

110TH CONGRESS
1ST SESSION

S. 916

To modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2007

Mr. CRAIG (for himself, Ms. CANTWELL, Mr. CRAPO, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, 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 “Minidoka National Historic Site Act of 2007”.

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—ESTABLISHMENT OF MINIDOKA NATIONAL HISTORIC
 SITE

Sec. 101. Boundary adjustment.

Sec. 102. Administration of Monument.

TITLE II—CONVEYANCE OF AMERICAN FALLS RESERVOIR
 DISTRICT NUMBER 2

Sec. 201. Definitions.

Sec. 202. Authority to convey title.

Sec. 203. Transfer.

Sec. 204. Compliance with other laws.

Sec. 205. Revocation of withdrawals.

Sec. 206. Liability.

Sec. 207. Future benefits.

Sec. 208. National Environmental Policy Act.

Sec. 209. Payment.

3 **TITLE I—ESTABLISHMENT OF**
 4 **MINIDOKA NATIONAL HIS-**
 5 **TORIC SITE**

6 **SEC. 101. BOUNDARY ADJUSTMENT.**

7 (a) IN GENERAL.—The boundary of the Minidoka In-
 8 ternment National Monument, located in the State of
 9 Idaho and established by Presidential Proclamation 7395
 10 of January 17, 2001, is adjusted to include the Nidoto
 11 Nai Yoni (“Let it not happen again”) memorial. That me-
 12 morial—

13 (1) commemorates the Japanese Americans of
 14 Bainbridge Island, Washington, who were the first
 15 to be forcibly removed from their homes and relo-

1 cated to internment camps during World War II
2 under Executive Order No. 9066; and

3 (2) consists of approximately 8 acres of land
4 owned by the City of Bainbridge Island, Wash-
5 ington, as depicted on the map titled “Bainbridge
6 Island Japanese American Memorial”, numbered
7 194/80,003, and dated September, 2006.

8 (b) MAP.—The map referred to in subsection (a)
9 shall be kept on file and made available for public inspec-
10 tion in the appropriate offices of the National Parks Serv-
11 ice.

12 **SEC. 102. ADMINISTRATION OF MONUMENT.**

13 (a) ADMINISTRATION.—The Secretary of the Interior
14 (hereinafter in this section referred to as the “Secretary”)
15 shall administer the Nidoto Nai Yoni Memorial as part
16 of Minidoka Internment National Monument in accord-
17 ance with—

18 (1) Presidential Proclamation 7395 of January
19 17, 2001;

20 (2) laws and regulations generally applicable to
21 units of the National Park System, including the Act
22 of August 25, 1916 (popularly known as the “Na-
23 tional Park Service Organic Act”; 16 U.S.C. 1 et
24 seq.); and

1 (3) any agreements entered into pursuant to
2 subsection (b).

3 (b) AGREEMENTS.—

4 (1) For the purposes of defining the role of the
5 National Park Service in administering the Nidoto
6 Nai Yoni Memorial owned by the City of Bainbridge
7 Island, the Secretary is authorized to enter into
8 agreements with—

9 (A) the City of Bainbridge Island;

10 (B) the Bainbridge Island Metropolitan
11 Park and Recreational District;

12 (C) the Bainbridge Island Japanese Amer-
13 ican Community Memorial Committee;

14 (D) the Bainbridge Island Historical Soci-
15 ety;

16 (E) successor entities to the entities named
17 in subparagraphs (A) through (D); and

18 (F) other appropriate individuals or enti-
19 ties, at the discretion of the Secretary.

20 (2) In order to implement an agreement pro-
21 vided for in paragraph (1), the Secretary may—

22 (A) make grants to the City of Bainbridge
23 Island for development of an administrative and
24 interpretive facility for the Nidoto Nai Yoni Me-
25 morial;

1 (B) enter into a cooperative management
2 agreement with the City of Bainbridge Island,
3 pursuant to section 3(l) of Public Law 91–383
4 (16 U.S.C. 1a–2(l); popularly known as the
5 “National Park System General Authorities
6 Act”), for the purpose of providing assistance
7 with operation and maintenance of the memo-
8 rial;

9 (C) make grants to other non-Federal enti-
10 ties for other infrastructure projects at the me-
11 morial, subject to a match of non-Federal fund-
12 ing equal to the amount of a grant made pursu-
13 ant to this paragraph; and

14 (D) make grants or enter into cooperative
15 agreements with non-Federal entities to support
16 development of interpretive media for the me-
17 morial.

18 (c) ADMINISTRATIVE AND VISITOR USE SITE.—The
19 Secretary is authorized to operate and maintain a site in
20 Seattle, Washington, for administrative and visitor use
21 purposes associated with Minidoka Internment National
22 Monument, using to the greatest extent practicable the fa-
23 cilities and other services of the Seattle unit of the Klon-
24 dike Gold Rush National Historical Park.

1 (d) COORDINATION OF INTERPRETIVE AND EDU-
 2 CATIONAL MATERIALS AND PROGRAMS.—The Secretary
 3 shall coordinate the development of interpretive and edu-
 4 cational materials and programs for the Nidoto Nai Yoni
 5 Memorial and the Minidoka Internment National Monu-
 6 ment site in the State of Idaho with the Manzanar Na-
 7 tional Historic Site in the State of California.

8 **TITLE II—CONVEYANCE OF**
 9 **AMERICAN FALLS RESERVOIR**
 10 **DISTRICT NUMBER 2**

11 **SEC. 201. DEFINITIONS.**

12 In this title:

13 (1) AGREEMENT.—The term “Agreement”
 14 means Agreement No. 5–07–10–L1688 between the
 15 United States and the District, entitled “Agreement
 16 Between the United States and the American Falls
 17 Reservoir District No. 2 to Transfer Title to the
 18 Federally Owned Milner-Gooding Canal and Certain
 19 Property Rights, Title and Interest to the American
 20 Falls Reservoir District No. 2”.

21 (2) DISTRICT.—The term “District” means the
 22 American Falls Reservoir District No. 2, located in
 23 Jerome, Lincoln, and Gooding Counties, Idaho.

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

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

3 **SEC. 202. AUTHORITY TO CONVEY TITLE.**

4 (a) IN GENERAL.—In accordance with all applicable
5 law and the terms and conditions set forth in the Agree-
6 ment, the Secretary may convey—

7 (1) to the District all right, title, and interest
8 in and to the land and improvements described in
9 Appendix A of the Agreement, subject to valid exist-
10 ing rights;

11 (2) to the city of Gooding, located in Gooding
12 County, of the State, all right, title, and interest in
13 and to the 5.0 acres of land and improvements de-
14 scribed in Appendix D of the Agreement; and

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

19 (b) COMPLIANCE WITH AGREEMENT.—All parties to
20 the conveyance under subsection (a) shall comply with the
21 terms and conditions of the Agreement, to the extent con-
22 sistent with this Act.

23 **SEC. 203. TRANSFER.**

24 As soon as practicable after the date of enactment
25 of this Act, the Secretary shall direct the Director of the

1 National Park Service to include in and manage as a part
2 of the Minidoka Internment National Monument the
3 10.18 acres of land and improvements described in Appen-
4 dix D of the Agreement.

5 **SEC. 204. COMPLIANCE WITH OTHER LAWS.**

6 (a) IN GENERAL.—On conveyance of the land and
7 improvements under section 202(a)(1), the District shall
8 comply with all applicable Federal, State, and local laws
9 (including regulations) in the operation of each facility
10 transferred.

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

17 **SEC. 205. REVOCATION OF WITHDRAWALS.**

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

1 (b) MANAGEMENT OF WITHDRAWN LAND.—The Sec-
2 retary, acting through the Director of the Bureau of Land
3 Management, shall manage the withdrawn land described
4 in subsection (a) subject to valid existing rights.

5 **SEC. 206. LIABILITY.**

6 (a) IN GENERAL.—Subject to subsection (b), upon
7 completion of a conveyance under section 202, the United
8 States shall not be liable for damages of any kind for any
9 injury arising out of an act, omission, or occurrence relat-
10 ing to the land (including any improvements to the land)
11 conveyed under the conveyance.

12 (b) EXCEPTION.—Subsection (a) shall not apply to
13 liability for damages resulting from an injury caused by
14 any act of negligence committed by the United States (or
15 by any officer, employee, or agent of the United States)
16 before the date of completion of the conveyance.

17 (c) FEDERAL TORT CLAIMS ACT.—Nothing in this
18 section increases the liability of the United States beyond
19 that provided in chapter 171 of title 28, United States
20 Code.

21 **SEC. 207. FUTURE BENEFITS.**

22 (a) RESPONSIBILITY OF THE DISTRICT.—After com-
23 pletion of the conveyance of land and improvements to the
24 District under section 202(a)(1), and consistent with the
25 Agreement, the District shall assume responsibility for all

1 duties and costs associated with the operation, replace-
2 ment, maintenance, enhancement, and betterment of the
3 transferred land (including any improvements to the
4 land).

5 (b) ELIGIBILITY FOR FEDERAL FUNDING.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the District shall not be eligible to receive
8 Federal funding to assist in any activity described in
9 subsection (a) relating to land and improvements
10 transferred under section 202(a)(1).

11 (2) EXCEPTION.—Paragraph (1) shall not
12 apply to any funding that would be available to a
13 similarly situated nonreclamation district, as deter-
14 mined by the Secretary.

15 **SEC. 208. NATIONAL ENVIRONMENTAL POLICY ACT.**

16 Before completing any conveyance under this Act, the
17 Secretary shall complete all actions required under—

18 (1) the National Environmental Policy Act of
19 1969 (42 U.S.C. 4321 et seq.);

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

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

24 (4) all other applicable laws (including regula-
25 tions).

1 **SEC. 209. PAYMENT.**

2 (a) **FAIR MARKET VALUE REQUIREMENT.**—As a con-
3 dition of the conveyance under section 202(a)(1), the Dis-
4 trict shall pay the fair market value for the withdrawn
5 lands to be acquired by them, in accordance with the terms
6 of the Agreement.

7 (b) **GRANT FOR BUILDING REPLACEMENT.**—As soon
8 as practicable after the date of enactment of this Act, and
9 in full satisfaction of the Federal obligation to the District
10 for the replacement of the structure in existence on that
11 date of enactment that is to be transferred to the National
12 Park Service for inclusion in the Minidoka Internment
13 National Monument, the Secretary, acting through the
14 Commission of Reclamation, shall provide to the District
15 a grant in the amount of \$52,996, in accordance with the
16 terms of the Agreement.

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