ix)—

13 (A) by striking “Republic” both places it
14 appears and inserting “government, institu-
15 tions, and people”;

16 (B) by striking “2007” and inserting
17 “2009”; and

18 (C) by striking “was” and inserting
19 “were”.

20 **SEC. 805. AVAILABILITY OF LEGAL SERVICES.**

21 Section 105(f)(1)(C) of the Compact of Free Associa-
22 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C))
23 is amended by inserting before the period at the end the
24 following: “, which shall also continue to be available to
25 the citizens of the Federated States of Micronesia, the Re-
26 public of Palau, and the Republic of the Marshall Islands

1 who legally reside in the United States (including terri-
2 tories and possessions)”.

3 **SEC. 806. TECHNICAL AMENDMENTS.**

4 (a) TITLE I.—

5 (1) SECTION 177 AGREEMENT.—Section
6 103(c)(1) of the Compact of Free Association
7 Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is
8 amended by striking “section 177” and inserting
9 “Section 177”.

10 (2) INTERPRETATION AND UNITED STATES
11 POLICY.—Section 104 of the Compact of Free Asso-
12 ciation Amendments Act of 2003 (48 U.S.C. 1921c)
13 is amended—

14 (A) in subsection (b)(1), by inserting “the”
15 before “U.S.–RMI Compact,”;

16 (B) in subsection (e)—

17 (i) in the matter preceding subpara-
18 graph (A) of paragraph (8), by striking
19 “to include” and inserting “and include”;

20 (ii) in paragraph (9)(A), by inserting
21 a comma after “may”; and

22 (iii) in paragraph (10), by striking
23 “related to service” and inserting “related
24 to such services”; and

1 (C) in the first sentence of subsection (j),
2 by inserting “the” before “Interior”.

3 (3) SUPPLEMENTAL PROVISIONS.—Section
4 105(b)(1) of the Compact of Free Association
5 Amendments Act of 2003 (48 U.S.C. 1921d(b)(1))
6 is amended by striking “Trust Fund” and inserting
7 “Trust Funds”.

8 (b) TITLE II.—

9 (1) U.S.—FSM COMPACT.—The Compact of
10 Free Association, as amended, between the Govern-
11 ment of the United States of America and the Govern-
12 ment of the Federated States of Micronesia (as
13 provided in section 201(a) of the Compact of Free
14 Association Amendments Act of 2003 (117 Stat.
15 2757)) is amended—

16 (A) in section 174—

17 (i) in subsection (a), by striking
18 “courts” and inserting “court”; and

19 (ii) in subsection (b)(2), by striking
20 “the” before “November”;

21 (B) in section 177(a), by striking “, or
22 Palau” and inserting “(or Palau)”;

23 (C) in section 179(b), by striking “amend-
24 ed Compact” and inserting “Compact, as
25 amended,”;

1 (D) in section 211—

2 (i) in the fourth sentence of sub-
3 section (a), by striking “Compact, as
4 Amended, of Free Association” and insert-
5 ing “Compact of Free Association, as
6 amended”;

7 (ii) in the fifth sentence of subsection
8 (a), by striking “Trust Fund Agreement,”
9 and inserting “Agreement Between the
10 Government of the United States of Amer-
11 ica and the Government of the Federated
12 States of Micronesia Implementing Section
13 215 and Section 216 of the Compact, as
14 Amended, Regarding a Trust Fund (Trust
15 Fund Agreement),”;

16 (iii) in subsection (b)—

17 (I) in the first sentence, by strik-
18 ing “Government of the” before “Fed-
19 erated”; and

20 (II) in the second sentence, by
21 striking “Sections 321 and 323 of the
22 Compact of Free Association, as
23 Amended” and inserting “Sections
24 211(b), 321, and 323 of the Compact

1 of Free Association, as amended,”;

2 and

3 (iv) in the last sentence of subsection

4 (d), by inserting before the period at the

5 end the following: “and the Federal Pro-

6 grams and Services Agreement referred to

7 in section 231”;

8 (E) in the first sentence of section 215(b),

9 by striking “subsection(a)” and inserting “sub-

10 section (a)”;

11 (F) in section 221—

12 (i) in subsection (a)(6), by inserting

13 “(Federal Emergency Management Agen-

14 cy)” after “Homeland Security”; and

15 (ii) in the first sentence of subsection

16 (c), by striking “agreements” and inserting

17 “agreement”;

18 (G) in the second sentence of section 222,

19 by inserting “in” after “referred to”;

20 (H) in the second sentence of section 232,

21 by striking “sections 102 (c)” and all that fol-

22 lows through “January 14, 1986)” and insert-

23 ing “section 102(b) of Public Law 108–188,

24 117 Stat. 2726, December 17, 2003”;

1 (I) in the second sentence of section 252,
2 by inserting “, as amended,” after “Compact”;

3 (J) in the first sentence of the first undesignated
4 paragraph of section 341, by striking
5 “Section 141” and inserting “section 141”;

6 (K) in section 342—

7 (i) in subsection (a), by striking “14
8 U.S.C. 195” and inserting “section 195 of
9 title 14, United States Code”; and

10 (ii) in subsection (b)—

11 (I) by striking “46 U.S.C.
12 1295(b)(6)” and inserting “section
13 1303(b)(6) of the Merchant Marine
14 Act, 1936 (46 U.S.C. 1295b(b)(6))”;
15 and

16 (II) by striking “46 U.S.C.
17 1295b(b)(6)(C)” and inserting “section
18 1303(b)(6)(C) of that Act”;

19 (L) in the third sentence of section 354(a),
20 by striking “section 442 and 452” and inserting
21 “sections 442 and 452”;

22 (M) in section 461(h), by striking “Telecommunications”
23 and inserting “Telecommunication”;
24

1 (N) in section 462(b)(4), by striking “of
2 Free Association” the second place it appears;
3 and

4 (O) in section 463(b), by striking “Articles
5 IV” and inserting “Article IV”.

6 (2) U.S.–RMI COMPACT.—The Compact of
7 Free Association, as amended, between the Govern-
8 ment of the United States of America and the Gov-
9 ernment of the Republic of the Marshall Islands (as
10 provided in section 201(b) of the Compact of Free
11 Association Amendments Act of 2003 (117 Stat.
12 2795)) is amended—

13 (A) in section 174(a), by striking “court”
14 and inserting “courts”;

15 (B) in section 177(a), by striking the
16 comma before “(or Palau)”;

17 (C) in section 179(b), by striking “amend-
18 ed Compact,” and inserting “Compact, as
19 amended,”;

20 (D) in section 211—

21 (i) in the fourth sentence of sub-
22 section (a), by striking “Compact, as
23 Amended, of Free Association” and insert-
24 ing “Compact of Free Association, as
25 amended”;

1 (ii) in the first sentence of subsection
2 (b), by striking “Agreement between the
3 Government of the United States and the
4 Government of the Republic of the Mar-
5 shall Islands Regarding Military Use and
6 Operating Rights” and inserting “Agree-
7 ment Regarding the Military Use and Op-
8 erating Rights of the Government of the
9 United States in the Republic of the Mar-
10 shall Islands concluded Pursuant to Sec-
11 tions 321 and 323 of the Compact of Free
12 Association, as Amended (Agreement be-
13 tween the Government of the United
14 States and the Government of the Republic
15 of the Marshall Islands Regarding Military
16 Use and Operating Rights)”; and

17 (iii) in the last sentence of subsection
18 (e), by inserting before the period at the
19 end the following: “and the Federal Pro-
20 grams and Services Agreement referred to
21 in section 231”;

22 (E) in section 221(a)—

23 (i) in the matter preceding paragraph
24 (1), by striking “Section 231” and insert-
25 ing “section 231”; and

1 (ii) in paragraph (5), by inserting
2 “(Federal Emergency Management Agen-
3 cy)” after “Homeland Security”;

4 (F) in the second sentence of section 232,
5 by striking “sections 103(m)” and all that fol-
6 lows through “(January 14, 1986)” and insert-
7 ing “section 103(k) of Public Law 108–188,
8 117 Stat. 2734, December 17, 2003”;

9 (G) in the first sentence of section 341, by
10 striking “Section 141” and inserting “section
11 141”;

12 (H) in section 342—

13 (i) in subsection (a), by striking “14
14 U.S.C. 195” and inserting “section 195 of
15 title 14, United States Code”; and

16 (ii) in subsection (b)—

17 (I) by striking “46 U.S.C.
18 1295(b)(6)” and inserting “section
19 1303(b)(6) of the Merchant Marine
20 Act, 1936 (46 U.S.C. 1295b(b)(6))”;
21 and

22 (II) by striking “46 U.S.C.
23 1295b(b)(6)(C)” and inserting “sec-
24 tion 1303(b)(6)(C) of that Act”;

1 (I) in the third sentence of section 354(a),
2 by striking “section 442 and 452” and insert-
3 ing “sections 442 and 452”;

4 (J) in the first sentence of section 443, by
5 inserting “, as amended.” after “the Compact”;

6 (K) in the matter preceding paragraph (1)
7 of section 461(h)—

8 (i) by striking “1978” and inserting
9 “1998”; and

10 (ii) by striking “Telecommunications”
11 and inserting “Telecommunication Union”;
12 and

13 (L) in section 463(b), by striking “Article”
14 and inserting “Articles”.

15 **SEC. 807. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

16 Section 111(e)(2) of title 17, United States Code, is
17 amended by striking “or the Trust Territory of the Pacific
18 Islands” and inserting “the Federated States of Micro-
19 nesia, the Republic of Palau, or the Republic of the Mar-
20 shall Islands”.

21 **SEC. 808. PALAU ROAD MAINTENANCE.**

22 The Government of the Republic of Palau may de-
23 posit the payment otherwise payable to the Government
24 of the United States under section 111 of Public Law
25 101–219 (48 U.S.C. 1960) into a trust fund if—

1 (1) the earnings of the trust fund are expended
2 solely for maintenance of the road system con-
3 structed pursuant to section 212 of the Compact of
4 Free Association between the Government of the
5 United States of America and the Government of
6 Palau (48 U.S.C. 1931 note); and

7 (2) the trust fund is established and operated
8 pursuant to an agreement entered into between the
9 Government of the United States and the Govern-
10 ment of the Republic of Palau.

11 **SEC. 809. CLARIFICATION OF TAX-FREE STATUS OF TRUST**
12 **FUNDS.**

13 In the U.S.–RMI Compact, the U.S.–FSM Compact,
14 and their respective trust fund subsidiary agreements, for
15 the purposes of taxation by the United States or its sub-
16 sidiary jurisdictions, the term “State” means “State, ter-
17 ritory, or the District of Columbia”.

18 **SEC. 810. TRANSFER OF NAVAL VESSELS TO CERTAIN FOR-**
19 **EIGN RECIPIENTS.**

20 (a) TRANSFERS BY GRANT.—The President is au-
21 thorized to transfer vessels to foreign countries on a grant
22 basis under section 516 of the Foreign Assistance Act of
23 1961 (22 U.S.C. 2321j), as follows:

24 (1) TURKEY.—To the Government of Turkey—

1 (A) the OLIVER HAZARD PERRY class
2 guided missile frigates GEORGE PHILIP
3 (FFG-12) and SIDES (FFG-14); and

4 (B) the OSPREY class minehunter coastal
5 ship BLACKHAWK (MHC-58).

6 (2) LITHUANIA.—To the Government of Lith-
7 uania, the OSPREY class minehunter coastal ships
8 CORMORANT (MHC-57) and KINGFISHER
9 (MHC-56).

10 (b) TRANSFERS BY SALE.—The President is author-
11 ized to transfer vessels to foreign recipients on a sale basis
12 under section 21 of the Arms Export Control Act (22
13 U.S.C. 2761), as follows:

14 (1) TAIWAN.—To the Taipei Economic and
15 Cultural Representative Office in the United States
16 (which is the Taiwan instrumentality designated
17 pursuant to section 10(a) of the Taiwan Relations
18 Act (22 U.S.C. 3309(a))), the OSPREY class
19 minehunter coastal ships ORIOLE (MHC-55) and
20 FALCON (MHC-59).

21 (2) TURKEY.—To the Government of Turkey,
22 the OSPREY class minehunter coastal ship
23 SHRIKE (MHC-62).

24 (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
25 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value

1 of a vessel transferred to a recipient on a grant basis pur-
2 suant to authority provided by subsection (a) shall not be
3 counted against the aggregate value of excess defense arti-
4 cles transferred in any fiscal year under section 516(g)
5 of the Foreign Assistance Act of 1961.

6 (d) COSTS OF TRANSFERS.—Any expense incurred by
7 the United States in connection with a transfer authorized
8 by this section shall be charged to the recipient.

9 (e) REPAIR AND REFURBISHMENT IN UNITED
10 STATES SHIPYARDS.—To the maximum extent prac-
11 ticable, the President shall require, as a condition of the
12 transfer of a vessel under this section, that the recipient
13 to which the vessel is transferred have such repair or re-
14 furbishment of the vessel as is needed before the vessel
15 joins the naval forces of the recipient performed at a ship-
16 yard located in the United States, including a United
17 States Navy shipyard.

18 (f) EXPIRATION OF AUTHORITY.—The authority to
19 transfer a vessel under this section shall expire at the end
20 of the 2-year period beginning on the date of enactment
21 of this Act.

Calendar No. 572

110TH CONGRESS
2^D SESSION

S. 2616

A BILL

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

FEBRUARY 11, 2008

Read the second time and placed on the calendar