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**COMPILATION  
OF  
NATIONAL PARK SERVICE LAWS  
111th CONGRESS**



January 2009 to December 2010



UNITED STATES DEPARTMENT OF THE INTERIOR  
KENNETH L. SALAZAR, *Secretary*

NATIONAL PARK SERVICE  
JONATHAN B. JARVIS, *Director*

COMPILATION OF  
NATIONAL PARK SERVICE LAWS  
111<sup>TH</sup> CONGRESS

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## FOREWORD

This compilation includes all laws enacted by the 111<sup>th</sup> Congress (2009-2010) that affect the National Park Service. We have included both park bills passed individually, as well as any legislation concerning national parks that was included in appropriations bills or in unrelated bills. In each case, we have noted in the index the specific section of the act where the language can be found.

The text used for each public law is the same version as is found in the *United States Statutes at Large*. A line of stars in the text denotes omitted, extraneous material.

In addition to the public laws, this compilation includes copies of any presidential proclamations and executive orders that affect the National Park Service.

We appreciate the assistance of LaTonya Ward in compiling these laws. If you have any questions, please feel free to contact us.

Donald J. Hellmann  
Assistant Director  
Legislative and Congressional Affairs

August, 2011



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Public Law 111-5  
111th Congress

An Act

Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Feb. 17, 2009

[H.R. 1]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Recovery and Reinvestment Act of 2009”.

American  
Recovery and  
Reinvestment  
Act of 2009.  
26 USC 1 note.

SEC. 2. TABLE OF CONTENTS.

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TITLE VII—LIMITS ON EXECUTIVE COMPENSATION

SEC. 3. PURPOSES AND PRINCIPLES.

26 USC 1 note.

(a) STATEMENT OF PURPOSES.—The purposes of this Act include the following:

(1) To preserve and create jobs and promote economic recovery.

(2) To assist those most impacted by the recession.

(3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.

(4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.

(5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

(b) **GENERAL PRINCIPLES CONCERNING USE OF FUNDS.**—The President and the heads of Federal departments and agencies shall manage and expend the funds made available in this Act so as to achieve the purposes specified in subsection (a), including commencing expenditures and activities as quickly as possible consistent with prudent management.

1 USC 1 note.

#### **SEC. 4. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

#### **SEC. 5. EMERGENCY DESIGNATIONS.**

(a) **IN GENERAL.**—Each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

(b) **PAY-AS-YOU-GO.**—All applicable provisions in this Act are designated as an emergency for purposes of pay-as-you-go principles.

## **DIVISION A—APPROPRIATIONS PROVISIONS**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

### **TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES**

#### **DEPARTMENT OF AGRICULTURE**

##### **AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS**

For an additional amount for “Agriculture Buildings and Facilities and Rental Payments”, \$24,000,000, for necessary construction, repair, and improvement activities.

##### **OFFICE OF INSPECTOR GENERAL**

For an additional amount for “Office of Inspector General”, \$22,500,000, to remain available until September 30, 2013, for

\* \* \* \* \*

acquisition threshold referred to in section 2304(g) of title 10, United States Code.

(g) **APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.**—This section is applicable to contracts and subcontracts for the procurement of commercial items not withstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430), with the exception of commercial items listed under subsections (b)(1)(C) and (b)(1)(D) above. For the purposes of this section, “commercial” shall be as defined in the Federal Acquisition Regulation—Part 2.

(h) **GEOGRAPHIC COVERAGE.**—In this section, the term “United States” includes the possessions of the United States.

Internet posting.

(i) **NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.**—In the case of any contract for the procurement of an item described in subsection (b)(1), if the Secretary of Homeland Security applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site).

(j) **TRAINING DURING FISCAL YEAR 2009.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall ensure that each member of the acquisition workforce in the Department of Homeland Security who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2009 on the requirements of this section and the regulations implementing this section.

(2) **INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.**—The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after the date of the enactment of this Act includes comprehensive information on the requirements described in paragraph (1).

Applicability.

(k) **CONSISTENCY WITH INTERNATIONAL AGREEMENTS.**—This section shall be applied in a manner consistent with United States obligations under international agreements.

(l) **EFFECTIVE DATE.**—This section applies with respect to contracts entered into by the Department of Homeland Security 180 days after the date of the enactment of this Act.

## TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

### DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

#### MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for “Management of Lands and Resources”, for activities on all Bureau of Land Management lands including maintenance, rehabilitation, and restoration of facilities, property, trails and lands and for remediation of abandoned mines and wells, \$125,000,000.

## CONSTRUCTION

For an additional amount for “Construction”, for activities on all Bureau of Land Management lands including construction, reconstruction, decommissioning and repair of roads, bridges, trails, property, and facilities and for energy efficient retrofits of existing facilities, \$180,000,000.

## WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, for hazardous fuels reduction, \$15,000,000.

## UNITED STATES FISH AND WILDLIFE SERVICE

## RESOURCE MANAGEMENT

For an additional amount for “Resource Management”, for deferred maintenance, construction, and capital improvement projects on national wildlife refuges and national fish hatcheries and for high priority habitat restoration projects, \$165,000,000.

## CONSTRUCTION

For an additional amount for “Construction”, for construction, reconstruction, and repair of roads, bridges, property, and facilities and for energy efficient retrofits of existing facilities, \$115,000,000.

## NATIONAL PARK SERVICE

## OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for “Operation of the National Park System”, for deferred maintenance of facilities and trails and for other critical repair and rehabilitation projects, \$146,000,000.

## HISTORIC PRESERVATION FUND

For an additional amount for “Historic Preservation Fund”, for historic preservation projects at historically black colleges and universities as authorized by the Historic Preservation Fund Act of 1996 and the Omnibus Parks and Public Lands Act of 1996, \$15,000,000: *Provided*, That any matching requirements otherwise required for such projects are waived.

## CONSTRUCTION

For an additional amount for “Construction”, for repair and restoration of roads; construction of facilities, including energy efficient retrofits of existing facilities; equipment replacement; preservation and repair of historical resources within the National Park System; cleanup of abandoned mine sites on park lands; and other critical infrastructure projects, \$589,000,000.

\* \* \* \* \*



the current economic downturn: *Provided*, That 40 percent of such funds shall be distributed to State arts agencies and regional arts organizations in a manner similar to the agency's current practice and 60 percent of such funds shall be for competitively selected arts projects and activities according to sections 2 and 5(c) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951, 954(c)): *Provided further*, That matching requirements under section 5(e) of such Act shall be waived.

Waiver authority.

#### GENERAL PROVISIONS—THIS TITLE

Deadlines.  
Expenditure  
plan.

SEC. 701. (a) Within 30 days of enactment of this Act, each agency receiving funds under this title shall submit a general plan for the expenditure of such funds to the House and Senate Committees on Appropriations.

Reports.

(b) Within 90 days of enactment of this Act, each agency receiving funds under this title shall submit to the Committees a report containing detailed project level information associated with the general plan submitted pursuant to subsection (a).

SEC. 702. In carrying out the work for which funds in this title are being made available, the Secretary of the Interior and the Secretary of Agriculture shall utilize, where practicable, the Public Lands Corps, Youth Conservation Corps, Student Conservation Association, Job Corps and other related partnerships with Federal, State, local, tribal or non-profit groups that serve young adults.

Notification.  
Deadline.

SEC. 703. Each agency receiving funds under this title may transfer up to 10 percent of the funds in any account to other appropriation accounts within the agency, if the head of the agency (1) determines that the transfer will enhance the efficiency or effectiveness of the use of the funds without changing the intended purpose; and (2) notifies the Committees on Appropriations of the House of Representatives and the Senate 10 days prior to the transfer.

#### TITLE VIII—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

##### DEPARTMENT OF LABOR

##### EMPLOYMENT AND TRAINING ADMINISTRATION

Grants.

##### TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services" for activities under the Workforce Investment Act of 1998 ("WIA"), \$3,950,000,000, which shall be available for obligation on the date of enactment of this Act, as follows:

(1) \$500,000,000 for grants to the States for adult employment and training activities, including supportive services and needs-related payments described in section 134(e)(2) and (3) of the WIA: *Provided*, That a priority use of these funds shall be services to individuals described in 134(d)(4)(E) of the WIA;

(2) \$1,200,000,000 for grants to the States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes

\* \* \* \* \*

**SEC. 7002. APPLICABILITY WITH RESPECT TO LOAN MODIFICATIONS.**

Section 109(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219(a)) is amended—

(1) by striking “To the extent” and inserting the following:

“(1) IN GENERAL.—To the extent”; and

(2) by adding at the end the following:

“(2) WAIVER OF CERTAIN PROVISIONS IN CONNECTION WITH LOAN MODIFICATIONS.—The Secretary shall not be required to apply executive compensation restrictions under section 111, or to receive warrants or debt instruments under section 113, solely in connection with any loan modification under this section.”.

Approved February 17, 2009.

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**LEGISLATIVE HISTORY—H.R. 1 (S. 336) (S. 350):**

**SENATE REPORTS:** No. 111-3 accompanying S. 336 (Comm. on Appropriations).

**CONGRESSIONAL RECORD**, Vol. 155 (2009):

Jan. 27, 28, considered and passed House.

Feb. 2-7, 9, 10, considered and passed Senate, amended.

Feb. 13, House and Senate agreed to conference report.

**DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS** (2009):

Feb. 17, Presidential remarks and statement.



Public Law 111-8  
111th Congress

An Act

Mar. 11, 2009  
[H.R. 1105]

Omnibus  
Appropriations  
Act, 2009.

Making omnibus appropriations for the fiscal year ending September 30, 2009,  
and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Omnibus Appropriations Act,  
2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG  
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

- Title I—Agricultural Programs
- Title II—Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agency and Food and Drug Administration
- Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2009

- Title I—Department of Commerce
- Title II—Department of Justice
- Title III—Science
- Title IV—Related Agencies
- Title V—General Provisions

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2009

- Title I—Department of Defense—Civil: Department of the Army
- Title II—Department of the Interior
- Title III—Department of Energy
- Title IV—Independent Agencies
- Title V—General Provisions

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT  
APPROPRIATIONS ACT, 2009

- Title I—Department of the Treasury
- Title II—Executive Office of the President and Funds Appropriated to the President
- Title III—The Judiciary
- Title IV—District of Columbia
- Title V—Independent Agencies

Title VI—General Provisions—This Act  
 Title VII—General Provisions—Government-wide  
 Title VIII—General Provisions—District of Columbia

**DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND  
 RELATED AGENCIES APPROPRIATIONS ACT, 2009**

Title I—Department of the Interior  
 Title II—Environmental Protection Agency  
 Title III—Related Agencies  
 Title IV—General Provisions

**DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,  
 AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009**

Title I—Department of Labor  
 Title II—Department of Health and Human Services  
 Title III—Department of Education  
 Title IV—Related Agencies  
 Title V—General Provisions  
 Title VI—Afghan Allies Protection Act of 2009

**DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2009**

Title I—Legislative Branch Appropriations  
 Title II—General Provisions

**DIVISION H—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND  
 RELATED PROGRAMS APPROPRIATIONS ACT, 2009**

Title I—Department of State and Related Agency  
 Title II—United States Agency for International Development  
 Title III—Bilateral Economic Assistance  
 Title IV—International Security Assistance  
 Title V—Multilateral Assistance  
 Title VI—Export and Investment Assistance  
 Title VII—General Provisions

**DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT,  
 AND RELATED AGENCIES APPROPRIATIONS ACT, 2009**

Title I—Department of Transportation  
 Title II—Department of Housing and Urban Development  
 Title III—Related Agencies  
 Title IV—General Provisions This Act

**DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF  
 HOMELAND SECURITY AND OTHER MATTERS**

**SEC. 3. REFERENCES.**

1 USC 1 note.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**SEC. 4. EXPLANATORY STATEMENT.**

The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

**SEC. 5. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009.

\* \* \* \* \*



District of Columbia”, approved March 3, 1899 (sec. 10–501.02(a), D.C. Official Code) is amended by striking the last sentence.

SEC. 824. Except as expressly provided otherwise, any reference to “this Act” contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the “Financial Services and General Government Appropriations Act, 2009”.

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Department of  
the Interior,  
Environment,  
and Related  
Agencies  
Appropriations  
Act, 2009.

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), \$890,194,000, to remain available until expended, of which not to exceed \$79,478,000 is available for oil and gas management; and of which \$1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which \$3,000,000 shall be available in fiscal year 2009 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, \$36,400,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from \$4,000 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, \$34,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$890,194,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$6,590,000, to remain available until expended.

\* \* \* \* \*

the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2009 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2010, shall be reapportioned, together with funds appropriated in 2011, in the manner provided herein.

#### WILDLIFE CONSERVATION AND APPRECIATION FUND

##### (RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, all remaining amounts are permanently rescinded.

#### ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to \$2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, \$2,131,529,000, of which \$9,851,000 for planning and interagency coordination in support of Everglades restoration and \$99,586,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park

Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2010.

#### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$59,684,000.

#### HISTORIC PRESERVATION FUND

##### (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$69,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2010; of which \$20,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds; individual projects shall only be eligible for one grant; and all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: *Provided further*, That of the unobligated balances in this account, \$516,000 are permanently rescinded.

#### CONSTRUCTION

##### (INCLUDING RESCISSION OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$233,158,000, to remain available until expended: *Provided*, That funds appropriated in this Act, or in any prior Act of Congress, for the implementation of the Modified Water Deliveries to Everglades National Park Project, shall be made available to the Army Corps of Engineers which shall, notwithstanding any other provision of law, immediately and without further delay construct or cause to be constructed Alternative 3.2.2.a to U.S. Highway 41 (the Tamiami Trail) consistent with the Limited Reevaluation Report with Integrated Environmental Assessment and addendum, approved August 2008: *Provided further*, That the Secretary of the Interior, acting through the National Park Service, is directed to immediately evaluate the feasibility of additional bridge length, beyond that to be constructed pursuant to the Modified Water Deliveries to Everglades National Park Project (16 U.S.C. § 410r-8), including a continuous bridge, or additional bridges or some combination thereof, for the Tamiami Trail (U.S. Highway 41) to restore more natural water flow to Everglades National Park and Florida Bay and for the purpose of restoring habitat within the Park and the ecological

Study.  
Bridges.



connectivity between the Park and the Water Conservation Areas. The feasibility study and the recommendation of the Secretary shall be submitted to the Congress no later than 12 months from the date of enactment of this Act: *Provided further*, That for fiscal year 2009 and hereafter, fees paid by the National Park Service to the West Yellowstone/Hebgen Basin Solid Waste District will be restricted to operations and maintenance costs of the facility, given the capital contribution made by the National Park Service: *Provided further*, That, notwithstanding any other provision of law, a single procurement for the construction project at the Jefferson Memorial plaza and seawall in Washington, DC, may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause “availability of funds” found at 48 CFR 52.232.18: *Provided further*, That the National Park Service shall grant funds not to exceed \$3,000,000 to the St. Louis Metropolitan Park and Recreation District for the purpose of planning and constructing a pedestrian bridge to provide safe visitor access to the Jefferson National Expansion Memorial Arch: *Provided further*, That the unobligated balances in the Federal Infrastructure Improvement Fund under this heading are permanently rescinded.

Study.  
Recommendation.  
Deadline.

#### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

The contract authority provided for fiscal year 2009 by 16 U.S.C. 4601-10a is rescinded.

16 USC 4601-10a  
note.

#### LAND ACQUISITION AND STATE ASSISTANCE

##### (INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$65,190,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$20,000,000 is for the State assistance program and of which \$4,000,000 is available for grants, subject to a match by at least an equal amount, to States, regional entities, local communities, and the private sector for cost-shared fee simple acquisition of land or permanent, protective interests in land, to preserve, conserve, and enhance nationally significant Civil War Battlefields: *Provided*, That of the unobligated balances under this heading for State Assistance, \$1,000,000 are permanently rescinded.

#### URBAN PARK AND RECREATION FUND

##### (RESCISSION)

Of the unobligated balances available under this heading, \$1,300,000 are rescinded.

## ADMINISTRATIVE PROVISIONS

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

42 USC 4601  
note.

For fiscal year 2009 and hereafter, a willing seller from whom the Service acquires title to real property may be considered a “displaced person” for purposes of the Uniform Relocation Assistance and Real Property Acquisition Policy Act and its implementing regulations, whether or not the Service has the authority to acquire such property by eminent domain.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), related to the National Park System Advisory Board, is amended in the first sentence by striking “2009” and inserting “2010”.

## UNITED STATES GEOLOGICAL SURVEY

## SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,043,803,000, to remain available until September 30, 2010, of which \$64,078,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$40,150,000 shall remain available until expended for satellite operations; and of which \$7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more

43 USC 50.

\* \* \* \* \*

commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That not to exceed \$6,000,000 may be transferred from unobligated balances (Treasury Accounts 14X6039, 14X6803 and 14X8030) for the purpose of one-time accounting reconciliations of the balances, as sanctioned by the Chief Financial Officers Act of 1990, American Indian Trust Fund Management Reform Act of 1994 and the Federal Managers' Financial Integrity Act (FMFIA).

Deadline.  
Account  
statement.  
Records.

#### DEPARTMENT-WIDE PROGRAMS

##### WILDLAND FIRE MANAGEMENT

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$859,453,000, to remain available until expended, of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*,



## Guidance.

That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

## CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,148,000, to remain available until expended.

## NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

## NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 191j et seq.), \$6,338,000, to remain available until expended.

## WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, \$73,435,000, to remain available until expended: *Provided*, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations.

## ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

## (INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement



Determination.

to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for “wildland fire operations” shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2009. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

→ SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Kempthorne* to the extent that such fees and costs are not paid by the Department of Justice

or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Kempthorne*.

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers. Salmon.

SEC. 109. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 110. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable. New York.  
New Jersey.  
Contracts.

SEC. 111. Title 43 U.S.C. 1473, as amended by Public Law 110-161, is further amended by deleting the phrase "in fiscal year 2008 only" and inserting in lieu thereof "in fiscal years 2008 and 2009 only".

SEC. 112. No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

SEC. 113. The Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

SEC. 114. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition

funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

Applicability.

SEC. 115. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term “royalty payment” shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

Federal buildings  
and grounds.  
16 USC 760-4  
note.

SEC. 116. The Pittsford National Fish Hatchery in Chittenden, Vermont is hereby renamed the Dwight D. Eisenhower National Fish Hatchery.

SEC. 117. Section 6 of the Great Sand Dunes National Park and Preserve Act of 2000 (16 U.S.C. 410hhh-4) is amended—

(1) in subsection (a)—

(A) by striking “(a) ESTABLISHMENT.—(1) When” and inserting the following:

“(a) ESTABLISHMENT AND PURPOSE.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—When”;

(B) in paragraph (2), by striking “(2) Such establishment” and inserting the following:

“(B) EFFECTIVE DATE.—The establishment of the refuge under subparagraph (A)”;

(C) by adding at the end the following:

“(2) PURPOSE.—The purpose of the Baca National Wildlife Refuge shall be to restore, enhance, and maintain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley.”;

(2) in subsection (c)—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(2) REQUIREMENTS.—In administering the Baca National Wildlife Refuge, the Secretary shall, to the maximum extent practicable—

“(A) emphasize migratory bird conservation; and

“(B) take into consideration the role of the Refuge in broader landscape conservation efforts.”; and

(3) in subsection (d)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) subject to any agreement in existence as of the date of enactment of this paragraph, and to the extent consistent with the purposes of the Refuge, use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically.”.



SEC. 118. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

## TITLE II

### ENVIRONMENTAL PROTECTION AGENCY

#### SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$790,051,000, to remain available until September 30, 2010.

#### ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$19,000 for official reception and representation expenses, \$2,392,079,000, to remain available until September 30, 2010: *Provided*, That of the funds included under this heading, not less than \$95,846,000 shall be for the Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,791,000, to remain available until September 30, 2010.

#### BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$35,001,000, to remain available until expended.

#### HAZARDOUS SUBSTANCE SUPERFUND

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6),

\* \* \* \* \*

of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2009, and existing profiles may be updated as necessary.

## OTHER RELATED AGENCIES

### EXECUTIVE OFFICE OF THE PRESIDENT

#### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$2,703,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

Appointment.

### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

#### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$10,199,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: *Provided further*, That of the funds appropriated under this heading, \$300,000 shall be paid to the “Office of Inspector General” appropriation of the Environmental Protection Agency.

Government positions.

5 USC app. 8G note.

### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

#### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, \$7,530,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate

\* \* \* \* \*

be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

#### ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

Grants.

#### COMMISSION OF FINE ARTS

##### SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$2,234,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), as amended, \$9,500,000: *Provided*, That no organization shall receive a grant in excess of \$650,000 in a single year.

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$5,498,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

#### NATIONAL CAPITAL PLANNING COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,328,000: *Provided*, That one-quarter



of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$47,260,000, of which \$515,000 for the Museum's equipment replacement program, \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$17,450,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$2,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Contracts. SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Lobbying. SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or

\* \* \* \* \*

277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Laws 110-5 and 110-28), and Public Law 110-161 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2008 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

Plan.  
16 USC 1604  
note.

SEC. 410. Prior to October 1, 2009, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

Contracts.  
Foreign relations.  
Wildfires.

SEC. 412. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.



→ SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

Contracts.  
Urban and rural  
areas.

Guidance.

SEC. 414. None of the funds made available by this or any other Act may be used in fiscal year 2009 for competitive sourcing studies and any related activities involving Forest Service personnel.

Competitive  
sourcing.

SEC. 415. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 416. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

SEC. 417. Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3012) is amended by striking "September 30, 2006" and inserting "September 30, 2010".

→ SEC. 418. Section 330 of Public Law 106-291 concerning Service First authorities (114 Stat. 996), as amended by section 428 of Public Law 109-54 (119 Stat. 555-556), is further amended by striking "2008" and inserting in lieu thereof "2011".

43 USC 1701  
note.

SEC. 419. Section 422 of title IV of division F of Public Law 110-161 is amended by inserting after "fiscal year 2007" the following: "and subsequent fiscal years through fiscal year 2014".

121 Stat. 2149.

SEC. 420. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, \$8,000,000, to

Alaska.

remain available until expended, is provided to EPA to be transferred to the Department of the Navy for clean-up activities at the Treasure Island Naval Station—Hunters Point Annex.

SEC. 421. The boundaries of the Tongass National Forest in the State of Alaska are modified to include the approximately 1,043.38 acres of land acquired by the United States from the Alaska Mental Health Trust Authority, which is more particularly described as lots 1-B and 1-C, Mt. Verstovia-Gavan Hill Subdivision of U.S. Survey No. 3858 and U.S. Survey No. 3849.

SEC. 422. Title V of the Forest Service Realignment and Enhancement Act, 2005, Public Law 109-54, 119 Stat. 559-563; 16 U.S.C. 580d note, is amended as follows:

(1) In section 503, subsection (f) by striking “2008” and inserting in lieu thereof “2011” and;

(2) In section 504—

(A) in subsection (a)(3) by striking in whole, and inserting in lieu thereof “TERMS, CONDITIONS, AND RESERVATIONS.—The conveyance of an administrative site under this title shall be subject to such terms, conditions, and reservations as the Secretary determines to be necessary to protect the public interest”;

(B) in subsection (d)(1) by striking “Subchapter I of chapter 5”, and inserting in lieu thereof “Chapter 5 of subtitle I”; and

(C) in subsection (d)(4)(B) by striking in whole, and inserting in lieu thereof “determine whether to include terms, conditions, and reservations under subsection (a)(3); and”.

Sec. 423. LAKE TAHOE BASIN HAZARDOUS FUEL REDUCTION PROJECTS. (a) Hereafter, subject to subsection (b), a proposal to authorize a hazardous fuel reduction project, not to exceed 5,000 acres, including no more than 1,500 acres of mechanical thinning, on the Lake Tahoe Basin Management Unit may be categorically excluded from documentation in an environmental impact statement or an environmental assessment under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) if the project:

(1) is consistent with the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy published in December 2007 and any subsequent revisions to the Strategy;

(2) is not conducted in any wilderness areas; and

(3) does not involve any new permanent roads.

(b) A proposal that is categorically excluded under this section shall be subject to—

(1) the extraordinary circumstances procedures established by the Forest Service pursuant to section 1508.4 of title 40, Code of Federal Regulations; and

(2) an opportunity for public input.

Deadline.  
Determination.  
Greenhouse gas  
emissions.

SEC. 424. Not later than June 30, 2009, the Administrator of the Environmental Protection Agency shall reconsider, and confirm or reverse, the decision to deny the request of the State of California to regulate greenhouse gas emissions from new motor vehicles.

SEC. 425. TOXICS RELEASE INVENTORY REPORTING. Notwithstanding any other provision of law—

\* \* \* \* \*

SEC. 430. Within the amounts appropriated in this division, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled “Congressionally Directed Spending” included in the explanatory statement accompanying this Act (as described in section 4, in the matter preceding division A of this consolidated Act).

This division may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009”.

Department of  
Labor, Health  
and Human  
Services, and  
Related Agencies  
Appropriations  
Act, 2009.  
Department of  
Labor  
Appropriations  
Act, 2009.

**DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND  
HUMAN SERVICES, AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2009**

**TITLE I**

**DEPARTMENT OF LABOR**

**EMPLOYMENT AND TRAINING ADMINISTRATION**

**TRAINING AND EMPLOYMENT SERVICES**

For necessary expenses of the Workforce Investment Act of 1998 (“WIA”), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; \$3,626,448,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,969,449,000 as follows:

(A) \$861,540,000 for adult employment and training activities, of which \$149,540,000 shall be available for the period July 1, 2009, through June 30, 2010, and of which \$712,000,000 shall be available for the period October 1, 2009 through June 30, 2010;

(B) \$924,069,000 for youth activities, which shall be available for the period April 1, 2009 through June 30, 2010; and

(C) \$1,183,840,000 for dislocated worker employment and training activities, of which \$335,840,000 shall be available for the period July 1, 2009 through June 30, 2010, and of which \$848,000,000 shall be available for the period October 1, 2009 through June 30, 2010:

*Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

(2) for federally administered programs, \$489,429,000 as follows:

(A) \$283,051,000 for the dislocated workers assistance national reserve, of which \$71,051,000 shall be available for the period July 1, 2009 through June 30, 2010, and of which \$212,000,000 shall be available for the period October 1, 2009 through June 30, 2010: *Provided*, That up to \$125,000,000 may be made available for Community-

\* \* \* \* \*



301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

#### GENERAL PROVISIONS—THIS DIVISION

8 USC 1324a  
note, 1153 note;  
42 USC 4026  
note.

SEC. 101. Sections 143, 144, and 145 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580 et seq.) are each amended by striking “the date specified in section 106(3) of this joint resolution” and inserting “September 30, 2009”.

Effective date.

SEC. 102. (a) EXTENSION OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.—Effective as of February 1, 2009, section 1858 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 121 Stat. 504) is amended—

(1) in subsection (a), by striking “60 days after” and all that follows through the end of the subsection and inserting “on March 1, 2010.”; and

Time period.

(2) in subsection (b), by striking “the 60-day period referred to in subsection (a)” and inserting “the period beginning on February 2, 2009, and ending on February 28, 2010.”.

(b) FUNDING.—Of the funds provided under the heading “Operation and Maintenance, Defense-Wide” in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329; 122 Stat. 3606), \$1,100,000 shall be made available only for purposes of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

Pay freeze.  
2 USC 31 note.

SEC. 103. Notwithstanding any provision of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the percentage adjustment scheduled to take effect under any such provision in calendar year 2010 shall not take effect.

Approved March 11, 2009.

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#### LEGISLATIVE HISTORY—H.R. 1105:

CONGRESSIONAL RECORD, Vol. 155 (2009):

Feb. 25, considered and passed House.

Mar. 2-6, 9, 10, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):

Mar. 11, Presidential statement.

○



Public Law 111-11  
111th Congress

An Act

To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Mar. 30, 2009  
[H.R. 146]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

Omnibus  
Public Land  
Management Act  
of 2009.  
16 USC 1 note.

(a) SHORT TITLE.—This Act may be cited as the “Omnibus Public Land Management Act of 2009”.

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

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

- Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.
- Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
- Sec. 1003. Monongahela National Forest boundary confirmation.
- Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

- Sec. 1101. Definitions.
- Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest as wilderness or a wilderness study area.
- Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
- Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
- Sec. 1105. Trail plan and development.
- Sec. 1106. Maps and boundary descriptions.
- Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

- Sec. 1201. Definitions.
- Sec. 1202. Designation of wilderness areas.
- Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.
- Sec. 1204. Mount Hood National Recreation Area.
- Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
- Sec. 1206. Land exchanges.
- Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

- Sec. 1301. Designation of the Copper Salmon Wilderness.
- Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.
- Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

- Sec. 1401. Definitions.

- Sec. 1402. Voluntary grazing lease donation program.
- Sec. 1403. Box R Ranch land exchange.
- Sec. 1404. Deerfield land exchange.
- Sec. 1405. Soda Mountain Wilderness.
- Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

- Sec. 1501. Definitions.
- Sec. 1502. Owyhee Science Review and Conservation Center.
- Sec. 1503. Wilderness areas.
- Sec. 1504. Designation of wild and scenic rivers.
- Sec. 1505. Land identified for disposal.
- Sec. 1506. Tribal cultural resources.
- Sec. 1507. Recreational travel management plans.
- Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

- Sec. 1601. Definitions.
- Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

- Sec. 1651. Definitions.
- Sec. 1652. Designation of Beaver Basin Wilderness.
- Sec. 1653. Administration.
- Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

- Sec. 1701. Definitions.
- Sec. 1702. Oregon Badlands Wilderness.
- Sec. 1703. Release.
- Sec. 1704. Land exchanges.
- Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

- Sec. 1751. Definitions.
- Sec. 1752. Spring Basin Wilderness.
- Sec. 1753. Release.
- Sec. 1754. Land exchanges.
- Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

- Sec. 1801. Definitions.
- Sec. 1802. Designation of wilderness areas.
- Sec. 1803. Administration of wilderness areas.
- Sec. 1804. Release of wilderness study areas.
- Sec. 1805. Designation of wild and scenic rivers.
- Sec. 1806. Bridgeport Winter Recreation Area.
- Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.
- Sec. 1808. Ancient Bristlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

- Sec. 1851. Wilderness designation.
- Sec. 1852. Wild and scenic river designations, Riverside County, California.
- Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

- Sec. 1901. Definitions.
- Sec. 1902. Designation of wilderness areas.
- Sec. 1903. Administration of wilderness areas.
- Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

- Sec. 1951. Definitions.
- Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.
- Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.
- Sec. 1954. East Shore Trail Area.
- Sec. 1955. National forest area boundary adjustments.
- Sec. 1956. Authority to lease Leiffer tract.

## Subtitle O—Washington County, Utah

- Sec. 1971. Definitions.
- Sec. 1972. Wilderness areas.
- Sec. 1973. Zion National Park wilderness.
- Sec. 1974. Red Cliffs National Conservation Area.
- Sec. 1975. Beaver Dam Wash National Conservation Area.
- Sec. 1976. Zion National Park wild and scenic river designation.
- Sec. 1977. Washington County comprehensive travel and transportation management plan.
- Sec. 1978. Land disposal and acquisition.
- Sec. 1979. Management of priority biological areas.
- Sec. 1980. Public purpose conveyances.
- Sec. 1981. Conveyance of Dixie National Forest land.
- Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.
- Sec. 1983. Authorization of appropriations.

## TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

## Subtitle A—National Landscape Conservation System

- Sec. 2001. Definitions.
- Sec. 2002. Establishment of the National Landscape Conservation System.
- Sec. 2003. Authorization of appropriations.

## Subtitle B—Prehistoric Trackways National Monument

- Sec. 2101. Findings.
- Sec. 2102. Definitions.
- Sec. 2103. Establishment.
- Sec. 2104. Administration.
- Sec. 2105. Authorization of appropriations.

## Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

- Sec. 2201. Definitions.
- Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
- Sec. 2203. Management of the Conservation Area.
- Sec. 2204. Authorization of appropriations.

## Subtitle D—Snake River Birds of Prey National Conservation Area

- Sec. 2301. Snake River Birds of Prey National Conservation Area.

## Subtitle E—Dominguez-Escalante National Conservation Area

- Sec. 2401. Definitions.
- Sec. 2402. Dominguez-Escalante National Conservation Area.
- Sec. 2403. Dominguez Canyon Wilderness Area.
- Sec. 2404. Maps and legal descriptions.
- Sec. 2405. Management of Conservation Area and Wilderness.
- Sec. 2406. Management plan.
- Sec. 2407. Advisory council.
- Sec. 2408. Authorization of appropriations.

## Subtitle F—Rio Puerco Watershed Management Program

- Sec. 2501. Rio Puerco Watershed Management Program.

## Subtitle G—Land Conveyances and Exchanges

- Sec. 2601. Carson City, Nevada, land conveyances.
- Sec. 2602. Southern Nevada limited transition area conveyance.
- Sec. 2603. Nevada Cancer Institute land conveyance.
- Sec. 2604. Turnabout Ranch land conveyance, Utah.
- Sec. 2605. Boy Scouts land exchange, Utah.
- Sec. 2606. Douglas County, Washington, land conveyance.
- Sec. 2607. Twin Falls, Idaho, land conveyance.
- Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
- Sec. 2609. Park City, Utah, land conveyance.
- Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
- Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.

## TITLE III—FOREST SERVICE AUTHORIZATIONS

## Subtitle A—Watershed Restoration and Enhancement

- Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

Sec. 3201. Definitions.

Sec. 3202. Withdrawal of certain land in the Wyoming range.

Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.

Subtitle D—Land Conveyances and Exchanges

Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.

Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.

Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.

Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.

Sec. 3305. Kittitas County, Washington, land conveyance.

Sec. 3306. Mammoth Community Water District use restrictions.

Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.

Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.

Sec. 3309. Sandia pueblo land exchange technical amendment.

Subtitle E—Colorado Northern Front Range Study

Sec. 3401. Purpose.

Sec. 3402. Definitions.

Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.

TITLE IV—FOREST LANDSCAPE RESTORATION

Sec. 4001. Purpose.

Sec. 4002. Definitions.

Sec. 4003. Collaborative Forest Landscape Restoration Program.

Sec. 4004. Authorization of appropriations.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

Sec. 5001. Fossil Creek, Arizona.

Sec. 5002. Snake River Headwaters, Wyoming.

Sec. 5003. Taunton River, Massachusetts.

Subtitle B—Wild and Scenic Rivers Studies

Sec. 5101. Missisquoi and Trout Rivers Study.

Subtitle C—Additions to the National Trails System

Sec. 5201. Arizona National Scenic Trail.

Sec. 5202. New England National Scenic Trail.

Sec. 5203. Ice Age Floods National Geologic Trail.

Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.

Sec. 5205. Pacific Northwest National Scenic Trail.

Sec. 5206. Trail of Tears National Historic Trail.

Subtitle D—National Trail System Amendments

Sec. 5301. National Trails System willing seller authority.

Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.

Sec. 5303. Chisholm Trail and Great Western Trails Studies.

Subtitle E—Effect of Title

Sec. 5401. Effect.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

Sec. 6001. Definitions.

Sec. 6002. Program.

Sec. 6003. Effect of subtitle.

Subtitle B—Competitive Status for Federal Employees in Alaska

Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.

Subtitle C—Wolf Livestock Loss Demonstration Project

Sec. 6201. Definitions.



- Sec. 6202. Wolf compensation and prevention program.
- Sec. 6203. Authorization of appropriations.

#### Subtitle D—Paleontological Resources Preservation

- Sec. 6301. Definitions.
- Sec. 6302. Management.
- Sec. 6303. Public awareness and education program.
- Sec. 6304. Collection of paleontological resources.
- Sec. 6305. Curation of resources.
- Sec. 6306. Prohibited acts; criminal penalties.
- Sec. 6307. Civil penalties.
- Sec. 6308. Rewards and forfeiture.
- Sec. 6309. Confidentiality.
- Sec. 6310. Regulations.
- Sec. 6311. Savings provisions.
- Sec. 6312. Authorization of appropriations.

#### Subtitle E—Izembek National Wildlife Refuge Land Exchange

- Sec. 6401. Definitions.
- Sec. 6402. Land exchange.
- Sec. 6403. King Cove Road.
- Sec. 6404. Administration of conveyed lands.
- Sec. 6405. Failure to begin road construction.
- Sec. 6406. Expiration of legislative authority.

### TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

#### Subtitle A—Additions to the National Park System

- Sec. 7001. Paterson Great Falls National Historical Park, New Jersey.
- Sec. 7002. William Jefferson Clinton Birthplace Home National Historic Site.
- Sec. 7003. River Raisin National Battlefield Park.

#### Subtitle B—Amendments to Existing Units of the National Park System

- Sec. 7101. Funding for Keweenaw National Historical Park.
- Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.
- Sec. 7103. Little River Canyon National Preserve boundary expansion.
- Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
- Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
- Sec. 7106. Minute Man National Historical Park.
- Sec. 7107. Everglades National Park.
- Sec. 7108. Kalaupapa National Historical Park.
- Sec. 7109. Boston Harbor Islands National Recreation Area.
- Sec. 7110. Thomas Edison National Historical Park, New Jersey.
- Sec. 7111. Women's Rights National Historical Park.
- Sec. 7112. Martin Van Buren National Historic Site.
- Sec. 7113. Palo Alto Battlefield National Historical Park.
- Sec. 7114. Abraham Lincoln Birthplace National Historical Park.
- Sec. 7115. New River Gorge National River.
- Sec. 7116. Technical corrections.
- Sec. 7117. Dayton Aviation Heritage National Historical Park, Ohio.
- Sec. 7118. Fort Davis National Historic Site.

#### Subtitle C—Special Resource Studies

- Sec. 7201. Walnut Canyon study.
- Sec. 7202. Tule Lake Segregation Center, California.
- Sec. 7203. Estate Grange, St. Croix.
- Sec. 7204. Harriet Beecher Stowe House, Maine.
- Sec. 7205. Shepherdstown battlefield, West Virginia.
- Sec. 7206. Green McAdoo School, Tennessee.
- Sec. 7207. Harry S Truman Birthplace, Missouri.
- Sec. 7208. Battle of Matewan special resource study.
- Sec. 7209. Butterfield Overland Trail.
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- Sec. 7211. Battle of Camden, South Carolina.
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#### Subtitle D—Program Authorizations

- Sec. 7301. American Battlefield Protection Program.

- Sec. 7302. Preserve America Program.
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- Sec. 7305. National Cave and Karst Research Institute.

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- Sec. 7401. Na Hoa Pili O Kaloko-Honokohau Advisory Commission.
- Sec. 7402. Cape Cod National Seashore Advisory Commission.
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### TITLE VIII—NATIONAL HERITAGE AREAS

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- Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
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- Sec. 8005. Baltimore National Heritage Area, Maryland.
- Sec. 8006. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.
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- Sec. 8009. Muscle Shoals National Heritage Area, Alabama.
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#### Subtitle B—Studies

- Sec. 8101. Chattahoochee Trace, Alabama and Georgia.
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#### Subtitle D—Effect of Title

- Sec. 8301. Effect on access for recreational activities.

### TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

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- Sec. 9002. Sierra Vista Subwatershed, Arizona.
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#### Subtitle B—Project Authorizations

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- Sec. 9102. Madera Water Supply Enhancement Project, California.
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- Sec. 9502. Definitions.
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- Sec. 9601. Definitions.
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- Sec. 9603. Extraordinary operation and maintenance work performed by the Secretary.
- Sec. 9604. Relationship to Twenty-First Century Water Works Act.
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## PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

- Sec. 10001. Short title.
- Sec. 10002. Purpose.
- Sec. 10003. Definitions.
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- Sec. 10005. Acquisition and disposal of property; title to facilities.
- Sec. 10006. Compliance with applicable law.
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- Sec. 10008. No private right of action.
- Sec. 10009. Appropriations; Settlement Fund.
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- Sec. 10201. Federal facility improvements.
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- Sec. 10301. Short title.
- Sec. 10302. Definitions.
- Sec. 10303. Compliance with environmental laws.
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- Sec. 10601. Purposes.

- Sec. 10602. Authorization of Navajo-Gallup Water Supply Project.
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- Sec. 10604. Project contracts.
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- Sec. 10606. Authorization of conjunctive use wells.
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- Sec. 10608. Other irrigation projects.
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- Sec. 10701. Agreement.
- Sec. 10702. Trust Fund.
- Sec. 10703. Waivers and releases.
- Sec. 10704. Water rights held in trust.

#### Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

- Sec. 10801. Findings.
- Sec. 10802. Purposes.
- Sec. 10803. Definitions.
- Sec. 10804. Approval, ratification, and confirmation of agreement; authorization.
- Sec. 10805. Tribal water rights.
- Sec. 10806. Duck Valley Indian Irrigation Project.
- Sec. 10807. Development and Maintenance Funds.
- Sec. 10808. Tribal waiver and release of claims.
- Sec. 10809. Miscellaneous.

#### TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

- Sec. 11001. Reauthorization of the National Geologic Mapping Act of 1992.
- Sec. 11002. New Mexico water resources study.

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##### PART I—EXPLORATION

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- Sec. 12003. Powers and duties of the Administrator.
- Sec. 12004. Ocean exploration and undersea research technology and infrastructure task force.
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- Sec. 12101. Short title.
- Sec. 12102. Program established.
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- Sec. 12104. Administrative structure.
- Sec. 12105. Research, exploration, education, and technology programs.
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- Sec. 12309. Independent cost estimate.
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- Sec. 12401. Short title.
- Sec. 12402. Purposes.
- Sec. 12403. Definitions.
- Sec. 12404. Interagency subcommittee.
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- Sec. 13002. Amendments to the Fisheries Restoration and Irrigation Mitigation Act of 2000.
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## TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

### Subtitle A—Wild Monongahela Wilderness

#### SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition

16 USC 1132  
note.

\* \* \* \* \*

(3) **GRAZING.**—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **FISH AND WILDLIFE.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(5) **ACCESS.**—

(A) **IN GENERAL.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) **CERTAIN LAND.**—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) **WITHDRAWAL.**—Subject to valid existing rights, the land generally depicted on the map as “Lands Withdrawn From Mineral Entry” and “Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry” is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

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

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

(e) **RELEASE OF WILDERNESS STUDY AREAS.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

## Subtitle H—Pictured Rocks National Lakeshore Wilderness

### SEC. 1651. DEFINITIONS.

In this subtitle:

(1) **LINE OF DEMARCATION.**—The term “line of demarcation” means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) **MAP.**—The term “map” means the map entitled “Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary”, numbered 625/80,051, and dated April 16, 2007.

(3) **NATIONAL LAKESHORE.**—The term “National Lakeshore” means the Pictured Rocks National Lakeshore.

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

(5) **WILDERNESS.**—The term “Wilderness” means the Beaver Basin Wilderness designated by section 1652(a).

#### SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Beaver Basin Wilderness”. 16 USC 1132  
note.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map. 16 USC 1132  
note.

(c) **BOUNDARY.**—

(1) **LINE OF DEMARCATION.**—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior. 16 USC 1132  
note.

(2) **SURFACE WATER.**—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

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

(2) **LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) **FORCE AND EFFECT.**—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

#### SEC. 1653. ADMINISTRATION.

(a) **MANAGEMENT.**—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) **USE OF ELECTRIC MOTORS.**—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

**SEC. 1654. EFFECT.**

Nothing in this subtitle—

- (1) modifies, alters, or affects any treaty rights;
- (2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or
- (3) prohibits—
  - (A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or
  - (B) the beaching of motorboats at the line of demarcation.

## Subtitle I—Oregon Badlands Wilderness

**SEC. 1701. DEFINITIONS.**

In this subtitle:

- (1) **DISTRICT.**—The term “District” means the Central Oregon Irrigation District.
- (2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.
- (3) **STATE.**—The term “State” means the State of Oregon.
- (4) **WILDERNESS MAP.**—The term “wilderness map” means the map entitled “Badlands Wilderness” and dated September 3, 2008.

**SEC. 1702. OREGON BADLANDS WILDERNESS.**

16 USC 1132  
note.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Oregon Badlands Wilderness”.

(b) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Oregon Badlands Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) **GRAZING.**—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such



(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) **USES.**—

(A) **IN GENERAL.**—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) **SCIENTIFIC RESEARCH.**—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

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

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

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

## Subtitle L—Riverside County Wilderness, California

### SEC. 1851. WILDERNESS DESIGNATION.

(a) **DEFINITION OF SECRETARY.**—In this section, the term “Secretary” means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

(1) DESIGNATIONS.—

16 USC 1132  
note.

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled “Proposed Addition to Agua Tibia Wilderness”, and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93-632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled “Cahuilla Mountain Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Cahuilla Mountain Wilderness”.

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled “South Fork San Jacinto Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “South Fork San Jacinto Wilderness”.

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled “Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition”, and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98-425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately

15,621 acres, as generally depicted on the map titled “Beauty Mountain Proposed Wilderness”, and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Beauty Mountain Wilderness”.

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled “Orocochia Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocochia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocochia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocochia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled “Palen-McCoy Proposed Wilderness Additions”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404



acres, as generally depicted on the map titled “Pinto Mountains Proposed Wilderness”, and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Pinto Mountains Wilderness”.

(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled “Chuckwalla Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

16 USC 1132  
note.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

Effective date.  
Federal Register,  
publication.  
Notice.

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and



(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

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

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

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated

by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

Deadline.  
Procedures.

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

Contracts.

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96-617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

**SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

“(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

“(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

“(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

“(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

“(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

“(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

“(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

“(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San

Contracts.



Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

“(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.”.

**SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.**

(a) **BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.**—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

“(e) **EXPANSION OF BOUNDARIES.**—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled ‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition’, and dated March 12, 2008:

“(1) The ‘Santa Rosa Peak Area Monument Expansion’.

“(2) The ‘Snow Creek Area Monument Expansion’.

“(3) The ‘Tahquitz Peak Area Monument Expansion’.

“(4) The ‘Southeast Area Monument Expansion’, which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.”.

(b) **TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.**—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking “eight” and inserting “a majority of the appointed”.

## **Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California**

**SEC. 1901. DEFINITIONS.**

In this subtitle:

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

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

**SEC. 1902. DESIGNATION OF WILDERNESS AREAS.**

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) **JOHN KREBS WILDERNESS.**—

(A) **DESIGNATION.**—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740

16 USC 1132  
note.



acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled “John Krebs Wilderness”, and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as “Silver City” and “Kaweah Han”.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled “Sequoia-Kings Canyon Wilderness Addition”, numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

16 USC 1132  
note.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

#### SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

Deadline.

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may

correct any clerical or typographical error in the map or legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) **HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.**—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98-40.

(d) **AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.**—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) **HORSEBACK RIDING.**—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

#### **SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

## **Subtitle N—Rocky Mountain National Park Wilderness, Colorado**

#### **SEC. 1951. DEFINITIONS.**

In this subtitle:

(1) **MAP.**—The term “map” means the map entitled “Rocky Mountain National Park Wilderness Act of 2007” and dated September 2006.

(2) **PARK.**—The term “Park” means Rocky Mountain National Park located in the State of Colorado.

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

(4) **TRAIL.**—The term “Trail” means the East Shore Trail established under section 1954(a).

(5) **WILDERNESS.**—The term “Wilderness” means the wilderness designated by section 1952(a).

#### **SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.**

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) **MAP AND BOUNDARY DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall—

16 USC 1132  
note.

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a “Potential Wilderness Area”, the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the “East Shore Trail Area”.

(e) ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

Effective date,  
Federal Register,  
publication.  
Notice.  
16 USC 1132  
note.



(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

#### SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

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

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and



(E) the development of plans to address the needs identified under subparagraph (D).

(c) **LIMITATION.**—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101-337 (16 U.S.C. 19jj et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) **COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.**—

(1) **IN GENERAL.**—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.

(2) **ALVA B. ADAMS TUNNEL.**—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) **RIGHT-OF-WAY.**—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park. Determination.

(f) **NEW RECLAMATION PROJECTS.**—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) **CLARIFICATION OF MANAGEMENT AUTHORITY.**—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

#### **SEC. 1954. EAST SHORE TRAIL AREA.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the “East Shore Trail”, to maximize the opportunity for sustained use of the Trail without causing— Deadline.

(1) harm to affected resources; or

(2) conflicts among users.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

16 USC 1132  
note.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

#### SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95-450) is amended—

(1) by striking “seventy thousand acres” and inserting “74,195 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “35,235 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

#### SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91-383 (16 U.S.C. 1a-2(k)) shall apply to the parcel of land described in subsection (b). Applicability.

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the “Leiffer tract” that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

## Subtitle O—Washington County, Utah

#### SEC. 1971. DEFINITIONS.

16 USC 460www  
note.

In this subtitle:

(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.—The term “Beaver Dam Wash National Conservation Area Map” means the map entitled “Beaver Dam Wash National Conservation Area” and dated December 18, 2008.

(2) CANAAN MOUNTAIN WILDERNESS MAP.—The term “Canaan Mountain Wilderness Map” means the map entitled “Canaan Mountain Wilderness” and dated June 21, 2008.

(3) COUNTY.—The term “County” means Washington County, Utah.

(4) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term “Northeastern Washington County Wilderness Map” means the map entitled “Northeastern Washington County Wilderness” and dated November 12, 2008.

(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term “Northwestern Washington County Wilderness Map” means the map entitled “Northwestern Washington County Wilderness” and dated June 21, 2008.

(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term “Red Cliffs National Conservation Area Map” means the map entitled “Red Cliffs National Conservation Area” and dated November 12, 2008.

(7) SECRETARY.—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) STATE.—The term “State” means the State of Utah.



(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term “Washington County Growth and Conservation Act Map” means the map entitled “Washington County Growth and Conservation Act Map” and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

16 USC 1132  
note.

(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Beartrap Canyon Wilderness”.

(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Blackridge Wilderness”.

(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the “Canaan Mountain Wilderness”.

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Canyon Wilderness”.

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Forest Wilderness”.

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Cougar Canyon Wilderness”.

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek Wilderness”.

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek North Wilderness”.

(I) DOC’S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Doc’s Pass Wilderness”.



(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Goose Creek Wilderness”.

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “LaVerkin Creek Wilderness”.

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Red Butte Wilderness”.

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Red Mountain Wilderness”.

(N) SLAUGHTER CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Slaughter Creek Wilderness”.

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Taylor Creek Wilderness”.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) FORCE AND EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

- (i) the Bureau of Land Management; and
- (ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) **LIVESTOCK.**—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and  
(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101-405) and H.R. 5487 of the 96th Congress (H. Rept. 96-617).

(3) **WILDFIRE, INSECT, AND DISEASE MANAGEMENT.**—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) **BUFFER ZONES.**—

(A) **IN GENERAL.**—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) **ACTIVITIES OUTSIDE WILDERNESS.**—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) **MILITARY OVERFLIGHTS.**—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) **ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.**—

(A) **ACQUISITION AUTHORITY.**—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) **INCORPORATION.**—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

Determination.

(9) WATER RIGHTS.—

(A) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;

(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) FISH AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) AUTHORITY OF SECRETARY.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and



(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101-405.

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

Determination.

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

Deadline.

(12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

16 USC 346a-6.

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

16 USC 1132  
note.

#### SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) WILDERNESS AREA.—The term “Wilderness Area” means the Zion Wilderness designated by subsection (b)(1).



(3) ZION NATIONAL PARK WILDERNESS MAP.—The term “Zion National Park Wilderness Map” means the map entitled “Zion National Park Wilderness” and dated April 2008.

(b) ZION NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Zion Wilderness”.

(2) INCORPORATION OF ACQUIRED LAND.—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Wilderness Area.

(B) FORCE AND EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

#### SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

16 USC 460www.

(a) PURPOSES.—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term “habitat conservation plan” means the conservation plan entitled “Washington County Habitat Conservation Plan” and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) NATIONAL CONSERVATION AREA.—The term “National Conservation Area” means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) PUBLIC USE PLAN.—The term “public use plan” means the use plan entitled “Red Cliffs Desert Reserve Public Use Plan” and dated June 12, 2000, as amended.

(5) RESOURCE MANAGEMENT PLAN.—The term “resource management plan” means the management plan entitled “St. George Field Office Resource Management Plan” and dated March 15, 1999, as amended.

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law; and

(B) in a manner consistent with the purposes described in subsection (a).

(5) **WILDLAND FIRE OPERATIONS.**—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

- (1) become part of the National Conservation Area; and
- (2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

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

(B) location, entry, and patenting under the mining laws; and

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

(2) **ADDITIONAL LAND.**—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) **EFFECT.**—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

(2) any other applicable law (including regulations).

#### **SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.**

16 USC 460xxx.

(a) **PURPOSE.**—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) **DEFINITIONS.**—In this section:

(1) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) **NATIONAL CONSERVATION AREA.**—The term “National Conservation Area” means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) **ESTABLISHMENT.**—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) **MANAGEMENT PLAN.**—



Deadline.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—

In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as “Designated Road Areas”, motorized vehicles shall be permitted only on the roads identified on such map.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

- (1) become part of the National Conservation Area; and
- (2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

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

(B) location, entry, and patenting under the mining laws; and

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

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

#### SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(204) ZION NATIONAL PARK, UTAH.—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled ‘Wild and Scenic River Segments Zion National Park and Bureau of Land Management’ and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

“(A) TAYLOR CREEK.—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

“(B) NORTH FORK OF TAYLOR CREEK.—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(C) MIDDLE FORK OF TAYLOR CREEK.—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(D) SOUTH FORK OF TAYLOR CREEK.—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(E) TIMBER CREEK AND TRIBUTARIES.—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(F) LAVERKIN CREEK.—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

“(G) WILLIS CREEK.—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

“(H) BEARTRAP CANYON.—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(I) HOP VALLEY CREEK.—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(J) CURRENT CREEK.—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(K) CANE CREEK.—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(L) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(M) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

“(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

“(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

“(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

“(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine



Spring Wash and adjacent land ½-mile wide, as a scenic river.

“(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

“(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

“(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

“(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

“(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

“(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

“(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

“(JJ) PINE CREEK.—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

“(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

“(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

“(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.”

16 USC 1274  
note.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

16 USC 1274  
note.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled “Zion National Park Water Rights Settlement Agreement” and dated December 4, 1996.

#### SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

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

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term “trail” means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) **TRAVEL MANAGEMENT PLAN.**—The term “travel management plan” means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) **COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

- (i) public safety and awareness; and
- (ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

- (i) motorized recreation; and
- (ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

- (i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

- (i) compliance with off-highway vehicle laws (including regulations); and
- (ii) effective deterrents of abuses of public land.

(2) **SCOPE; CONTENTS.**—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) **DESIGNATION OF TRAIL.**—

(1) **DESIGNATION.**—

(A) **IN GENERAL.**—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

- (i) for use by off-highway vehicles; and
- (ii) to be known as the “High Desert Off-Highway Vehicle Trail”.

(B) **REQUIREMENTS.**—In designating the trail, the Secretary shall only include trails that are—

- (i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and



(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

- (i) the Bureau of Land Management; and
- (ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

(ii) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

Deadlines.  
Assessments.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

#### SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the “Washington County, Utah Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

#### SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

#### SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) **TEMPLE QUARRY.**—The approximately 122-acre parcel known as “Temple Quarry” as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel B”, to the City of St. George, Utah, for open space and public recreation purposes.

(2) **HURRICANE CITY SPORTS PARK.**—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel C”, to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) **WASHINGTON COUNTY SCHOOL DISTRICT.**—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel D”, to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) **WASHINGTON COUNTY JAIL.**—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel E”, to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) **HURRICANE EQUESTRIAN PARK.**—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel F”, to the City of Hurricane, Utah, for use as a public equestrian park.

(b) **MAP AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **REVERSION.**—

(1) **IN GENERAL.**—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) **RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.**—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

#### **SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.**

(a) **DEFINITIONS.**—In this section:

(1) **COVERED FEDERAL LAND.**—The term “covered Federal land” means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) **LANDOWNER.**—The term “landowner” means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) **MAP.**—The term “map” means the map entitled “Conveyance of Dixie National Forest Land” and dated December 18, 2008.



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

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—

(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) any other applicable law (including regulations).

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

**SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS.** 25 USC 766 note.

(a) DEFINITIONS.—In this section:

(1) PARCEL A.—The term “Parcel A” means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled “Washington County Growth and Conservation Act Map”.

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

(3) TRIBE.—The term “Tribe” means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.—

(1) IN GENERAL.—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

Deadline.

(2) SURVEY; LEGAL DESCRIPTION.—

(A) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

Federal Register,  
publication.

(B) LEGAL DESCRIPTION OF PARCEL A.—

(i) IN GENERAL.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

Effective date.

(iii) EFFECT.—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) LAND TO BE MADE A PART OF THE RESERVATION.—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

#### SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

## TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

### Subtitle A—National Landscape Conservation System

16 USC 7201.

#### SEC. 2001. DEFINITIONS.

In this subtitle:

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

(2) SYSTEM.—The term “system” means the National Landscape Conservation System established by section 2002(a).

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192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

## TITLE III—FOREST SERVICE AUTHORIZATIONS

### Subtitle A—Watershed Restoration and Enhancement

#### SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended—

(1) in subsection (a), by striking “each of fiscal years 2006 through 2011” and inserting “fiscal year 2006 and each fiscal year thereafter”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

“(1) a watershed restoration and enhancement agreement entered into under this section; or



“(2) an agreement entered into under the first section of Public Law 94-148 (16 U.S.C. 565a-1).”.

## Subtitle B—Wildland Firefighter Safety

### SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

16 USC 551d.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term “Secretaries” means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) WILDLAND FIREFIGHTER.—The term “wildland firefighter” means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries;

or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) TIMELINE.—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

## Subtitle C—Wyoming Range

### SEC. 3201. DEFINITIONS.

In this subtitle:

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

(2) WYOMING RANGE WITHDRAWAL AREA.—The term “Wyoming Range Withdrawal Area” means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled “Wyoming Range Withdrawal Area” and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

### SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

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

(3) disposition under laws relating to mineral and geothermal leasing.

(b) EXISTING RIGHTS.—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) BUFFERS.—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

Applicability.

(d) LAND AND RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) CONFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) **EXCEPTION.**—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

**SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.**

(a) **NOTIFICATION OF LEASEHOLDERS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section. Deadline.

(b) **REQUEST FOR LEASE RETIREMENT.**—

(1) **IN GENERAL.**—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) **LIST OF INTERESTED HOLDERS.**—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) **PROHIBITION.**—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) **DONATION AUTHORITY.**—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) **RELATIONSHIP TO OTHER AUTHORITY.**—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

## Subtitle D—Land Conveyances and Exchanges

**SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.**

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the city of Coffman Cove, Alaska.

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to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) **DESCRIPTION OF LAND.**—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the “Elkhorn Cemetery”, as generally depicted on the map.

(3) **USE OF LAND.**—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) **EASEMENT.**—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) **REVERSION.**—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

**SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.** New Mexico.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) **LANDOWNER.**—The term “landowner” means the 1 or more owners of the non-Federal land.

(3) **MAP.**—The term “map” means the map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) **PARK.**—The term “Park” means the Pecos National Historical Park in the State.

(6) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) **STATE.**—The term “State” means the State of New Mexico.

(b) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject

to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) EASEMENT.—

(A) IN GENERAL.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner. Contracts.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of— Deadline.

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts— Deadline.

(i) the Federal land and non-Federal land exchanged under this section; and



(ii) the easement described in subsection (b)(2).

**SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.**

(a) **DEFINITIONS.**—In this section:

(1) **CLAIM.**—The term “Claim” means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) **CLAIMANTS.**—The term “Claimants” means Ramona Lawson and Boyd Lawson.

(3) **FEDERAL LAND.**—The term “Federal land” means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) **SURVEY.**—The term “survey” means the survey plat entitled “Boundary Survey and Conservation Easement Plat”, prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) **SANTA FE NATIONAL FOREST LAND CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) **SURVEY.**—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) **SATISFACTION OF CLAIM.**—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

**SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.**

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the “District”), all right, title, and interest of the United States in and to a parcel of National Forest System

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proposal for not less than 15 years after project implementation commences.

(h) **REPORT.**—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

- (1) the Committee on Energy and Natural Resources of the Senate;
- (2) the Committee on Appropriations of the Senate;
- (3) the Committee on Natural Resources of the House of Representatives; and
- (4) the Committee on Appropriations of the House of Representatives.

**SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 7304.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

## **TITLE V—RIVERS AND TRAILS**

### **Subtitle A—Additions to the National Wild and Scenic Rivers System**

**SEC. 5001. FOSSIL CREEK, ARIZONA.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(205) **FOSSIL CREEK, ARIZONA.**—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

“(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

“(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.”.

**SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.**

(a) **SHORT TITLE.**—This section may be cited as the “Craig Thomas Snake Headwaters Legacy Act of 2008”.

(b) **FINDINGS; PURPOSES.**—

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

(A) the headwaters of the Snake River System in north-west Wyoming feature some of the cleanest sources of

Craig Thomas  
Snake  
Headwaters  
Legacy Act  
of 2008.  
16 USC 1271  
note.

freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world;

and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES.—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and



(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

- (i) Grand Teton National Park;
- (ii) Yellowstone National Park;
- (iii) the John D. Rockefeller, Jr. Memorial Parkway; or
- (iv) the National Elk Refuge.

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

(d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

“(206) SNAKE RIVER HEADWATERS, WYOMING.—The following segments of the Snake River System, in the State of Wyoming:

“(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

“(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

“(C) BUFFALO FORK OF THE SNAKE RIVER.—The portions of the Buffalo Fork of the Snake River, consisting of—

“(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

“(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

“(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

“(D) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—

“(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

“(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

“(E) GRANITE CREEK.—The portions of Granite Creek, consisting of—

“(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

“(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

“(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—

“(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

“(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

“(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

“(G) HOBACK RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

“(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—

“(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

“(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

“(I) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—

“(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

“(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

“(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

“(K) SNAKE RIVER.—The portions of the Snake River, consisting of—

“(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

“(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

“(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

“(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

“(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.”.

(e) MANAGEMENT.—

(1) IN GENERAL.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph

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(205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER.—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

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



## SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

“(207) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

“(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

“(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

“(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

“(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.”.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the “Secretary”) determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

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note.

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

## Subtitle B—Wild and Scenic Rivers Studies

### SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

“(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.”

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

“(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

“(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

“(B) submit a report describing the results of that study to the appropriate committees of Congress.”.

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

## Subtitle C—Additions to the National Trails System

### SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

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

“(27) ARIZONA NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled ‘Arizona National Scenic Trail’ and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.”.

### SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

“(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail Proposed Route’, numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the ‘Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.”.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall consider the actions outlined in the Trail Management Blueprint described in the report titled the “Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment”, prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New

16 USC 1244  
note.



England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

16 USC 1244  
note.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

16 USC 1244  
note.

#### SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

16 USC 1244  
note.

##### (a) FINDINGS; PURPOSE.—

##### (1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

State listing.

##### (b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term “Ice Age floods” or “floods” means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term “plan” means the cooperative management and interpretation plan authorized under subsection (f)(5).

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

(4) TRAIL.—The term “Trail” means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled “Ice Age Floods National Geologic Trail,” numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or non-profit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

- (i) State, local, and tribal governments;
- (ii) the Ice Age Floods Institute;
- (iii) private property owners; and
- (iv) other interested parties.

Federal Register,  
publication.  
Notice.

Deadline.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled “Ice Age Floods, Study of Alternatives and Environmental Assessment” (February 2001) by—

(I) locating features more accurately;

(II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91-383 (16 U.S.C. 1a-2(l)).

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) LIABILITY.—Designation of the Trail by subsection (c) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than \$12,000,000 may be used for development of the Trail.



**SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.**

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

“(29) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled ‘WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL’, numbered T01/80,001, and dated June 2007.

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

“(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

“(i) other Federal, State, tribal, regional, and local agencies; and

“(ii) the private sector.

“(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

**SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.**

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

“(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled ‘Pacific Northwest National Scenic Trail: Proposed Trail’, numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the ‘map’).

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

“(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

“(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

**SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.**

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

“(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

“(i) The Bengé and Bell routes.

“(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

“(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

“(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).”

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: “No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.”

## **Subtitle D—National Trail System Amendments**

**SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.**

(a) **AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.—**

(1) **OREGON NATIONAL HISTORIC TRAIL.**—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than  $\frac{1}{4}$  mile on either side of the trail.”

(2) **MORMON PIONEER NATIONAL HISTORIC TRAIL.**—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to

an average of not more than  $\frac{1}{4}$  mile on either side of the trail.”.

(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than  $\frac{1}{4}$  mile on either side of the trail.”.

(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than  $\frac{1}{4}$  mile on either side of the trail.”.

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than  $\frac{1}{4}$  mile on either side of the trail.”.

(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(7) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.



(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than  $\frac{1}{4}$  mile on either side of the trail.”

(b) CONFORMING AMENDMENT.—Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the ‘trail’) designated by section 5(a)(12)—

“(i) not more than \$500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

“(ii) not more than \$2,000,000 shall be appropriated for the development of the trail.

“(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”

#### SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

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

“(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ROUTE.—The term ‘route’ includes a trail segment commonly known as a cutoff.

“(B) SHARED ROUTE.—The term ‘shared route’ means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

“(2) REQUIREMENTS FOR REVISION.—

“(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

“(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

“(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted

Applicability.

Deadline.

to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

“(3) OREGON NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) Whitman Mission route.

“(ii) Upper Columbia River.

“(iii) Cowlitz River route.

“(iv) Meek cutoff.

“(v) Free Emigrant Road.

“(vi) North Alternate Oregon Trail.

“(vii) Goodale’s cutoff.

“(viii) North Side alternate route.

“(ix) Cutoff to Barlow road.

“(x) Naches Pass Trail.

“(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

“(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) MISSOURI VALLEY ROUTES.—

“(I) Blue Mills-Independence Road.

“(II) Westport Landing Road.

“(III) Westport-Lawrence Road.

“(IV) Fort Leavenworth-Blue River route.

“(V) Road to Amazonia.

“(VI) Union Ferry Route.

“(VII) Old Wyoming-Nebraska City cutoff.

“(VIII) Lower Plattsmouth Route.

“(IX) Lower Bellevue Route.

“(X) Woodbury cutoff.

“(XI) Blue Ridge cutoff.

- “(XII) Westport Road.
- “(XIII) Gum Springs-Fort Leavenworth route.
- “(XIV) Atchison/Independence Creek routes.
- “(XV) Fort Leavenworth-Kansas River route.
- “(XVI) Nebraska City cutoff routes.
- “(XVII) Minersville-Nebraska City Road.
- “(XVIII) Upper Plattsmouth route.
- “(XIX) Upper Bellevue route.

“(ii) CENTRAL ROUTES.—

- “(I) Cherokee Trail, including splits.
- “(II) Weber Canyon route of Hastings cutoff.
- “(III) Bishop Creek cutoff.
- “(IV) McAuley cutoff.
- “(V) Diamond Springs cutoff.
- “(VI) Secret Pass.
- “(VII) Greenhorn cutoff.
- “(VIII) Central Overland Trail.

“(iii) WESTERN ROUTES.—

- “(I) Bidwell-Bartleson route.
- “(II) Georgetown/Dagget Pass Trail.
- “(III) Big Trees Road.
- “(IV) Grizzly Flat cutoff.
- “(V) Nevada City Road.
- “(VI) Yreka Trail.
- “(VII) Henness Pass route.
- “(VIII) Johnson cutoff.
- “(IX) Luther Pass Trail.
- “(X) Volcano Road.
- “(XI) Sacramento-Coloma Wagon Road.
- “(XII) Burnett cutoff.
- “(XIII) Placer County Road to Auburn.

“(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

- “(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).
- “(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).
- “(iii) Keokuk route (Iowa).
- “(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.
- “(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).
- “(vi) 1850 Golden Pass Road in Utah.

“(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—



“(A) **STUDY REQUIRED.**—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

“(B) **COVERED ROUTES.**—The routes to be studied under subparagraph (A) shall include the following:

- “(i) St. Joe Road.
- “(ii) Council Bluffs Road.
- “(iii) Sublette cutoff.
- “(iv) Applegate route.
- “(v) Old Fort Kearny Road (Oxbow Trail).
- “(vi) Childs cutoff.
- “(vii) Raft River to Applegate.”.

#### **SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.**

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

“(44) **CHISHOLM TRAIL.**—

“(A) **IN GENERAL.**—The Chisholm Trail (also known as the ‘Abilene Trail’), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

“(B) **REQUIREMENT.**—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

“(45) **GREAT WESTERN TRAIL.**—

“(A) **IN GENERAL.**—The Great Western Trail (also known as the ‘Dodge City Trail’), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan’s Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

“(B) **REQUIREMENT.**—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.”.

## **Subtitle E—Effect of Title**

16 USC 1244  
note.

#### **SEC. 5401. EFFECT.**

(a) **EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.**—Nothing in this title shall be construed as affecting access for recreational

activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) **EFFECT ON STATE AUTHORITY.**—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

## **TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS**

### **Subtitle A—Cooperative Watershed Management Program**

#### **SEC. 6001. DEFINITIONS.**

16 USC 1015.

In this subtitle:

(1) **AFFECTED STAKEHOLDER.**—The term “affected stakeholder” means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) **GRANT RECIPIENT.**—The term “grant recipient” means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) **PROGRAM.**—The term “program” means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

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

(5) **WATERSHED GROUP.**—The term “watershed group” means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

16 USC 1015b.

**SEC. 6003. EFFECT OF SUBTITLE.**

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

## **Subtitle B—Competitive Status for Federal Employees in Alaska**

### **SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.**

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

“(e) **COMPETITIVE STATUS.**—

“(1) **IN GENERAL.**—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

Deadlines.

“(2) **REDESIGNATION OF CERTAIN POSITIONS.**—

“(A) **PERSONS SERVING IN ORIGINAL POSITIONS.**—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

“(B) **PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.**—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

“(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

“(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.”.

7 USC 426 note.

## **Subtitle C—Wolf Livestock Loss Demonstration Project**

### **SEC. 6201. DEFINITIONS.**

In this subtitle:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) **LIVESTOCK.**—The term “livestock” means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

\* \* \* \* \*



(e) **ELIGIBLE LAND.**—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) **FEDERAL COST SHARE.**—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

**SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this subtitle \$1,000,000 for fiscal year 2009 and each fiscal year thereafter.

## **Subtitle D—Paleontological Resources Preservation**

16 USC 470aaa.

**SEC. 6301. DEFINITIONS.**

In this subtitle:

(1) **CASUAL COLLECTING.**—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth’s surface and other resources. As used in this paragraph, the terms “reasonable amount”, “common invertebrate and plant paleontological resources” and “negligible disturbance” shall be determined by the Secretary.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) **INDIAN LAND.**—The term “Indian Land” means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) **PALEONTOLOGICAL RESOURCE.**—The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) **STATE.**—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

**SEC. 6302. MANAGEMENT.**16 USC  
470aaa-1.

(a) **IN GENERAL.**—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize inter-agency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

Plans.

(b) **COORDINATION.**—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

**SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.**16 USC  
470aaa-2.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

**SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.**16 USC  
470aaa-3.**(a) PERMIT REQUIREMENT.—**

(1) **IN GENERAL.**—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) **CASUAL COLLECTING EXCEPTION.**—The Secretary shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) **PREVIOUS PERMIT EXCEPTION.**—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) **CRITERIA FOR ISSUANCE OF A PERMIT.**—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) **PERMIT SPECIFICATIONS.**—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURES.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

16 USC  
470aaa-4.

#### SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

16 USC  
470aaa-5.

#### SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.



(d) **MULTIPLE OFFENSES.**—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) **GENERAL EXCEPTION.**—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

#### SEC. 6307. CIVIL PENALTIES.

16 USC

470aaa-6.

##### (a) **IN GENERAL.**—

(1) **HEARING.**—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

Notification.

(2) **AMOUNT OF PENALTY.**—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

Regulations.

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) **MULTIPLE OFFENSES.**—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) **LIMITATION.**—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

##### (b) **PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.**—

Deadlines.

(1) **JUDICIAL REVIEW.**—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

Records.

(2) **FAILURE TO PAY.**—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment

of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person is found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) **HEARINGS.**—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) **USE OF RECOVERED AMOUNTS.**—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, and to protect, monitor, and study the resources and sites.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

16 USC  
470aaa-7.

#### **SEC. 6308. REWARDS AND FORFEITURE.**

(a) **REWARDS.**—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) **FORFEITURE.**—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture.

(c) **TRANSFER OF SEIZED RESOURCES.**—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

16 USC  
470aaa-8.

#### **SEC. 6309. CONFIDENTIALITY.**

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

- (2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and
- (3) be in accordance with other applicable laws.

**SEC. 6310. REGULATIONS.**

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

Notice.  
Public comment.  
16 USC  
470aaa-9.

**SEC. 6311. SAVINGS PROVISIONS.**

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701-1784), Public Law 94-429 (commonly known as the “Mining in the Parks Act”) (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

16 USC  
470aaa-10.

**SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

16 USC  
470aaa-11.

## Subtitle E—Izembek National Wildlife Refuge Land Exchange

Alaska.  
16 USC 668dd  
note.

**SEC. 6401. DEFINITIONS.**

In this subtitle:

\* \* \* \* \*



the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) INJUNCTION.—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

## **TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS**

### **Subtitle A—Additions to the National Park System**

**SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.** 16 USC 410111.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the City of Paterson, New Jersey.

(2) COMMISSION.—The term “Commission” means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term “Historic District” means the Great Falls Historic District in the State.

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Park developed under subsection (d).

(5) MAP.—The term “Map” means the map entitled “Paterson Great Falls National Historical Park—Proposed Boundary”, numbered T03/80,001, and dated May 2008.

(6) PARK.—The term “Park” means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

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

(8) STATE.—The term “State” means the State of New Jersey.

(b) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the “Paterson Great Falls National Historical Park”.

(B) CONDITIONS FOR ESTABLISHMENT.—The Park shall not be established until the date on which the Secretary determines that—

Contract.

(i)(I) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(II) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) PURPOSE.—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) BOUNDARIES.—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

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

Deadline.  
Federal Register,  
publication.

(5) PUBLICATION OF NOTICE.—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

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

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

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) MATCHING FUNDS.—

(i) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) FORM.—With the approval of the Secretary, the non-Federal share required under clause (i) may



be in the form of donated property, goods, or services from a non-Federal source.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) DONATION OF STATE OWNED LAND.—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.—

The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91-383 (commonly known as the “National Park Service General Authorities Act”) (16 U.S.C. 1a-7(b)); and

(B) other applicable laws.

(2) COST SHARE.—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) SUBMISSION TO CONGRESS.—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the “Paterson Great Falls National Historical Park Advisory Commission”.

(2) DUTIES.—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

Deadline.

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—A member shall be appointed for a term of 3 years.

(ii) REAPPOINTMENT.—A member may be reappointed for not more than 1 additional term.

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

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) QUORUM.—A majority of the Commission shall constitute a quorum.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

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

(C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) COMMISSION PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Members of the Commission shall serve without compensation.

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

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

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

(10) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) STUDY OF HINCHLIFFE STADIUM.—

Deadline.

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) INCLUSIONS.—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

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

Arkansas.  
16 USC 461 note.

**SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.**

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the “President William Jefferson Clinton Birthplace Home National Historic Site”.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

Michigan.  
16 USC 430vv.

**SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the “Secretary”) shall accept the donated land.

(2) DESIGNATION OF PARK.—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be



known as the “River Raisin National Battlefield Park” (referred to in this section as the “Park”).

(3) LEGAL DESCRIPTION.—

(A) IN GENERAL.—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—

A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site. Deadline.

(B) CONSULTATION.—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) INCLUSIONS.—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) SUBMISSION TO CONGRESS.—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

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

## Subtitle B—Amendments to Existing Units of the National Park System

### SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) ACQUISITION OF PROPERTY.—Section 4 of Public Law 102-543 (16 U.S.C. 410yy-3) is amended by striking subsection (d).

(b) MATCHING FUNDS.—Section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-7(b)) is amended by striking “\$4” and inserting “\$1”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 102-543 (16 U.S.C. 410yy-9) is amended—

(1) in subsection (a)—

(A) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(B) by striking “\$3,000,000” and inserting “\$25,000,000”; and

(2) in subsection (b), by striking “\$100,000” and all that follows through “those duties” and inserting “\$250,000”.

### 16 USC 461 note. SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking “contiguous to” and all that follows and inserting “within Fairfield County.”;

(2) by amending paragraph (2) to read as follows:

“(2) DEVELOPMENT.—

“(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).”; and

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “the appropriate zoning authority” and all that follows through “Wilton, Connecticut,” and inserting “the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)”.

### SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking “The Preserve” and inserting the following:

“(1) IN GENERAL.—The Preserve”; and

(B) by adding at the end the following:

“(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled ‘Little River Canyon National Preserve Proposed Boundary’, numbered 152/80,004, and dated December 2007.”; and

(2) in subsection (c), by striking “map” and inserting “maps”.

**SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK** Ohio.  
**BOUNDARY EXPANSION.**

Section 2 of the Act entitled “An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio”, approved May 27, 1992 (106 Stat. 185), is amended—

16 USC 410uu-1.

(1) by striking “and” at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting “; and”;

(3) by adding after subsection (a)(4) the following new paragraph:

“(5) the map entitled ‘Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment’ numbered 353/80,049 and dated June, 2006.”; and

(4) by adding after subsection (d)(2) the following new paragraph:

“(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.”.

**SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE**  
**BOUNDARY ADJUSTMENT.**

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking “of approximately twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve’ numbered 90,000B and dated April 1978,” and inserting “generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/80100A, and dated December 2007.”.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking “(a) Within the” and all that follows through the first sentence and inserting the following:

“(a) IN GENERAL.—

“(1) BARATARIA PRESERVE UNIT.—

“(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as ‘Lands Proposed for Addition’ may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.



“(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

Effective date.

“(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as ‘Lands Proposed for Addition’ is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.”;

(B) in the second sentence, by striking “The Secretary may also acquire by any of the foregoing methods” and inserting the following:

“(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)”;

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

“(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water”; and

(D) in the fourth sentence, by striking “In acquiring” and inserting the following:

“(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring”;

(2) by striking subsections (b) through (f) and inserting the following:

“(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

“(1) fresh water drainage patterns;

“(2) vegetative cover;

“(3) the integrity of ecological and biological systems; and

“(4) water and air quality.

“(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

“(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

“(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.”; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting “(or January 1, 2007, for areas added to the park after that date)” after “January 1, 1977”.

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking “, except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he” and inserting “on land, and interests in land and water managed by the Secretary, except that the Secretary”.

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

16 USC 230 note.

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

16 USC 230 note,  
231, 231a, 231b.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking “Barataria Marsh Unit” each place it appears and inserting “Barataria Preserve Unit”; and

16 USC 230b,  
230d.

(B) by striking “Jean Lafitte National Historical Park” each place it appears and inserting “Jean Lafitte National Historical Park and Preserve”.

16 USC 230,  
230a, 230h.

#### SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

Massachusetts.  
16 USC 410t  
note.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Minute Man National Historical Park Proposed Boundary”, numbered 406/81001, and dated July 2007.

(2) PARK.—The term “Park” means the Minute Man National Historical Park in the State of Massachusetts.

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

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

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

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

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

#### SEC. 7107. EVERGLADES NATIONAL PARK.

Florida.  
16 USC 410r-9.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term “Hurricane Hole” means the natural salt-water body of water within the

Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term “map” means the map entitled “Proposed Tarpon Basin Boundary Revision”, numbered 160/80,012, and dated May 2008.

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

(D) TARPON BASIN PROPERTY.—The term “Tarpon Basin property” means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

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

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

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

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) COMPANY.—The term “Company” means Florida Power & Light Company.

(B) FEDERAL LAND.—The term “Federal Land” means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term “map” means the map prepared by the National Park Service, entitled “Proposed Land Exchanges, Everglades National Park”, numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK.—The term “National Park” means the Everglades National Park located in the State.



(E) NON-FEDERAL LAND.—The term “non-Federal land” means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as “Tract D”.

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

(G) STATE.—The term “State” means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract A”.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to

the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

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

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

Hawaii.  
16 USC 410jj-4  
note.  
Ka ‘Ohana O  
Kalaupapa.  
Establishment.

#### SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka ‘Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka ‘Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

**SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.** Massachusetts.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

“(3) AGREEMENTS.—

“(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term ‘eligible entity’ means—

“(i) the Commonwealth of Massachusetts;

“(ii) a political subdivision of the Commonwealth of Massachusetts; or

“(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

“(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

“(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

“(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

“(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

“(i) appropriations for carrying out the purposes of the agreement are available; and

“(ii) the agreement is in the best interests of the United States.”.

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking “Coast Guard” and inserting “Coast Guard.”.



(2) DONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking “Notwithstanding” and inserting “Notwithstanding”.

16 USC  
410mm.

**SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.**

(a) PURPOSES.—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the “Historical Park”).

(2) BOUNDARIES.—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the “Secretary”) for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the “Thomas Edison National Historical Park”, numbered 403/80,000, and dated April 2008.

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

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled “An Act to establish a National Park Service, and for other purposes,” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,” approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87-628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the

16 USC 461 note.

16 USC 431 note.

“Edison National Historic Site” shall be deemed to be a reference to the “Thomas Edison National Historical Park”.

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

**SEC. 7111. WOMEN’S RIGHTS NATIONAL HISTORICAL PARK.**

New York.  
16 USC 469m.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 96–607 (16 U.S.C. 4101l) is amended by adding at the end the following:

**“SEC. 1602. VOTES FOR WOMEN TRAIL.**

16 USC 4101l–1.

“(a) DEFINITIONS.—In this section:

“(1) PARK.—The term ‘Park’ means the Women’s Rights National Historical Park established by section 1601.

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

“(3) STATE.—The term ‘State’ means the State of New York.

“(4) TRAIL.—The term ‘Trail’ means the Votes for Women History Trail Route designated under subsection (b).

“(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the ‘Votes for Women History Trail Route’, to link properties in the State that are historically and thematically associated with the struggle for women’s suffrage in the United States.

“(c) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

“(d) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

“(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

“(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

“(3) create and adopt an official, uniform symbol or device to mark the Trail; and

“(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

Guidelines.

“(e) ELEMENTS OF TRAIL ROUTE.—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

“(1) all units and programs of the Park relating to the struggle for women’s suffrage;

“(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women’s suffrage; and

“(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women’s suffrage.

“(f) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—

“(1) IN GENERAL.—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and

non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).”.

(b) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women’s rights history properties.

(2) ELIGIBILITY.—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women’s rights movement, such as politics, economics, education, religion, and social and family rights.

Web posting.

(3) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled “Places Where Women Made History” is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

(c) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.—

(1) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the “network”), the purpose of which is to provide interpretive and educational program development of national women’s rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.—

Designation.

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) COST-SHARING REQUIREMENT.—



(A) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

#### SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

New York.  
16 USC 461 note.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term “historic site” means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93-486 (16 U.S.C. 461 note) on October 26, 1974.

(2) MAP.—The term “map” means the map entitled “Boundary Map, Martin Van Buren National Historic Site”, numbered “460/80801”, and dated January 2005.

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

(b) BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the “PROPOSED PARK BOUNDARY”, as generally depicted on the map.

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

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

(4) ADMINISTRATION.—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

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

#### SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK. Texas.

(a) DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Palo Alto Battlefield National Historic Site shall be known and designated as the “Palo Alto Battlefield National Historical Park”. 16 USC 410nnn note.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park. 16 USC 410nnn note.

(3) CONFORMING AMENDMENTS.—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) is amended—

(A) by striking “National Historic Site” each place it appears and inserting “National Historical Park”;

(B) in the heading for section 3, by striking “NATIONAL HISTORIC SITE” and inserting “NATIONAL HISTORICAL PARK”; and

(C) by striking “historic site” each place it appears and inserting “historical park”.

(b) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking “(1) The historical park” and inserting the following:

“(1) IN GENERAL.—The historical park”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

“(2) ADDITIONAL LAND.—

“(A) IN GENERAL.—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled ‘Palo Alto Battlefield NHS Proposed Boundary Expansion’, numbered 469/80,012, and dated May 21, 2008.

“(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.”; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking “(3) Within” and inserting the following:

“(3) LEGAL DESCRIPTION.—Not later than”; and

(B) in the second sentence, by striking “map referred to in paragraph (1)” and inserting “maps referred to in paragraphs (1) and (2)”.

Kentucky.  
16 USC 217b.

#### SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the “Abraham Lincoln Birthplace National Historical Park”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the “Abraham Lincoln Birthplace National Historical Park”.

#### SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended in the first sentence by striking “may” and inserting “shall”.

#### SEC. 7116. TECHNICAL CORRECTIONS.

(a) GAYLORD NELSON WILDERNESS.—

(1) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108-447), is amended—

(A) in subsection (a), by striking “Gaylord A. Nelson” and inserting “Gaylord Nelson”; and

(B) in subsection (c)(4), by striking “Gaylord A. Nelson Wilderness” and inserting “Gaylord Nelson Wilderness”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Gaylord A. Nelson Wilderness” shall be deemed to be a reference to the “Gaylord Nelson Wilderness”.

(b) ARLINGTON HOUSE LAND TRANSFER.—Section 2863(h)(1) of Public Law 107-107 (115 Stat. 1333) is amended by striking “the George Washington Memorial Parkway” and inserting “Arlington House, The Robert E. Lee Memorial,”.

(c) CUMBERLAND ISLAND WILDERNESS.—Section 2(a)(1) of Public Law 97-250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking “numbered 640/20,038I, and dated September 2004” and inserting “numbered 640/20,038K, and dated September 2005”.

(d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108-430) is amended by striking “numbered 110/80,044, and dated July 2004” and inserting “numbered 110/80,045, and dated January 2005”.

(e) COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting “Natural” before “Resources”;

(2) in section 8904(b), by inserting “Advisory” before “Commission”; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting “Advisory” before “Commission”; and

(B) in the second sentence, by striking “House Administration” and inserting “Natural Resources”.

(f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking “The John Smith” and inserting “The Captain John Smith”.

(g) DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109-338; 120 Stat. 1856) is amended by striking “under section 605”.

(h) USE OF RECREATION FEES.—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking “section 6(a)” and inserting “section 806(a)”.

(i) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297F(b)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109-338; 120 Stat. 1844) is amended by inserting “duties” before “of the”. 16 USC 461 note.

(j) CUYAHOGA VALLEY NATIONAL PARK.—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 1110-229; 122 Stat. 827) is amended by striking “Cayohoga” each place it appears and inserting “Cuyahoga”. 16 USC 461 note.

(k) PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.—

(1) NAME ON MAP.—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-199; 40 U.S.C. 872 note) is amended by striking “map entitled ‘Pennsylvania Avenue National Historic Park’, dated June 1, 1995, and numbered 840-82441” and inserting “map entitled ‘Pennsylvania Avenue National Historic Site’, dated August 25, 2008, and numbered 840-82441B”. 16 USC 6702.



16 USC 6702  
note.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the “Pennsylvania Avenue National Historic Site”.

**SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.**

16 USC 410ww. (a) ADDITIONAL AREAS INCLUDED IN PARK.—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

“(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled ‘Dayton Aviation Heritage National Historical Park’, numbered 362/80,013 and dated May 2008:

“(1) Hawthorn Hill, Oakwood, Ohio.

“(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.”.

(b) PROTECTION OF HISTORIC PROPERTIES.—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww-1) is amended—

(1) in subsection (a), by inserting “Hawthorn Hill, the Wright Company factory,” after “, acquire”;

(2) in subsection (b), by striking “Such agreements” and inserting:

“(d) CONDITIONS.—Cooperative agreements under this section”;

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

“(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.”; and

(4) by striking “Commission” and inserting “Aviation Heritage Foundation”.

(c) GRANT ASSISTANCE.—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

16 USC  
410ww-7.

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

“(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park’s general management plan, and shall enhance public use and enjoyment of the park.”.

(d) NATIONAL AVIATION HERITAGE AREA.—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108-447), is amended—

- (1) in section 503(3), by striking “104” and inserting “504”;
- (2) in section 503(4), by striking “106” and inserting “506”;
- (3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and
- (4) in section 505(b)(1), by striking “106” and inserting “506”.

**SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.**

Public Law 87-213 (16 U.S.C. 461 note) is amended as follows:

- (1) In the first section—
  - (A) by striking “the Secretary of the Interior” and inserting “(a) The Secretary of the Interior”;
  - (B) by striking “476 acres” and inserting “646 acres”;
  - and
  - (C) by adding at the end the following:
 

“(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled ‘Fort Davis Proposed Boundary Expansion’, numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.”.
- (2) By repealing section 3.

## Subtitle C—Special Resource Studies

**SEC. 7201. WALNUT CANYON STUDY.**

(a) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “map” means the map entitled “Walnut Canyon Proposed Study Area” and dated July 17, 2007.

(2) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) **STUDY AREA.**—The term “study area” means the area identified on the map as the “Walnut Canyon Proposed Study Area”.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) **CONSULTATION.**—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities. Public comment.

(3) **REPORT.**—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

- (A) the results of the study; and
- (B) any recommendations of the Secretaries.

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

#### **SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) **STUDY GUIDELINES.**—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(3) **CONSULTATION.**—In conducting the study, the Secretary shall consult with—

- (A) Modoc County;
- (B) the State of California;
- (C) appropriate Federal agencies;
- (D) tribal and local government entities;
- (E) private and nonprofit organizations; and
- (F) private landowners.

(4) **SCOPE OF STUDY.**—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

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

Virgin Islands.

#### **SEC. 7203. ESTATE GRANGE, ST. CROIX.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources



associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall evaluate— Evaluation.

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

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

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

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

#### SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate— Deadline.

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) STUDY GUIDELINES.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(b) REPORT.—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

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

#### SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) SPECIAL RESOURCES STUDY.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) **CRITERIA.**—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

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

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

**SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.**

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the “site”) to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) **CRITERIA.**—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **CONTENTS.**—The study authorized by this section shall—

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

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

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

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

**SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.**

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the “birthplace site”) in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

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

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

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

#### SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

West Virginia.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the “Matewan Massacre”) of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

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

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

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

#### SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study along the route known as the “Ox-Bow Route” of the Butterfield Overland Trail (referred to in this section as the “route”) in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

State listing.

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other



Federal, State, or local government entities, or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

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

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

16 USC 1a-5  
note.

**SEC. 7210. COLD WAR SITES THEME STUDY.**

(a) **DEFINITIONS.**—

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Cold War Advisory Committee established under subsection (c).

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

(3) **THEME STUDY.**—The term “theme study” means the national historic landmark theme study conducted under subsection (b)(1).

(b) **COLD WAR THEME STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) **RESOURCES.**—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) **CONTENTS.**—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

- (i) State and local governments;
- (ii) local historical organizations; and
- (iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

- (A) the Secretary of the Air Force;
- (B) State and local officials;
- (C) State historic preservation offices; and
- (D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the “Cold War Advisory Committee”, to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

- (A) 3 shall have expertise in Cold War history;
- (B) 2 shall have expertise in historic preservation;
- (C) 1 shall have expertise in the history of the United States; and
- (D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall— Deadline.

(1) prepare and publish an interpretive handbook on the Cold War; and Publication.

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000.

#### SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South

Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

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

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

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

(1) the results of the study; and

(2) any recommendations of the Secretary.

**SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.**

(a) **DEFINITIONS.**—In this section:

(1) **FORT SAN GERÓNIMO.**—The term “Fort San Gerónimo” (also known as “Fortín de San Gerónimo del Boquerón”) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) **RELATED RESOURCES.**—The term “related resources” means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

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

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

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

(1) the results of the study; and

(2) any recommendations of the Secretary.



## Subtitle D—Program Authorizations

### SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

16 USC 469k-1.

(a) **PURPOSE.**—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) **PRESERVATION ASSISTANCE.**—

(1) **IN GENERAL.**—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) **FINANCIAL ASSISTANCE.**—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 annually to carry out this subsection, to remain available until expended.

(c) **BATTLEFIELD ACQUISITION GRANT PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **BATTLEFIELD REPORT.**—The term “Battlefield Report” means the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State or local government.

(C) **ELIGIBLE SITE.**—The term “eligible site” means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) **ESTABLISHMENT.**—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) **NONPROFIT PARTNERS.**—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) **NON-FEDERAL SHARE.**—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) **LIMITATION ON LAND USE.**—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to provide grants under this subsection \$10,000,000 for each of fiscal years 2009 through 2013.

16 USC 469n.

**SEC. 7302. PRESERVE AMERICA PROGRAM.**

(a) **PURPOSE.**—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) **DEFINITIONS.**—In this section:

(1) **COUNCIL.**—The term “Council” means the Advisory Council on Historic Preservation.

(2) **HERITAGE TOURISM.**—The term “heritage tourism” means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) **PROGRAM.**—The term “program” means the Preserve America Program established under subsection (c)(1).

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

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) **ELIGIBLE PROJECTS.**—

(A) **IN GENERAL.**—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant. Grants.

(3) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) CONSULTATION AND NOTIFICATION.—

(A) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year. Deadline. List.

(5) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) DESIGNATION OF PRESERVE AMERICA COMMUNITIES.—

(1) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1)



shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) **LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.**—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) **GUIDELINES.**—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

Guidelines.

(e) **REGULATIONS.**—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$25,000,000 for each fiscal year, to remain available until expended.

16 USC 469o.

**SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.**

(a) **PURPOSE.**—The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President's Committee on the Arts and the Humanities.

(b) **DEFINITIONS.**—In this section:

(1) **COLLECTION.**—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) **HISTORIC PROPERTY.**—The term “historic property” has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) **NATIONALLY SIGNIFICANT.**—The term “nationally significant” means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section

101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term “program” means the Save America’s Treasures Program established under subsection (c)(1).

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

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Save America’s Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties. Grants.

(2) DETERMINATION OF GRANTS.—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(A) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

- (i) nationally significant; and
- (ii) threatened or endangered.

(B) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate. Determination.

(C) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

- (i) be listed in the National Register of Historic Places at the national level of significance; or
- (ii) be designated as a National Historic Landmark.

(5) SELECTION CRITERIA FOR GRANTS.—

(A) IN GENERAL.—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

- (i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;
- (ii) has a clear public benefit; and
- (iii) is able to be completed on schedule and within the budget described in the grant application.

(B) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(A) CONSULTATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) LIMITATION.—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

Deadline.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

Guidelines.

(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until expended.

**SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.**

Section 4 of Public Law 106-45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking “2009” and inserting “2019”.



**SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.**

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105–325) is amended by striking section 5 and inserting the following:

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

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”.

**Subtitle E—Advisory Commissions**

Extensions.

**SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.**

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking “ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996” and inserting “on December 31, 2018”.

**SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.**

Effective September 26, 2008, section 8(a) of Public Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the second sentence by striking “2008” and inserting “2018”.

Effective dates.

**SEC. 7403. CONCESSIONS MANAGEMENT ADVISORY BOARD.**

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking “2008” and inserting “2009”.

**SEC. 7404. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.**Florida.  
16 USC 470a  
note.

(a) **DEFINITIONS.**—In this section:

(1) **COMMEMORATION.**—The term “commemoration” means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) **COMMISSION.**—The term “Commission” means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) **GOVERNOR.**—The term “Governor” means the Governor of the State.

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

(5) **STATE.**—

(A) **IN GENERAL.**—The term “State” means the State of Florida.

(B) **INCLUSION.**—The term “State” includes agencies and entities of the State of Florida.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established a commission, to be known as the “St. Augustine 450th Commemoration Commission”.

(2) **MEMBERSHIP.**—

(A) **COMPOSITION.**—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

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

(ii) VACANCIES.—

(I) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

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

(iii) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

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

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

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

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission. Deadline.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

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

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

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

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

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

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

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

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

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

(4) PROCUREMENT.—

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

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

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

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—



(A) provide grants in amounts not to exceed \$20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

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

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

(3) DIRECTOR AND STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

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

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

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

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

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

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

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

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

(8) **SUPPORT SERVICES.**—

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

(B) **REIMBURSEMENT.**—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

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

(10) **NO EFFECT ON AUTHORITY.**—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) **PLANS; REPORTS.**—

(1) **STRATEGIC PLAN.**—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) **FINAL REPORT.**—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

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

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

(C) the findings and recommendations of the Commission.

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

(1) **IN GENERAL.**—There is authorized to be appropriated to the Commission to carry out this section \$500,000 for each of fiscal years 2009 through 2015.

(2) **AVAILABILITY.**—Amounts made available under paragraph (1) shall remain available until December 31, 2015. Expiration date.

(h) **TERMINATION OF COMMISSION.**—

(1) **DATE OF TERMINATION.**—The Commission shall terminate on December 31, 2015.

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

## TITLE VIII—NATIONAL HERITAGE AREAS

### Subtitle A—Designation of National Heritage Areas

16 USC 461 note. SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) MAP.—The term “map” means the map entitled “Proposed Sangre De Cristo National Heritage Area” and dated November 2005.

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

(6) STATE.—The term “State” means the State of Colorado.

(b) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

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

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

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

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision



of the State, nonprofit organizations, and other interested parties;

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

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

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary; Management plan.

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

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

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan; Public information. Deadlines.

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

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made); Deadline. Reports.

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; Records.

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

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

(II) any other property in the core area that—  
(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

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

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage

Area, may best be coordinated to carry out this section;  
and

(vii) an interpretive plan for the Heritage Area;

and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and inter-agency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

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

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

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

Deadline.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

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

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

Recommendations.

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

Deadline.

(D) AMENDMENTS.—

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

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to



carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

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

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

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

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

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—

Nothing in this section—

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

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

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

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

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

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

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

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

(B) prepare a report in accordance with paragraph

(3).

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

(A) assess the progress of the management entity with respect to—

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

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

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

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

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 8002. CACHE LA POUFRE RIVER NATIONAL HERITAGE AREA, COLORADO.** 16 USC 461 note.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1).

(4) MAP.—The term “map” means the map entitled “Cache La Poudre River National Heritage Area”, numbered 960/80,003, and dated April, 2004.

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

(6) STATE.—The term “State” means the State of Colorado.

(b) CACHE LA POUFRE RIVER NATIONAL HERITAGE AREA.—

(1) **ESTABLISHMENT.**—There is established in the State the Cache La Poudre River National Heritage Area.

(2) **BOUNDARIES.**—The Heritage Area shall consist of the area depicted on the map.

(3) **MAP.**—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) **LOCAL COORDINATING ENTITY.**—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) **ADMINISTRATION.**—

(1) **AUTHORITIES.**—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

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

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and

Management  
plan.



sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

Public  
information.  
Deadlines.

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

Deadline.  
Reports.

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

Records.

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

Records.

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

Deadline.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

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

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

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

Deadline.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

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

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

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

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

(ii) make recommendations for revisions to the management plan; and

Recommendations.

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

Deadline.

(5) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

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

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

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

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

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—

Nothing in this section—

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

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

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

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



(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

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

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

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

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

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

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

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

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

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

(ii) the Committee on Natural Resources of the House of Representatives.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) CONFORMING AMENDMENT.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104-323) is repealed.

**SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.**

16 USC 461 note.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term “Heritage Area” means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term “map” means the map entitled “South Park National Heritage Area Map (Proposed)”, dated January 30, 2006.

(6) PARTNER.—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

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

(8) STATE.—The term “State” means the State of Colorado.

(9) TECHNICAL ASSISTANCE.—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

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

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made

available under this section to acquire real property or any interest in real property.

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

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

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

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) **DUTIES.**—The management entity shall—

Management  
plan.

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

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

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;



(D) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

Public  
information.  
Deadlines.

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

Deadline.  
Reports.

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

Records.

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

Records.

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

Deadline.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

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

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

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

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and inter-agency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

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

Deadline.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

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

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

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

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

Recommendations.

Deadline.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

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

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

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

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

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—

Nothing in this section—

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

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

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

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

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



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

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

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

(B) prepare a report in accordance with paragraph

(3).

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

(A) assess the progress of the management entity with respect to—

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

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

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

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

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

16 USC 461 note.

**SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.**

(a) DEFINITIONS.—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

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

(5) **STATE.**—The term “State” means the State of North Dakota.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) **BOUNDARIES.**—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

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

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) **DUTIES.**—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section; Management plan.

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

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

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

(iii) the amounts and sources of matching funds;

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

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

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

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

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

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

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

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

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

(ii) economic and community development; and

(iii) heritage planning;

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

(E) contract for goods or services; and

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

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

(5) **OTHER SOURCES.**—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

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

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

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

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

Deadline.



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

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

(i) performance goals;

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

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

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

(H) include a business plan that—

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

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

(3) DEADLINE.—

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

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

(4) APPROVAL OF MANAGEMENT PLAN.—

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

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

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural, and historic resource protection organizations, educational

institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

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

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

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

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

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

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

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

(C) DISAPPROVAL.—

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

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

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

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

(D) AMENDMENTS.—

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

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

Review.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

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

(4) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

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

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

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—  
Nothing in this section—

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

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;



(4) conveys any land use or other regulatory authority to the local coordinating entity;

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

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

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

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

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

(B) prepare a report in accordance with paragraph

(3).

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

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

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

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

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

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

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

## (2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

## SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

16 USC 461 note.

## (a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) MAP.—The term “map” means the map entitled “Baltimore National Heritage Area”, numbered T10/80,000, and dated October 2007.

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

(6) STATE.—The term “State” means the State of Maryland.

## (b) BALTIMORE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) new marina construction;

(iii) the National Aquarium Aquatic Life Center;

(iv) the Westport Redevelopment;

(v) the Gwynns Falls Trail;

(vi) the Baltimore Rowing Club; and

(vii) the Masonville Cove Environmental Center.

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

(4) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

Management  
plan.

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

Public  
information.  
Deadlines.

(D) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

Deadline.  
Reports.

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

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

(iii) the amounts and sources of matching funds;

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

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

Records.

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

Records.

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and



(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

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

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

(d) **MANAGEMENT PLAN.**—

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

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

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

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

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

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

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

- (i) performance goals;
  - (ii) plans for resource protection, enhancement, and interpretation; and
  - (iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;
- (H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;
- (I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

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

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

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

Deadline.

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

- (i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

- (ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

- (iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

- (iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

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

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

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

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

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

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

(E) AMENDMENTS.—

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

Review.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

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



(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

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

(I) accomplishing the purposes of this section for the Heritage Area; and

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

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

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

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

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

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

(g) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

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

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

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

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

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

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

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF EFFECTIVENESS.**—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.**

16 USC 461 note.

(a) **PURPOSES.**—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) **DEFINITIONS.**—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Freedom’s Way National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term “map” means the map entitled “Freedom’s Way National Heritage Area”, numbered T04/80,000, and dated July 2007.

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

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Freedom’s Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph

(3).

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

(4) LOCAL COORDINATING ENTITY.—The Freedom’s Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

Management  
plan.



(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan; Public information. Deadlines.

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

(i) the accomplishments of the local coordinating entity;

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

(iii) the amounts and sources of matching funds;

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

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

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

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and Records.

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, non-profit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, non-profit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

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

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

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) MANAGEMENT PLAN.—

Deadline.

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

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

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

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

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

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

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

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan. Deadline.

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

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

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

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) **ACTION FOLLOWING DISAPPROVAL.**—

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



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

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

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

(D) AMENDMENTS.—

Review.

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

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

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

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

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

(I) accomplishing the purposes of this section for the Heritage Area; and

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

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

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

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

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

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

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—  
Nothing in this section—

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

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

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

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

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

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

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

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(j) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

16 USC 461 note. **SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.**

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

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

(5) STATE.—The term “State” means the State of Mississippi.

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) AFFECTED COUNTIES.—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton,



Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) BOUNDARY DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

Designation.

(B) BOARD OF DIRECTORS.—

(i) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) COMPOSITION.—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

## (c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

Management  
plan.

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

Public  
information.  
Deadline.

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

Deadline.  
Reports.

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

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

(iii) the amounts and sources of matching funds;

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

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

Records.

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

Records.

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

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

(d) MANAGEMENT PLAN.—

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

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

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

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

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan. Deadline.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.



(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

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

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

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

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

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

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

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

(E) REVIEW; AMENDMENTS.—

(i) IN GENERAL.—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

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

(iii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be

Recommendations.

appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

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

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

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

(I) accomplishing the purposes of this section for the Heritage Area; and

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

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal

funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

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

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

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

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

(g) EFFECT.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

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

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

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

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

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



(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—  
(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

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

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

#### SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

16 USC 461 note.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term “map” means the map entitled “Mississippi Delta National Heritage Area”, numbered T13/80,000, and dated April 2008.

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

(7) STATE.—The term “State” means the State of Mississippi.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

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

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(ii) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and nongovernmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

## (iii) MANAGEMENT AUTHORITY.—

## (I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity. Policies.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

## (iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area. Deadline.

## (c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area; Management plan.

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and



Public  
information.  
Deadlines.

Deadline.  
Reports.

Records.

Records.

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

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

(iii) the amounts and sources of matching funds;

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

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

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

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

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

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

(d) **MANAGEMENT PLAN.**—

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

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

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

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

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

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

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

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

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

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

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

Deadline.

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

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

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

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) **ACTION FOLLOWING DISAPPROVAL.**—

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

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

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

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

(E) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of



the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

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

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

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

(I) accomplishing the purposes of this section for the Heritage Area; and

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

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for

purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

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

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

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

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

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—  
Nothing in this section—

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

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

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

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

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

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.** 16 USC 461 note.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

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

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and



(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term “map” means the map entitled “Muscle Shoals National Heritage Area”, numbered T08/80,000, and dated October 2007.

(5) STATE.—The term “State” means the State of Alabama.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

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

Designation.

(4) LOCAL COORDINATING ENTITY.—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

Management plan.

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

Deadline. Reports.

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

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

(iii) the amounts and sources of matching funds;

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

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

Records.

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds

under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

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

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

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

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

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

(e) **MANAGEMENT PLAN.**—

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

Deadline.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

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

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

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

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

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

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

(i) performance goals;

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

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

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

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

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

Deadline.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

Deadline.

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and



historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

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

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

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

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

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

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

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

(D) DISAPPROVAL.—

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

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

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

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

(E) AMENDMENTS.—

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

Review.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this

section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

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

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

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

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

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

(I) accomplishing the purposes of this section for the Heritage Area; and

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

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

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

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

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

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

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

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

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

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

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

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

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

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

(i) AUTHORIZATION OF APPROPRIATIONS.—



(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

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

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

16 USC 461 note. **SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.**

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

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

(4) MAP.—The term “map” means the map entitled “Proposed Kenai Mountains-Turnagain Arm NHA” and dated August 7, 2007.

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

(b) DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) MANAGEMENT PLAN.—

(1) **LOCAL COORDINATING ENTITY.**—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

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

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

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

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

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

(i) performance goals;

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

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

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

(H) include a business plan that—

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

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial

and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

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

(4) APPROVAL OF MANAGEMENT PLAN.—

Deadline.

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

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

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

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

(ii) the local coordinating entity—

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

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

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

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

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;



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

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

(D) DISAPPROVAL.—

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

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

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

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

(E) AMENDMENTS.—

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

Review.

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

(F) AUTHORITIES.—The Secretary may—

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

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

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

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

(B) prepare a report in accordance with paragraph

(3).

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

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

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

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

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

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

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

Deadline.  
Reports.

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

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

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

(iii) the amounts and sources of matching funds;

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

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

Records.

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

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

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

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

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

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

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

(ii) economic and community development; and

(iii) heritage planning;

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

(E) to enter into contracts for goods or services; and

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

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

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

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

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

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

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

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

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

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

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

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

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

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

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

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

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each fiscal year, to remain available until expended.



(2) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than a total of \$10,000,000 may be made available to carry out this section.

(3) **COST-SHARING.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

## Subtitle B—Studies

### SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) **DEFINITIONS.**—In this section:

(1) **CORRIDOR.**—The term “Corridor” means the Chattahoochee Trace National Heritage Corridor.

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

(3) **STUDY AREA.**—The term “study area” means the study area described in subsection (b)(2).

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) **STUDY AREA.**—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled “Chattahoochee Trace National Heritage Corridor, Alabama/Georgia”, numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) **REQUIREMENTS.**—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

- (I) through partnerships among public and private entities; and
- (II) by linking diverse and sometimes non-contiguous resources and active communities;
- (B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;
- (C) provides—
  - (i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and
  - (ii) outstanding recreational and educational opportunities;
- (D) contains resources that—
  - (i) are important to any identified themes of the study area; and
  - (ii) retain a degree of integrity capable of supporting interpretation;
- (E) includes residents, business interests, nonprofit organizations, and State and local governments that—
  - (i) are involved in the planning of the Corridor;
  - (ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and
  - (iii) have demonstrated support for the designation of the Corridor;
- (F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and
- (G) has a conceptual boundary map that is supported by the public.

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

- (1) the findings of the study; and
- (2) any conclusions and recommendations of the Secretary.

#### **SEC. 8102. NORTHERN NECK, VIRGINIA.**

(a) **DEFINITIONS.**—In this section:

(1) **PROPOSED HERITAGE AREA.**—The term “proposed Heritage Area” means the proposed Northern Neck National Heritage Area.

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

(3) **STUDY AREA.**—The term “study area” means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

## (b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and



(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

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

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

## Subtitle C—Amendments Relating to National Heritage Corridors

### SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by adding at the end the following:

“(c) EVALUATION; REPORT.—

“(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

“(A) conduct an evaluation of the accomplishments of the Corridor; and

“(B) prepare a report in accordance with paragraph

(3).

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

“(A) assess the progress of the management entity with respect to—

“(i) accomplishing the purposes of this title for the Corridor; and

“(ii) achieving the goals and objectives of the management plan for the Corridor;

“(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

“(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

“(3) REPORT.—

“(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

“(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

“(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

“(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

“(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

“(ii) the Committee on Natural Resources of the House of Representatives.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

#### SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100-692) is amended—

(1) in section 9—

(A) by striking “The Commission” and inserting the following:

“(a) IN GENERAL.—The Commission”; and

(B) by adding at the end the following:

“(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

“(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

“(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—

Effective date.

“(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.”;

(2) in section 10—

(A) in the first sentence of subsection (c), by striking “shall assist the Commission” and inserting “shall, on the request of the Corporation, assist”;

(B) in subsection (d)—

(i) by striking “Commission” each place it appears and inserting “Corporation”;

(ii) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(iii) by adding at the end the following:

“(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

“(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

“(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

“(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.”; and

(C) by adding at the end the following:

“(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

“(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

“(2) coordination regarding the implementation of the Plan.”;

(3) in section 11, in the matter preceding paragraph (1), by striking “directly affecting”;

(4) in section 12—

(A) in subsection (a), by striking “Commission” each place it appears and inserting “Corporation”;

(B) in subsection (c)(1), by striking “2007” and inserting “2012”; and

(C) by adding at the end the following:

“(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.”; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:



## Definition.

“(4) the term ‘Corporation’ means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;”.

**SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.**

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106-554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “27” and inserting “at least 21 members, but not more than 27”;

(ii) in paragraph (2), by striking “Environment” and inserting “Environmental”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “19”;

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

“(C) The remaining members shall be—

“(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

“(ii) persons that are residents of, or employed within, the applicable congressional districts.”;

(B) in subsection (f), by striking “Fourteen members of the Commission” and inserting “A majority of the serving Commissioners”;

(C) in subsection (g), by striking “14 of its members” and inserting “a majority of the serving Commissioners”;

(D) in subsection (h), by striking paragraph (4) and inserting the following:

“(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

“(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;”;

(E) in subsection (j), by striking “10 years” and inserting “15 years”;

(2) in section 807—

(A) in subsection (e), by striking “with regard to the preparation and approval of the Canalway Plan”; and

(B) by adding at the end the following:

“(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations

in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.”; and

(3) in section 810(a)(1), in the first sentence, by striking “any fiscal year” and inserting “any fiscal year, to remain available until expended”.

**SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.**

Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking “shall be the the” and inserting “shall be the”; and

(2) by striking “Directors from Massachusetts and Rhode Island;” and inserting “Directors from Massachusetts and Rhode Island, ex officio, or their delegates;”.

## **Subtitle D—Effect of Title**

**SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.**

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

## **TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS**

### **Subtitle A—Feasibility Studies**

**SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.**

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) **BUREAU OF RECLAMATION.**—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$3,000,000.

(d) **TERMINATION OF EFFECTIVENESS.**—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

**SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.**

(a) **DEFINITIONS.**—In this section:

(1) **APPRAISAL REPORT.**—The term “appraisal report” means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) **PRINCIPLES AND GUIDELINES.**—The term “principles and guidelines” means the report entitled “Economic and Environmental Principles and Guidelines for Water and Related Land

\* \* \* \* \*

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011.

## TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

20 USC 50 note.     **SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.**

(a) **AUTHORITY TO DESIGN AND CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

20 USC 50 note.     **SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.**

(a) **AUTHORITY TO CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

Maryland.  
20 USC 50 note.

**SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.**

(a) **IN GENERAL.**—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended.

Approved March 30, 2009.

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### LEGISLATIVE HISTORY—H.R. 146:

CONGRESSIONAL RECORD, Vol. 155 (2009):

Mar. 2, 3, considered and passed House.

Mar. 17–19, considered and passed Senate, amended.

Mar. 25, House concurred in Senate amendments.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):

Mar. 30, Presidential remarks and statement.





Public Law 111-13  
111th Congress

An Act

Apr. 21, 2009  
[H.R. 1388]

Entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.

Serve America  
Act.

42 USC 12501  
note.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Serve America Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

Subtitle A—Amendments to Subtitle A (General Provisions)

Sec. 1101. Purposes.

Sec. 1102. Definitions.

Subtitle B—Amendments to Subtitle B (Learn and Serve America)

Sec. 1201. School-based allotments.

Sec. 1202. Higher education provisions.

Sec. 1203. Campuses of Service.

Sec. 1204. Innovative programs and research.

Sec. 1205. Service-learning impact study.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.

Sec. 1302. Eligible national service programs.

Sec. 1303. Types of positions.

Sec. 1304. Conforming repeal relating to training and technical assistance.

Sec. 1305. Assistance to State Commissions; challenge grants.

Sec. 1306. Allocation of assistance to States and other eligible entities.

Sec. 1307. Additional authority.

Sec. 1308. State selection of programs.

Sec. 1309. National service program assistance requirements.

Sec. 1310. Prohibited activities and ineligible organizations.

Sec. 1311. Consideration of applications.

Sec. 1312. Description of participants.

Sec. 1313. Selection of national service participants.

Sec. 1314. Terms of service.

Sec. 1315. Adjustments to living allowance.

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

Sec. 1401. Availability of funds in the National Service Trust.

Sec. 1402. Individuals eligible to receive an educational award from the Trust.

Sec. 1403. Certifications.

Sec. 1404. Determination of the amount of the educational award.

- Sec. 1405. Disbursement of educational awards.
- Sec. 1406. Approval process for approved positions.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

- Sec. 1501. Purpose.
- Sec. 1502. Program components.
- Sec. 1503. Eligible participants.
- Sec. 1504. Summer national service program.
- Sec. 1505. National Civilian Community Corps.
- Sec. 1506. Training.
- Sec. 1507. Consultation with State Commissions.
- Sec. 1508. Authorized benefits for Corps members.
- Sec. 1509. Permanent cadre.
- Sec. 1510. Status of Corps members and Corps personnel under Federal law.
- Sec. 1511. Contract and grant authority.
- Sec. 1512. Other departments.
- Sec. 1513. Advisory Board.
- Sec. 1514. Evaluations.
- Sec. 1515. Repeal of funding limitation.
- Sec. 1516. Definitions.
- Sec. 1517. Terminology.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

- Sec. 1601. Family and medical leave.
- Sec. 1602. Reports.
- Sec. 1603. Use of funds.
- Sec. 1604. Notice, hearing, and grievance procedures.
- Sec. 1605. Resolution of displacement complaints.
- Sec. 1606. State Commissions on National and Community Service.
- Sec. 1607. Evaluation and accountability.
- Sec. 1608. Civic Health Assessment.
- Sec. 1609. Contingent extension.
- Sec. 1610. Partnerships with schools.
- Sec. 1611. Rights of access, examination, and copying.
- Sec. 1612. Additional administrative provisions.
- Sec. 1613. Availability of assistance.
- Sec. 1614. Criminal history checks for individuals working with vulnerable populations.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

- Sec. 1701. Terms of office.
- Sec. 1702. Board of Directors authorities and duties.
- Sec. 1703. Chief Executive Officer compensation.
- Sec. 1704. Authorities and duties of the Chief Executive Officer.
- Sec. 1705. Chief Financial Officer status.
- Sec. 1706. Nonvoting members; personal services contracts.
- Sec. 1707. Donated services.
- Sec. 1708. Assignment to State Commissions.
- Sec. 1709. Study of involvement of veterans.
- Sec. 1710. Study to examine and increase service programs for displaced workers in services corps and community service and to develop pilot program planning study.
- Sec. 1711. Study to evaluate the effectiveness of agency coordination.
- Sec. 1712. Study of program effectiveness.
- Sec. 1713. Volunteer Management Corps study.

Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)

- Sec. 1801. Technical amendment to subtitle H.
- Sec. 1802. Additional Corporation activities to support national service.
- Sec. 1803. Repeals.
- Sec. 1804. Presidential awards.
- Sec. 1805. New fellowships.
- Sec. 1806. National Service Reserve Corps.
- Sec. 1807. Social Innovation Funds pilot program.
- Sec. 1808. Clearinghouses.
- Sec. 1809. Nonprofit Capacity Building Program.

Subtitle I—Training and Technical Assistance

- Sec. 1821. Training and technical assistance.

Subtitle J—Repeal of Title III (Points of Light Foundation)

Sec. 1831. Repeal.

Subtitle K—Amendments to Title V (Authorization of Appropriations)

Sec. 1841. Authorization of appropriations.

TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 2001. References.

Sec. 2002. Volunteerism policy.

Subtitle A—National Volunteer Antipoverty Programs

CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA

Sec. 2101. Statement of purpose.

Sec. 2102. Selection and assignment of volunteers.

Sec. 2103. Support service.

Sec. 2104. Repeal.

Sec. 2105. Resignation.

CHAPTER 2—UNIVERSITY YEAR FOR VISTA

Sec. 2121. University year for VISTA.

CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS

Sec. 2131. Statement of purpose.

Sec. 2132. Literacy challenge grants.

Subtitle B—National Senior Service Corps

Sec. 2141. Title.

Sec. 2142. Statement of purpose.

Sec. 2143. Retired and Senior Volunteer Program.

Sec. 2144. Foster grandparent program.

Sec. 2145. Senior companion program.

Sec. 2146. General provisions.

Subtitle C—Administration and Coordination

Sec. 2151. Special limitations.

Sec. 2152. Application of Federal law.

Sec. 2153. Evaluation.

Sec. 2154. Definitions.

Sec. 2155. Protection against improper use.

Sec. 2156. Provisions under the National and Community Service Act of 1990.

Subtitle D—Authorization of Appropriations

Sec. 2161. Authorizations of appropriations.

TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

Sec. 3101. Table of contents of the National and Community Service Act of 1990.

Sec. 3102. Table of contents of the Domestic Volunteer Service Act of 1973.

TITLE IV—AMENDMENTS TO OTHER LAWS

Sec. 4101. Inspector General Act of 1978.

TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM

Sec. 5101. Findings.

Sec. 5102. Definitions.

Sec. 5103. Office of Volunteers for Prosperity.

Sec. 5104. Authorization of appropriations.

TITLE VI—EFFECTIVE DATE

Sec. 6101. Effective date.

Sec. 6102. Sense of the Senate.



## TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

### SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the amendment or repeal shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

### Subtitle A—Amendments to Subtitle A (General Provisions)

#### SEC. 1101. PURPOSES.

Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (2), by striking “community throughout” and inserting “community and service throughout the varied and diverse communities of”;

(2) in paragraph (4), by inserting after “income,” the following: “geographic location,”;

(3) in paragraph (6), by inserting after “existing” the following: “national”;

(4) in paragraph (7)—

(A) by striking “programs and agencies” and inserting “programs, agencies, and communities”; and

(B) by striking “and” at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

“(9) expand and strengthen service-learning programs through year-round opportunities, including opportunities during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community for children and youth throughout the United States;

“(10) assist in coordinating and strengthening Federal and other service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

“(11) increase service opportunities for the Nation’s retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions, to improve the education of the Nation’s youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older individuals;

“(12) encourage the continued service of the alumni of the national service programs, including service in times of national need;

“(13) encourage individuals age 55 or older to partake of service opportunities;

“(14) focus national service on the areas of national need such service has the capacity to address, such as improving

\* \* \* \* \*

“(x) assisting economically disadvantaged students in navigating the college admissions process;

“(xi) providing other activities, addressing unmet educational needs, that the Corporation may designate; or

“(xii) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages.

“(C) EDUCATION CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) student engagement, including student attendance and student behavior;

“(ii) student academic achievement;

“(iii) secondary school graduation rates as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education;

“(iv) rate of college enrollment and continued college enrollment for recipients of a high school diploma;

“(v) any additional indicator relating to improving education for students that the Corporation, in consultation (as appropriate) with the Secretary of Education, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving education for students, that is approved by the Corporation or a State Commission.

“(2) HEALTHY FUTURES CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through a Healthy Futures Corps that identifies and meets unmet health needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Healthy Futures Corps described in this paragraph may carry out activities such as—

“(i) assisting economically disadvantaged individuals in navigating the health services system;

“(ii) assisting individuals in obtaining access to health services, including oral health services, for themselves or their children;

“(iii) educating economically disadvantaged individuals and individuals who are members of medically underserved populations about, and engaging individuals described in this clause in, initiatives regarding navigating the health services system and regarding disease prevention and health promotion, with a particular focus on common health conditions, chronic diseases, and conditions, for which disease prevention and health promotion measures exist and for which socioeconomic, geographic, and racial and ethnic health disparities exist;

“(iv) improving the literacy of patients regarding health, including oral health;

“(v) providing translation services at clinics and in emergency rooms to improve health services;

“(vi) providing services designed to meet the health needs of rural communities, including the recruitment of youth to work in health professions in such communities;

“(vii) assisting in health promotion interventions that improve health status, and helping people adopt and maintain healthy lifestyles and habits to improve health status;

“(viii) addressing childhood obesity through in-school and after-school physical activities, and providing nutrition education to students, in elementary schools and secondary schools; or

“(ix) providing activities, addressing unmet health needs, that the Corporation may designate.

“(C) HEALTHY FUTURES CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) access to health services among economically disadvantaged individuals and individuals who are members of medically underserved populations;

“(ii) access to health services for uninsured individuals, including such individuals who are economically disadvantaged children;

“(iii) participation, among economically disadvantaged individuals and individuals who are members of medically underserved populations, in disease prevention and health promotion initiatives, particularly those with a focus on addressing common health conditions, addressing chronic diseases, and decreasing health disparities;

“(iv) literacy of patients regarding health;

“(v) any additional indicator, relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that is approved by the Corporation or a State Commission.

“(3) CLEAN ENERGY SERVICE CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service projects through a Clean Energy Service Corps that identifies and meets unmet environmental needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).



“(B) ACTIVITIES.—A Clean Energy Service Corps described in this paragraph may carry out activities such as—

“(i) weatherizing and retrofitting housing units for low-income households to significantly improve the energy efficiency and reduce carbon emissions of such housing units;

“(ii) building energy-efficient housing units in low-income communities;

“(iii) conducting energy audits for low-income households and recommending ways for the households to improve energy efficiency;

“(iv) providing clean energy-related services designed to meet the needs of rural communities;

“(v) working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment, including conducting service-learning projects to provide such education;

“(vi) assisting in the development of local recycling programs;

“(vii) renewing and rehabilitating national and State parks and forests, city parks, county parks and other public lands, and trails owned or maintained by the Federal Government or a State, including planting trees, carrying out reforestation, carrying out forest health restoration measures, carrying out erosion control measures, fire hazard reduction measures, and rehabilitation and maintenance of historic sites and structures throughout the national park system, and providing trail enhancements, rehabilitation, and repairs;

“(viii) cleaning and improving rivers maintained by the Federal Government or a State;

“(ix) carrying out projects in partnership with the National Park Service, designed to renew and rehabilitate national park resources and enhance services and learning opportunities for national park visitors, and nearby communities and schools;

“(x) providing service through a full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps program that—

“(I) undertakes meaningful service projects with visible public benefits, including projects involving urban renewal, sustaining natural resources, or improving human services;

“(II) includes as participants youths and young adults who are age 16 through 25, including out-of-school youth and other disadvantaged youth (such as youth who are aging out of foster care, youth who have limited English proficiency, homeless youth, and youth who are individuals with disabilities), who are age 16 through 25; and

“(III) provides those participants who are youth and young adults with—

“(aa) team-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services including mentoring; and

“(bb) the opportunity to develop citizenship values and skills through service to their community and the United States;

“(xi) carrying out other activities, addressing unmet environmental and workforce needs, that the Corporation may designate.

“(C) CLEAN ENERGY SERVICE CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the number of housing units of low-income households weatherized or retrofitted to significantly improve energy efficiency and reduce carbon emissions;

“(ii) annual energy costs (to determine savings in those costs) at facilities where participants have provided service;

“(iii) the number of students and youth receiving education or training in energy-efficient and environmentally conscious practices;

“(iv)(I) the number of acres of national parks, State parks, city parks, county parks, or other public lands, that are cleaned or improved; and

“(II) the number of acres of forest preserves, or miles of trails or rivers, owned or maintained by the Federal Government or a State, that are cleaned or improved;

“(v) any additional indicator relating to clean energy, the reduction of greenhouse gas emissions, or education and skill attainment for clean energy jobs, that the Corporation, in consultation (as appropriate) with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, or the Secretary of Labor, as appropriate, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to clean energy, the reduction of greenhouse gas emissions, or education or skill attainment for clean energy jobs, that is approved by the Corporation or a State Commission.

“(4) VETERANS CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through a Veterans Corps that identifies and meets unmet needs of veterans and members of the Armed Forces who are on active duty through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Veterans Corps described in this paragraph may carry out activities such as—

“(i) promoting community-based efforts to meet the unique needs of military families while a family

member is deployed and upon that family member's return home;

“(ii) recruiting veterans, particularly returning veterans, into service opportunities, including opportunities that utilize their military experience;

“(iii) assisting veterans in developing their educational opportunities (including opportunities for professional certification, licensure, or credentials), coordinating activities with and assisting State and local agencies administering veterans education benefits, and coordinating activities with and assisting entities administering veterans programs with internships and fellowships that could lead to employment in the private and public sectors;

“(iv) promoting efforts within a community to serve the needs of veterans and members of the Armed Forces who are on active duty, including helping veterans file benefits claims and assisting Federal agencies in providing services to veterans, and sending care packages to Members of the Armed Forces who are deployed;

“(v) assisting veterans in developing mentoring relationships with economically disadvantaged students;

“(vi) developing projects to assist veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities, including assisting veterans described in this clause with transportation; or

“(vii) other activities, addressing unmet needs of veterans, that the Corporation may designate.

“(C) VETERANS' CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the number of housing units created for veterans;

“(ii) the number of veterans who pursue educational opportunities;

“(iii) the number of veterans receiving professional certification, licensure, or credentials;

“(iv) the number of veterans engaged in service opportunities;

“(v) the number of military families assisted by organizations while a family member is deployed and upon that family member's return home;

“(vi) the number of economically disadvantaged students engaged in mentoring relationships with veterans;

“(vii) the number of projects designed to meet identifiable public needs of veterans, especially veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities;

“(viii) any additional indicator that relates to education or skill attainment that assists in providing veterans with the skills to address identifiable public needs, or that relates to improving the lives of veterans, of members of the Armed Forces on active duty, and of families of the veterans and the members on active



duty, and that the Corporation, in consultation (as appropriate) with the Secretary of Veterans Affairs, establishes; or

“(ix) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to the education or skill attainment, or the improvement, described in clause (viii), that is approved by the Corporation or a State Commission.

“(5) OPPORTUNITY CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through an Opportunity Corps that identifies and meets unmet needs relating to economic opportunity for economically disadvantaged individuals within communities, through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—An Opportunity Corps described in this paragraph may carry out activities such as—

“(i) providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans;

“(ii) assisting in the construction, rehabilitation, or preservation of housing units, including energy efficient homes, for economically disadvantaged individuals;

“(iii) assisting economically disadvantaged individuals, including homeless individuals, in finding placement in and maintaining housing;

“(iv) assisting economically disadvantaged individuals in obtaining access to health services for themselves or their children;

“(v) assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-income families;

“(vi) facilitating enrollment in and completion of job training for economically disadvantaged individuals;

“(vii) assisting economically disadvantaged individuals in obtaining access to job placement assistance;

“(viii) carrying out a program that seeks to eliminate hunger in low-income communities and rural areas through service in projects—

“(I) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

“(II) seeking to address the long-term causes of hunger through education and the delivery of appropriate services;

“(III) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas; or

“(IV) assisting individuals in obtaining information about federally supported nutrition programs;

“(ix) addressing issues faced by homebound citizens, such as needs for food deliveries, legal and medical services, nutrition information, and transportation;

“(x) implementing an E-Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs that seek to increase access to technology and the benefits of technology in such community; and

“(xi) carrying out other activities, addressing unmet needs relating to economic opportunity for economically disadvantaged individuals, that the Corporation may designate.

“(C) OPPORTUNITY CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the degree of financial literacy among economically disadvantaged individuals;

“(ii) the number of housing units built or improved for economically disadvantaged individuals or low-income families;

“(iii) the number of economically disadvantaged individuals with access to job training and other skill enhancement;

“(iv) the number of economically disadvantaged individuals with access to information about job placement services;

“(v) any additional indicator relating to improving economic opportunity for economically disadvantaged individuals that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) that is approved by the Corporation or a State Commission.

“(b) NATIONAL SERVICE PROGRAMS.—

“(1) IN GENERAL.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may use the financial assistance or positions involved, directly or through subgrants to other entities, to carry out national service programs and model programs under this subsection that are focused on meeting community needs and improve performance on the indicators described in paragraph (3).

“(2) PROGRAMS.—The programs may include the following types of national service programs:

“(A) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities, including addressing rural poverty, or the need for health services, education, or job training.

“(B) A program—

“(i) that engages participants in public health, emergency and disaster preparedness, and other public safety activities;

“(ii) that may include the recruitment of qualified participants for, and placement of the participants in, positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers; and

“(iii) that may engage Federal, State, and local stakeholders, in collaboration, to organize more effective responses to issues of public health, emergencies and disasters, and other public safety issues.

“(C) A program that seeks to expand the number of mentors for disadvantaged youths and other youths (including by recruiting high school-, and college-age individuals to enter into mentoring relationships), either through—

“(i) provision of direct mentoring services;

“(ii) provision of supportive services to direct mentoring service organizations (in the case of a partnership);

“(iii) the creative utilization of current and emerging technologies to connect youth with mentors; or

“(iv) supporting mentoring partnerships (including statewide and local mentoring partnerships that strengthen direct service mentoring programs) by—

“(I) increasing State resources dedicated to mentoring;

“(II) supporting the creation of statewide and local mentoring partnerships and programs of national scope through collaborative efforts between entities such as local or direct service mentoring partnerships, or units of State or local government; and

“(III) assisting direct service mentoring programs.

“(D) A program—

“(i) in which not less than 75 percent of the participants are disadvantaged youth;

“(ii) that may provide life skills training, employment training, educational counseling, assistance to complete a secondary school diploma or its recognized equivalent, counseling, or a mentoring relationship with an adult volunteer; and

“(iii) for which, in awarding financial assistance and approved national service positions, the Corporation shall give priority to programs that engage retirees to serve as mentors.

“(E) A program—

“(i) that reengages court-involved youth and adults with the goal of reducing recidivism;

“(ii) that may create support systems beginning in correctional facilities; and

“(iii) that may have life skills training, employment training, an education program (including a program



to complete a secondary school diploma or its recognized equivalent), educational and career counseling, and postprogram placement services.

“(F) A demonstration program—

“(i) that has as 1 of its primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members; and

“(ii) that may serve any purpose otherwise permitted under this Act.

“(G) A program that provides education or job training services that are designed to meet the needs of rural communities.

“(H) A program that seeks to expand the number of mentors for youth in foster care through—

“(i) the provision of direct academic mentoring services for youth in foster care;

“(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

“(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

“(I) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

“(3) INDICATORS.—The indicators for a program described in this subsection are the indicators described in subparagraph (C) of paragraphs (1), (2), (3), (4), or (5) of subsection (a) or any additional local indicator (applicable to a participant or recipient and on which an improvement in performance is needed) relating to meeting unmet community needs, that is approved by the Corporation or a State Commission.

“(c) PROGRAM MODELS FOR SERVICE CORPS.—

“(1) IN GENERAL.—In addition to any activities described in subparagraph (B) of paragraphs (1) through (5) of subsection (a), and subsection (b)(2), a recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may directly or through grants or subgrants to other entities carry out a national service corps program through the following program models:

“(A) A community corps program that meets unmet health, veteran, and other human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

“(B) A service program that—

“(i) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions

in which the participants can meet such unmet needs; and

“(ii) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

“(C) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

“(i) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

“(ii) teams composed of students described in clause (i); or

“(iii) teams composed of a combination of such students and community residents.

“(D) A professional corps program that recruits and places qualified participants in positions—

“(i) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet human, educational, environmental, or public safety needs in communities with an inadequate number of such professionals;

“(ii) for which the salary may exceed the maximum living allowance authorized in subsection (a)(2) of section 140, as provided in subsection (c) of such section; and

“(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

“(E) A program that provides opportunities for veterans to participate in service projects.

“(F) A program carried out by an intermediary that builds the capacity of local nonprofit and faith-based organizations to expand and enhance services to meet local or national needs.

“(G) Such other program models as may be approved by the Corporation or a State Commission, as appropriate.

“(2) PROGRAM MODELS WITHIN CORPS.—A recipient of financial assistance or approved national service positions for a corps program described in subsection (a) may use the assistance or positions to carry out the corps program, in whole or in part, using a program model described in this subsection. The corps program shall meet the applicable requirements of subsection (a) and this subsection.

“(d) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

“(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining

whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

“(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of veteran services, and other human, educational, environmental, or public safety services, to communities or persons.

“(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, disadvantaged youth, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

“(e) PRIORITIES FOR CERTAIN CORPS.—In awarding financial assistance and approved national service positions to eligible entities proposed to carry out the corps described in subsection (a)—

“(1) in the case of a corps described in subsection (a)(2)—

“(A) the Corporation may give priority to eligible entities that propose to provide support for participants who, after completing service under this section, will undertake careers to improve performance on health indicators described in subsection (a)(2)(C); and

“(B) the Corporation shall give priority to eligible entities that propose to carry out national service programs in medically underserved areas (as designated individually, by the Secretary of Health and Human Services as an area with a shortage of personal health services); and

“(2) in the case of a corps described in subsection (a)(3), the Corporation shall give priority to eligible entities that propose to recruit individuals for the Clean Energy Service Corps so that significant percentages of participants in the Corps are economically disadvantaged individuals, and provide to such individuals support services and education and training to develop skills needed for clean energy jobs for which there is current demand or projected future demand.

“(f) NATIONAL SERVICE PRIORITIES.—

“(1) ESTABLISHMENT.—

“(A) BY CORPORATION.—In order to concentrate national efforts on meeting human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation, after reviewing the strategic plan approved under section 192A(g)(1), shall establish, and may periodically alter, priorities regarding the types of national service programs and corps to be assisted under section 129 and the purposes for which such assistance may be used.



“(B) BY STATES.—Consistent with paragraph (4), States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(e). The State priorities shall be subject to Corporation review as part of the application process under section 130.

“(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

“(A) a description of any alteration made in the priorities since the previous notice; and

“(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

Procedures.

“(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

“(A) receive funding under this subtitle for multiple years; and

“(B) would be adversely affected by annual revisions in such national service priorities.

“(4) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(g) CONSULTATION ON INDICATORS.—The Corporation shall consult with the Secretary of Education, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Secretary of Energy, the Secretary of Veterans Affairs, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, as appropriate, in developing additional indicators for the corps and programs described in subsections (a) and (b).

“(h) REQUIREMENTS FOR TUTORS.—

Certification.

“(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary school or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

“(A) obtained their high school diplomas; and

“(B) successfully completed pre- and in-service training for tutors.

“(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary school or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

“(i) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

“(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

“(2) offer high quality, research-based pre- and in-service training for tutors.

“(j) CITIZENSHIP TRAINING.—The Corporation shall establish guidelines for recipients of assistance under the national service laws, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, relating to the promotion of citizenship and civic engagement among participants in approved national service positions and approved summer of service positions, and appropriate to the age, education, and experience of the participants.

Guidelines.

“(k) REPORT.—Not later than 60 days after the end of each fiscal year for which the Corporation makes grants under section 121(a), the Corporation shall prepare and submit to the authorizing committees a report containing—

“(1) information describing how the Corporation allocated financial assistance and approved national service positions among eligible entities proposed to carry out corps and national service programs described in this section for that fiscal year;

“(2) information describing the amount of financial assistance and the number of approved national service positions the Corporation provided to each corps and national service program described in this section for that fiscal year;

“(3) a measure of the extent to which the corps and national service programs improved performance on the corresponding indicators; and

“(4) information describing how the Corporation is coordinating—

“(A) the national service programs funded under this section; with

“(B) applicable programs, as determined by the Corporation, carried out under subtitle B of this title, and part A of title I and parts A and B of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001, 5011) that improve performance on those indicators or otherwise address identified community needs.”.

#### SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (1)—

(A) by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”; and

(B) by striking “or (b)”;

(2) in paragraph (2)(A)—

(A) by inserting after “subdivision of a State,” the following: “a territory,”; and

(B) by striking “Federal agency” and inserting “Federal agency (under an interagency agreement described in section 121(b))”;

(3) in paragraph (4), by striking “section 122(a)(3)” and inserting “section 122(a)(1)(B)(vi)”;

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Program, under the supervision of the United States Agency for International Development.

(e) COORDINATION.—The VfP Office shall coordinate its efforts with other public and private efforts that aim to send skilled professionals to serve in developing nations.

(f) REPORT.—The VfP Office shall submit an annual report to Congress on the activities of the VfP Office.

42 USC 8304.

#### SEC. 5104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

(b) ALLOCATION OF FUNDS.—Not more than 10 percent of the amounts appropriated pursuant to subsection (a) may be expended for the administrative costs of the United States Agency for International Development to manage the VfP Program.

## TITLE VI—EFFECTIVE DATE

#### SEC. 6101. EFFECTIVE DATE.

42 USC 4950  
note.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on October 1, 2009.

42 USC 12651c  
note.

(b) REGULATIONS.—Effective on the date of enactment of this Act, the Chief Executive Officer of the Corporation for National and Community Service may issue such regulations as may be necessary to carry out this Act and the amendments made by this Act.

#### SEC. 6102. SENSE OF THE SENATE.

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

(1) President John F. Kennedy said, “The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition”.

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society’s most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.



(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

Approved April 21, 2009.

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LEGISLATIVE HISTORY—H.R. 1388 (S. 277):

HOUSE REPORTS: No. 111-37 (Comm. on Education and Labor).

CONGRESSIONAL RECORD, Vol. 155 (2009):

Mar. 18, considered and passed House.

Mar. 24-26, considered and passed Senate, amended.

Mar. 31, House concurred in Senate amendments.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):

Apr. 21, Presidential remarks.



Public Law 111-24  
111th Congress

An Act

May 22, 2009  
[H.R. 627]

To amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

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

Credit Card  
Accountability  
Responsibility  
and Disclosure  
Act of 2009.  
15 USC 1601  
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Credit Card Accountability Responsibility and Disclosure Act of 2009” or the “Credit CARD Act of 2009”.

(b) TABLE OF CONTENTS.—

The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Regulatory authority.
- Sec. 3. Effective date.

TITLE I—CONSUMER PROTECTION

- Sec. 101. Protection of credit cardholders.
- Sec. 102. Limits on fees and interest charges.
- Sec. 103. Use of terms clarified.
- Sec. 104. Application of card payments.
- Sec. 105. Standards applicable to initial issuance of subprime or “fee harvester” cards.
- Sec. 106. Rules regarding periodic statements.
- Sec. 107. Enhanced penalties.
- Sec. 108. Clerical amendments.
- Sec. 109. Consideration of Ability to repay.

TITLE II—ENHANCED CONSUMER DISCLOSURES

- Sec. 201. Payoff timing disclosures.
- Sec. 202. Requirements relating to late payment deadlines and penalties.
- Sec. 203. Renewal disclosures.
- Sec. 204. Internet posting of credit card agreements.
- Sec. 205. Prevention of deceptive marketing of credit reports.

TITLE III—PROTECTION OF YOUNG CONSUMERS

- Sec. 301. Extensions of credit to underage consumers.
- Sec. 302. Protection of young consumers from prescreened credit offers.
- Sec. 303. Issuance of credit cards to certain college students.
- Sec. 304. Privacy Protections for college students.
- Sec. 305. College Credit Card Agreements.

TITLE IV—GIFT CARDS

- Sec. 401. General-use prepaid cards, gift certificates, and store gift cards.
- Sec. 402. Relation to State laws.
- Sec. 403. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Study and report on interchange fees.
- Sec. 502. Board review of consumer credit plans and regulations.

- Sec. 503. Stored value.  
Sec. 504. Procedure for timely settlement of estates of decedent obligors.  
Sec. 505. Report to Congress on reductions of consumer credit card limits based on certain information as to experience or transactions of the consumer.  
Sec. 506. Board review of small business credit plans and recommendations.  
Sec. 507. Small business information security task force.  
Sec. 508. Study and report on emergency pin technology.  
Sec. 509. Study and report on the marketing of products with credit offers.  
Sec. 510. Financial and economic literacy.  
Sec. 511. Federal trade commission rulemaking on mortgage lending.  
Sec. 512. Protecting Americans from violent crime.  
Sec. 513. GAO study and report on fluency in the English language and financial literacy.

**SEC. 2. REGULATORY AUTHORITY.**15 USC 1602  
note.

The Board of Governors of the Federal Reserve System (in this Act referred to as the “Board”) may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

**SEC. 3. EFFECTIVE DATE.**15 USC 1602  
note.

This Act and the amendments made by this Act shall become effective 9 months after the date of enactment of this Act, except as otherwise specifically provided in this Act.

## TITLE I—CONSUMER PROTECTION

**SEC. 101. PROTECTION OF CREDIT CARDHOLDERS.****(a) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—**

(1) **AMENDMENT TO TILA.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

**“(i) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—**

“(1) **ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.**—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of an increase in an annual percentage rate (except in the case of an increase described in paragraph (1), (2), or (3) of section 171(b)) not later than 45 days prior to the effective date of the increase.

Deadline.

“(2) **ADVANCE NOTICE OF OTHER SIGNIFICANT CHANGES REQUIRED.**—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of any significant change, as determined by rule of the Board, in the terms (including an increase in any fee or finance charge, other than as provided in paragraph (1)) of the cardholder agreement between the creditor and the obligor, not later than 45 days prior to the effective date of the change.

Deadline.

“(3) **NOTICE OF RIGHT TO CANCEL.**—Each notice required by paragraph (1) or (2) shall be made in a clear and conspicuous manner, and shall contain a brief statement of the right of the obligor to cancel the account pursuant to rules established by the Board before the effective date of the subject rate increase or other change.

“(4) **RULE OF CONSTRUCTION.**—Closure or cancellation of an account by the obligor shall not constitute a default under

\* \* \* \* \*



“(B) shall determine the extent to which the individual definitions and provisions of the Electronic Fund Transfer Act or Regulation E should apply to general-use prepaid cards, gift certificates, and store gift cards.

“(2) CONSULTATION.—In prescribing regulations under this subsection, the Board shall consult with the Federal Trade Commission.

Deadline.

“(3) TIMING; EFFECTIVE DATE.—The regulations required by this subsection shall be issued in final form not later than 9 months after the date of enactment of the Credit CARD Act of 2009.”.

#### SEC. 402. RELATION TO STATE LAWS.

15 USC 1693q.

Section 920 of the Electronic Fund Transfer Act (as redesignated by this title) is amended by inserting “dormancy fees, inactivity charges or fees, service fees, or expiration dates of gift certificates, store gift cards, or general-use prepaid cards,” after “electronic fund transfers.”.

15 USC 1693l–1  
note.

#### SEC. 403. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 15 months after the date of enactment of this Act.

## TITLE V—MISCELLANEOUS PROVISIONS

#### SEC. 501. STUDY AND REPORT ON INTERCHANGE FEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States (in this section referred to as the “Comptroller”) shall conduct a study on use of credit by consumers, interchange fees, and their effects on consumers and merchants.

(b) SUBJECTS FOR REVIEW.—In conducting the study required by this section, the Comptroller shall review—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, whether merchants are restricted from disclosing interchange or merchant discount fees, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the ways in which the interchange system affects the ability of merchants of varying size to negotiate pricing with card associations and banks;

(3) the costs and factors incorporated into interchange fees, such as advertising, bonus miles, and rewards, how such costs and factors vary among cards;

(4) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services;

(5) how merchant discount fees compare to the credit losses and other costs that merchants incur to operate their own credit networks or store cards;

(6) the extent to which the rules of payment card networks and their policies regarding interchange fees are accessible to merchants;

(7) other jurisdictions where the central bank has regulated interchange fees and the impact on retail prices to consumers in such jurisdictions;

(8) whether and to what extent merchants are permitted to discount for cash; and

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“Such rulemaking shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services.”; and

(C) by adding at the end the following:

“(2) Paragraph (1) shall not be construed to authorize the Federal Trade Commission to promulgate a rule with respect to an entity that is not subject to enforcement of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Commission.

Consultation.

“(3) Before issuing a final rule pursuant to the proceeding initiated under paragraph (1), the Federal Trade Commission shall consult with the Federal Reserve Board concerning any portion of the proposed rule applicable to acts or practices to which the provisions of the Truth in Lending Act (15 U.S.C. 1601 et seq.) may apply.

“(4) The Federal Trade Commission shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.”; and

(2) in subsection (b)—

(A) by striking so much as precedes paragraph (2) and inserting the following:

“(b)(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in a practice that violates such rule, the State, as *parens patriae*, may bring a civil action on behalf of the residents of the State in an appropriate district court of the United States or other court of competent jurisdiction—

“(A) to enjoin that practice;

“(B) to enforce compliance with the rule;

“(C) to obtain damages, restitution, or other compensation on behalf of residents of the State; or

“(D) to obtain penalties and relief provided by the Federal Trade Commission Act and such other relief as the court considers appropriate.”; and

(B) in paragraphs (2), (3), and (6), by striking “Commission” each place it appears and inserting “primary Federal regulator”.

15 USC 1638  
note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 12, 2009.

16 USC 1a-7b.

#### SEC. 512. PROTECTING AMERICANS FROM VIOLENT CRIME.

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

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) **PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.**—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

**SEC. 513. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and



(2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains a detailed summary of the findings and conclusions of the study required under subsection (a).

Approved May 22, 2009.

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**LEGISLATIVE HISTORY—H.R. 627 (S. 414):**

HOUSE REPORTS: No. 111-88 (Comm. on Financial Services).

SENATE REPORTS: No. 111-16 accompanying S. 414 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 155 (2009):

Apr. 29, 30, considered and passed House.

May 11-14, 19, considered and passed Senate, amended.

May 20, House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):

May 22, Presidential remarks.



Public Law 111-31  
111th Congress

An Act

June 22, 2009  
[H.R. 1256]

To protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

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

Family Smoking  
Prevention and  
Tobacco Control  
Act.

**DIVISION A—FAMILY SMOKING PRE-  
VENTION AND TOBACCO CONTROL  
ACT**

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

21 USC 301 note.

(a) **SHORT TITLE.**—This division may be cited as the “Family Smoking Prevention and Tobacco Control Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Scope and effect.
- Sec. 5. Severability.
- Sec. 6. Modification of deadlines for Secretarial action.

**TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION**

- Sec. 101. Amendment of Federal Food, Drug, and Cosmetic Act.
- Sec. 102. Final rule.
- Sec. 103. Conforming and other amendments to general provisions.
- Sec. 104. Study on raising the minimum age to purchase tobacco products.
- Sec. 105. Enforcement action plan for advertising and promotion restrictions.
- Sec. 106. Studies of progress and effectiveness.

**TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE  
CONSTITUENT DISCLOSURE**

- Sec. 201. Cigarette label and advertising warnings.
- Sec. 202. Authority to revise cigarette warning label statements.
- Sec. 203. State regulation of cigarette advertising and promotion.
- Sec. 204. Smokeless tobacco labels and advertising warnings.
- Sec. 205. Authority to revise smokeless tobacco product warning label statements.
- Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

**TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS**

- Sec. 301. Labeling, recordkeeping, records inspection.
- Sec. 302. Study and report.

21 USC 387 note.

**SEC. 2. FINDINGS.**

The Congress finds the following:

\* \* \* \* \*

(3) collect data on the health effects (particularly with respect to individuals under 18 years of age) resulting from cross-border trade in tobacco products, including the health effects resulting from—

(A) the illicit trade of tobacco products and the trade of counterfeit tobacco products; and

(B) the differing tax rates applicable to tobacco products.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

(c) DEFINITION.—In this section:

(1) The term “cross-border trade” means trade across a border of the United States, a State or Territory, or Indian country.

(2) The term “Indian country” has the meaning given to such term in section 1151 of title 18, United States Code.

(3) The terms “State” and “Territory” have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

Federal  
Retirement  
Reform Act  
of 2009.

## DIVISION B—FEDERAL RETIREMENT REFORM ACT

### SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

5 USC 101 note.

(a) SHORT TITLE.—This division may be cited as the “Federal Retirement Reform Act of 2009”.

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

#### DIVISION B—FEDERAL RETIREMENT REFORM ACT

Sec. 100. Short title; table of contents.

#### TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

Sec. 101. Short title.

Sec. 102. Automatic enrollments and immediate employing agency contributions.

Sec. 103. Qualified Roth contribution program.

Sec. 104. Authority to establish mutual fund window.

Sec. 105. Reporting requirements.

Sec. 106. Acknowledgment of risk.

Sec. 107. Subpoena authority.

Sec. 108. Amounts in Thrift Savings Funds subject to legal proceedings.

Sec. 109. Accounts for surviving spouses.

Sec. 110. Treatment of members of the uniformed services under the Thrift Savings Plan.

#### TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

Sec. 201. Increase in monthly amount of special survivor indemnity allowance for widows and widowers of deceased members of the Armed Forces affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.



# TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

Thrift  
Savings Plan  
Enhancement  
Act of 2009.

## SEC. 101. SHORT TITLE.

5 USC 101 note.

This title may be cited as the “Thrift Savings Plan Enhancement Act of 2009”.

## SEC. 102. AUTOMATIC ENROLLMENTS AND IMMEDIATE EMPLOYING AGENCY CONTRIBUTIONS.

(a) **IN GENERAL.**—Section 8432(b) of title 5, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“(2)(A) The Executive Director shall by regulation provide for an eligible individual to be automatically enrolled to make contributions under subsection (a) at the default percentage of basic pay.

Regulations.

“(B) For purposes of this paragraph, the default percentage shall be equal to 3 percent or such other percentage, not less than 2 percent nor more than 5 percent, as the Board may prescribe.

“(C) The regulations shall include provisions under which any individual who would otherwise be automatically enrolled in accordance with subparagraph (A) may—

“(i) modify the percentage or amount to be contributed pursuant to automatic enrollment, effective not later than the first full pay period following receipt of the election by the appropriate processing entity; or

“(ii) decline automatic enrollment altogether.

“(D)(i) Except as provided in clause (ii), for purposes of this paragraph, the term ‘eligible individual’ means any individual who, after any regulations under subparagraph (A) first take effect, is appointed, transferred, or reappointed to a position in which that individual becomes eligible to contribute to the Thrift Savings Fund.

“(ii) Members of the uniformed services shall not be eligible individuals for purposes of this paragraph.

“(E) Sections 8351(a)(1), 8440a(a)(1), 8440b(a)(1), 8440c(a)(1), 8440d(a)(1), and 8440e(a)(1) shall be applied in a manner consistent with the purposes of this paragraph.”.

Applicability.

(b) **TECHNICAL AMENDMENT.**—Section 8432(b)(1) of title 5, United States Code, is amended by striking the parenthetical matter in subparagraph (B).

## SEC. 103. QUALIFIED ROTH CONTRIBUTION PROGRAM.

(a) **IN GENERAL.**—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting after section 8432c the following:

### “§ 8432d. Qualified Roth contribution program

“(a) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘qualified Roth contribution program’ means a program described in paragraph (1) of section 402A(b) of the Internal Revenue Code of 1986 which meets the requirements of paragraph (2) of such section; and

“(2) the terms ‘designated Roth contribution’ and ‘elective deferral’ have the meanings given such terms in section 402A of the Internal Revenue Code of 1986.

## Regulations.

“(b) **AUTHORITY TO ESTABLISH.**—The Executive Director shall by regulation provide for the inclusion in the Thrift Savings Plan of a qualified Roth contribution program, under such terms and conditions as the Board may prescribe.

“(c) **REQUIRED PROVISIONS.**—The regulations under subsection (b) shall include—

“(1) provisions under which an election to make designated Roth contributions may be made—

“(A) by any individual who is eligible to make contributions under section 8351, 8432(a), 8440a, 8440b, 8440c, 8440d, or 8440e; and

“(B) by any individual, not described in subparagraph (A), who is otherwise eligible to make elective deferrals under the Thrift Savings Plan;

“(2) any provisions which may, as a result of enactment of this section, be necessary in order to clarify the meaning of any reference to an ‘account’ made in section 8432(f), 8433, 8434(d), 8435, 8437, or any other provision of law; and

“(3) any other provisions which may be necessary to carry out this section.”

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432c the following:

“8432d. Qualified Roth contribution program.”

**SEC. 104. AUTHORITY TO ESTABLISH MUTUAL FUND WINDOW.**

(a) **IN GENERAL.**—Section 8438(b)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period and inserting “; and”; and

(3) by adding after subparagraph (E) the following:

“(F) a service that enables participants to invest in mutual funds, if the Board authorizes the mutual fund window under paragraph (5).”

(b) **REQUIREMENTS.**—Section 8438(b) of title 5, United States Code, is amended by adding at the end the following:

“(5)(A) The Board may authorize the addition of a mutual fund window under the Thrift Savings Plan if the Board determines that such addition would be in the best interests of participants.

“(B) The Board shall ensure that any expenses charged for use of the mutual fund window are borne solely by the participants who use such window.

“(C) The Board may establish such other terms and conditions for the mutual fund window as the Board considers appropriate to protect the interests of participants, including requirements relating to risk disclosure.

## Consultation.

“(D) The Board shall consult with the Employee Thrift Advisory Council (established under section 8473) before authorizing the addition of a mutual fund window or establishing a service that enables participants to invest in mutual funds.”

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 8438(d)(1) of title 5, United States Code, is amended by inserting “and options” after “investment funds”.

**SEC. 105. REPORTING REQUIREMENTS.**

5 USC 8439 note.

(a) **ANNUAL REPORT.**—The Board shall, not later than June 30 of each year, submit to Congress an annual report on the operations of the Thrift Savings Plan. Such report shall include, for the prior calendar year, information on the number of participants as of the last day of such prior calendar year, the median balance in participants' accounts as of such last day, demographic information on participants, the percentage allocation of amounts among investment funds or options, the status of the development and implementation of the mutual fund window, the diversity demographics of any company, investment adviser, or other entity retained to invest and manage the assets of the Thrift Savings Fund, and such other information as the Board considers appropriate. A copy of each annual report under this subsection shall be made available to the public through an Internet website.

Public  
information.  
Web posting.**(b) REPORTING OF FEES AND OTHER INFORMATION.—**

(1) **IN GENERAL.**—The Board shall include in the periodic statements provided to participants under section 8439(c) of title 5, United States Code, the amount of the investment management fees, administrative expenses, and any other fees or expenses paid with respect to each investment fund and option under the Thrift Savings Plan. Any such statement shall also provide a statement notifying participants as to how they may access the annual report described in subsection (a), as well as any other information concerning the Thrift Savings Plan that might be useful.

Notification.

(2) **USE OF ESTIMATES.**—For purposes of providing the information required under this subsection, the Board may provide a reasonable and representative estimate of any fees or expenses described in paragraph (1) and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year's experience.

**(c) DEFINITIONS.**—For purposes of this section—

(1) the term “Board” has the meaning given such term by 8401(5) of title 5, United States Code;

(2) the term “participant” has the meaning given such term by section 8471(3) of title 5, United States Code; and

(3) the term “account” means an account established under section 8439 of title 5, United States Code.

**SEC. 106. ACKNOWLEDGMENT OF RISK.**

(a) **IN GENERAL.**—Section 8439(d) of title 5, United States Code, is amended—

(1) by striking the matter after “who elects to invest in” and before “shall sign an acknowledgment” and inserting “any investment fund or option under this chapter, other than the Government Securities Investment Fund,”; and

(2) by striking “either such Fund” and inserting “any such fund or option”.

(b) **COORDINATION WITH PROVISIONS RELATING TO FIDUCIARY RESPONSIBILITIES, LIABILITIES, AND PENALTIES.**—Section 8477(e)(1)(C) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (C)(i); and

(2) by adding at the end the following:

“(ii) A fiduciary shall not be liable under subparagraph (A), and no civil action may be brought against a fiduciary—



“(I) for providing for the automatic enrollment of a participant in accordance with section 8432(b)(2)(A);

“(II) for enrolling a participant in a default investment fund in accordance with section 8438(c)(2); or

“(III) for allowing a participant to invest through the mutual fund window or for establishing restrictions applicable to participants’ ability to invest through the mutual fund window.”.

#### SEC. 107. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8479 the following:

##### “§ 8480. Subpoena authority

“(a) In order to carry out the responsibilities specified in this subchapter and subchapter III of this chapter, the Executive Director may issue subpoenas commanding each person to whom the subpoena is directed to produce designated books, documents, records, electronically stored information, or tangible materials in the possession or control of that individual.

“(b) Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any individual, domestic or foreign corporation or upon a partnership or other unincorporated association for such production.

“(c) When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an order directing that person to comply with the subpoena. The court may punish as contempt any disobedience of its order.

Regulations.

“(d) The Executive Director shall prescribe regulations to carry out subsection (a).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8479 the following:

“8480. Subpoena authority.”.

#### SEC. 108. AMOUNTS IN THRIFT SAVINGS FUNDS SUBJECT TO LEGAL PROCEEDINGS.

Section 8437(e)(3) of title 5, United States Code, is amended in the first sentence by striking “or relating to the enforcement of a judgment for the physically, sexually, or emotionally abusing a child as provided under section 8467(a)” and inserting “the enforcement of an order for restitution under section 3663A of title 18, forfeiture under section 8432(g)(5) of this title, or an obligation of the Executive Director to make a payment to another person under section 8467 of this title”.

#### SEC. 109. ACCOUNTS FOR SURVIVING SPOUSES.

Section 8433(e) of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(e)”; and

(2) by adding at the end the following:

“(2) Notwithstanding section 8424(d), if an employee, Member, former employee, or former Member dies and has designated as

sole or partial beneficiary his or her spouse at the time of death, or, if an employee, Member, former employee, or former Member, dies with no designated beneficiary and is survived by a spouse, the spouse may maintain the portion of the employee's or Member's account to which the spouse is entitled in accordance with the following terms:

“(A) Subject to the limitations of subparagraph (B), the spouse shall have the same withdrawal options under subsection (b) as the employee or Member were the employee or Member living.

“(B) The spouse may not make withdrawals under subsection (g) or (h).

“(C) The spouse may not make contributions or transfers to the account.

“(D) The account shall be disbursed upon the death of the surviving spouse. A beneficiary or surviving spouse of a deceased spouse who has inherited an account is ineligible to maintain the inherited spousal account.

“(3) The Executive Director shall prescribe regulations to carry out this subsection.” Regulations.

**SEC. 110. TREATMENT OF MEMBERS OF THE UNIFORMED SERVICES UNDER THE THRIFT SAVINGS PLAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) members of the uniformed services should have a retirement system that is at least as generous as the one which is available to Federal civilian employees; and

(2) Federal civilian employees receive matching contributions from their employing agencies for their contributions to the Thrift Savings Fund, but the costs of requiring such a matching contribution from the Department of Defense could be significant.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to Congress on—

(1) the cost to the Department of Defense of providing a matching payment with respect to contributions made to the Thrift Savings Fund by members of the Armed Forces;

(2) the effect that requiring such a matching payment would have on recruitment and retention; and

(3) any other information that the Secretary of Defense considers appropriate.

**TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS**

**SEC. 201. INCREASE IN MONTHLY AMOUNT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR WIDOWS AND WIDOWERS OF DECEASED MEMBERS OF THE ARMED FORCES AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) PAYMENT AMOUNT PER FISCAL YEAR.—Paragraph (2) of section 1450(m) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking “and” after the semicolon; and

(2) by striking subparagraph (F) and inserting the following new subparagraphs:

“(F) for months during fiscal year 2014, \$150;

“(G) for months during fiscal year 2015, \$200;

“(H) for months during fiscal year 2016, \$275; and

“(I) for months during fiscal year 2017, \$310.”.

(b) DURATION.—Paragraph (6) of such section is amended—

(1) by striking “February 28, 2016” and inserting “September 30, 2017”; and

(2) by striking “March 1, 2016” both places it appears and inserting “October 1, 2017”.

Approved June 22, 2009.

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**LEGISLATIVE HISTORY—H.R. 1256:**

HOUSE REPORTS: No. 111-58, Pt. 1 (Comm. on Energy and Commerce) and Pt. 2 (Comm. on Oversight and Government Reform).

CONGRESSIONAL RECORD, Vol. 155 (2009):

Apr. 1, 2, considered and passed House.

June 3, 4, 8-11, considered and passed Senate, amended.

June 12, House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):

June 22, Presidential remarks.





Public Law 111-32  
111th Congress

An Act

Making supplemental appropriations for the fiscal year ending September 30, 2009,  
and for other purposes.

June 24, 2009  
[H.R. 2346]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

Supplemental  
Appropriations  
Act, 2009.

TITLE I

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for “Public Law 480 Title II Grants”, \$700,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 101. Notwithstanding any other provision of law, amounts made available to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2202) and unobligated as of the date of the enactment of this Act shall be available to the Secretary of Agriculture, until expended, for expenses under that program related to recovery efforts in response to natural disasters.

SEC. 102. (a) For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: direct farm ownership loans, \$360,000,000; direct operating loans, \$400,000,000; and unsubsidized guaranteed operating loans, \$50,201,000.

(b) For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, \$22,860,000; direct operating loans, \$47,160,000; and unsubsidized guaranteed operating loans, \$1,250,000.

\* \* \* \* \*

DR (issued September 13, 2008) the base period for tax determining loss of revenue may be fiscal year 2009 or fiscal year 2010.

SEC. 609. (a) **FEDERAL SHARE OF DISASTER ASSISTANCE.**—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), for damages resulting from Hurricane Ike (FEMA-1791-DR and FEMA-1792-DR), shall be 90 percent of the eligible costs under such section and shall be 100 percent of such costs under sections 403 and 407 of such Act (42 U.S.C. 5170b and 5173).

(b) Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), for FEMA-1841-DR shall be 90 percent of the eligible costs under such section and shall be 100 percent of such costs under sections 403 and 407 of such Act (42 U.S.C. 5170b and 5173).

(c) Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), for FEMA-1838-DR shall be 90 percent of the eligible costs under such section and shall be 100 percent of such costs under sections 403 and 407 of such Act (42 U.S.C. 5170b and 5173).

(d) **APPLICABILITY.**—The Federal share provided by subsections (a), (b), and (c) shall apply to disaster assistance provided before, on, or after the date of enactment of this Act.

## TITLE VII

### DEPARTMENT OF THE INTERIOR

#### DEPARTMENT-WIDE PROGRAMS

#### WILDLAND FIRE MANAGEMENT

#### (INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wild-fire suppression and emergency rehabilitation activities of the Department of the Interior, \$50,000,000, to remain available until expended: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities.

Notification.

\* \* \* \* \*

## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

## WILDLAND FIRE MANAGEMENT

## (INCLUDING TRANSFER OF FUNDS)

Notification.

For an additional amount to cover necessary expenses for wild-fire suppression and emergency rehabilitation activities of the Forest Service, \$200,000,000, to remain available until expended: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That the Secretary of Agriculture may transfer not more than \$50,000,000 of these funds to the Secretary of the Interior if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities.

## GENERAL PROVISION—THIS TITLE

Ante, p. 738.

SEC. 701. Public Law 111-8, division E, title III, Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxic Substances and Environmental Public Health is amended by inserting “per eligible employee” after “\$1,000”.

## TITLE VIII

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## ADMINISTRATION FOR CHILDREN AND FAMILI S

## REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance” for necessary expenses for unaccompanied alien children as authorized by section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, \$82,000,000, to remain available through September 30, 2011.

## OFFICE OF THE SECRETARY

## PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools and to assist international efforts and respond to international needs relating to the 2009-H1N1 influenza outbreak, \$1,850,000,000, to remain available until expended: *Provided*, That no less than \$350,000,000 shall be for upgrading State and

\* \* \* \* \*



## GENERAL PROVISIONS—THIS ACT

## AVAILABILITY OF FUNDS

SEC. 14101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 14102. (a) OVERSEAS DEPLOYMENTS DESIGNATIONS.—Except as provided in subsections (b) and (c), each amount in this Act is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EMERGENCY DESIGNATIONS.—Each amount in titles I, II, IV, V, VII, VIII, IX, XII, XIII, XIV, and VI except for amounts under the heading “Coast Guard Operating Expenses” is designated as necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) Subsection (a) shall not apply to the amounts rescinded in section 309 for “Operation and Maintenance, Marine Corps”, “Operation and Maintenance, Air Force”, and “Operation and Maintenance, Army Reserve”.

Detainees.  
Cuba.  
President.  
Classified  
information.

SEC. 14103. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained as of the date of enactment of this Act, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia.

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained as of the date of enactment of this Act, at Naval Station, Guantanamo Bay, Cuba, for the purpose of detention in the continental United States, Alaska, Hawaii, or the District of Columbia, except as provided in subsection (c).

Deadline.

(c) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of the date of enactment of this Act, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan detailed in subsection (d) is received.

Plan.

(d) The President shall submit to the Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of the date of enactment of this Act. Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A plan for mitigation of any risk described in paragraph (1).

Notification.  
Certification.  
Deadline.

(5) A copy of a notification to the Governor of the State to which the individual will be transferred or to the Mayor

of the District of Columbia if the individual will be transferred to the District of Columbia with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(e) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of the date of enactment of this Act, to the country of such individual's nationality or last habitual residence or to any other country other than the United States, unless the President submits to the Congress, in classified form 15 days prior to such transfer, the following information:

Deadline.

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

Reports.

This Act may be cited as the "Supplemental Appropriations Act, 2009".

Approved June 24, 2009.

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**LEGISLATIVE HISTORY—H.R. 2346 (S. 1054):**

HOUSE REPORTS: Nos. 111-105 (Comm. on Appropriations) and 111-151 (Comm. of Conference).

SENATE REPORTS: No. 111-20 accompanying S. 1054 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 155 (2009):

May 14, considered and passed House.

May 19-21, considered and passed Senate, amended.

June 16, House agreed to conference report.

June 17, 18, Senate considered and agreed to conference report.



Public Law 111-53  
111th Congress

An Act

Aug. 19, 2009  
[H.R. 1275]

To direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

Utah  
Recreational  
Land Exchange  
Act of 2009.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Utah Recreational Land Exchange Act of 2009”.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term “Federal land” means the land located in Grand, San Juan, and Uintah Counties, Utah, that is identified on the maps as—

(A) “BLM Subsurface only Proposed for Transfer to State Trust Lands”;

(B) “BLM Surface only Proposed for Transfer to State Trust Lands”; and

(C) “BLM Lands Proposed for Transfer to State Trust Lands”.

(2) GRAND COUNTY MAP.—The term “Grand County Map” means the map prepared by the Bureau of Land Management entitled “Utah Recreational Land Exchange Act Grand County”, dated May 14, 2009, and relating to the exchange of Federal land and non-Federal land in Grand and San Juan Counties, Utah.

(3) MAPS.—The term “maps” means the Grand County Map and the Uintah County Map.

(4) NON-FEDERAL LAND.—The term “non-Federal land” means the land in Grand, San Juan, and Uintah Counties, Utah, that is identified on the maps as—

(A) “State Trust Land Proposed for Transfer to BLM”; and

(B) “State Trust Minerals Proposed for Transfer to BLM”.

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

(6) STATE.—The term “State” means the State of Utah, as trustee under the Utah State School and Institutional Trust Lands Management Act (Utah Code Ann. 53C-1-101 et seq.).

(7) UINTAH COUNTY MAP.—The term “Uintah County Map” means the map prepared by the Bureau of Land Management entitled “Utah Recreational Land Exchange Act Uintah



County”, dated May 14, 2009, and relating to the exchange of Federal land and non-Federal land in Uintah County, Utah.

### SEC. 3. EXCHANGE OF LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest of the State in and to the non-Federal land, convey to the State all right, title, and interest of the United States in and to the Federal land.

(b) CONDITIONS.—The exchange authorized under subsection (a) shall be subject to—

(1) valid existing rights;

(2) except as otherwise provided by this section—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) any other applicable laws;

(3) all costs of land exchanges under this Act, including but not limited to appraisals, surveys, and related costs, shall be paid equally by the Secretary and the State; and

(4) any additional terms and conditions that the Secretary and the State mutually determine to be appropriate.

(c) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this section shall be in a format acceptable to the Secretary and the State.

(d) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land shall be determined by appraisals conducted by 1 or more independent appraisers selected jointly by the Secretary and the State.

(2) APPLICABLE LAW.—The appraisals conducted under paragraph (1) shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) APPROVAL.—The appraisals conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(4) ADJUSTMENT.—

(A) IN GENERAL.—If value is attributed to any parcel of Federal land because of the presence of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the value of the parcel (as otherwise established under this subsection) shall be reduced by the estimated value of the payments that would have been made to the State of Utah from bonuses, rentals, and royalties that the United States would have received if such minerals were leased pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(B) LIMITATION.—An adjustment under subparagraph (A) shall not be considered as a property right of the State.

(5) AVAILABILITY OF APPRAISALS.—

(A) IN GENERAL.—All final appraisals, appraisal reviews, and determinations of value for land to be exchanged under this section shall be available for public review at the Utah State Office of the Bureau of Land

Public inspection.

Notice.

Management at least 30 days before the conveyance of the applicable parcels.

(B) PUBLICATION.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals are available for public inspection.

(e) CONVEYANCE OF PARCELS IN PHASES.—

(1) IN GENERAL.—Notwithstanding that appraisals for all of the parcels of Federal land and non-Federal land may not have been approved under subsection (d)(3), parcels of the Federal land and non-Federal land may be exchanged under subsection (a) in 3 phases beginning on the date on which the appraised values of the parcels included in the applicable phase are approved under this subsection.

(2) PHASES.—The 3 phases referred to in paragraph (1) are—

(A) phase 1, consisting of the non-Federal land identified as “phase one” land on the Grand County Map;

(B) phase 2, consisting of the non-Federal land identified as “phase two” land on the Grand County Map and the Uintah County Map; and

(C) phase 3, consisting of any remaining non-Federal land that is not identified as “phase one” land or “phase two” land on the Grand County Map or the Uintah County Map.

(3) NO AGREEMENT ON EXCHANGE.—If agreement has not been reached with respect to the exchange of an individual parcel of Federal land or non-Federal land, the Secretary and the State may agree to set aside the individual parcel to allow the exchange of the other parcels of Federal land and non-Federal land to proceed.

Deadline.

(4) TIMING.—It is the intent of Congress that at least the first phase of the exchange of land authorized by subsection (a) be completed not later than 360 days after the date on which the State makes the Secretary an offer to convey the non-Federal land under that subsection.

(f) RESERVATION OF INTEREST IN OIL SHALE.—

(1) IN GENERAL.—With respect to Federal land that contains oil shale resources, the Secretary shall reserve an interest in the portion of the mineral estate that contains the oil shale resources.

(2) EXTENT OF INTEREST.—The interest reserved by the United States under paragraph (1) shall consist of—

(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop oil shale resources;

(B) the amount that would have been received by the Federal Government under the applicable royalty rate if the oil shale resources had been retained in Federal ownership; and

(C) 50 percent of any other payment received by the State pursuant to any lease or authorization to develop the oil shale resources.

(3) PAYMENT.—Any amounts due under paragraph (2) shall be paid by the State to the United States not less than quarterly.

(4) NO OBLIGATION TO LEASE.—The State shall not be obligated to lease or otherwise develop oil shale resources in which the United States retains an interest under this subsection.

(5) VALUATION.—Federal land in which the Secretary reserves an interest under this subsection shall be appraised—

(A) without regard to the presence of oil shale; and

(B) in accordance with subsection (d).

(g) WITHDRAWAL OF FEDERAL LAND PRIOR TO EXCHANGE.—Time period.  
Subject to valid existing rights, during the period beginning on the date of enactment of this Act and ending on the earlier of the date that the Federal land is removed from the exchange or the date on which the Federal land is conveyed under this Act, the Federal land is withdrawn from—

(1) disposition (other than disposition under section 4) under the public land laws;

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

(3) the operation of—

(A) the mineral leasing laws;

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.); and

(C) the first section of the Act of July 31, 1947 (commonly known as the “Materials Act of 1947”) (30 U.S.C. 601).

(h) APPURTENANT WATER RIGHTS.—Any conveyance of a parcel of Federal land or non-Federal land under this Act shall include the conveyance of water rights appurtenant to the parcel conveyed.

(i) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this Act—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph

(2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized, as determined to be appropriate and acceptable by the Secretary and the State, by one or more of the following:

(i) By reducing the acreage of the Federal land to be conveyed.

(ii) By adding additional State land to the non-Federal land to be conveyed.

(iii) Consistent with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716), by cash equalization of not more than 5 percent of the total value of the lands or interests in lands to be transferred out of Federal ownership.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and non-Federal land shall be equalized, as determined to be appropriate and acceptable by the Secretary and the State, by one or both of the following:

(i) By reducing the acreage of the non-Federal land to be conveyed.



(ii) Consistent with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716), by cash equalization of not more than 5 percent of the total value of the lands or interests in lands to be transferred out of Federal ownership.

(3) NOTICE AND PUBLIC INSPECTION.—

(A) IN GENERAL.—If the Secretary and the State determine to add or remove land from the exchange, the Secretary or the State shall—

Publication.

(i) publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that identifies when and where a revised exchange map will be available for public inspection; and

Records.

(ii) transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a copy of the revised exchange map.

(B) LIMITATION.—The Secretary and the State shall not add or remove land from the exchange until at least 30 days after the date on which the notice is published under subparagraph (A)(i) and the map is transmitted under subparagraph (A)(ii).

SEC. 4. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) ADMINISTRATION OF NON-FEDERAL LAND.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), the non-Federal land acquired by the United States under this Act shall become part of, and be managed as part of, the Federal administrative unit or area in which the land is located.

(2) WITHDRAWAL PARCELS.—Any non-Federal land acquired by the United States under this Act identified on the maps as “Withdrawal Parcels” is withdrawn from the operation of the mineral leasing and mineral material disposal laws.

(3) RECEIPTS.—

(A) IN GENERAL.—Any mineral receipts derived from the non-Federal land acquired under this Act shall be paid into the general fund of the Treasury.

(B) APPLICABLE LAW.—Mineral receipts from the non-Federal land acquired under this Act shall not be subject to section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(b) GRAZING PERMITS.—

(1) IN GENERAL.—If land conveyed under this Act is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this Act prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for nongrazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) BASE PROPERTIES.—If land conveyed by the State under this Act is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for the remaining term of the lease or permit and the term of any renewal or extension of the lease or permit.

(c) HAZARDOUS MATERIALS.—

(1) IN GENERAL.—The Secretary and, as a condition of the exchange, the State shall make available for review and inspection any record relating to hazardous materials on the land to be exchanged under this Act.

Public inspection.  
Records.

(2) COSTS.—The costs of remedial actions relating to hazardous materials on land acquired under this Act shall be paid by those entities responsible for the costs under applicable law.

(d) EASEMENT.—The conveyance of Federal land in sec. 33, T. 4 S., R. 24 E., and sec. 4, T. 5 S., R. 24 E., of the Salt Lake Meridian, shall be subject to a 1,000 foot wide scenic easement and a 200 foot wide road right-of-way previously granted to the National Park Service for the Dinosaur National Monument, as described in Land Withdrawal No. U-0141143, pursuant to the Act of September 8, 1960 (74 Stat. 857,861).

#### SEC. 5. TERMINATION OF AUTHORITY.

The provisions of this Act shall terminate 5 years after the date of enactment.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved August 19, 2009.

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LEGISLATIVE HISTORY—H.R. 1275:

HOUSE REPORTS: No. 111-179 (Comm. on Natural Resources).

SENATE REPORTS: No. 111-67 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 155 (2009):

July 7, 8, considered and passed House.

Aug. 5, considered and passed Senate.

○



Public Law 111-68  
 111th Congress

An Act

Making appropriations for the Legislative Branch for the fiscal year ending Sep-  
 tember 30, 2010, and for other purposes.

Oct. 1, 2009  
 [H.R. 2918]

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

REFERENCES

SEC. 1. Except as expressly provided otherwise, any reference  
 to “this Act” or “this joint resolution” contained in any division  
 of this Act shall be treated as referring only to the provisions  
 of that division.

DIVISION A—LEGISLATIVE BRANCH APPROPRIATIONS ACT,  
 2010

Legislative  
 Branch  
 Appropriations  
 Act, 2010.

That the following sums are appropriated, out of any money in  
 the Treasury not otherwise appropriated, for the Legislative Branch  
 for the fiscal year ending September 30, 2010, and for other pur-  
 poses, namely:

2 USC 60a note.

TITLE I

LEGISLATIVE BRANCH

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF  
 CONGRESS

For a payment to Victoria Reggie Kennedy, widow of Edward  
 M. Kennedy, late a Senator from Massachussetts, \$174,000.

Victoria Reggie  
 Kennedy.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$20,000; the  
 President Pro Tempore of the Senate, \$40,000; Majority Leader  
 of the Senate, \$40,000; Minority Leader of the Senate, \$40,000;  
 Majority Whip of the Senate, \$10,000; Minority Whip of the Senate,  
 \$10,000; Chairmen of the Majority and Minority Conference  
 Committees, \$5,000 for each Chairman; and Chairmen of the  
 Majority and Minority Policy Committees, \$5,000 for each Chair-  
 man; in all, \$180,000.

\* \* \* \* \*

## AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

## COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

## LANDSCAPE MAINTENANCE

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW, on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I-395 tunnel on the southeast.

## LIMITATION ON TRANSFERS

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

## GUIDED TOURS OF THE CAPITOL

SEC. 209. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

This division may be cited as the “Legislative Branch Appropriations Act, 2010”.

DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION,  
2010

Continuing  
Appropriations  
Resolution, 2010.

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable

corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2010, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2009 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2009, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110-252).

(2) Section 155 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), except that subsections (c), (d), and (e) of such section shall not apply to funds made available under this joint resolution.

(3) Divisions C through E of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329).

(4) Divisions A through I of the Omnibus Appropriations Act, 2009 (Public Law 111-8), as amended by section 2 of Public Law 111-46.

(5) Titles III and VI (under the heading "Coast Guard") of the Supplemental Appropriations Act, 2009 (Public Law 111-32).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2009 or prior years; (2) the increase in production rates above those sustained with fiscal year 2009 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2009.

Contracts.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2009.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which



funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2010, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2010 without any provision for such project or activity; or (3) October 31, 2009.

Expiration date.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2010 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2009, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2009, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2009 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

Deadline.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2009, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public

Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. Amounts made available by this joint resolution related to amounts provided in chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110-252), and titles III and VI of the Supplemental Appropriations Act, 2009 (Public Law 111-32), are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, except that amounts so designated under this section shall not exceed \$129,989,000,000.

Extension date.  
Applicability.

SEC. 115. The provisions of section 14103 of Public Law 111-32 shall continue in effect through the date specified in section 106(3) of this joint resolution, and such provisions shall also apply to funds made available in this joint resolution.

Applicability.

SEC. 116. Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

Extension date.

SEC. 117. The authority provided by paragraphs (3) and (4) of section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3); 1758(h)(4)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 118. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

Applicability.  
Extension date.

SEC. 119. Section 21(g)(1)(A)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)(ii)) shall be applied by substituting "October 1, 2008, and October 1, 2009" for "October 1, 2008" and shall continue in effect through the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 120. The authority provided by section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts are provided for "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs" at a rate for operations of \$7,065,707,000.

Extension date.

SEC. 122. The authority provided by section 8116 of division C of Public Law 110-329 and section 310 of title III of Public Law 111-32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 123. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended by section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 124. The authority provided by section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), as amended by section 1022 of the Duncan Hunter

National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 125. The authority provided by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as amended by section 1024 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 126. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" for such programs and activities under title IV of S. 1432 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under "District of Columbia Funds" as included in the Second Fiscal Year 2010 Budget Request Act (D.C. Act 18-188).

SEC. 127. The authority provided by section 5739 of title 5, United States Code, shall continue in effect through the date specified in section 106(3) of this joint resolution, notwithstanding subsection (e) of such section 5739.

Extension date.

SEC. 128. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "the 11-year period beginning on the first day the pilot program is in effect".

Applicability.

SEC. 129. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016a and 4026) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

Applicability.

SEC. 130. The requirement set forth in section 610(b) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall continue through the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 131. Section 550(b) of Public Law 109-295 shall be applied by substituting the date specified in section 106(3) of this joint resolution for "three years after the date of enactment of this Act".

Applicability.

SEC. 132. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

Applicability.

SEC. 133. Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

SEC. 134. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

Applicability.

SEC. 135. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291),

Applicability.



as amended by section 336 of the Consolidated Appropriations Act, 2005 (Public Law 108-447), shall be applied by substituting the date specified in section 106(3) of this joint resolution for “September 30, 2009”.

Applicability.

SEC. 136. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by Public Law 106-113), as amended by section 335(6) of Public Law 108-108, shall be applied by substituting the date specified in section 106(3) of this joint resolution for “September 30, 2009”.

Extension date.

SEC. 137. The authority provided by section 325 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108-108), as amended by section 426 of division E of Public Law 111-8, shall continue to apply through the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 138. The authority provided by the 19th unnumbered paragraph under heading “Administrative Provisions, Forest Service” in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109-54, shall continue in effect through the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 139. Notwithstanding any other provision of law, including section 703 of Public Law 109-415, the authorities provided in title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) shall continue in effect as they were in effect during fiscal year 2009, and apply through the date specified in section 106(3) of this joint resolution.

Applicability.

SEC. 140. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for “the end of fiscal year 2009”.

SEC. 141. Notwithstanding section 101, amounts are provided for “Veterans Health Administration—Medical Services”, “Veterans Health Administration—Medical Support and Compliance”, and “Veterans Health Administration—Medical Facilities” of the Department of Veterans Affairs at rates for operations not exceeding the lower of the amount in the President’s fiscal year 2010 Budget Request (H. Doc. 111-3), the amount in H.R. 3082, as passed by the House of Representatives on July 10, 2009, or the amount in S. 1407, as reported by the Committee on Appropriations of the Senate on July 7, 2009.

Iraq.

SEC. 142. Notwithstanding section 7042(b) of division H of Public Law 111-8, amounts provided by section 101 of this joint resolution for Iraq shall be obligated under the terms and conditions of section 1106(b) of Public Law 111-32.

Palestinian Authority.

SEC. 143. Notwithstanding section 7040(f) of division H of Public Law 111-8, amounts provided by section 101 of this joint resolution for the Palestinian Authority shall be obligated under the terms and conditions of section 1107 of Public Law 111-32.

Iraq.  
Zimbabwe.

SEC. 144. Notwithstanding sections 7042(a) and 7070(e) of division H of Public Law 111-8, amounts provided by section 101 of this joint resolution for assistance for Iraq and Zimbabwe shall be obligated under the terms and conditions of section 1108 of Public Law 111-32.

Extension date.

SEC. 145. The authority provided by section 1113 of Public Law 111-32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 146. The authority provided by section 309(f) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(f)) shall remain in effect through the date specified in section 106(3) of this joint resolution. Extension date.

SEC. 147. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this joint resolution. Extension date.

SEC. 148. The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831 (a)(3)) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 149. Notwithstanding any other provision of this joint resolution, other than section 106, the Secretary of Housing and Urban Development shall obligate funds provided by section 101 at a rate the Secretary determines is necessary to renew or amend, in a timely manner, all section 8 project-based, section 202, and section 811, rental assistance contracts. In renewing or amending such contracts, the Secretary may provide for payments to be made beyond the period covered by this joint resolution. Housing. Contracts.

SEC. 150. Commitments to guarantee loans, as authorized by the National Housing Act and insured under the Mutual Mortgage Insurance Fund, shall not exceed a loan principal of \$1,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 151. Commitments to guarantee loans, as authorized by section 306 of the National Housing Act, shall not exceed a loan principal of \$2,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 152. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)), the Secretary of Housing and Urban Development may, through the date specified in section 106(3) of this joint resolution, insure, and enter into commitments to insure mortgages under section 255 of such Act. During the period covered by this joint resolution, for new loans guaranteed pursuant to section 255 of the National Housing Act (12 U.S.C. 1715z-20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate. Mortgages.

SEC. 153. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for the date specified in such section 24(o). Applicability.

SEC. 154. Funds made available under section 101 for the National Transportation Safety Board shall include amounts necessary to make lease payments due in fiscal year 2010 only, on an obligation incurred in 2001 under a capital lease.

SEC. 155. (a) Section 48103(6) of title 49, United States Code, shall be applied: (1) by substituting the amount specified in such section with an amount that equals \$3,820,000,000 multiplied by the ratio of the number of days covered by this joint resolution to 365; and (2) by substituting the fiscal year specified in such section with the period beginning October 1, 2009, through the date specified in section 106(3) of this joint resolution. This subsection shall be in effect through the earlier of the date of enactment Applicability. Time period.

Expiration date.

of an Act amending section 48103 of title 49, United States Code, or the date specified in section 106(3) of this joint resolution.

Applicability.

(b) Section 47104(c) of title 49, United States Code, shall be applied by substituting “2010” for “2009”.

(c) Nothing in this section shall affect the availability of any balances of contract authority provided under section 48103 of title 49, United States Code, for fiscal year 2009 and any prior fiscal year.

Applicability.

SEC. 156. (a) Sections 4081(d)(2)(B), 4261(j)(1)(A)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 shall each be applied by substituting the date specified in section 106(3) of this joint resolution for “September 30, 2009”.

(b) Subsections (d)(1) and (e)(2) of section 9502 of such Code shall each be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for “October 1, 2009”.

26 USC 9502.

(c) Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting “or any joint resolution making continuing appropriations for the fiscal year 2010” before the semicolon at the end.

SEC. 157. (a) EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.—Except as otherwise provided in this section, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, and chapter 53 of title 49, United States Code, which would otherwise expire on or cease to apply after September 30, 2009, are incorporated by reference and shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) USE OF FUNDS.—Except as otherwise expressly provided in this section, funds made available for obligation under this joint resolution and expended under the authority of this section shall be distributed, administered, limited, and made available for obligation in the same manner and at the same rate as funds authorized to be appropriated for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 53 of title 49, United States Code, including section 5338(f)(1) of title 49, United States Code, chapter 303 of part A of subtitle VI of title 49, United States Code, and part B of subtitle VI of title 49, United States Code.

(c) DISTRIBUTION OF FUNDS UNDER TITLES III AND V OF SAFETEA-LU.—Funds made available for programs authorized under titles III and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1544 and 1779) and continued under this joint resolution shall be distributed to major program areas under those programs in the same



proportion as funds were allocated for those program areas for fiscal year 2009, except that any designations for specific activities in sections 3044 and 3046 under title III and in title V of such Act shall not be required to be continued for the duration of this joint resolution.

(d) **EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.**—Notwithstanding any other provision of law, the portion of the share of funds of a State under subsection (b) determined by the amount that the State received for fiscal year 2009 to carry out sections 1301(m), 1302(e), 1307, 1702, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1202, 1205, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(1) made available to the State for purposes described in section 133(b) of title 23, United States Code; and

(2) administered in the same manner and with the same period of availability as such funding is administered under section 133 of title 23, United States Code, except that subsections (d)(2) and (d)(3) of such section shall not apply to amounts administered pursuant to this section.

**SEC. 158. (a) APPROPRIATION OF FUNDING FOR CERTAIN HIGHWAY TRUST FUND PROGRAMS.**—For the period from October 1, 2009, through the date specified in section 106(3) of this joint resolution, an amount shall be available from the Highway Trust Fund (including from the Mass Transit Account) to carry out each program, project, and activity continued under section 157 of this joint resolution that was funded from the Highway Trust Fund (including from the Mass Transit Account) during fiscal year 2009 in a sum equal to and from the same account as—

Time period.

(1) the total amount available for such program, project, and activity for fiscal year 2009 under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144) and the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), divided by 365; and multiplied by

(2) the number of days between September 30, 2009, and the date specified in section 106(3) of this joint resolution.

(b) **CONTRACT AUTHORITY.**—Funds made available under this joint resolution to be expended under the authority of section 157 of this joint resolution shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, or section 5338(f)(1) of title 49, United States Code, whichever appropriate.

(c) **CALCULATION.**—The amounts made available under this joint resolution to be expended under the authority of this section shall be calculated by taking into account any rescission or cancellation of funds or contract authority for fiscal year 2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or any other law.

**SEC. 159. (a) EXTENSION OF AUTHORITY FOR EXPENDITURES FROM HIGHWAY TRUST FUND.**—

Applicability.

(1) Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 shall be applied—

(A) by substituting the date specified in section 106(3) of this joint resolution for “September 30, 2009”; and

(B) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for “October 1, 2009”.

26 USC 9503.

(2) Paragraph (1) of section 9503(c) of such Code is amended by striking “under” and all that follows and inserting “under the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution).”.

(b) MASS TRANSIT ACCOUNT.—

(1) Paragraph (3) of section 9503(e) of such Code shall be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for “October 1, 2009”.

(2) Paragraph (3) of section 9503(e) of such Code is amended by striking “in accordance with” and all that follows and inserting “in accordance with the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution).”.

(c) EXCEPTION TO LIMITATIONS ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code shall be applied—

(1) by substituting the date specified in section 106(3) of this joint resolution for “September 30, 2009”; and

(2) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for “October 1, 2009”.

SEC. 160. Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

Time period.

(1) in subsection (a), by inserting “and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,” after “2009,”; and

(2) in subsection (b)(1)(A), by inserting “and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,” after “2009”.

26 USC 9504.

SEC. 161. (a) Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking “(as in effect” in subparagraph (A) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010),”;

(2) by striking “(as in effect” in subparagraph (B) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010), and”;

(3) by striking “(as in effect” in subparagraph (C) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010).”.

(b) Paragraph (2) of section 9504(d) of such Code shall be applied by substituting the date that is one day after the date specified in section 106(3) of this joint resolution for “October 1, 2009”. Applicability.

SEC. 162. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to sections 157 through 161 of this joint resolution shall be available until (1) enactment into law of an Act to extend or reauthorize surface transportation programs, or (2) the date specified in section 106(3) of this joint resolution, whichever first occurs, and shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 163. None of the funds made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations. ACORN.

SEC. 164. (a) Clause (iii) of section 8909a(d)(3)(A) of title 5, United States Code, is amended to read as follows:

“(iii) \$1,400,000,000, not later than September 30, 2009;”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of section 803(a)(1)(B) of the Postal Accountability and Enhancement Act (Public Law 109-435; 120 Stat. 3251). Effective date.  
5 USC 8909a  
note.

This division may be cited as the “Continuing Appropriations Resolution, 2010”.

Approved October 1, 2009.

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LEGISLATIVE HISTORY—H.R. 2918:

HOUSE REPORTS: Nos. 111-160 (Comm. on Appropriations) and 111-265 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 155 (2009):

June 19, considered and passed House.

June 25, July 6, considered and passed Senate, amended.

Sept. 25, House agreed to conference report.

Sept. 30, Senate agreed to conference report.





Public Law 111-84  
111th Congress

An Act

Oct. 28, 2009  
[H.R. 2647]

National Defense  
Authorization  
Act for Fiscal  
Year 2010.

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2010”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding tables.
- (5) Division E—Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act

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

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. National Guard and Reserve equipment.
- Sec. 106. Mine Resistant Ambush Protected Vehicle Fund.
- Sec. 107. Relation to funding table.

Subtitle B—Army Programs

- Sec. 111. Procurement of Future Combat Systems spin out early-infantry brigade combat team equipment.

Subtitle C—Navy Programs

- Sec. 121. Littoral Combat Ship program.
- Sec. 122. Treatment of Littoral Combat Ship program as a major defense acquisition program.
- Sec. 123. Report on strategic plan for homeporting the Littoral Combat Ship.

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- Sec. 1403. Chemical agents and munitions destruction, defense.
- Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1405. Defense Inspector General.
- Sec. 1406. Defense Health Program.
- Sec. 1407. Relation to funding table.

#### Subtitle B—National Defense Stockpile

- Sec. 1411. Authorized uses of National Defense Stockpile funds.
- Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.
- Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.

#### Subtitle C—Armed Forces Retirement Home

- Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

### TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

- Sec. 1501. Purpose.
- Sec. 1502. Army procurement.
- Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1504. Navy and Marine Corps procurement.
- Sec. 1505. Air Force procurement.
- Sec. 1506. Mine Resistant Ambush Protected Vehicle Fund.
- Sec. 1507. Defense-wide activities procurement.
- Sec. 1508. Research, development, test, and evaluation.
- Sec. 1509. Operation and maintenance.
- Sec. 1510. Limitations on availability of funds in Afghanistan Security Forces Fund.
- Sec. 1511. Limitations on Iraq Security Forces Fund.
- Sec. 1512. Military personnel.
- Sec. 1513. Working capital funds.
- Sec. 1514. Defense Health Program.
- Sec. 1515. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1516. Defense Inspector General.
- Sec. 1517. Relation to funding tables.
- Sec. 1518. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
- Sec. 1519. Treatment as additional authorizations.
- Sec. 1520. Special transfer authority.

### TITLE XVII—DEPARTMENT OF DEFENSE—DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT

- Sec. 1701. Demonstration project authority.
- Sec. 1702. Transfer of property.
- Sec. 1703. Transfer of civilian personnel of the Department of Defense.
- Sec. 1704. Joint funding authority.
- Sec. 1705. Eligibility of members of the uniformed services for care and services.
- Sec. 1706. Extension of DOD-VA Health Care Sharing Incentive Fund.

### TITLE XVIII—MILITARY COMMISSIONS

- Sec. 1801. Short title.
- Sec. 1802. Military commissions.
- Sec. 1803. Conforming amendments.
- Sec. 1804. Proceedings under prior statute.
- Sec. 1805. Submittal to Congress of revised rules for military commissions.
- Sec. 1806. Annual reports to Congress on trials by military commission.
- Sec. 1807. Sense of Congress on military commission system.

### TITLE XIX—FEDERAL EMPLOYEE BENEFITS

#### Subtitle A—General Provisions

- Sec. 1901. Credit for unused sick leave.
- Sec. 1902. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System.
- Sec. 1903. Computation of certain annuities based on part-time service.
- Sec. 1904. Authority to deposit refunds under FERS.
- Sec. 1905. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

#### Subtitle B—Non-Foreign Area Retirement Equity Assurance

- Sec. 1911. Short title.

- Sec. 1912. Extension of locality pay.
- Sec. 1913. Adjustment of special rates.
- Sec. 1914. Transition schedule for locality-based comparability payments.
- Sec. 1915. Savings provision.
- Sec. 1916. Application to other eligible employees.
- Sec. 1917. Election of additional basic pay for annuity computation by employees.
- Sec. 1918. Regulations.
- Sec. 1919. Effective dates.

#### DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Relation to funding tables.
- Sec. 2004. General reduction across division.

#### TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
- Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

#### TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.

#### TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Termination of authority to carry out certain fiscal year 2009 Air Force project.
- Sec. 2306. Extension of authorizations of certain fiscal year 2007 projects.
- Sec. 2307. Extension of authorizations of certain fiscal year 2006 projects.
- Sec. 2308. Conveyance to Indian tribes of certain housing units.

#### TITLE XXIV—DEFENSE AGENCIES

##### Subtitle A—Defense Agency Authorizations

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Family Housing.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.
- Sec. 2405. Termination or modification of authority to carry out certain fiscal year 2009 projects.
- Sec. 2406. Modification of authority to carry out certain fiscal year 2008 project.
- Sec. 2407. Extension of authorizations of certain fiscal year 2007 project.

##### Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

#### TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

#### TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.



- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.
- Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.

## TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

## Subtitle A—Authorizations

- Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

## Subtitle B—Other Matters

- Sec. 2711. Relocation of certain Army Reserve units in Connecticut.
- Sec. 2712. Authority to construct Armed Forces Reserve Center in vicinity of Pease Air National Guard Base, New Hampshire.
- Sec. 2713. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.
- Sec. 2714. Requirements related to providing world class military medical facilities in the National Capital Region.
- Sec. 2715. Use of economic development conveyances to implement base closure and realignment property recommendations.

## TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

## Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Modification of unspecified minor construction authorities.
- Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.
- Sec. 2803. Modification of authority for scope of work variations.
- Sec. 2804. Modification of conveyance authority at military installations.
- Sec. 2805. Imposition of requirement that acquisition of reserve component facilities be authorized by law.
- Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
- Sec. 2807. Expansion of First Sergeants Barracks Initiative.
- Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.
- Sec. 2809. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.

## Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Modification of utility systems conveyance authority.
- Sec. 2822. Report on global defense posture realignment and interagency review.
- Sec. 2823. Property and facilities management of the Armed Forces Retirement Home.
- Sec. 2824. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
- Sec. 2825. Selection of military installations to serve as locations of brigade combat teams.
- Sec. 2826. Report on Federal assistance to support communities adversely impacted by expansion of military installations.

## Subtitle C—Provisions Related to Guam Realignment

- Sec. 2831. Role of Department of Defense in management and coordination of Defense activities relating to Guam realignment.
- Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.
- Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.
- Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.
- Sec. 2835. Interagency Coordination Group of Inspectors General for Guam Realignment.
- Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.

- Sec. 2837. Report and sense of Congress on Marine Corps requirements in Asia-Pacific region.

Subtitle D—Energy Security

- Sec. 2841. Adoption of unified energy monitoring and utility control system specification for military construction and military family housing activities.  
 Sec. 2842. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.  
 Sec. 2843. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.  
 Sec. 2844. Department of Defense use of electric and hybrid motor vehicles.  
 Sec. 2845. Study on development of nuclear power plants on military installations.  
 Sec. 2846. Comptroller General report on Department of Defense renewable energy initiatives, including solar initiatives, on military installations.

Subtitle E—Land Conveyances

- Sec. 2851. Land conveyance, Haines Tank Farm, Haines, Alaska.  
 Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.  
 Sec. 2853. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.  
 Sec. 2854. Land conveyance, Ferndale housing at Centerville Beach Naval Facility to City of Ferndale, California.  
 Sec. 2855. Land conveyances, Naval Air Station, Barbers Point, Hawaii.  
 Sec. 2856. Land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii.  
 Sec. 2857. Modification of land conveyance, former Griffiss Air Force Base, New York.  
 Sec. 2858. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.  
 Sec. 2859. Land conveyance, Ellsworth Air Force Base, South Dakota.  
 Sec. 2860. Land conveyance, Lackland Air Force Base, Texas.  
 Sec. 2861. Land Conveyance, Naval Air Station Oceana, Virginia.  
 Sec. 2862. Completion of land exchange and consolidation, Fort Lewis, Washington.  
 Sec. 2863. Land conveyance, F.E. Warren Air Force Base, Cheyenne, Wyoming.

Subtitle F—Other Matters

- Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.  
 Sec. 2872. National D-Day Memorial study.  
 Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.  
 Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY  
CONSTRUCTION AUTHORIZATIONS

- Sec. 2901. Authorized Army construction and land acquisition projects.  
 Sec. 2902. Authorized Air Force construction and land acquisition projects.  
 Sec. 2903. Construction authorization for facilities for Office of Defense Representative-Pakistan.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY  
AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.  
 Sec. 3102. Defense environmental cleanup.  
 Sec. 3103. Other defense activities.  
 Sec. 3104. Defense nuclear waste disposal.  
 Sec. 3105. Energy security and assurance.  
 Sec. 3106. Relation to funding tables.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Stockpile stewardship program.  
 Sec. 3112. Report on stockpile stewardship criteria and assessment of stockpile stewardship program.  
 Sec. 3113. Stockpile management program.  
 Sec. 3114. Dual validation of annual weapons assessment and certification.  
 Sec. 3115. Elimination of nuclear weapons life extension program from exception to requirement to request funds in budget of the President.

- Sec. 3116. Long-term plan for the modernization and refurbishment of the nuclear security complex.
- Sec. 3117. Repeal of prohibition on funding activities associated with international cooperative stockpile stewardship.
- Sec. 3118. Modification of minor construction threshold for plant projects.
- Sec. 3119. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3120. National Nuclear Security Administration authority for urgent non-proliferation activities.
- Sec. 3121. Repeal of sunset date for consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.

#### Subtitle C—Reports

- Sec. 3131. National Academy of Sciences review of national security laboratories.
- Sec. 3132. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.
- Sec. 3133. Comptroller General study of stockpile stewardship program.
- Sec. 3134. Comptroller General of the United States review of projects carried out by the Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009.

#### Subtitle D—Other Matters

- Sec. 3141. Ten-year plan for use and funding of certain Department of Energy facilities.
- Sec. 3142. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.
- Sec. 3143. Identification in budget materials of amounts for certain Department of Energy pension obligations.
- Sec. 3144. Sense of Congress on production of molybdenum-99.

### TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

### TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

### TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for fiscal year 2010.
- Sec. 3502. Unused leave balances.
- Sec. 3503. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.
- Sec. 3504. Maritime loan guarantee program.
- Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.
- Sec. 3506. Report on restrictions on United States-flagged commercial vessel security.
- Sec. 3507. Technical corrections to State maritime academies student incentive program.
- Sec. 3508. Cooperative agreements, administrative expenses, and contracting authority.
- Sec. 3509. Use of funding for DOT maritime heritage property.
- Sec. 3510. Use of midshipman fees.
- Sec. 3511. Construction of vessels in the United States policy.
- Sec. 3512. Port infrastructure development program.
- Sec. 3513. Reefs for marine life conservation program.
- Sec. 3514. United States Merchant Marine Academy graduate program receipt, disbursement, and accounting for nonappropriated funds.
- Sec. 3515. America's short sea transportation grants for the development of marine highways.
- Sec. 3516. Expansion of the Marine View system.

### DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.

### TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.
- Sec. 4102. Procurement for overseas contingency operations.

### TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 4201. Research, development, test, and evaluation.



Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

#### TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

#### TITLE XLIV—OTHER AUTHORIZATIONS

Sec. 4401. Other authorizations.

Sec. 4402. Other authorizations for overseas contingency operations.

#### TITLE XLV—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 4501. Military construction.

Sec. 4502. 2005 base realignment and closure round FY 2010 project listing.

Sec. 4503. Military construction for overseas contingency operations.

#### TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4601. Department of Energy national security programs.

#### DIVISION E—MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT

Sec. 4701. Short title.

Sec. 4702. Findings.

Sec. 4703. Definitions.

Sec. 4704. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials.

Sec. 4705. Grant program.

Sec. 4706. Authorization for additional personnel to assist State, local, and tribal law enforcement.

Sec. 4707. Prohibition of certain hate crime acts.

Sec. 4708. Statistics.

Sec. 4709. Severability.

Sec. 4710. Rule of construction.

Sec. 4711. Guidelines for hate-crimes offenses.

Sec. 4712. Attacks on United States servicemen.

Sec. 4713. Report on mandatory minimum sentencing provisions.

10 USC 101 note.

#### SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

### TITLE I—PROCUREMENT

#### Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. National Guard and Reserve equipment.

Sec. 106. Mine Resistant Ambush Protected Vehicle Fund.

Sec. 107. Relation to funding table.

#### Subtitle B—Army Programs

Sec. 111. Procurement of Future Combat Systems spin out early-infantry brigade combat team equipment.

#### Subtitle C—Navy Programs

Sec. 121. Littoral Combat Ship program.

Sec. 122. Treatment of Littoral Combat Ship program as a major defense acquisition program.

- Sec. 123. Report on strategic plan for homeporting the Littoral Combat Ship.
- Sec. 124. Advance procurement funding.
- Sec. 125. Procurement programs for future naval surface combatants.
- Sec. 126. Ford-class aircraft carrier report.
- Sec. 127. Report on a service life extension program for Oliver Hazard Perry class frigates.
- Sec. 128. Conditional multiyear procurement authority for F/A-18E, F/A-18F, or EA-18G aircraft.

#### Subtitle D—Air Force Programs

- Sec. 131. Report on the procurement of 4.5 generation fighter aircraft.
- Sec. 132. Revised availability of certain funds available for the F-22A fighter aircraft.
- Sec. 133. Preservation and storage of unique tooling for F-22 fighter aircraft.
- Sec. 134. AC-130 gunships.
- Sec. 135. Report on E-8C Joint Surveillance and Target Attack Radar System re-engining.
- Sec. 136. Repeal of requirement to maintain certain retired C-130E aircraft.
- Sec. 137. Limitation on retirement of C-5 aircraft.
- Sec. 138. Reports on strategic airlift aircraft.
- Sec. 139. Strategic airlift force structure.

#### Subtitle E—Joint and Multiservice Matters

- Sec. 141. Body armor procurement.
- Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.
- Sec. 143. Modification of nature of data link for use by tactical unmanned aerial vehicles.

## Subtitle A—Authorization of Appropriations

### SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Army as follows:

- (1) For aircraft, \$5,110,352,000.
- (2) For missiles, \$1,368,109,000.
- (3) For weapons and tracked combat vehicles, \$2,439,052,000.
- (4) For ammunition, \$2,058,895,000.
- (5) For other procurement, \$9,450,863,000.

### SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Navy as follows:

- (1) For aircraft, \$18,842,112,000.
- (2) For weapons, including missiles and torpedoes, \$3,446,019,000.
- (3) For shipbuilding and conversion, \$13,776,867,000.
- (4) For other procurement, \$5,610,581,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of \$1,603,738,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$814,015,000.

### SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Air Force as follows:

- (1) For aircraft, \$11,224,371,000.

\* \* \* \* \*

(B) the date that is 90 days after the date of the enactment of this Act.

10 USC 948a  
note.

**SEC. 1805. SUBMITTAL TO CONGRESS OF REVISED RULES FOR MILITARY COMMISSIONS.**

(a) **DEADLINE FOR SUBMITTAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the revised rules for military commissions prescribed by the Secretary for purposes of chapter 47A of title 10, United States Code (as amended by section 1802).

(b) **TREATMENT OF REVISED RULES UNDER REQUIREMENT FOR NOTICE AND WAIT REGARDING MODIFICATION OF RULES.**—The revised rules submitted to Congress under subsection (a) shall not be treated as a modification of the rules in effect for military commissions for purposes of section 949a(d) of title 10, United States Code (as so amended).

10 USC 948a  
note.

**SEC. 1806. ANNUAL REPORTS TO CONGRESS ON TRIALS BY MILITARY COMMISSION.**

(a) **ANNUAL REPORTS REQUIRED.**—Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions under chapter 47A of title 10, United States Code (as amended by section 1802), during the preceding year.

(b) **FORM.**—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1807. SENSE OF CONGRESS ON MILITARY COMMISSION SYSTEM.**

It is the sense of Congress that—

(1) the fairness and effectiveness of the military commissions system under chapter 47A of title 10, United States Code (as amended by section 1802), will depend to a significant degree on the adequacy of defense counsel and associated resources for individuals accused, particularly in the case of capital cases, under such chapter 47A; and

(2) defense counsel in military commission cases, particularly in capital cases, under such chapter 47A of title 10, United States Code (as so amended), should be fully resourced as provided in such chapter 47A.

## **TITLE XIX—FEDERAL EMPLOYEE BENEFITS**

### **Subtitle A—General Provisions**

Sec. 1901. Credit for unused sick leave.

Sec. 1902. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System.

Sec. 1903. Computation of certain annuities based on part-time service.

Sec. 1904. Authority to deposit refunds under FERS.

Sec. 1905. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

### **Subtitle B—Non-Foreign Area Retirement Equity Assurance**

Sec. 1911. Short title.

Sec. 1912. Extension of locality pay.

Sec. 1913. Adjustment of special rates.

Sec. 1914. Transition schedule for locality-based comparability payments.



Sec. 1915. Savings provision.

Sec. 1916. Application to other eligible employees.

Sec. 1917. Election of additional basic pay for annuity computation by employees.

Sec. 1918. Regulations.

Sec. 1919. Effective dates.

## Subtitle A—General Provisions

### SEC. 1901. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(l)(1) In computing”; and

(B) by adding at the end the following:

“(2)(A) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the applicable percentage of the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.

“(B) For purposes of subparagraph (A), the term ‘applicable percentage’ means—

“(i) 50 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring during the period beginning on the date of enactment of this paragraph and ending on December 31, 2013; and

“(ii) 100 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring after December 31, 2013.”.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any annuity, entitlement to which is based on a death or other separation from service occurring on or after the date of enactment of this Act. 5 USC 8415 note.

### SEC. 1902. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which 5 USC 8334 note.

is based on a separation from service occurring on or after the date of enactment of this Act.

**SEC. 1903. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.**

(a) **IN GENERAL.**—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

Applicability.

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

5 USC 8339 note.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

**SEC. 1904. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.**

(a) **DEPOSIT AUTHORITY.**—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONAL AMENDMENT.**—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) **CREDITING OF DEPOSITS.**—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”.

(3) **SECTION HEADING.**—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

**“§ 8422. Deductions from pay; contributions for other service; deposits”.**

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”.

**SEC. 1905. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.** 5 USC 8332 note.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual’s creditable service under section 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual’s qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—



(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) **CERTIFICATION OF SERVICE.**—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

## Subtitle B—Non-Foreign Area Retirement Equity Assurance

Non-Foreign  
Area Retirement  
Equity Assurance  
Act of 2009.  
5 USC 5304 note.

### SEC. 1911. SHORT TITLE.

This subtitle may be cited as the “Non-Foreign Area Retirement Equity Assurance Act of 2009” or the “Non-Foreign AREA Act of 2009”.

### SEC. 1912. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

“(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality; and”;

(2) in subsection (g)—

(A) in paragraph (2)—

(i) by striking “and” at the end of subparagraph (A); and

(ii) by striking subparagraph (B) and inserting the following:

“(B) positions under subsection (h)(1)(C) not covered by appraisal systems certified under subsection 5307(d); and

“(C) any positions under subsection (h)(1)(D) as the President may determine.”; and

(B) by adding at the end the following:

“(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).”;

(3) in subsection (h)(1)—

(A) in subparagraph (B), by striking “and” after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the effective date of section 1912 of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941 and who thereafter has served continuously in an area in which such an allowance was payable; and”;

(D) in clause (iv) (in the matter following subparagraph (D)), by inserting “, except for a position covered by subparagraph (C)” before the semicolon;

(E) in clause (v) (in the matter following subparagraph (D)), by inserting “, except for a position covered by subparagraph (C)” before the semicolon; and

(F) in clause (vii) (in the matter following subparagraph (D)), by inserting “, except for a position covered by subparagraph (C)” before the period; and

(4) in subsection (h)(2)—

(A) in subparagraph (B)(i), by striking “and (B)” and inserting “through (C)”; and

(B) in subparagraph (B)(ii), by striking “(1)(C)” and inserting “(1)(D)”.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: “Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2010; and

“(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under paragraphs (2) and (3), respectively, of section 1914 of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under paragraph (1), (2), or (3) of section 1914 of Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).”.

#### SEC. 1913. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed

Applicability.

Time period.

Definition.



by section 1914, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1918.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

Regulations.

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

**SEC. 1914. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.**

President.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of such title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of such title shall be adjusted, effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using 1/3 of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using 2/3 of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

**SEC. 1915. SAVINGS PROVISION.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the "Rest of the United States", the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

Time period.

(1) IN GENERAL.—During the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1914 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate, but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) **LOCALITY-BASED COMPARABILITY PAYMENTS.**—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1914 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

**SEC. 1916. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.**

(a) **IN GENERAL.**—

(1) **DEFINITION.**—In this subsection, the term “covered employee” means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;



(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) becomes eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1912 of this subtitle), and section 1914 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 1912 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 1916(b)(2) of that Act shall apply.”.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section

1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

- (i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and
- (ii) shall be the greater of—

- (I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

- (II) the applicable locality-based comparability pay percentage under section 1914.

(B) **RULE OF CONSTRUCTION.**—Nothing in this subtitle shall be construed to—

- (i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

- (ii) authorize an employee described under subparagraph (A) to file an election under section 1917 of this subtitle.

**SEC. 1917. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.**

(a) **DEFINITION.**—In this section the term “covered employee” means any employee—

- (1) to whom section 1914 applies;
- (2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and
- (3) who files an election with the Office of Personnel Management under subsection (b).

(b) **ELECTION.**—

(1) **IN GENERAL.**—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) **DEADLINE.**—An election under this subsection may be filed not later than December 31, 2012.

(c) **COMPUTATION OF ANNUITY.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) **LIMITATION.**—An employee’s cost-of-living allowance may be considered basic pay under paragraph (1) only to the extent that, when added to the employee’s locality-based comparability payments, the resulting sum does not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1914 did not apply.

(d) **CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.**—

(1) **EMPLOYEE CONTRIBUTIONS.**—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) **AGENCY CONTRIBUTIONS.**—

(A) **IN GENERAL.**—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) **SOURCE.**—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) **REGULATIONS.**—The Office of Personnel Management may prescribe regulations to carry out this section.

#### SEC. 1918. REGULATIONS.

(a) **IN GENERAL.**—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 1913;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) **OTHER PAY SYSTEMS.**—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments



or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

**SEC. 1919. EFFECTIVE DATES.**

(a) **IN GENERAL.**—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) **LOCALITY PAY AND SCHEDULE.**—The amendments made by section 1912 and the provisions of section 1914 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

## **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

Military  
Construction  
Authorization  
Act for Fiscal  
Year 2010.

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2010”.

**SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS  
REQUIRED TO BE SPECIFIED BY LAW.**

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

**SEC. 2003. RELATION TO FUNDING TABLES.**

(a) **MILITARY CONSTRUCTION, MILITARY FAMILY HOUSING, AND RELATED ACTIVITIES.**—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2404, 2411, 2502, and 2606 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

(b) **BASE CLOSURE AND REALIGNMENT ACTIVITIES.**—The amounts authorized to be appropriated by section 2703 shall be available, in accordance with the requirements of section 4001,

\* \* \* \* \*

(2) **WORLD CLASS MILITARY MEDICAL FACILITY.**—The term “world class military medical facility” has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled “Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital”, published in May, 2009.

**SEC. 2715. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.**

(a) **ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.**—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (B), by striking the matter preceding clause (i) of such subparagraph and inserting the following: “(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—”; and

(2) in subparagraph (C), by striking “subparagraph (B)” and inserting “subparagraph (B)(i)”.

(b) **REPORT CONCERNING PROPERTY CONVEYANCES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and the progress made as a result of the implementation of the amendments made by subsection (a).

## **TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

Sec. 2801. Modification of unspecified minor construction authorities.

Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.

Sec. 2803. Modification of authority for scope of work variations.

Sec. 2804. Modification of conveyance authority at military installations.

Sec. 2805. Imposition of requirement that acquisition of reserve component facilities be authorized by law.

- Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
- Sec. 2807. Expansion of First Sergeants Barracks Initiative.
- Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.
- Sec. 2809. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.

#### Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Modification of utility systems conveyance authority.
- Sec. 2822. Report on global defense posture realignment and interagency review.
- Sec. 2823. Property and facilities management of the Armed Forces Retirement Home.
- Sec. 2824. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
- Sec. 2825. Selection of military installations to serve as locations of brigade combat teams.
- Sec. 2826. Report on Federal assistance to support communities adversely impacted by expansion of military installations.

#### Subtitle C—Provisions Related to Guam Realignment

- Sec. 2831. Role of Department of Defense in management and coordination of Defense activities relating to Guam realignment.
- Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.
- Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.
- Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.
- Sec. 2835. Interagency Coordination Group of Inspectors General for Guam Realignment.
- Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.
- Sec. 2837. Report and sense of Congress on Marine Corps requirements in Asia-Pacific region.

#### Subtitle D—Energy Security

- Sec. 2841. Adoption of unified energy monitoring and utility control system specification for military construction and military family housing activities.
- Sec. 2842. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.
- Sec. 2843. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.
- Sec. 2844. Department of Defense use of electric and hybrid motor vehicles.
- Sec. 2845. Study on development of nuclear power plants on military installations.
- Sec. 2846. Comptroller General report on Department of Defense renewable energy initiatives, including solar initiatives, on military installations.

#### Subtitle E—Land Conveyances

- Sec. 2851. Land conveyance, Haines Tank Farm, Haines, Alaska.
- Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.
- Sec. 2853. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.
- Sec. 2854. Land conveyance, Ferndale housing at Centerville Beach Naval Facility to City of Ferndale, California.
- Sec. 2855. Land conveyances, Naval Air Station, Barbers Point, Hawaii.
- Sec. 2856. Land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii.
- Sec. 2857. Modification of land conveyance, former Griffiss Air Force Base, New York.
- Sec. 2858. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.
- Sec. 2859. Land conveyance, Ellsworth Air Force Base, South Dakota.
- Sec. 2860. Land conveyance, Lackland Air Force Base, Texas.
- Sec. 2861. Land Conveyance, Naval Air Station Oceana, Virginia.
- Sec. 2862. Completion of land exchange and consolidation, Fort Lewis, Washington.
- Sec. 2863. Land conveyance, F.E. Warren Air Force Base, Cheyenne, Wyoming.

#### Subtitle F—Other Matters

- Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.



- Sec. 2872. National D-Day Memorial study.  
 Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.  
 Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

## Subtitle A—Military Construction Program and Military Family Housing Changes

### SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITIES.

#### (a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.—

(1) AUTHORITY TO CARRY OUT PROJECTS.—Subsection (a) of section 2805 of title 10, United States Code, is amended—

(A) by striking “Except as provided in paragraph (2), within” and inserting “Within”;

(B) by striking paragraph (2); and

(C) by striking “An unspecified” and inserting the following:

“(2) An unspecified”.

(2) USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of such section is amended—

(A) by striking “Except as provided in paragraphs (2) and (3)” and inserting “Except as provided in paragraph (2)”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) CONFORMING AMENDMENT.—Section 2806(c)(1) of such title is amended by striking “section 2805(a)(2)” and inserting “section 2805(a)”.

(b) LABORATORY REVITALIZATION AUTHORIZED.—Section 2805(d) of such title is amended—

(1) in paragraph (1)(B), by inserting “or from funds authorized to be made available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note)” after “authorized by law”;

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) MECHANISMS TO PROVIDE FUNDS FOR LABORATORY REVITALIZATION.—

(1) ADDITIONAL PURPOSE.—Subsection (a)(1) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

“(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.”.

(2) MODIFICATION OF REPORTING REQUIREMENTS.—Subsection (b) of such section is amended—

(A) by striking paragraph (2); and

(B) by striking “AUTHORITY” and all that follows through “Not” and inserting “AUTHORITY.—Not”.

\* \* \* \* \*

(3) contain recommendations for legislative or administrative actions that will assist—

(A) renewable energy initiatives in meeting the goals or targets; and

(B) the Department of Defense in achieving its renewable energy goal by 2025, as specified in section 2911(e) of title 10, United States Code.

## Subtitle E—Land Conveyances

### SEC. 2851. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

Payments.  
Determination.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

Records.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and

subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

Determination.  
Survey.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2852. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.**

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas’”, approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

**SEC. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.**

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102-562; 16 U.S.C. 431 note; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

“(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

“(d) TRANSFER OF LAND.—The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over of a parcel of land consisting of approximately five acres, depicted within the proposed boundary on the map entitled ‘Port Chicago Naval Magazine National Memorial, Proposed Boundary’, numbered 018/80,001, and dated August 2005, if the Secretary of the Army determines that the land is in excess to military needs. At the time of the transfer of administrative jurisdiction, the Secretary of the Army and the Secretary of the Interior shall enter into an agreement to determine the responsibilities of the respective agencies in the application of, or obligation to comply with, any applicable environmental law affecting the transferred

Determination.

Contracts.



Contracts.

land, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(e) PUBLIC ACCESS.—The Secretary of the Army shall enter into an agreement with the Secretary of the Interior to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Military Ocean Terminal-Concord.

“(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.

“(g) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).”

(b) SENSE OF CONGRESS ON REPAIR AND MODIFICATION OF NATIONAL MEMORIAL.—In accordance with public access provided by section 203(e) of the Port Chicago National Memorial Act of 1992, as amended by subsection (a), it is the sense of Congress that the Secretary of the Army and the Secretary of the Interior should work together to develop a process by which future repairs and modifications to mutually used infrastructure at the Port Chicago Naval Magazine National Memorial can be carried out in as timely and cost-effective a manner as possible.

**SEC. 2854. LAND CONVEYANCE, FERNDALE HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.**

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the “City”), all right, title, and interest of the United States in and to the parcels of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

Determination.  
Survey.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the city in advance of

\* \* \* \* \*

Determination.

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

Determination.  
Survey.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

## Subtitle F—Other Matters

### SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.

Section 2877 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking “National War Dogs Monument, Inc.,” both places it appears and inserting “John Burnam Monument Foundation, Inc.,”.

### SEC. 2872. NATIONAL D-DAY MEMORIAL STUDY.

(a) DEFINITIONS.—In this section:

(1) AREA.—The term “Area” means in the National D-Day Memorial in Bedford, Virginia.

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

(b) STUDY.—

(1) IN GENERAL.—The Secretary may conduct a study of the Area to evaluate the national significance of the Area

and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) **CRITERIA.**—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(3) **CONTENTS.**—The study authorized under paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) **REPORT.**—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct of the study authorized under this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

Applicability.

#### SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) **CONGRESSIONAL NOTIFICATION OF AGREEMENT.**—None of the amounts authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Moreno Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia to allow access to and use of its facilities at the German Olano Moreno Airbase for the duration of the agreement to carry out mutually agreed-upon activities.

Time period.  
Certification.

(b) **PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.**—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

#### SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1059; 16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

“(g) **MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.**—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.”.

\* \* \* \* \*



(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

## **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

### **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

#### **SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2010, \$26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

## **TITLE XXXIV—NAVAL PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

#### **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

## **TITLE XXXV—MARITIME ADMINISTRATION**

Sec. 3501. Authorization of appropriations for fiscal year 2010.

Sec. 3502. Unused leave balances.

Sec. 3503. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.

Sec. 3504. Maritime loan guarantee program.

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(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) ARMED SECURITY TEAMS.—The term “armed security teams” means security guards employed from the private sector for the purpose of self-defense of the vessel.

**SEC. 3507. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.**

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking “and be paid before the start of each academic year, as prescribed by the Secretary,” and inserting “and be paid in such installments as the Secretary shall determine”;

(2) by striking “academy.” and inserting “academy, as prescribed by the Secretary.”

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111-8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of division C of Public Law 110-417 (122 Stat. 4762)) is repealed and shall have no force or effect.

*Ante*, p. 944.

**SEC. 3508. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.**

Section 109 of title 49, United States Code, is amended—

(1) by striking the headline for subsection (h) and inserting the following:

“(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—”;

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

“(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—”;

(3) by striking “make contracts” in subsection (h)(1) and inserting “make contracts and cooperative agreements”;

(4) by striking “section and” in subsection (h)(1)(A) and inserting “section,”;

(5) by striking “title 46,” in subsection (h)(1)(A) and insert “title 46, and all other Maritime Administration programs;”;

and

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

“(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.”.

—▷ **SEC. 3509. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.**

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

“(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection

(b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.”

**SEC. 3510. USE OF MIDSHIPMAN FEES.**

Section 51314 of title 46, United States Code, is amended by striking “1994,” in subsection (b) and inserting “1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and Coast Guard license fees.”

**SEC. 3511. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.**

Section 50101(a)(4) of title 46, United States Code, is amended by inserting “constructed in the United States” after “vessels”.

**SEC. 3512. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.**

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

“(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administrator, shall establish a port infrastructure development program for the improvement of port facilities as provided in this subsection.

“(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any project under the program established under paragraph (1), the Administrator may—

“(A) receive funds provided for the project from Federal, non-Federal, and private entities that have a specific agreement or contract with the Administrator to further the purposes of this subsection;

“(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities;

“(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

“(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

“(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

“(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out projects under the port infrastructure development program. The Fund shall be available to the Administrator—

“(i) to administer and carry out projects under the program;

“(ii) to receive Federal, non-Federal, and private funds from entities which have specific agreements or contracts with the Administrator; and

“(iii) to make refunds for projects that will not be completed.

“(B) CREDITS.—There may be deposited into the Fund—

“(i) funds from Federal, non-Federal, and private entities which have agreements or contracts with the

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(8) any other information that the Commission determines would contribute to a thorough assessment of mandatory minimum sentencing provisions under Federal law.

Approved October 28, 2009.

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**LEGISLATIVE HISTORY—H.R. 2647 (S. 1390):**

**HOUSE REPORTS:** Nos. 111-166 and Pt. 2 (both from Comm. on Armed Services) and 111-288 (Comm. of Conference).

**SENATE REPORTS:** No. 111-35 (Comm. on Armed Services) accompanying S. 1390.

**CONGRESSIONAL RECORD**, Vol. 155 (2009):

June 24, 25, considered and passed House.

July 23, considered and passed Senate, amended, in lieu of S. 1390.

Oct. 8, House agreed to conference report.

Oct. 20-22, Senate considered and agreed to conference report.

**DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS** (2009):

Oct. 28, Presidential remarks.



Public Law 111-86  
111th Congress

An Act

To require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

Oct. 29, 2009  
[H.R. 621]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Girl Scouts USA Centennial Commemorative Coin Act”.

Girl Scouts  
USA Centennial  
Commemorative  
Coin Act.  
31 USC 5112  
note.

SEC. 2. FINDINGS.

The Congress find as follows:

(1) The Girl Scouts of the United States of America is the world’s preeminent organization dedicated solely to girls where they build character and skills for success in the real world.

(2) In 1911, Juliette Gordon Low met Sir Robert Baden-Powell, a war hero and the founder of the Boy Scouts.

(3) With Baden-Powell’s help and encouragement, Juliette Gordon Low made plans to start a similar association for American girls.

(4) On March 12, 1912, Juliette Gordon Low organized the first 2 Girl Scout Troops in Savannah, Georgia consisting of 18 members.

(5) Low devoted the next 15 years of her life to building the organization, which would become the largest voluntary association for women and girls in the United States.

(6) Low drafted the Girl Scout laws, supervised the writing of the first handbook in 1913, and provided most of the financial support for the organization during its early years.

(7) The Girl Scouts of the United States of America was chartered by the United States Congress in 1950 in title 36, United States Code.

(8) Today there are more than 3,700,000 members in 236,000 troops throughout the United States and United States territories.

(9) Through membership in the World Association of Girl Guides and Girl Scouts, Girls Scouts of the United States of America is part of a worldwide family of 10,000,000 girls and adults in 145 countries.

(10) More than 50,000,000 American women enjoyed Girl Scouting during their childhood—and that number continues to grow as Girl Scouts of the United States of America continues to inspire, challenge, and empower girls everywhere.

(11) March 12, 2012 will mark the 100th Anniversary of the Girl Scouts of the United States of America.

#### SEC. 3. COIN SPECIFICATIONS.

(a) \$1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue not more than 350,000 \$1 coins in commemoration of the centennial of the Girl Scouts of the USA, each of which shall—

- (1) weigh 26.73 grams;
- (2) have a diameter of 1.500 inches; and
- (3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

#### SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the centennial of the Girl Scouts of the United States of America.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

- (A) a designation of the value of the coin;
- (B) an inscription of the year “2013”; and
- (C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Girl Scouts of the United States of America and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

#### SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2013.



**SEC. 6. SALE OF COINS.**

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7 with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) **IN GENERAL.**—All sales of coins issued under this Act shall include a surcharge of \$10 per coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Girl Scouts of the United States of America to be made available for Girl Scout program development and delivery.

(c) **AUDITS.**—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Girl Scouts of the United States of America as may be related to the expenditures of amounts paid under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

**SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) **CONTINUED ISSUANCE OF CERTAIN COMMEMORATIVE COINS MINTED IN 2009.**—Notwithstanding sections 303 and 304 of the Presidential \$1 Coin Act of 2005 (31 U.S.C. 5112 note), the Secretary of the Treasury may continue to issue numismatic items that contain 1-cent coins minted in 2009 after December 31, 2009, until not later than June 30, 2010.

(b) **DISTRIBUTION OF SURCHARGES.**—Section 7 of the Jamestown 400th Anniversary Commemorative Coin Act of 2004 (31 U.S.C. 5112 note) is amended—

(1) in subsection (b)(2)(B), by striking “in equal shares” and all that follows through the period at the end and inserting “in the proportion specified to the following organizations for the purposes described in such subparagraph:

“(i) 2/3 to the Association for the Preservation of Virginia Antiquities.

“(ii) 1/3 to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia.”; and

(2) in subsection (c), by striking “, the Secretary of the Interior,”.

Approved October 29, 2009.

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**LEGISLATIVE HISTORY—H.R. 621:**

CONGRESSIONAL RECORD, Vol. 155 (2009):

Oct. 13, considered and passed House.

Oct. 19, considered and passed Senate.



Public Law 111-88  
111th Congress

An Act

Oct. 30, 2009  
[H.R. 2996]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

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

REFERENCES

SECTION 1. Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

Department of  
the Interior,  
Environment,  
and Related  
Agencies  
Appropriations  
Act, 2010.

DIVISION A—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$959,571,000, to remain available until expended; of which \$3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

\* \* \* \* \*



standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, \$2,261,559,000, of which \$9,982,000 for planning and interagency coordination in support of Everglades restoration and \$98,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

##### PARK PARTNERSHIP PROJECT GRANTS

For expenses necessary to carry out provisions of section 814(g) of Public Law 104–333 relating to challenge cost-share agreements, \$15,000,000, to remain available until expended for Park Partnership signature projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit: *Provided further*, That, of the amount made available under this heading, \$10,000,000 shall be derived from the transfer of prior year unobligated balances available in the National Park Service recreation enhancement fee program established by title VIII, division J, Public Law 108–447.

##### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$68,436,000, of which \$4,600,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

##### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), \$79,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which \$25,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11): *Provided*, That of the funds provided for Save America's Treasures, \$10,200,000 shall be allocated in the amounts specified for those projects and purposes

in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$232,969,000, to remain available until expended: *Provided*, That, beginning in fiscal year 2010 and thereafter, procurements for the removal and restoration of the Elwha and Glines Canyon dams as authorized in Public Law 102–495 may be issued which include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232.18: *Provided further*, That funds provided under this heading shall be made available without regard to the requirements of section 8(b) of Public Law 102–543, as amended.

#### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

10 USC 460l–10a  
note.

The contract authority provided for fiscal year 2010 by 16 U.S.C. 460l–10a is rescinded.

#### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$126,266,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$40,000,000 is for the State assistance program and of which \$9,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

#### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,111,740,000, to remain available until September 30, 2011, of which \$65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$40,150,000 shall remain available until expended for satellite operations; of which \$7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost; and of which \$2,000,000 shall be available to fund the operating expenses for the Civil Applications Committee: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

43 USC 50.

##### ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities

\* \* \* \* \*



## OFFICE OF INSPECTOR GENERAL

## SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$48,590,000.

## OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

## FEDERAL TRUST PROGRAMS

## (INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$185,984,000, to remain available until expended, of which not to exceed \$56,536,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

Deadline.  
Account  
statement.  
Records.

## DEPARTMENT-WIDE PROGRAMS

## WILDLAND FIRE MANAGEMENT

## (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$794,897,000, to remain available until expended,

of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That no less than \$125,000,000 in prior-year wildfire suppression balances

Guidelines.

shall be made available in addition to amounts provided in this Act for that purpose.

#### FLAME WILDFIRE SUPPRESSION RESERVE FUND

##### (INCLUDING TRANSFERS OF FUNDS)

For deposit in the FLAME Wildfire Suppression Reserve Fund created in title V, section 502(b) of this Act, \$61,000,000, to remain available until expended.

#### CENTRAL HAZARDOUS MATERIALS FUND

42 USC 9607  
note.

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,175,000, to remain available until expended: *Provided*, That Public Law 110-161 (121 Stat. 2116) under this heading is amended by striking “in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act” and inserting in lieu thereof “including any fines or penalties”.

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$6,462,000, to remain available until expended.

#### WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, \$85,823,000, to remain available until expended: *Provided*, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or



services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

#### ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

##### (INCLUDING TRANSFERS OF FUNDS)

##### EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

##### EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland

Determination.

fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for “wildland fire operations” and “FLAME Wildfire Suppression Reserve Fund” shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

#### AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

#### AUTHORIZED USE OF FUNDS

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

#### REDISTRIBUTION OF FUNDS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

## TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

## PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Salazar* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Salazar*.

## MASS MARKING OF SALMONIDS

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

## ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

New York.  
New Jersey.  
Contracts.

## PROHIBITION ON USE OF FUNDS

SEC. 110. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

Certification.



(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

#### CONTRIBUTION AUTHORITY

SEC. 111. Title 43 U.S.C. 1473, as amended by Public Law 111-8, is further amended by striking “in fiscal years 2008 and 2009 only” and inserting “in fiscal years 2010 through 2013”.

#### USE OF COOPERATIVE AGREEMENTS

43 USC 1457b.

SEC. 112. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

#### ICE AGE NATIONAL SCENIC TRAIL

SEC. 113. Funds provided in this Act for Federal land acquisition by the National Park Service for Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

#### CONFORMING AMENDMENT

Applicability.  
Contracts.  
30 USC 1720a.

SEC. 114. Notwithstanding any other provision of law, Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term “royalty payment” shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

#### OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 115. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable inspection fee, which

shall be deposited in the “Royalty and Offshore Minerals Management” account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

(1) \$2,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) \$3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) \$6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing. Deadlines.

#### PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 116. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

#### YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 117. Section 101(a)(1) of Public Law 109-131 is amended by striking “2009” and inserting “2013”. 119 Stat. 2566.

#### SAN JUAN ISLAND NATIONAL HISTORIC PARK AUTHORIZATION

SEC. 118. Section 4 of Public Law 89-565, as amended (16 U.S.C. 282c), relating to San Juan Island National Historic Park, is amended by striking “\$5,575,000” and inserting “\$13,575,000”.

#### JAPANESE AMERICAN CONFINEMENT SITES, AMENDMENT

SEC. 119. Section 1(c)(2) of Public Law 109-441 is amended by adding after subparagraph (D) the following new subparagraph: 16 USC 461 note.  
 “(E) Heart Mountain, depicted in Figure 6.3 of the Site Document.”.

#### NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 120. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking “subsection (i)” and inserting “subsection (j)”; and

(3) by inserting after subsection (f) the following:

“(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

“(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

“(2) PROPERTY REMOVAL.—

Notice.

“(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

“(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.”.

#### PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 121. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term “historic attraction” mean a historic attraction within the Pearl Harbor Naval Complex, including—

(A) the USS Bowfin Submarine Museum and Park;

(B) the Battleship Missouri Memorial;

(C) the Pacific Aviation Museum-Pearl Harbor; and

(D) any other historic attraction within the Pearl Harbor Naval Complex that—

(i) the Secretary identifies as a Pearl Harbor historic attraction; and

(ii) is not administered or managed by the Secretary.

(2) MONUMENT.—The term “Monument” means the World War II Valor in the Pacific National Monument in the State of Hawaii.

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

(4) VISITOR CENTER.—The term “Visitor Center” means the visitor center located within the Pearl Harbor Naval Complex on land that is—

(A) within the Monument; and

(B) managed by the Secretary, acting through the Director of the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

(A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a historic attraction within the Visitor Center by—

(i) employees of the National Park Service; or

(ii) the organization that administers or manages the historic attraction.

(2) TERMS AND CONDITIONS.—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the



Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

(i) the admission of the public through the Visitor Center to a historic attraction; and

(ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) **USE OF FEES.**—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) **LIMITATION OF AUTHORITY.**—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) **PROTECTION OF RESOURCES.**—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

#### ASSISTANCE FOR THE REPUBLIC OF PALAU

SEC. 122. (a) **IN GENERAL.**—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the “Compact”).

(b) **PROGRAMMATIC ASSISTANCE.**—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) **LIMITATIONS ON ASSISTANCE.**—

(1) **IN GENERAL.**—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) **TRUST FUND.**—If the Government of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER  
AMENDMENT

SEC. 123. Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106-113 is amended by striking the last sentence.

16 USC 460bb-3  
note.

POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

Time period.

Deadline.  
Payments.

SEC. 124. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ("existing authorization") within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization. Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore.

NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

SEC. 125. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) GUIDELINES.—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

- (1) the State of Hawaii;
- (2) appropriate Federal agencies;
- (3) Native Hawaiian and local government entities;
- (4) private and nonprofit organizations;
- (5) private land owners; and
- (6) other interested parties.

(d) THEMES.—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

- (1) the significance of the site as a component of World War II;
- (2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and
- (3) historic resources at the site.

(e) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

#### CONTROL OF BORDER

SEC. 126. None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109-367) over the international land and maritime borders of the United States with respect to section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

#### NATIONAL HERITAGE AREA, OPT OUT PROVISION

SEC. 127. Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity. Notice.

#### PLACEMENT OF PLAQUE AT WORLD WAR II MEMORIAL

SEC. 128. Notwithstanding any other law, the Secretary of the Interior shall install in the area of the World War II Memorial in the District of Columbia a suitable plaque to commemorate the extraordinary leadership of Senator Robert J. Dole in making the Memorial a reality on the National Mall: *Provided*, That the Secretary shall design, procure, prepare and install the plaque: *Provided further*, That the Secretary of the Interior is authorized to accept and expend contributions toward the cost of preparing and installing the plaque, without further appropriation: *Provided further*, That Federal funds may be used to design, procure, or install the plaque.

#### MARTIN LUTHER KING, JR. MEMORIAL AUTHORITY, EXTENSION

SEC. 129. Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996, as amended (40 U.S.C. 8903 note; 110 Stat. 4157, 114 Stat. 26, 117 Stat. 1347, 119 Stat. 527, 122 Stat. 5034) shall be amended by striking “November 12, 2009” and inserting “September 30, 2010”.

#### JOHN ADAMS MEMORIAL AUTHORITY, EXTENSION

SEC. 130. Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by Public Law 107-62 and Public Law 107-315 shall continue to apply through September 30, 2010. Applicability.

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and other environmental and public health benefits of those approaches.

For fiscal year 2010 the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both. Applicability.

For fiscal year 2010 the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j-12). Applicability.

### —▷ TITLE III

#### RELATED AGENCIES

##### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$312,012,000, to remain available until expended: *Provided*, That of the funds provided, \$66,939,000 is for the forest inventory and analysis program.

##### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$308,061,000, to remain available until expended, as authorized by law; of which \$76,460,000 is to be derived from the Land and Water Conservation Fund; and of which \$2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b)).

##### NATIONAL FOREST SYSTEM

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,551,339,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*,

\* \* \* \* \*

of the Superfund Amendments and Reauthorization Act of 1986, \$79,212,000.

#### AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

##### TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,792,000, of which up to \$1,000 per eligible employee of the Agency for Toxic Substance and Disease Registry shall remain available until expended for Individual Learning Accounts: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

#### —▷ OTHER RELATED AGENCIES

##### EXECUTIVE OFFICE OF THE PRESIDENT

##### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,159,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

Appointment.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

##### SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C.

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## UNITED STATES HOLOCAUST MEMORIAL MUSEUM

## HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$49,122,000, of which \$515,000 for the Museum's equipment replacement program, \$1,900,000 for the museum's repair and rehabilitation program, and \$1,264,000 for the museum's exhibition design and production program shall remain available until expended.

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$23,200,000 shall be available to the Presidio Trust, to remain available until expended.

## DWIGHT D. EISENHOWER MEMORIAL COMMISSION

## SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$3,000,000, to remain available until expended.

## CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106-79, \$16,000,000, to remain available until expended.

## TITLE IV

## GENERAL PROVISIONS

## (INCLUDING TRANSFERS OF FUNDS)

## LIMITATION ON CONSULTING SERVICES

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Contracts.

## RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

Lobbying.



## OBLIGATION OF APPROPRIATIONS

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

## PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

## DISCLOSURE OF ADMINISTRATIVE EXPENSES

Budget  
estimates.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

## GIANT SEQUOIA

SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

## TRANSFER OF FUNDS AUTHORITY

SEC. 407. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

## MINING APPLICATIONS

Patents.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

Determination.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

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## PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

## INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

Wildfires.

SEC. 412. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m–1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter's role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide immunity under laws applicable to it, it shall assume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or omission pertaining to or arising out of the firefighter's role in fire suppression or presuppression.

## CONTRACTING AUTHORITIES

Urban and rural areas.

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal

lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms “rural community” and “economically disadvantaged” shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

Guidelines.

## LIMITATION ON TAKINGS

SEC. 414. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

## HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 415. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, \$8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for clean-up activities at the Treasure Island Naval Station—Hunters Point Annex.

## EXTENSION OF GRAZING PERMITS

SEC. 416. The terms and conditions of section 325 of Public Law 108-108, regarding grazing permits at the Department of the Interior and the Forest Service shall remain in effect for fiscal year 2010.

## NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 417. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209, 20 U.S.C. 955), as amended, is further amended as follows:

- (1) In the first sentence of subsection (b)(1)(C), by striking “14” and inserting in lieu thereof “18”; and
- (2) In the second sentence of subsection (d)(1), by striking “Eight” and inserting in lieu thereof “Ten”.

\* \* \* \* \*



to Alaska or to contiguous 48 United States domestic processors may be exported to foreign markets if the Forest Service determines it is surplus to the needs of the 50 States. All Alaska yellow cedar may be sold at prevailing export prices if the Forest Service determines it is surplus to the needs of the 50 States.

#### COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 422. Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001, (Public Law 106-291), as added by section 336 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447), concerning cooperative forestry agreements known as the Colorado Good Neighbor Act Authority is amended by striking “September 30, 2009” and inserting “September 30, 2013”.

118 Stat. 3102.

#### GEOTHERMAL ENERGY RECEIPTS

SEC. 423. All monies received by the United States in fiscal year 2010 from sales, bonuses, rentals, and royalties under the Geothermal Steam Act of 1970 shall be disposed of as provided by section 20 of that Act (30 U.S.C. 1019), as in effect immediately before enactment of the Energy Policy Act of 2005 (Public Law 109-58), and without regard to the amendments contained in sections 224(b) and section 234 of the Energy Policy Act of 2005 (42 U.S.C. 17673).

#### PROHIBITION ON USE OF FUNDS

SEC. 424. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

#### GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 425. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

#### REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 426. Not later than 120 days after the date on which the President's fiscal year 2011 budget request is submitted to Congress, the President shall submit a report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2009 and fiscal year 2010, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

President.

projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

Grants.

Reports.

#### ENERGY AND WATER DEVELOPMENT, TECHNICAL CORRECTION

SEC. 440. Section 208(a)(2)(E) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 is amended by striking “\$45,000,000” and inserting “\$5,000,000”.

Ante, p. 2858.

#### AWARDS TO FOR-PROFIT ENTITIES

SEC. 441. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111-180) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

#### PROHIBITION ON USE OF FUNDS

SEC. 442. None of the funds made available for the Environmental Protection Agency in this Act may be expended by the Administrator of the Environmental Protection Agency to issue a final rule that includes fuel sulfur standards applicable to existing steamships that operate exclusively within the Great Lakes, and their connecting and tributary waters.

#### AUTHORIZATION FOR REFINANCING

SEC. 443. The Administrator of the Environmental Protection Agency shall allow the State of Mississippi to refinance the Clean Water State Revolving Loans made to the Hancock Water and Sewer District and the Hancock Utility Authority for a period not to exceed one year with the payment schedule amortized over that additional period.

#### INCORPORATION OF CONGRESSIONALLY REQUESTED PROJECTS

SEC. 444. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and

purposes delineated in the table titled “Incorporation of Congressionally Requested Projects” included in the joint explanatory statement of the managers accompanying this Act, except that such funding appropriated for land acquisition, construction, and capital improvement and maintenance may be reallocated to other projects in that table funded by the same appropriation account if such reallocation has been approved by the House and Senate Committees on Appropriations; and, such funding appropriated for “National Park Service—Historic Preservation Fund” for Save America’s Treasures grants may be reallocated to be used for competitive grants under the Save America’s Treasures program if such reallocation has been approved by the House and Senate Committees on Appropriations.

Federal Land Assistance, Management, and Enhancement Act of 2009.  
43 USC 1701 note.

## TITLE V—FLAME ACT OF 2009

### SEC. 501. SHORT TITLE.

This title may be cited as the “Federal Land Assistance, Management, and Enhancement Act of 2009” or “FLAME Act of 2009”.

43 USC 1748a.

### SEC. 502. FLAME WILDFIRE SUPPRESSION RESERVE FUNDS.

#### (a) DEFINITIONS.—In this section:

##### (1) FEDERAL LAND.—The term “Federal land” means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term “FLAME Fund” means a FLAME Wildfire Suppression Reserve Fund established by subsection (b).

(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means the Committee on Appropriations, the Committee on Natural Resources, and the Committee on Agriculture of the House of Representatives and the Committee on Appropriations, the Committee on Energy and Natural Resources, and the Committee on Indian Affairs of the Senate.

(4) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to—

(i) Federal land described in subparagraphs (A),

(B), (C), and (D) of paragraph (1); and

(ii) the FLAME Fund established for the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to—

(i) National Forest System land; and

(ii) the FLAME Fund established for the Department of the Agriculture.



(b) **ESTABLISHMENT OF FLAME FUNDS.**—There is established in the Treasury of the United States the following accounts:

(1) The FLAME Wildfire Suppression Reserve Fund for the Department of the Interior.

(2) The FLAME Wildfire Suppression Reserve Fund for the Department of Agriculture.

(c) **PURPOSE OF FLAME FUNDS.**—The FLAME Funds shall be available to cover the costs of large or complex wildfire events and as a reserve when amounts provided for wildfire suppression and Federal emergency response in the Wildland Fire Management appropriation accounts are exhausted.

(d) **FUNDING.**—

(1) **CREDITS TO FUNDS.**—A FLAME Fund shall consist of the following:

(A) Such amounts as are appropriated to that FLAME Fund.

(B) Such amounts as are transferred to that FLAME Fund under paragraph (5).

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

(A) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the FLAME Funds such amounts as are necessary to carry out this section.

(B) **CONGRESSIONAL INTENT.**—It is the intent of Congress that, for fiscal year 2011 and each fiscal year thereafter, the amounts requested by the President for a FLAME Fund should be not less than the amount estimated by the Secretary concerned as the amount necessary for that fiscal year for wildfire suppression activities of the Secretary that meet the criteria specified in subsection (e)(2)(B)(i).

(C) **SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS, SUPPLEMENTAL FUNDING REQUEST, AND SUPPLEMENT TO OTHER SUPPRESSION FUNDING.**—It is the sense of Congress that for fiscal year 2011 and each fiscal year thereafter—

(i) amounts appropriated to a FLAME Fund in excess of the amount estimated by the Secretary concerned as the amount necessary for that fiscal year for wildfire suppression activities of the Secretary that meet the criteria specified in subsection (e)(2)(B)(i) should be designated as amounts necessary to meet emergency needs;

(ii) the Secretary concerned should promptly make a supplemental request for additional funds to replenish the FLAME Fund if the Secretary determines that the FLAME Fund will be exhausted within 30 days; and

(iii) funding made available through the FLAME Fund should be used to supplement the funding otherwise appropriated to the Secretary concerned for wildfire suppression and Federal emergency response in the Wildland Fire Management appropriation accounts.

(3) **AVAILABILITY.**—Amounts in a FLAME Fund shall remain available to the Secretary concerned until expended.

(4) **NOTICE OF INSUFFICIENT FUNDS.**—The Secretary concerned shall notify the relevant congressional committees if

the Secretary estimates that only 60 days worth of funds remain in the FLAME Fund administered by that Secretary.

(5) TRANSFER AUTHORITY.—If a FLAME Fund has insufficient funds, the Secretary concerned administering the other FLAME Fund may transfer amounts to the FLAME Fund with insufficient funds. Not more than \$100,000,000 may be transferred from a FLAME Fund during any fiscal year under this authority.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), amounts in a FLAME Fund shall be available to the Secretary concerned to transfer to the Wildland Fire Management appropriation account of that Secretary to pay the costs of wildfire suppression activities of that Secretary that are separate from amounts for wildfire suppression activities annually appropriated to that Secretary under the Wildland Fire Management appropriation account of that Secretary.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in a FLAME Fund shall be available for transfer under paragraph (1) only after that Secretary concerned issues a declaration that a wildfire suppression event is eligible for funding from the FLAME Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretary concerned under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; or

(II) the Secretary concerned determines that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression and Federal emergency response activities for the Secretary concerned will exceed, within 30 days, all of the amounts previously appropriated (including amounts appropriated under an emergency designation, but excluding amounts appropriated to the FLAME Fund) to the Secretary concerned for wildfire suppression and Federal emergency response.

(3) STATE, PRIVATE, AND TRIBAL LAND.—Use of a FLAME Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—For fiscal year 2011 and subsequent fiscal years, the Secretary concerned shall request funds within the Wildland Fire Management appropriation account of that Secretary for regular wildfire suppression activities that do not meet the criteria specified in subsection (e)(2)(B)(i).

Deadline.

(g) PROHIBITION ON OTHER TRANSFERS.—The Secretary concerned may not transfer funds from non-fire accounts to the Wildland Fire Management appropriation account of that Secretary unless amounts in the FLAME Fund of that Secretary and any

amounts appropriated to that Secretary for the purpose of wildfire suppression will be exhausted within 30 days.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING REQUIREMENTS.—The Secretary concerned shall account and report on amounts transferred from the respective FLAME Fund in a manner that is consistent with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—The Secretary concerned shall submit to the relevant congressional committees and make available to the public an annual report that—

(A) describes the obligation and expenditure of amounts transferred from the FLAME Fund; and

(B) includes any recommendations that the Secretary concerned may have to improve the administrative control and oversight of the FLAME Fund.

(3) ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.—

(A) IN GENERAL.—Consistent with the schedule provided in subparagraph (C), the Secretary concerned shall submit to the relevant congressional committees an estimate of anticipated wildfire suppression costs for the applicable fiscal year.

(B) INDEPENDENT REVIEW.—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic independent review to ensure compliance with subparagraph (D).

(C) SCHEDULE.—The Secretary concerned shall submit an estimate under subparagraph (A) during—

(i) the first week of March of each year;

(ii) the first week of May of each year;

(iii) the first week of July of each year; and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) REQUIREMENTS.—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary concerned to use the FLAME Fund established for that Secretary shall terminate at the end of the third fiscal year in which no appropriations to, or withdrawals from, that FLAME Fund have been made for a period of three consecutive fiscal years. Upon termination of such authority, any amounts remaining in the affected FLAME Fund shall be transferred to, and made a part of, the Wildland Fire Management appropriation account of the Secretary concerned for wildland suppression activities.

SEC. 503. COHESIVE WILDFIRE MANAGEMENT STRATEGY.

(a) STRATEGY REQUIRED.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports

Estimate.  
Deadlines.

43 USC 1748b.

Deadline.  
Reports.



of the Government Accountability Office regarding management strategies.

(b) **ELEMENTS OF STRATEGY.**—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

Time period.

(c) **REVISION.**—At least once during each five-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretary of the Interior and the Secretary of Agriculture shall revise the strategy to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

This division may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010”.

## **DIVISION B—FURTHER CONTINUING APPROPRIATIONS, 2010**

*Ante*, p. 2045.

SEC. 101. The Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68) is amended by striking the date specified in section 106(3) and inserting “December 18, 2009”.

Applicability.  
*Ante*, p. 2047.

SEC. 102. Section 129 of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68) is amended by striking “2009” and inserting “2008”, and such amendment shall apply as if included in such public law on the date of its enactment.

26 USC 9503,  
9504.

SEC. 103. Subsections (c)(1) and (e)(3) of section 9503, and subparagraphs (A), (B), and (C) of section 9504(b)(2), of the Internal Revenue Code of 1986 are each amended by inserting “the last amendment to” after “on the date of the enactment of”.

*Ante*, p. 2053.

SEC. 104. The Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68) is amended by adding after section 164 the following new sections:

“SEC. 165. In addition to amounts provided in section 101, amounts are provided for ‘Small Business Administration—Business Loans Program Account’, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans as authorized by section 7(a) of the Small Business Act, at a rate for operations of \$80,000,000.

“SEC. 166. (a) **LOAN LIMIT FLOOR BASED ON 2008 LEVELS.**—For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any

\* \* \* \* \*

“SEC. 168. Notwithstanding any other provision of this joint resolution, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

“SEC. 169. Notwithstanding any other provision of this joint resolution, other than section 106, up to \$200,000,000 of the funds provided by Public Law 111-8 that are available on October 1, 2009, in the ‘Tenant-Based Rental Assistance’ account may be available to adjust allocations for public housing agencies to prevent termination of assistance to families.”.

Approved October 30, 2009.

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LEGISLATIVE HISTORY—H.R. 2996:

HOUSE REPORTS: Nos. 111-180 (Comm. on Appropriations) and 111-316 (Comm. of Conference).

SENATE REPORTS: No. 111-38 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 155 (2009):

June 25, 26, considered and passed House.

Sept. 17, 21-24, considered and passed Senate, amended.

Oct. 29, House and Senate agreed to conference report.



Public Law 111-112  
111th Congress

An Act

Nov. 30, 2009  
[S. 1825]

To extend the authority for relocation expenses test programs for Federal employees,  
and for other purposes.

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

**SECTION 1. RELOCATION EXPENSES TEST PROGRAMS.**

(a) IN GENERAL.—Section 5739 of title 5, United States Code,  
is amended—

(1) in subsection (a), by striking paragraph (3);

(2) in subsection (b)—

(A) by inserting “or extended” after “approved”; and

(B) by inserting “or extension” after “of the program”;

(3) by striking subsection (c) and inserting the following:

“(c)(1) An agency authorized to conduct a test program under  
subsection (a) shall annually submit a report on the results of  
the program to date to the Administrator.

“(2) Not later than 3 months after completion of a test program,  
the agency conducting the program shall submit a final report  
on the results of the program to the Administrator and the appro-  
priate committees of Congress.”;

(4) in subsection (d), by striking “10” and inserting “12”;

and

(5) by striking subsection (e) and inserting the following:

“(e)(1) The Administrator may not approve any test program  
for an initial period of more than 4 years.

“(2)(A) Upon the request of the agency administering a test  
program, the Administrator may extend the program.

“(B) An extension under subparagraph (A) may not exceed  
4 years.

“(C) The Administrator may exercise more than 1 extension  
under subparagraph (A) with respect to any test program.”.

Deadlines.  
Reports.



(b) **EFFECTIVE DATE.**—This section shall take effect on 5 USC 5739 note.  
December 18, 2009.

Approved November 30, 2009.

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**LEGISLATIVE HISTORY—S. 1825:**

CONGRESSIONAL RECORD, Vol. 155 (2009):

Nov. 9, considered and passed Senate.

Nov. 16, considered and passed House.



Public Law 111-145  
111th Congress

An Act

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

Mar. 4, 2010

[H.R. 1299]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Capitol Police Administrative Technical Corrections Act of 2009”.

United States  
Capitol Police  
Administrative  
Technical  
Corrections Act  
of 2009.  
2 USC 1901 note.

SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108(a) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

“(a) CHIEF ADMINISTRATIVE OFFICER.—

“(1) ESTABLISHMENT.—There shall be within the United States Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

“(2) APPOINTMENT.—The Chief Administrative Officer shall be appointed by the Chief of the United States Capitol Police, after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

“(3) COMPENSATION.—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.”.

(2) ADMINISTRATIVE PROVISIONS.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsection (c).

(3) CERTIFYING OFFICERS.—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking “the Capitol Police Board” and inserting “the Chief of the Capitol Police”; and

(B) in subsection (b)(1), by striking “the Capitol Police Board” and inserting “the Chief of the Capitol Police”.

(4) PERSONNEL ACTIONS OF THE CHIEF OF THE CAPITOL POLICE.—

(A) IN GENERAL.—Section 1018(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)) is

\* \* \* \* \*

5 USC 2107 note.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as though enacted as part of section 1018 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907).

2 USC 61f-14.

**SEC. 8. LAW ENFORCEMENT AUTHORITY OF SERGEANT-AT-ARMS AND DOORKEEPER OF THE SENATE.**

(a) **IN GENERAL.**—The Sergeant-at-Arms and Doorkeeper of the Senate shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant-at-Arms and Doorkeeper of the Senate have the qualifications specified in subsection (b).

(b) **QUALIFICATIONS.**—The qualifications referred to in subsection (a) are the following:

(1) A minimum of 5 years of experience as a law enforcement officer before beginning service as the Sergeant-at-Arms and Doorkeeper of the Senate.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) **REGULATIONS.**—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

Travel Promotion  
Act of 2009.  
22 USC 2131.

**SEC. 9. TRAVEL PROMOTION ACT OF 2009.**

(a) **SHORT TITLE.**—This section may be cited as the “Travel Promotion Act of 2009”.

(b) **THE CORPORATION FOR TRAVEL PROMOTION.**—

(1) **ESTABLISHMENT.**—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this subsection, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(2) **BOARD OF DIRECTORS.**—

(A) **IN GENERAL.**—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(i) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(ii) 1 shall have appropriate expertise and experience in the restaurant sector;

(iii) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(iv) 1 shall have appropriate expertise and experience in the travel distribution services sector;

Appointment.



(v) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(vi) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(vii) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(viii) 1 shall have appropriate expertise and experience in the passenger air sector;

(ix) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(x) 1 shall have appropriate expertise in the inter-city passenger railroad business.

(B) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-301.01 et seq.).

(C) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(i) 3 shall be appointed for terms of 1 year;

(ii) 4 shall be appointed for terms of 2 years;

and

(iii) 4 shall be appointed for terms of 3 years.

(D) REMOVAL FOR CAUSE.—The Secretary of Commerce may remove any member of the board for good cause.

(E) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this subsection. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(F) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

Deadline.

(G) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(H) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(3) OFFICERS AND EMPLOYEES.—

(A) IN GENERAL.—The Corporation shall have an executive director and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(B) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(A) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(B) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(C) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(D) SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

(5) DUTIES AND POWERS.—

Plan.

(A) IN GENERAL.—The Corporation shall develop and execute a plan—

(i) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in traveling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(ii) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(iii) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(iv) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(v) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(B) SPECIFIC POWERS.—In order to carry out the purposes of this subsection, the Corporation may—

(i) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(ii) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(iii) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(C) PUBLIC OUTREACH AND INFORMATION.—The Corporation shall develop and maintain a publicly accessible website.

Web site.

(6) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(7) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(A) the obligation or expenditure is approved by an affirmative vote of at least 2/3 of the members of the board present at the meeting;

(B) at least 6 members of the board are present at the meeting at which it is approved; and

(C) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(8) FISCAL ACCOUNTABILITY.—

(A) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(B) BUDGET.—The Corporation shall adopt a budget for each fiscal year.



(C) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this paragraph by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

Deadlines.  
Review.

(D) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this section, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

Deadlines.

(c) ACCOUNTABILITY MEASURES.—

Marketing plan.

(1) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

Public  
information.  
Web posting.

(2) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(3) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(A) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this section;

(B) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(C) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(D) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(E) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under paragraph (1);

(F) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(G) such recommendations as the Corporation deems appropriate.

(4) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this subsection.

(d) MATCHING PUBLIC AND PRIVATE FUNDING.—

(1) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(2) FUNDING.—

Deadlines.

(A) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this section. Transfers shall be made at least quarterly, beginning on January 1, 2010, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

Effective date.

(B) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to paragraph (3) of this subsection, to carry out its functions under this section. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(3) MATCHING REQUIREMENT.—

(A) IN GENERAL.—No amounts may be made available to the Corporation under this subsection after fiscal year 2010, except to the extent that—

(i) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under paragraph (2); and

(ii) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under paragraph (2) for the fiscal year.

(B) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(i) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this section may be included in the determination; but

(ii) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under subparagraph (A) for the Corporation in any fiscal year.

(C) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(D) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(4) CARRYFORWARD.—

(A) FEDERAL FUNDS.—Amounts transferred to the Fund under paragraph (2)(B) shall remain available until expended.

(B) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under paragraph (3)(A) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of paragraph (3)(A) in such succeeding fiscal year.

(e) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) FEES.—

Deadline.

“(i) IN GENERAL.—No later than 6 months after the date of enactment of the Travel Promotion Act of 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by subsection (d) of section 11 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”.

(f) ASSESSMENT AUTHORITY.—



(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in subsection (b)(2)(A)(iii) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this subsection.

(2) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of this section at no greater, in the aggregate, than \$20,000,000.

(3) **REFERENDA.**—

(A) **IN GENERAL.**—The Corporation may not impose an annual assessment unless—

(i) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(ii) the assessment is approved by a majority of those voting in the referendum.

(B) **PROCEDURAL REQUIREMENTS.**—In conducting a referendum under this paragraph, the Corporation shall—

Notice.  
Deadline.

(i) provide written or electronic notice not less than 60 days before the date of the referendum;

(ii) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(iii) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(4) **COLLECTION.**—

(A) **IN GENERAL.**—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this section.

(B) **ENFORCEMENT.**—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this section.

(5) **INVESTMENT OF FUNDS.**—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(g) **OFFICE OF TRAVEL PROMOTION.**—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

22 USC 2123.

**“SEC. 202. OFFICE OF TRAVEL PROMOTION.**

“(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) DIRECTOR.—

“(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) DUTIES.—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

“(c) FUNCTIONS.—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by subsection (b) of section 11 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office’s work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).”

(h) RESEARCH PROGRAM.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by subsection (g), is further amended by inserting after section 202 the following:

22 USC 2123a.

**“SEC. 203. RESEARCH PROGRAM.**

“(a) IN GENERAL.—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

“(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

“(2) expanding the number of inbound air travelers sampled by the Commerce Department’s Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

“(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

“(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

“(5) research to support the annual reports required by section 202(d) of this Act.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.”.

Approved March 4, 2010.

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LEGISLATIVE HISTORY—H.R. 1299:

HOUSE REPORTS: No. 111-66 (Comm. on House Administration).

CONGRESSIONAL RECORD:

Vol. 155 (2009): Mar. 31, considered and passed House.

Oct. 29, considered and passed Senate, amended.

Nov. 6, House concurred in Senate amendment with an amendment pursuant to H. Res. 896.

Vol. 156 (2010): Feb. 24, 25, Senate considered and concurred in House amendment.





Public Law 111-167  
111th Congress

An Act

May 24, 2010  
[H.R. 1121]

Blue Ridge  
Parkway and  
Town of Blowing  
Rock Land  
Exchange Act of  
2009.  
16 USC 460a-5  
note.  
16 USC 460a-5  
note.

To authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009”.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) TOWN.—The term “Town” means the Town of Blowing Rock in the State of North Carolina.

(3) MAP.—The term “map” means the National Park Service map titled “Blue Ridge Parkway, Proposed Land Exchange with Town of Blowing Rock”, numbered “601/90,000A”, and dated “April, 2008”.

(4) EXCHANGE.—The term “exchange” means the exchange of land authorized by section 3(a).

16 USC 460a-5  
note.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to subsection (d), the Secretary may exchange approximately 20 acres of land within the boundary of the Blue Ridge Parkway that are generally depicted on the map as “Blowing Rock Reservoir”, for approximately 192 acres of land owned by the Town that are generally depicted on the map as “Town of Blowing Rock Exchange Lands”.

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

(c) TIMING.—The Secretary shall seek to complete the land exchange not later than three years after the date of the enactment of this Act.

(d) APPLICABLE LAWS; TERMS AND CONDITIONS.—The exchange shall be subject to—

(1) laws, regulations, and policies applicable to exchanges of land administered by the National Park Service, including those concerning land appraisals, equalization of values, and environmental compliance; and

(2) such terms and conditions as the Secretary considers appropriate.

(e) **EQUALIZATION OF VALUES.**—If the lands proposed for exchange are found to be not equal in value, the equalization of values may be achieved by adjusting the acreage amounts identified in subsection (a).

(f) **BOUNDARY ADJUSTMENT.**—Upon completion of the exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to reflect the exchanged lands.

(g) **ADMINISTRATION.**—Lands acquired by the Secretary through the exchange shall be administered as part of the Blue Ridge Parkway in accordance with all applicable laws and regulations.

(h) **FUTURE DISPOSITION OF PROPERTY.**—If the Town desires to dispose of the reservoir property that is the subject of the exchange, the Secretary shall have the right of first refusal to acquire the property for the Blue Ridge Parkway.

Approved May 24, 2010.

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**LEGISLATIVE HISTORY—H.R. 1121:**

HOUSE REPORTS: No. 111-227 (Comm. on Natural Resources).

SENATE REPORTS: No. 111-147 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 155 (2009): July 27, considered and passed House.

Vol. 156 (2010): May 7, considered and passed Senate.



124 STAT. 1192

PUBLIC LAW 111-169—MAY 24, 2010

Public Law 111-169  
111th Congress

An Act

May 24, 2010  
[H.R. 2802]

To provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes.

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

40 USC 8903  
note.

**SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR MEMORIAL ESTABLISHMENT.**

40 USC 1003  
note.

(a) **LEGISLATIVE AUTHORITY.**—Section 1(c) of Public Law 107-62 is amended by striking “accordance with” and all that follows through the period at the end and inserting the following: “accordance with chapter 89 of title 40, United States Code, except that any reference in section 8903(e) of that chapter to the expiration at the end of or extension beyond a seven-year period shall be considered to be a reference to an expiration on or extension beyond December 2, 2013.”

(b) **TECHNICAL AMENDMENTS.**—Public Law 107-62 is amended—

40 USC 1003  
note.

(1) in section 1(e), by striking “(40 U.S.C. 1001, et seq.)” and inserting “(40 U.S.C. 8901 et seq.)”; and

(2) in section 2, by striking “(40 U.S.C. 1002)” and inserting “(40 U.S.C. 8902(a))”.

Approved May 24, 2010.

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**LEGISLATIVE HISTORY—H.R. 2802:**

HOUSE REPORTS: No. 111-261 (Comm. on Natural Resources).

SENATE REPORTS: No. 111-155 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 155 (2009): Sept. 22, considered and passed House.

Vol. 156 (2010): May 7, considered and passed Senate.

○



Public Law 111-212  
111th Congress

An Act

July 29, 2010  
[H.R. 4899]

Making supplemental appropriations for the fiscal year ending September 30, 2010,  
and for other purposes.

Supplemental  
Appropriations  
Act, 2010.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: guaranteed farm ownership loans, \$300,000,000; operating loans, \$650,000,000, of which \$250,000,000 shall be for unsubsidized guaranteed loans, \$50,000,000 shall be for subsidized guaranteed loans, and \$350,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: guaranteed farm ownership loans, \$1,110,000; operating loans, \$29,470,000, of which \$5,850,000 shall be for unsubsidized guaranteed loans, \$7,030,000 shall be for subsidized guaranteed loans, and \$16,590,000 shall be for direct loans.

For an additional amount for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$1,000,000.

EMERGENCY FOREST RESTORATION PROGRAM

For implementation of the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) for expenses resulting from natural disasters that occurred on or after January 1, 2010, and for other purposes, \$18,000,000, to remain available until expended: *Provided*, That the program: (1) shall be carried out without regard

\* \* \* \* \*

further, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act.

## TITLE II

### DEPARTMENT OF COMMERCE

#### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Economic Development Assistance Programs”, to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$5,000,000, to remain available until expended.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: *Provided*, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

Determination.

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## FOOD AND DRUG ADMINISTRATION

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

## DEPARTMENT OF THE INTERIOR

## DEPARTMENTAL OFFICES

## OFFICE OF THE SECRETARY

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Office of the Secretary, Salaries and Expenses” for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, \$29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

## DEPARTMENT OF JUSTICE

## LEGAL ACTIVITIES

## SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

## ENVIRONMENTAL PROTECTION AGENCY

## SCIENCE AND TECHNOLOGY

Study.

For an additional amount for “Science and Technology” for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of



Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

#### GENERAL PROVISION—THIS TITLE

##### DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting “: (1)” before “may obtain an advance” and after “the Coast Guard”;

(2) by striking “advance. Amounts” and inserting the following: “advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts”.

Deadline.  
Notification.

##### PROHIBITION ON FINES AND LIABILITY

SEC. 2002. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled “Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule” (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled “Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program” signed by the Administrator on April 22, 2010.

##### RIGHT-OF-WAY

SEC. 2003. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN-49781/IDI-26446/NVN-85211/NVN-85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled “Southwest Intertie Project” and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

Notice.

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based

on the comprehensive reviews and consultations performed by the Secretary of the Interior.

#### FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2004. (1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

Rescission.

(4) IN GENERAL.—Of the amounts appropriated or made available under division B, title I of Public Law 111-117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, \$26,000,000 of the amounts appropriated are hereby rescinded.

### TITLE III

#### GENERAL PROVISIONS—THIS ACT

##### AVAILABILITY OF FUNDS

SEC. 3001 No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

##### EMERGENCY DESIGNATION

SEC. 3002. Unless otherwise specified, each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Payments.

SEC. 3003. (a) Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970

(30 U.S.C. §§ 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

(b) Section 3002 shall not apply to this section.

SEC. 3004. (a) Public Law 111-88, the Interior, Environment, and Related Agencies Appropriations Act, 2010, is amended under the heading “Office of the Special Trustee for American Indians” by—

123 Stat. 2922.

(1) striking “\$185,984,000” and inserting “\$176,984,000”; and

(2) striking “\$56,536,000” and inserting “\$47,536,000”.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 3005. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking “2008” and inserting “2011”.

SEC. 3006. For fiscal years 2010 and 2011—

(1) the National Park Service Recreation Fee Program account may be available for the cost of adjustments and changes within the original scope of contracts for National Park Service projects funded by Public Law 111-5 and for associated administrative costs when no funds are otherwise available for such purposes;

(2) notwithstanding section 430 of division E of Public Law 111-8 and section 444 of Public Law 111-88, the Secretary of the Interior may utilize unobligated balances for adjustments and changes within the original scope of projects funded through division A, title VII, of Public Law 111-5 and for associated administrative costs when no funds are otherwise available;

(3) the Secretary of the Interior shall ensure that any unobligated balances utilized pursuant to paragraph (2) shall be derived from the bureau and account for which the project was funded in Public Law 111-5; and

(4) the Secretary of the Interior shall consult with the Committees on Appropriations prior to making any charges authorized by this section.

Consultation.

SEC. 3007. (a) Section 205(d) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304(d)) is amended by striking “10 years” and inserting “11 years”.

(b) Section 3002 shall not apply to this section.

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES” under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals

Michigan.

\* \* \* \* \*



determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.”.

This Act may be cited as the “Supplemental Appropriations Act, 2010”.

Approved July 29, 2010.

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**LEGISLATIVE HISTORY—H.R. 4899:**

SENATE REPORTS: No. 111-188 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 156 (2010):

Mar. 24, considered and passed House.

May 24-27, considered and passed Senate, amended.

July 1, House concurred in Senate amendment with an amendment.

July 22, Senate considered and rejected House amendment.

July 27, House receded and concurred in Senate amendment.



PUBLIC LAW 111-222—AUG. 6, 2010

124 STAT. 2379

Public Law 111-222  
111th Congress

An Act

To amend the National Law Enforcement Museum Act to extend the termination  
date.

Aug. 6, 2010  
[S. 1053]

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

**SECTION 1. NATIONAL LAW ENFORCEMENT MUSEUM ACT.**

Section 4(f) of the National Law Enforcement Museum Act  
(Public Law 106-492) is amended by striking “10 years” and inserting “13 years”. 114 Stat. 2212.

Approved August 6, 2010.

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**LEGISLATIVE HISTORY—S. 1053:**

SENATE REPORTS: No. 111-137 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 156 (2010):

May 7, considered and passed Senate.  
July 21, considered and passed House.

○

Public Law 111-232  
111th Congress

An Act

Aug. 16, 2010

[H.R. 2097]

Star-Spangled  
Banner  
Commemorative  
Coin Act.  
31 USC 5112  
note.

To require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Star-Spangled Banner Commemorative Coin Act”.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) During the Battle for Baltimore of the War of 1812, Francis Scott Key visited the British fleet in the Chesapeake Bay on September 7, 1814, to secure the release of Dr. William Beanes, who had been captured after the British burned Washington, DC.

(2) The release of Dr. Beanes was secured, but Key and Beanes were held by the British during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) On the morning of September 14, 1814, after the 25-hour British bombardment of Fort McHenry, Key peered through the clearing smoke to see a 42-foot by 30-foot American flag flying proudly atop the Fort.

(4) He was so inspired to see the enormous flag still flying over the Fort that he began penning a song, which he named *The Defence of Fort McHenry*, to commemorate the occasion and he included a note that it should be sung to the tune of the popular British melody *To Anacreon in Heaven*.

(5) In 1916, President Woodrow Wilson ordered that the anthem, which had been popularly renamed the *Star-Spangled Banner*, be played at military and naval occasions.

(6) On March 3, 1931, President Herbert Hoover signed a resolution of Congress that officially designated the *Star-Spangled Banner* as the National Anthem of the United States.

SEC. 3. COIN SPECIFICATIONS.

(a) \$1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins in commemoration of the bicentennial of the writing of the *Star-Spangled Banner*:

(1) \$5 GOLD COINS.—Not more than 100,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and



(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 500,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

#### SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the War of 1812 and particularly the Battle for Baltimore that formed the basis for the *Star-Spangled Banner*.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2012”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Maryland War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

#### SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

#### SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

\* \* \* \* \*

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) \$35 per coin for the \$5 coin; and

(2) \$10 per coin for the \$1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Approved August 16, 2010.

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**LEGISLATIVE HISTORY—H.R. 2097:**

**CONGRESSIONAL RECORD:**

Vol. 155 (2009): Sept. 9, considered and passed House.

Vol. 156 (2010): Aug. 2, considered and passed Senate.



Public Law 111-242  
111th Congress

An Act

Making continuing appropriations for fiscal year 2011, and for other purposes.

Sept. 30, 2010  
[H.R. 3081]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

Continuing  
Appropriations  
Act, 2011.

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111-118).

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(4) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111-212).

→ (5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

(6) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111-68).

(7) The Consolidated Appropriations Act, 2010 (Public Law 111-117).

(8) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212), except for appropriations under the heading "Operation and Maintenance" relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of \$29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and sub-activity group, and to each program, project, and activity within



each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(9) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

(10) The appropriation under the heading “Department of Commerce—United States Patent and Trademark Office” in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2010 or prior years; (2) the increase in production rates above those sustained with fiscal year 2010 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2010.

Contracts.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2010.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

Expiration date.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2011, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2011 without any provision for such project or activity; or (3) December 3, 2010.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of appropriations set forth in section 1513 of title 31, United States Code,

but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2011 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2010, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2010 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

Deadline.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2010, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. The following amounts are designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

(1) Amounts incorporated by reference in this Act that were previously designated as available for overseas deployments and other activities pursuant to such concurrent resolution.

(2) Amounts made available pursuant to paragraph (8) of section 101 of this Act.

SEC. 115. Notwithstanding any other provision of this Act, funds appropriated under the heading "Food for Peace Title II Grants" in chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) may be used to reimburse obligations incurred for the purposes provided therein prior to the enactment of such Act.

## Extension date.

SEC. 116. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the earlier of the date of enactment of an authorization Act related to the Richard B. Russell National School Lunch Act or the date specified in section 106(3) of this Act.

SEC. 117. Notwithstanding section 101, amounts are provided for “Department of Commerce—Bureau of the Census—Periodic Censuses and Programs”, for necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, at a rate for operations of \$964,315,000.

## Extension date.

SEC. 118. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2518), shall continue in effect through the date specified in section 106(3) of this Act.

## Claims.

SEC. 119. Notwithstanding subsection (b) of section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1870), a claim described in that subsection that is submitted before the date specified in section 106(3) of this Act shall be treated as a claim for which payment may be made under such section 310.

SEC. 120. (a) RESCISSION.—The unobligated balance of authority provided for investigations under the heading “Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Investigations”, in chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212; 124 Stat. 2312) is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Department of the Army, Corps of Engineers, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for investigations;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 121. (a) RESCISSION.—The unobligated balance of authority provided for in section 401 of chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212; 124 Stat. 2313) for drought emergency assistance is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Bureau of Reclamation, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West;



(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 122. Notwithstanding section 101, amounts are provided for “Department of Energy—Weapons Activities” at a rate for operations of \$7,008,835,000.

SEC. 123. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds for programs and activities under the heading “District of Columbia Funds” for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under “District of Columbia Funds” as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18-448), as modified as of the date of the enactment of this Act.

SEC. 124. Section 550(b) of Public Law 109-295, as amended by section 550 of Public Law 111-83, shall be applied by substituting the date specified in section 106(3) of this Act for “October 4, 2010”. Applicability.

SEC. 125. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2010”. Applicability.

SEC. 126. Any funds made available pursuant to section 101 for the Federal Air Marshals may be obligated at a rate for operations not exceeding that necessary to sustain domestic and international flight coverage at the same level as the final quarter of fiscal year 2010.

SEC. 127. Any funds made available pursuant to section 101 for U.S. Customs and Border Protection may be obligated at a rate for operations not exceeding that necessary to sustain the numbers of personnel in place in the final quarter of fiscal year 2010. The Commissioner of U.S. Customs and Border Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section. Notification.

SEC. 128. Notwithstanding section 101, amounts are provided for “Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management” at a rate for operations of \$365,000,000: *Provided*, That amounts provided herein from the general fund shall be reduced in an amount not to exceed \$154,890,000, as receipts from increases to rates in effect on August 5, 1993, and from cost recovery fees are received: *Provided further*, That of the prior-year unobligated balances available for “Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management”, \$25,000,000 are rescinded. Rescission.

SEC. 129. Section 2(e)(1)(B) of Public Law 109-129 shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2010”. Applicability.

SEC. 130. From funds transferred to “Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund” by Public Law 111-117 in the fourth paragraph under such heading, amounts shall be available through the date specified in section 106(3) of this Act to support

advanced research and development pursuant to section 319L of the Public Health Service Act, at a rate for operations of \$305,000,000.

SEC. 131. (a) EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of section 403 of such Act) shall continue through the date specified in section 106(3) of this Act in the manner authorized for fiscal year 2010, subject to the amendments made by subsection (b) of this section, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the first quarter of fiscal year 2011 at the pro rata portion of the level provided for such activities through the first quarter of fiscal year 2010.

(b) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

Applicability.

“(ii) subparagraph (G) shall be applied as if ‘the date specified in section 106(3) of the Continuing Appropriations Act, 2011’ were substituted for ‘fiscal year 2001’; and”.

(2) CONTINGENCY FUND.—

(A) DEPOSIT INTO FUND.—Section 403(b)(2) of such Act (42 U.S.C. 603(b)(2)) is amended—

(i) by striking “fiscal years 1997” and all that follows through “2003” and inserting “fiscal years 2011 and 2012”; and

(ii) by striking “\$2,000,000,000” and inserting “, in the case of fiscal year 2011, \$506,000,000 and in the case of fiscal year 2012, \$612,000,000”.

(B) CONFORMING AMENDMENT.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking “fiscal years 1997 through 2010 shall not exceed the total amount appropriated pursuant to paragraph (2)” and inserting “fiscal year 2011 and 2012, respectively, shall not exceed the total amount appropriated pursuant to paragraph (2) for each such fiscal year”.

(3) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(A) in subparagraph (A), by striking “or 2011” and inserting “2011, or 2012”; and

(B) in subparagraph (B)(ii), by striking “2010” and inserting “2011”.

Extension date.

SEC. 132. Activities authorized by section 429 of the Social Security Act shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010.

SEC. 133. Effective October 1, 2010, subpart 2 of part B of title IV of the Social Security Act is amended—

Effective date.  
42 USC 629f  
note.

(1) in section 436 (42 U.S.C. 629f)—

(A) in subsection (a)—

(i) by striking “2011” and inserting “2010”; and

(ii) by inserting before the period the following:  
“, and \$365,000,000 for fiscal year 2011”; and

(B) by striking “\$10,000,000” in subsection (b)(2) and inserting “\$30,000,000”; and

(2) in section 438 (42 U.S.C. 629h)—

(A) by striking “2010” in subsection (c)(2)(A) and inserting “2011”; and

(B) by adding at the end of subsection (e) the following flush sentence: “For fiscal year 2011, out of the amount reserved pursuant to section 436(b)(2) for such fiscal year, there are available \$10,000,000 for grants referred to in subsection (b)(2)(B), and \$10,000,000 for grants referred to in subsection (b)(2)(C).”

SEC. 134. Notwithstanding any other provision of this Act, for payment in equal shares to the children and grandchildren of Robert C. Byrd, \$193,400 is appropriated.

Robert C. Byrd.

SEC. 135. Notwithstanding section 101, amounts are provided for deposit into “Department of Defense Base Closure Account 2005” at a rate for operations of \$2,354,285,000.

SEC. 136. Notwithstanding section 101, amounts are provided for “Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs” at a rate for operations of \$8,601,000,000.

SEC. 137. Notwithstanding section 101, amounts are provided for “International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program” at a rate for operations of \$5,160,000,000, of which not less than \$2,775,000,000 shall be available for grants only for Israel, not less than \$1,300,000,000 shall be available for grants only for Egypt, and not less than \$300,000,000 shall be available for assistance for Jordan: *Provided*, That the dollar amount in the fourth proviso under such heading in title IV of division F of Public Law 111-117 shall be deemed to be \$729,825,000.

Grants.  
Israel.  
Egypt.  
Jordan.

SEC. 138. (a) Notwithstanding section 101, amounts are provided for “International Security Assistance—Funds Appropriated to the President—Pakistan Counterinsurgency Capability Fund” at a rate for operations of \$700,000,000.

(b) Amounts provided by subsection (a) shall be available to the Secretary of State under the terms and conditions provided for this Fund in Public Law 111-32 and Public Law 111-212 through the date specified in section 106(3) of this Act.

SEC. 139. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2010”.

Applicability.

SEC. 140. (a) Section 1115(d) of Public Law 111-32 shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2010”.

Applicability.

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2010” in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting



	the date specified in section 106(3) of this Act for “October 1, 2010” in paragraph (2).
Applicability.	(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2010” in subparagraph (B).
Extension date.	SEC. 141. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this Act.
Loans.	SEC. 142. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed a rate for operations of \$20,000,000,000: <i>Provided</i> , That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered by this Act.
Extension date.	SEC. 143. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 106(3) of this Act; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.
	SEC. 144. Notwithstanding any other provision of law or of this Act, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).
	SEC. 145. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any other provision of law or of this Act, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.
	(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this Act, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages

for which the mortgagee issues credit approval for the borrower during fiscal year 2011, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 146. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during fiscal year 2011, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of law or of this Act, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this Act, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during fiscal year 2011, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

This Act may be cited as the “Continuing Appropriations Act, 2011”.

Approved September 30, 2010.

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LEGISLATIVE HISTORY—H.R. 3081 (S. 1434):

HOUSE REPORTS: No. 111-187 (Comm. on Appropriations).

SENATE REPORTS: No. 111-44 (Comm. on Appropriations) accompanying S. 1434.

CONGRESSIONAL RECORD:

Vol. 155 (2009): July 9, considered and passed House.

Vol. 156 (2010): Sept. 29, considered and passed Senate, amended. House concurred in Senate amendments.





Public Law 111-261  
111th Congress

An Act

To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

Oct. 8, 2010  
[H.R. 714]

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

SECTION 1. CANEEL BAY LEASE AUTHORIZATION.

16 USC 398d  
note.

(a) DEFINITIONS.—In this section:

(1) PARK.—The term “Park” means the Virgin Islands National Park.

(2) RESORT.—The term “resort” means the Caneel Bay resort on the island of St. John in the Park.

(3) RETAINED USE ESTATE.—The term “retained use estate” means the retained use estate for the Caneel Bay property on the island of St. John entered into between the Jackson Hole Preserve and the United States on September 30, 1983 (as amended, assigned, and assumed).

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

(b) LEASE AUTHORIZATION.—

(1) IN GENERAL.—If the Secretary determines that the long-term benefit to the Park would be greater by entering into a lease with the owner of the retained use estate than by authorizing a concession contract upon the termination of the retained use estate, the Secretary may enter into a lease with the owner of the retained use estate for the operation and management of the resort.

(2) ACQUISITIONS.—The Secretary may—

(A) acquire associated property from the owner of the retained use estate; and

(B) on the acquisition of property under subparagraph

(A), administer the property as part of the Park.

(3) AUTHORITY.—Except as otherwise provided by this section, a lease shall be in accordance with subsection (k) of section 3 of Public Law 91-383 (16 U.S.C. 1a-2(k)), notwithstanding paragraph (2) of that subsection.

(4) TERMS AND CONDITIONS.—A lease authorized under this section shall—

(A) be for the minimum number of years practicable, taking into consideration the need for the lessee to secure financing for necessary capital improvements to the resort, but in no event shall the term of the lease exceed 40 years;

(B) prohibit any transfer, assignment, or sale of the lease or otherwise convey or pledge any interest in the

lease without prior written notification to, and approval by the Secretary;

(C) ensure that the general character of the resort property remains unchanged, including a prohibition against—

(i) any increase in the overall size of the resort;

or

(ii) any increase in the number of guest accommodations available at the resort;

(D) prohibit the sale of partial ownership shares or timeshares in the resort;

(E) include provisions to ensure the protection of the natural, cultural, and historic features of the resort and associated property, consistent with the laws and policies applicable to property managed by the National Park Service; and

(F) include any other provisions determined by the Secretary to be necessary to protect the Park and the public interest.

(5) RENTAL AMOUNTS.—In determining the fair market value rental of the lease required under section 3(k)(4) of Public Law 91-383 (16 U.S.C. 1a-2(k)(4)), the Secretary shall take into consideration—

(A) the value of any associated property conveyed to the United States; and

(B) the value, if any, of the relinquished term of the retained use estate.

(6) USE OF PROCEEDS.—Rental amounts paid to the United States under a lease shall be available to the Secretary, without further appropriation, for visitor services and resource protection within the Park.

Deadline.

(7) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit a proposed lease under this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at least 60 days before the award of the lease.

(8) RENEWAL.—A lease entered into under this section may not be extended or renewed.

(9) TERMINATION.—Upon the termination of a lease entered into under this section, if the Secretary determines the continuation of commercial services at the resort to be appropriate, the services shall be provided in accordance with the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5951 et seq.).

(c) RETAINED USE ESTATE.—

Transfer  
authority.

(1) IN GENERAL.—As a condition of the lease, the owner of the retained use estate shall terminate, extinguish, and relinquish to the Secretary all rights under the retained use estate and shall transfer, without consideration, ownership of improvements on the retained use estate to the National Park Service.

(2) APPRAISAL.—

(A) IN GENERAL.—The Secretary shall require an appraisal by an independent, qualified appraiser who is agreed to by the Secretary and the owner of the retained use estate to determine the value, if any, of the relinquished term of the retained use estate.

(B) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

Approved October 8, 2010.

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**LEGISLATIVE HISTORY—H.R. 714:**

**SENATE REPORTS:** No. 111-146 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 155 (2009): Feb. 23, considered and passed House.

Vol. 156 (2010): May 13, considered and passed Senate, amended.

Sept. 28, House concurred in Senate amendments.





Public Law 111-270  
111th Congress

An Act

To provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

Oct. 12, 2010  
[H.R. 3689]

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

**SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR VIETNAM MEMORIAL VISITOR CENTER.**

Section 6(b) of Public Law 96-297 (16 U.S.C. 431 note) is amended—

- (1) in paragraph (3), by striking “and” at the end;
- (2) in paragraph (4), by striking the period and inserting “; and”; and
- (3) by inserting after paragraph (4) the following:

“(5) any reference in section 8903(e) of title 40, United States Code, to the expiration at the end of or extension beyond a seven-year period shall be considered to be a reference to an expiration on or extension beyond November 17, 2014.”.

Approved October 12, 2010.

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**LEGISLATIVE HISTORY—H.R. 3689:**

**SENATE REPORTS:** No. 111-198 (Comm. on Energy and Natural Resources).  
**CONGRESSIONAL RECORD:**

Vol. 155 (2009): Oct. 13, considered and passed House.  
Vol. 156 (2010): Sept. 28, considered and passed Senate.



Public Law 111-284  
111th Congress

An Act

Oct. 18, 2010  
[S. 3802]

Mount Stevens  
and Ted Stevens  
Icefield  
Designation Act.

To designate a mountain and icefield in the State of Alaska as the “Mount Stevens” and “Ted Stevens Icefield”, respectively.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mount Stevens and Ted Stevens Icefield Designation Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Theodore “Ted” Fulton Stevens, who began serving in the Senate 9 years after Alaska was admitted to Statehood, represented the people of the State of Alaska with distinction in the Senate for over 40 years from 1968 to 2009 and played a significant role in the transformation of the State of Alaska from an impoverished territory to a full-fledged State through the assistance he provided in building energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools, and other community facilities in the State of Alaska, which earned him recognition as “Alaskan of the Century” from the Alaska Legislature in 2000;

(2) Ted Stevens distinguished himself as a transport pilot during World War II in support of the “Flying Tigers” of the United States Army Air Corps, 14th Air Force, earning 2 Distinguished Flying Crosses and other decorations for his skill and bravery;

(3) Ted Stevens, after serving as a United States Attorney in the territory of Alaska, came to Washington, District of Columbia in 1956 to serve in the Eisenhower Administration in the Department of the Interior, where he was a leading force in securing the legislation that led to the admission of Alaska as the 49th State on January 3, 1959, and then as Solicitor of the Department of the Interior;

(4) in 1961, Ted Stevens returned to the State of Alaska and, in 1964, was elected to the Alaska House of Representatives, where he was subsequently elected as Speaker pro tempore and majority leader until his appointment on December 24, 1968, to the Senate to fill the vacancy caused by the death of Senator E.L. Bartlett;

(5) Ted Stevens, the longest-serving Republican Senator in the history of the Senate, served as President pro tempore of the Senate from 2003 through 2007 and as President pro tempore emeritus from 2008 to 2009, and over the course

of his career in the Senate, Ted Stevens served as assistant Republican leader, Chairman of the Select Committee on Ethics, Chairman of the Committee on Rules and Administration, Chairman of the Committee on Governmental Affairs, Chairman of the Committee on Appropriations, and Chairman of the Committee on Commerce, Science, and Transportation;

(6) Ted Stevens worked tirelessly for the enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which provided for the conveyance of approximately 44,000,000 acres of land in the State of Alaska to the Aleut, Eskimo, and Indian peoples and created Native Corporations to secure the long-term economic, cultural, and political empowerment of the Native peoples of the State of Alaska;

(7) Ted Stevens was a leader in shaping the communications policies of the United States, as he helped to establish the spectrum auction policy, negotiated the Telecommunications Act of 1996, authored the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note; Public Law 109-171), and passionately advocated for the connection of rural America to the rest of the world and to improve the lives of the people of the United States through the use of telemedicine and distance learning;

(8) Ted Stevens was a conservationist who championed the safe development of the natural resources of the United States, as illustrated by his authorship of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), which established the 200-mile exclusive economic zone and led to a reduction in the dominance of foreign fishing fleets in the fisheries of the United States, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3575), which established conservation measures designed to end overfishing, and the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a et seq.), which provided for the denial of entry into ports of the United States and the imposition of sanctions on vessels carrying out large-scale driftnet fishing beyond the exclusive economic zone of any nation;

(9) Ted Stevens was committed to health and fitness in his personal life and in his legislative accomplishments, as illustrated by his authorship of the Ted Stevens Amateur and Olympic Sports Act (36 U.S.C. 220501 et seq.), his encouragement of providing equality to female athletes through the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and his leadership in improving physical education programs in schools through the Carol M. White Physical Education Program (20 U.S.C. 7261 et seq.);

(10) Ted Stevens unconditionally supported the needs of the Armed Forces of the United States through visits to soldiers, sailors, airmen, marines, and Coast Guardsmen in every major military conflict and war zone where United States military personnel have been assigned during his service in the Senate, including Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan, and in his role as Chairman and Ranking Member of the Subcommittee on Defense Appropriations for more than 20 years;



(11) Ted Stevens was a devoted husband, father, and grandfather who worked to promote family-friendly policies in the Federal government;

(12) Ted Stevens was well-respected for reaching across the aisle to forge bipartisan alliances and enjoyed many close friendships with colleagues in both political parties and with his staff, who were deeply loyal to him; and

(13) the designation of the unnamed highest peak in the State of Alaska, along with an icefield in the Chugach National Forest in that State, in honor of Ted Stevens would be a fitting tribute to his honorable life and legacy.

#### SEC. 3. DESIGNATION OF MOUNT STEVENS.

Deadline.

(a) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the United States Board on Geographic Names (referred to in this Act as the “Board”) shall designate the unnamed, 13,895-foot peak in the Alaska Range in Denali National Park and Preserve in the State of Alaska, located at latitude 62.920469308 and longitude -151.066510314, as the “Mount Stevens”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the peak referred to in subsection (a) shall be deemed to be a reference to the “Mount Stevens”.

#### SEC. 4. DESIGNATION OF TED STEVENS ICEFIELD.

(a) DEFINITION OF ICEFIELD.—In this section, the term “icefield” means the icefield in the northern Chugach National Forest in the State of Alaska—

(1) comprising approximately 8,340 square miles, as delineated by the map entitled “Ice Field Name Proposal in Honor of Stevens” dated September 24, 2010, as prepared by the Forest Service and available for inspection at Forest Service headquarters in Washington, District of Columbia; and

(2) including the Harvard, Yale, Columbia, Nelchina, Tazlina, Valdez, and Shoup Glaciers.

Deadline.

(b) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the Board shall designate the icefield as the “Ted Stevens Icefield”.

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the icefield shall be deemed to be a reference to the “Ted Stevens Icefield”.

Approved October 18, 2010.

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**LEGISLATIVE HISTORY—S. 3802:**

CONGRESSIONAL RECORD, Vol. 156 (2010):

Sept. 27, considered and passed Senate.

Sept. 29, considered and passed House.



Public Law 111-292  
111th Congress

An Act

To require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

Dec. 9, 2010  
[H.R. 1722]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Enhancement Act of 2010”.

Telework  
Enhancement  
Act of 2010.  
5 USC 101 note.

SEC. 2. TELEWORK.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

“CHAPTER 65—TELEWORK

“Sec.

“6501. Definitions.

“6502. Executive agencies telework requirement.

“6503. Training and monitoring.

“6504. Policy and support.

“6505. Telework Managing Officer.

“6506. Reports.

“§ 6501. Definitions

5 USC 6501.

“In this chapter:

“(1) EMPLOYEE.—The term ‘employee’ has the meaning given that term under section 2105.

“(2) EXECUTIVE AGENCY.—Except as provided in section 6506, the term ‘executive agency’ has the meaning given that term under section 105.

“(3) TELEWORK.—The term ‘telework’ or ‘teleworking’ refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

“§ 6502. Executive agencies telework requirement

5 USC 6502.

“(a) TELEWORK ELIGIBILITY.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall—

Deadline.

“(A) establish a policy under which eligible employees of the agency may be authorized to telework;

“(B) determine the eligibility for all employees of the agency to participate in telework; and

Determination.



## Notification.

“(C) notify all employees of the agency of their eligibility to telework.

“(2) LIMITATION.—An employee may not telework under a policy established under this section if—

“(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

“(B) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

“(b) PARTICIPATION.—The policy described under subsection (a) shall—

“(1) ensure that telework does not diminish employee performance or agency operations;

## Contracts.

“(2) require a written agreement that—

“(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

“(B) is mandatory in order for any employee to participate in telework;

“(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

“(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

“(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

“(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

“(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

## 5 USC 6503.

**“§ 6503. Training and monitoring**

“(a) IN GENERAL.—The head of each executive agency shall ensure that—

“(1) an interactive telework training program is provided to—

“(A) employees eligible to participate in the telework program of the agency; and

“(B) all managers of teleworkers;

“(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 6502(b)(2);

“(3) teleworkers and nonteleworkers are treated the same for purposes of—

“(A) periodic appraisals of job performance of employees;

“(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

“(C) work requirements; or

“(D) other acts involving managerial discretion; and

“(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

“(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this chapter.

**“§ 6504. Policy and support**

5 USC 6504.

“(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

“(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

“(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

“(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

“(3) consult with—

“(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies;

“(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care; and

“(C) the National Archives and Records Administration on policy and policy guidance for telework in the areas of efficient and effective records management and the preservation of records, including Presidential and Vice-Presidential records.

“(c) SECURITY GUIDELINES.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordination with the Department of Homeland Security and the National Institute of Standards and Technology, shall issue guidelines not later than 180 days after the date of the enactment of this chapter to ensure the adequacy of information and security protections for information and information systems used while teleworking.

Deadline.

“(2) CONTENTS.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

“(A) control access to agency information and information systems;

“(B) protect agency information (including personally identifiable information) and information systems;

“(C) limit the introduction of vulnerabilities;

“(D) protect information systems not under the control of the agency that are used for teleworking;

“(E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and

“(F) prevent inappropriate use of official time or resources that violates subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography, including child pornography.

“(d) CONTINUITY OF OPERATIONS PLANS.—

“(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

“(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

“(e) TELEWORK WEBSITE.—The Office of Personnel Management shall—

“(1) maintain a central telework website; and

“(2) include on that website related—

“(A) telework links;

“(B) announcements;

“(C) guidance developed by the Office of Personnel Management; and

Deadline.

“(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

Deadline.

“(f) POLICY GUIDANCE ON PURCHASING COMPUTER SYSTEMS.—Not later than 120 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall issue policy guidance requiring each executive agency when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

5 USC 6505.

“§ 6505. Telework Managing Officer

“(a) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

“(b) DUTIES.—The Telework Managing Officer shall—

“(1) be devoted to policy development and implementation related to agency telework programs;

“(2) serve as—

“(A) an advisor for agency leadership, including the Chief Human Capital Officer;

“(B) a resource for managers and employees; and

“(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

“(3) perform other duties as the applicable delegating authority may assign.

“(c) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

“(d) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in



an agency from serving as the Telework Managing Officer for the agency under this chapter.

**“§ 6506. Reports**

5 USC 6506.

“(a) **DEFINITION.**—In this section, the term ‘executive agency’ shall not include the Government Accountability Office.

“(b) **REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.**—

“(1) **SUBMISSION OF REPORTS.**—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

“(A) submit a report addressing the telework programs of each executive agency to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

“(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

“(2) **CONTENTS.**—Each report submitted under this subsection shall include—

“(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

“(i) the total number of employees in the agency;

“(ii) the number and percent of employees in the agency who are eligible to telework; and

“(iii) the number and percent of eligible employees in the agency who are teleworking—

“(I) 3 or more days per pay period;

“(II) 1 or 2 days per pay period;

“(III) once per month; and

“(IV) on an occasional, episodic, or short-term basis;

“(B) the method for gathering telework data in each agency;

“(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

“(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

“(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

“(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

“(i) emergency readiness;

“(ii) energy use;

“(iii) recruitment and retention;

“(iv) performance;

“(v) productivity; and

“(vi) employee attitudes and opinions regarding telework; and

“(G) the best practices in agency telework programs.

“(c) COMPTROLLER GENERAL REPORTS.—

“(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(ii) the Committee on Oversight and Government Reform of the House of Representatives.

“(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

“(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 6504(b)(2).

“(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

“(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

“(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

“(A) review the reports submitted under paragraph (1);

“(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

“(C) use that relevant information for other purposes related to the strategic management of human capital.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

65. Telework ..... 6501

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2003.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003

(Public Law 108-7; 117 Stat. 103) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”. 5 USC 6120 note.

(B) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 99) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”. 5 USC 6120 note.

(C) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2919) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”. 5 USC 6120 note.

(D) APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2340) is amended by striking “maintain a ‘Telework Coordinator’ to be” and inserting “maintain a Telework Managing Officer to be”. 5 USC 6120 note.

### SEC. 3. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

#### **“§ 5711. Authority for telework travel expenses test programs** 5 USC 5711.

“(a) Except as provided under subsection (f)(1), in this section, the term ‘appropriate committees of Congress’ means— Definition.

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform of the House of Representatives.

“(b)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.



	<p>“(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.</p>
Deadline.	<p>“(c) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.</p>
Reports. Deadline.	<p>“(d)(1) An agency authorized to conduct a test program under subsection (b) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.</p> <p>“(2) The results in a report described under paragraph (1) may include—</p> <p>“(A) the number of visits an employee makes to the pre-existing duty station of that employee;</p> <p>“(B) the travel expenses paid by the agency;</p> <p>“(C) the travel expenses paid by the employee; or</p> <p>“(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.</p> <p>“(e) No more than 10 test programs under this section may be conducted simultaneously.</p>
Definition.	<p>“(f)(1) In this subsection, the term ‘appropriate committee of Congress’ means—</p> <p>“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;</p> <p>“(B) the Committee on Oversight and Government Reform of the House of Representatives;</p> <p>“(C) the Committee on the Judiciary of the Senate; and</p> <p>“(D) the Committee on the Judiciary of the House of Representatives.</p> <p>“(2) The Patent and Trademark Office shall conduct a test program under this section, including the provision of reports in accordance with subsection (d)(1).</p> <p>“(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—</p> <p>“(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;</p> <p>“(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and</p> <p>“(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.</p> <p>“(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.</p>
Procedures.	<p>“(B) The oversight committee shall develop the operating procedures for the program under this subsection to—</p>

“(i) provide for the effective and appropriate functioning of the program; and

“(ii) ensure that—

“(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

“(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

“(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

“(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(B) The Director of the Patent and Trademark Office shall—

“(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

Cost analysis.

“(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

Criteria.

“(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

“(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.”.

Expiration date.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

“5711. Authority for telework travel expenses test programs.”.

#### SEC. 4. TELEWORK RESEARCH.

5 USC 6501 note.

(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—

(1) research the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government;

(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

(3) make any studies or reviews performed under this subsection available to the public.

(b) USE OF CONTRACT TO CARRY OUT RESEARCH.—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(c) **USE OF OTHER FEDERAL AGENCIES.**—The heads of Federal agencies with relevant jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the Director of the Office of Personnel Management to carry out that subsection, if the Director determines that coordination is necessary to fulfill obligations under that subsection.

Approved December 9, 2010.

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**LEGISLATIVE HISTORY—H.R. 1722:**

HOUSE REPORTS: No. 111-474 (Comm. on Oversight and Government Reform).

CONGRESSIONAL RECORD, Vol. 156 (2010):

May 5, 6, considered and failed House.

July 14, considered and passed House.

Sept. 29, considered and passed Senate, amended.

Nov. 18, House concurred in Senate amendment.





## Appendix I

# 2009 Compilation— Presidential Documents

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## PROCLAMATIONS

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Proclamation 8335 of January 6, 2009

### **Establishment of the Marianas Trench Marine National Monument**

*By the President of the United States of America  
A Proclamation*

Over approximately 480 nautical miles, the Mariana Archipelago encompasses the 14 islands of the United States Commonwealth of the Northern Mariana Islands and the United States Territory of Guam that sit atop the Mariana Ridge in an area known as the Mariana Volcanic Arc. The Mariana Volcanic Arc is part of a subduction system in which the Pacific Plate plunges beneath the Philippine Sea Plate and into the Earth's mantle, creating the Mariana Trench. Six of the archipelago's islands have been volcanically active in historic times, and numerous seamounts along the Mariana Ridge are volcanically or hydrothermically active. The Mariana Trench is approximately 940 nautical miles long and 38 nautical miles wide within the United States Exclusive Economic Zone and contains the deepest known points in the global ocean.

The Mariana Volcanic Arc contains objects of scientific interest, including the largest active mud volcanoes on Earth. The Champagne vent, located at the Eifuku submarine volcano, produces almost pure liquid carbon dioxide. This phenomenon has only been observed at one other site in the world. The Sulfur Cauldron, a pool of liquid sulfur, is found at the Daikoku submarine volcano. The only other known location of molten sulfur is on Io, a moon of Jupiter. Unlike other reefs across the Pacific, the northernmost Mariana reefs provide unique volcanic habitats that support marine biological communities requiring basalt. Maug Crater represents one of only a handful of places on Earth where photosynthetic and chemosynthetic communities of life are known to come together.

The waters of the archipelago's northern islands are among the most biologically diverse in the Western Pacific and include the greatest diversity of seamount and hydrothermal vent life yet discovered. These volcanic islands are ringed by coral ecosystems with very high numbers of apex predators, including large numbers of sharks. They also contain one of the most diverse collections of stony corals in the Western Pacific. The northern islands and shoals in the archipelago have substantially higher large fish biomass, including apex predators, than the southern islands and Guam. The waters of Farallon de Pajaros (also known as Uracas), Maug, and Asuncion support some of the largest biomass of reef fishes in the Mariana Archipelago. These relatively pristine coral reef ecosystems are objects of scientific interest and essential to the long-term study of tropical marine ecosystems.

WHEREAS the submerged volcanic areas of the Mariana Ridge, the coral reef ecosystems of the waters surrounding the islands of Farallon de Pajaros, Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands, and the Mariana Trench contain objects of scientific interest that are situated upon lands owned or controlled by the Government of the United States;

WHEREAS the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

WHEREAS the islands, waters, and airspace of the Mariana Ridge are of particular importance to the national security of the United States;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the "Antiquities Act") authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the known volcanic areas of the Mariana Ridge, the marine environment around the islands of Farallon de Pajaros, Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands, and the Mariana Trench for the care and management of the scientific objects therein:

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act do proclaim that there are hereby set apart and reserved as the Marianas Trench Marine National Monument (the "monument" or "marine national monument") for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described below and depicted on the accompanying map entitled "Marianas Trench Marine National Monument" attached to and forming a part of this proclamation. The monument includes the waters and submerged lands of the three northernmost Mariana Islands (the "Islands Unit") and only the submerged lands of designated volcanic sites (the "Volcanic Unit") and the Mariana Trench

(the "Trench Unit") to the extent described as follows: The seaward boundaries of the Islands Unit of the monument extend to the lines of latitude and longitude depicted on the accompanying map, which lie approximately 50 nautical miles from the mean low water line of Farallon de Pajaros (Uracas), Maug, and Asuncion. The inland boundary of the Islands Unit of the monument is the mean low water line. The boundary of the Trench Unit of the monument extends from the northern limit of the Exclusive Economic Zone of the United States in the Commonwealth of the Northern Mariana Islands to the southern limit of the Exclusive Economic Zone of the United States in Guam approximately following the points of latitude and longitude identified on the accompanying map. The boundaries of the Volcanic Unit of the monument include a circle drawn with a 1 nautical mile radius centered on each of the volcanic features identified on the accompanying map and its legend. The Federal land and interests in land reserved consists of approximately 95,216 square miles of submerged lands and waters of the Mariana Archipelago, which is the smallest area compatible with the proper care and management of the objects to be protected.

Submerged lands that by legislation are subsequently granted by the United States to the Commonwealth of the Northern Mariana Islands but remain controlled by the United States under the Antiquities Act may remain part of the monument, for coordination of management with the Government of the Commonwealth of the Northern Mariana Islands. Any submerged lands and interests in submerged lands within the monument not owned or controlled by the United States shall be reserved as a part of the monument upon acquisition of title or control by the United States.

#### **Management of the Marine National Monument**

The Secretaries of Commerce, through the National Oceanic and Atmospheric Administration, and the Interior, shall manage the monument pursuant to applicable legal authorities and in consultation with the Secretary of Defense. The Secretary of the Interior shall have management responsibility for the monument, in consultation with the Secretary of Commerce, except that the Secretary of Commerce shall have the primary management responsibility, in consultation with the Secretary of the Interior, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and any other applicable authorities. The Secretaries of the Interior and Commerce shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.

The Secretaries of the Interior and Commerce shall take appropriate action pursuant to their respective authorities under the Antiquities Act and the Magnuson-Stevens Fishery Conservation and Management Act, and such other authorities as may be available to implement this proclamation, to regulate fisheries, and to ensure proper care and management of the monument.

#### ***Regulation of Scientific Exploration and Research***

Subject to such terms and conditions as the Secretary deems necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the



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Title 3—The President

monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

*Regulation of Fishing and Management of Fishery Resources*

Within the Islands Unit of the monument, the Secretary of Commerce shall prohibit commercial fishing. Subject to such terms and conditions as the Secretary of Commerce deems necessary for the care and management of the objects of the Islands Unit, the Secretary, consistent with Executive Order 12962 of June 7, 1995, as amended, shall ensure that sustenance, recreational, and traditional indigenous fishing shall be managed as a sustainable activity consistent with other applicable law and after due consideration with respect to traditional indigenous fishing of any determination by the Government of the Commonwealth of the Northern Mariana Islands.

*Monument Management Planning*

The Secretaries of the Interior and Commerce shall, within 2 years of the date of this proclamation, prepare management plans within their respective authorities and promulgate implementing regulations that address any further specific actions necessary for the proper care and management of the objects identified in this proclamation. In developing and implementing any management plans and any management rules and regulations, the Secretaries shall designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of Defense, the Department of State, and other agencies through scoping in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), its implementing regulations and with Executive Order 13352 of August 26, 2004, Facilitation of Cooperative Conservation, and shall treat as a cooperating agency the Government of the Commonwealth of the Northern Mariana Islands, consistent with these authorities. The monument management plans shall ensure that the monument will be administered in accordance with this proclamation, and shall, as appropriate to their respective authorities, provide for:

1. management of the Islands Unit of the monument, in consultation with the Government of the Commonwealth of the Northern Mariana Islands, including designation of specific roles and responsibilities and the means of consultation on management decisions as appropriate, without affecting the respective authorities or jurisdictions of the Commonwealth of the Northern Mariana Islands or the Secretaries of the Interior or of Commerce;
2. public education programs and public outreach regarding the coral reef ecosystem and related marine resources and species of the monument and efforts to conserve them;
3. traditional access by indigenous persons, as identified by the Secretaries in consultation with the Government of the Commonwealth of the Northern Mariana Islands, for culturally significant subsistence, cultural and religious uses within the monument;

4. a program to assess and promote monument-related scientific exploration and research, tourism, and recreational and economic activities and opportunities in the Commonwealth of the Northern Mariana Islands;

5. a process to consider requests for recreational fishing permits in certain areas of the Islands Unit, based on an analysis of the likely effects of such fishing on the marine ecosystems of these areas, sound professional judgment that such fishing will not materially interfere with or detract from the fulfillment of the purposes of this proclamation, and the extent to which such recreational fishing shall be managed as a sustainable activity consistent with Executive Order 12962, as amended, and other applicable law; and

6. programs for monitoring and enforcement necessary to ensure that scientific exploration and research, tourism, and recreational and commercial activities do not degrade the monument's coral reef ecosystem or related marine resources or species or diminish the monument's natural character.

The management plans and their implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict navigation, overflight, and other internationally recognized lawful uses of the sea, and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the Commonwealth of the Northern Mariana Islands.

#### Advisory Council

The Secretaries of the Interior and Commerce, within 3 months of the date of this proclamation and after considering recommendations from the Governor of the Commonwealth of the Northern Mariana Islands, the Secretary of Defense, and the Secretary of Homeland Security, shall establish the Mariana Monument Advisory Council to provide advice and recommendations on the development of management plans and management of the monument. The Advisory Council shall consist of three officials of the Government of the Commonwealth of the Northern Mariana Islands and one representative each from the Department of Defense and the United States Coast Guard.

Members of the Advisory Council will be appointed for a term of 3 years by the Secretaries of the Interior and Commerce after nomination by the head of the pertinent executive branch agency or, with respect to the officials of the Government of the Commonwealth of the Northern Mariana Islands, by the Governor of the Commonwealth of the Northern Mariana Islands. The Advisory Council will adopt such procedures as it deems necessary to govern its activities. Each participating agency shall be responsible for the expenses of its representative and the Departments of the Interior and Commerce shall be equally responsible for the costs of the Advisory Council.

Emergencies, National Security, and Law Enforcement Activities

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

**Armed Forces Actions**

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument living marine resource resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate, for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces' discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, agents, or any other person.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, to the extent that those laws apply.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing Federal withdrawal, reservation, or appropriation.

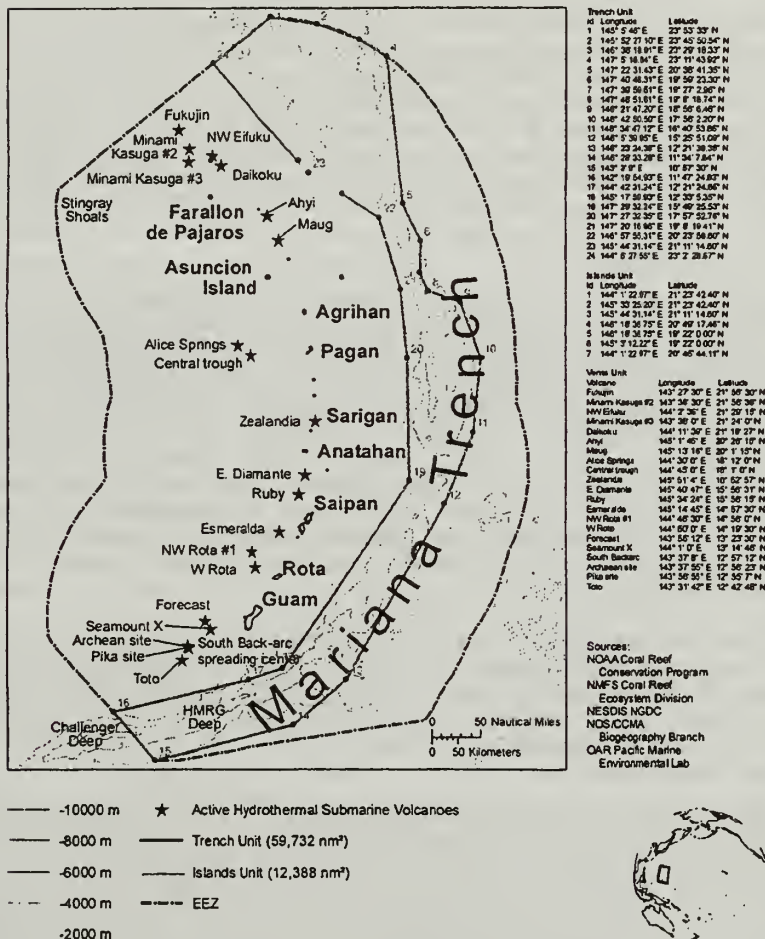
Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.



IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

# Marianas Trench Marine National Monument



Proclamation 8336 of January 6, 2009

## Establishment of the Pacific Remote Islands Marine National Monument

*By the President of the United States of America*

*A Proclamation*

The Pacific Remote Islands area consists of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, which lie to the south and west of Hawaii. With the exception of Wake Island, these islands are administered as National Wildlife Refuges by the United States Fish and Wildlife Service of the Department of the Interior. These refuges are an important part of the most widespread collection of marine- and terrestrial-life protected areas on the planet under a single country's jurisdiction. They sustain many endemic species including corals, fish, shellfish, marine mammals, seabirds, water birds, land birds, insects, and vegetation not found elsewhere.

Wake Island, to the west of Honolulu, Hawaii, is the northernmost atoll in the Marshall Islands geological ridge and perhaps the oldest living atoll in the world. Though it was substantially modified by the United States to create a military base before and after World War II, its major habitats are the three low coral islands consisting of shells, coral skeletons, and sand, supporting atoll vegetation adapted to arid climate. Wake Island supports 12 species of resident nesting seabirds and 6 species of migratory shorebirds, including 2 species of tropicbirds, 3 species of boobies, Great Frigatebird, Sooty Tern, Brown Noddy, and Wedge-tailed Shearwater. Black-footed Albatross and Laysan Albatross recently recolonized Wake Island, making it one of the few northern albatross colonies outside the Hawaiian archipelago.

Shallow coral reefs thrive around the perimeter of Wake Island. Fish populations are abundant and support at least 323 species, including large populations of the Napoleon wrasse (*Chelinus*), sharks of several species, and large schools of the Bumphead parrotfish (*Bolbometapon*), all of which are globally depleted. Beyond the shallow reefs, the outer reef slope descends sharply to great depths.

Baker, Howland, and Jarvis Islands were first formed as fringing reefs around islands formed by Cretaceous-era volcanoes (approximately 120–75 million years ago). As the volcanoes subsided, the coral reefs grew upward, maintaining proximity to the sea surface. These low coral islands consist of coral rock, shells, and sand that support trees, shrubs, and grasses adapted to the arid climate at the equator. All three are surrounded by shallow coral reefs to depths of 100 meters, below which the reef slope descends steeply to great depths. Deep coral forests occur below photic zones of all three islands at depths below 200 meters, especially at Jarvis where surveys have revealed living colonies of precious and ancient gold coral up to 5,000 years old.

The waters surrounding Baker, Howland, and Jarvis Islands have fish biomass double that of the Papahānaumokuākea Marine National Monument,

and 16 times that of the main Hawaiian Islands, due to the Equatorial Undercurrent that moves from west to east along the equator, creating localized nutrient-rich upwellings in shallows next to the islands. These are three of only six islands in the entire Pacific Ocean where this phenomenon is possible. These islands are high in coral cover and biodiversity and are predator-dominated systems. Their biomass of top predators exceeds that of the Great Barrier Reef or Kenyan Marine Protected Areas. The islands now host about a dozen nesting bird species including several nesting and migratory bird species that are of conservation significance. Jarvis alone has nearly 3 million pairs of Sooty Terns. There are about 300 fish species found off the islands. Giant clams (*Tridacna*), Napoleon wrasses, and Bumphead parrotfish are common, and sharks of many species are especially abundant at Jarvis and commonly larger there than elsewhere. Endangered hawksbill turtle and threatened green turtles forage in nearshore waters. All three islands afford unique opportunities to conduct climate change research at the equator, far from population centers. The coral skeletons there have recorded the earth's climatic history for many millions of years.

Johnston Atoll, the northernmost island in the island chain, is an ancient atoll and probably one of the oldest in the Pacific Ocean. Unlike most atolls, it does not have a surrounding barrier reef but has a semicircular emergent reef around the north and western margins of the island. Four major habitats characterize Johnston: low-lying islets consisting of the remains of corals and shells, shallow coral reefs to depths of 150 meters, deeper reefs to depths of 1,000 meters or more, and the slope of the ancient volcano on which the island rests.

Johnston is a genetic and larval stepping stone from the Remote Islands to the Hawaiian Islands for invertebrates, other reef fauna, corals, and dolphins. Despite its isolation, Johnston supports thriving communities of Table corals (*Acropora*) and a total of 45 coral species, including a dozen species confined to the Hawaiian and northern Line Islands. Some 300 species of reef fish are at Johnston, including the endemic Nahacky's pygmy angelfish. Many threatened, endangered, and depleted species thrive there, including the green turtle, hawksbill turtle, pearl oyster, giant clams, reef sharks, groupers, humphead wrasse, bumphead parrotfish, whales, and dolphins. Endangered Hawaiian Monk Seals occasionally visit the atoll. Deep diving submersible surveys have revealed that Johnston supports the deepest reef building corals (*Leptoseris*) on record and large populations of hydrozoan corals (*Millepora*, *Distichopora*, *Styaster*). Land areas support large populations of migratory shorebirds and resident seabird species, including populations of regional, national, or international significance: Wedge-tailed Shearwaters, Christmas Shearwaters, Red-tailed Tropicbirds, Brown Boobies, Great Frigatebirds, Gray-backed Terns, and White Terns. Approximately 200 threatened Green turtles forage at Johnston. The surrounding waters are used by six depleted or endangered listed cetacean species: Sperm, Blue, Sei, Humpback, and North Pacific Right whales. Spinner dolphins are abundant, and endangered Humpback whales may calve there.

Palmyra Atoll is a classic Darwinian atoll that formed atop a sinking Cretaceous-era volcano. Kingman Reef formed in the same manner but is considered an atoll reef because it lacks permanent fast land areas or islands. Kingman Reef contains a sheltered lagoon that served as a way station for



flying boats on Hawaii-to-American Samoa flights during the late 1930s. There are no terrestrial plants on the reef, which is frequently awash, but it does support abundant and diverse marine fauna and flora. Palmyra Atoll is managed by the United States Fish and Wildlife Service as a wildlife refuge. In 2001, the Secretary of the Interior established National Wildlife Refuges at Palmyra Atoll and Kingman Reef.

Palmyra Atoll and Kingman Reef are known to be among the most pristine coral reefs in the world, with a fully structured inverted food web. Kingman Reef is the most pristine of any reef under U.S. jurisdiction. They are ideal laboratories for assessing effects of climate change without the difficulty of filtering anthropogenic impacts. Both Palmyra Atoll and Kingman Reef support higher levels of coral and other cnidarian species diversity (180–190 species) than any other atoll or reef island in the central Pacific, twice as many as are found in Hawaii or Florida. Palmyra atoll has one of the best remaining examples of *Pisonia grandis* forest found in the Pacific region. This forest type has been lost or severely degraded over much of its range due to increased human population and development. Fish species diversity at Palmyra (418 species) is higher than, while that of Kingman (297 species) is comparable to, that of the other remote Pacific refuges. Many threatened, endangered, and depleted species thrive there, including the green and hawksbill turtle, pearl oyster, giant clams (the highest concentration in the Pacific Remote Island Area), reef sharks, Coconut crabs, groupers, humphead and Napoleon wrasse, bumphead parrotfish, and dolphins. Significant numbers of threatened green turtles forage at both atolls, especially at Palmyra; endangered Hawksbill sea turtles forage at both atolls. Large schools of rare Melon-headed whales reside off both atolls. A possibly new species of beaked whale was recently described from 2 specimens stranded at Palmyra and 1 at Christmas Island. Palmyra supports 11 nesting seabird species including the third-largest Red-footed Booby colony in the world. Large numbers of Bristle-thighed Curlews, a migratory shorebird of conservation significance, winter at Palmyra.

WHEREAS Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll and their surrounding waters contain objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States;

WHEREAS the Department of Defense has historically maintained facilities, defensive areas, and airspace reservations at Wake Island and Johnston Atoll;

WHEREAS the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the “Antiquities Act”) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the marine environment around the islands of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll for the care and management of the historic and scientific objects therein:

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act, do proclaim that there are hereby set apart and reserved as the Pacific Remote Islands Marine National Monument (the "monument" or "marine national monument") for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described below and depicted on the accompanying maps entitled "Pacific Remote Islands Marine National Monument" attached to and forming a part of this proclamation. The monument includes the waters and submerged and emergent lands of the Pacific Remote Islands to the lines of latitude and longitude depicted on the accompanying maps, which lie approximately 50 nautical miles from the mean low water lines of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll. The Federal land and interests in land reserved consists of approximately 86,888 square miles, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws to the extent that those laws apply. Lands and interests in lands within the monument not owned or controlled by the United States shall be reserved as a part of the monument upon acquisition of title or control by the United States.

#### Management of the Marine National Monument

The Secretary of the Interior, in consultation with the Secretary of Commerce, shall have responsibility for management of the monument, including out to 12 nautical miles from the mean low water lines of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, pursuant to applicable legal authorities. However, the Secretary of Defense shall continue to manage Wake Island, according to the terms and conditions of an Agreement between the Secretary of the Interior and Secretary of the Air Force, unless and until such Agreement is terminated. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and in consultation with the Secretary of the Interior, shall have primary responsibility for management of the monument seaward of the area 12 nautical miles of the mean low water lines of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and any other applicable legal authorities. The Secretaries of Commerce and the Interior shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation and shall prohibit commercial fishing within boundaries of the monument.

The Secretaries of the Interior and of Commerce shall take appropriate action pursuant to their respective authorities under the Antiquities Act and

the Magnuson-Stevens Fishery Conservation and Management Act, and such other authorities as may be available to implement this proclamation, to regulate fisheries, and to ensure proper care and management of the monument.

*Regulation of Scientific Exploration and Research*

Subject to such terms and conditions as the respective Secretary deems necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

*Regulation of Fishing and Management of Fishery Resources*

The respective Secretaries may permit noncommercial fishing upon request, at specific locations in accordance with this proclamation. Noncommercial fishing opportunities currently allowed by the U.S. Fish and Wildlife Service at Palmyra Atoll may continue unless the Secretary of the Interior determines such fishing would not be compatible with the purposes of the Palmyra Atoll National Wildlife Refuge. The Secretary shall provide a process to ensure that recreational fishing shall be managed as a sustainable activity in certain areas of the monument, consistent with Executive Order 12962 of June 7, 1995, as amended, and other applicable law.

*Monument Management Planning*

The Secretaries of the Interior and Commerce shall, within 2 years of the date of this proclamation, prepare management plans within their respective authorities and promulgate implementing regulations that address any further specific actions necessary for the proper care and management of the objects identified in this proclamation at Baker, Howland, and Jarvis Islands, Kingman Reef, and Palmyra Atoll. The Secretaries shall revise and update the management plans as necessary. The Secretary of the Interior shall revise the management plan to incorporate measures for the management of Johnston Atoll within 2 years of the date that the Department of Defense terminates its use of Johnston Atoll. If the Secretary of the Air Force terminates the Agreement regarding its use of Wake Island, the Secretary of the Interior shall revise the management plan to incorporate Wake Island management within 2 years of the date that the Air Force terminates its use of Wake Island. In developing and implementing any management plans and any management rules and regulations, the Secretaries shall consult and designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of Defense, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) its implementing regulations, and with Executive Order 13352, of August 26, 2004, Facilitation of Cooperative Conservation.

The management plans and their implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict



navigation and overflight and other internationally recognized lawful uses of the sea in the monument and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

#### **Emergencies, National Security, and Law Enforcement Activities**

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.
2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

#### **Armed Forces Actions**

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).
2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.
3. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate, for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.
4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces' discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes, including, but not limited to, defensive areas and airspace reservations.

The establishment of this monument is subject to valid existing rights.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, agents, or any other person.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing federal withdrawal, reservation, or appropriation.

Proc. 8336

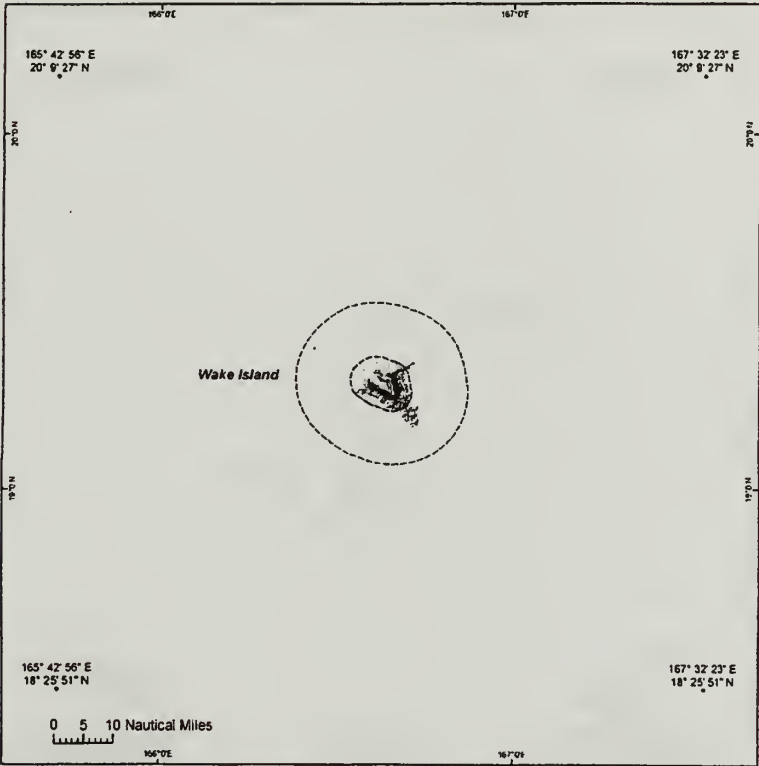
Title 3—The President

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

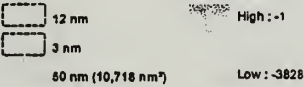
IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

Pacific Remote Islands  
Marine National Monument



Bathymetry

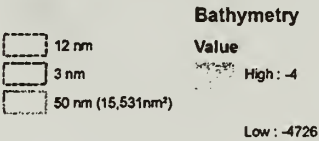
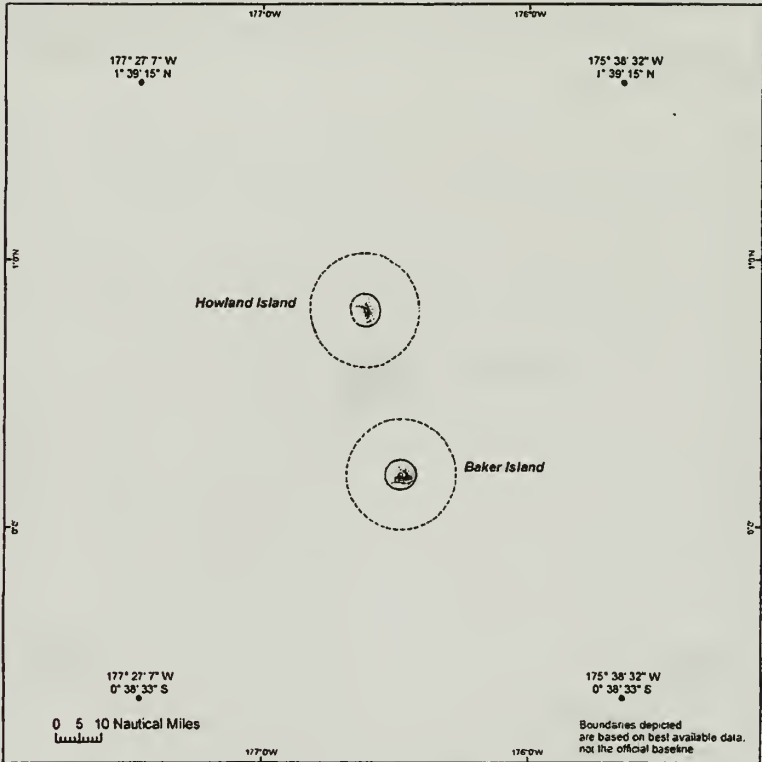




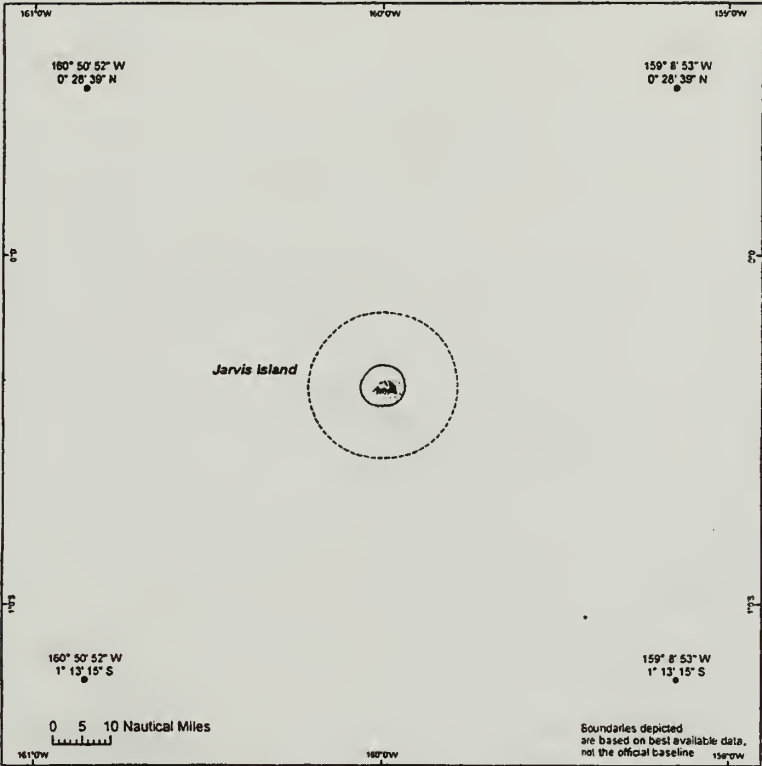
Proc. 8336

Title 3—The President

Pacific Remote Islands  
Marine National Monument



Pacific Remote Islands  
Marine National Monument

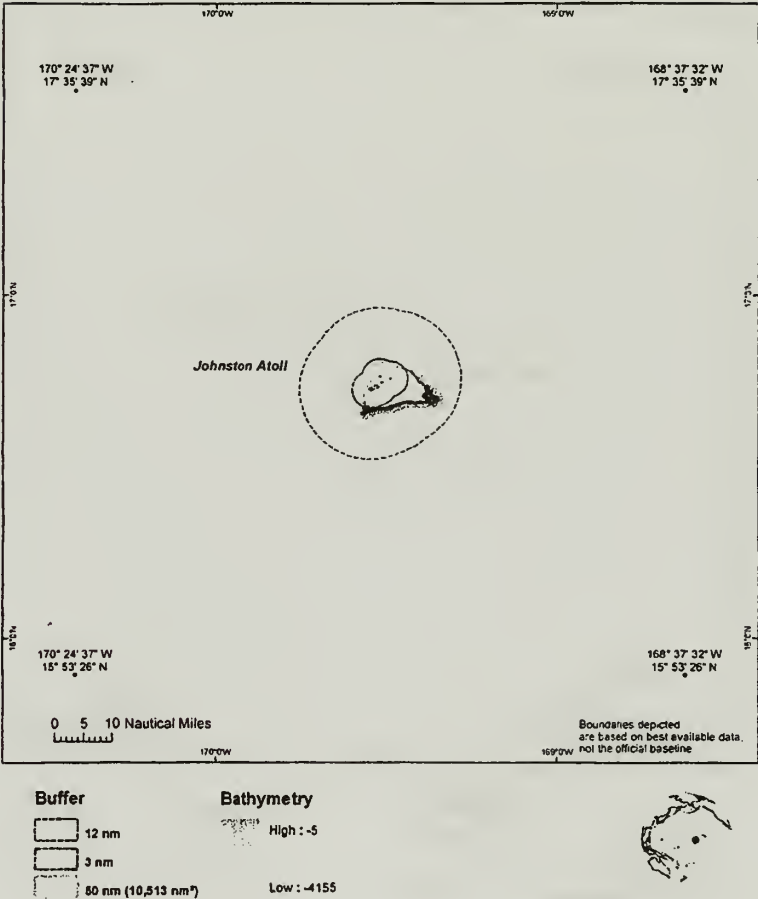


Bathymetry

	12 nm		High : -3
	3 nm		
	60 nm (10,433 nm <sup>2</sup> )		Low : -3682

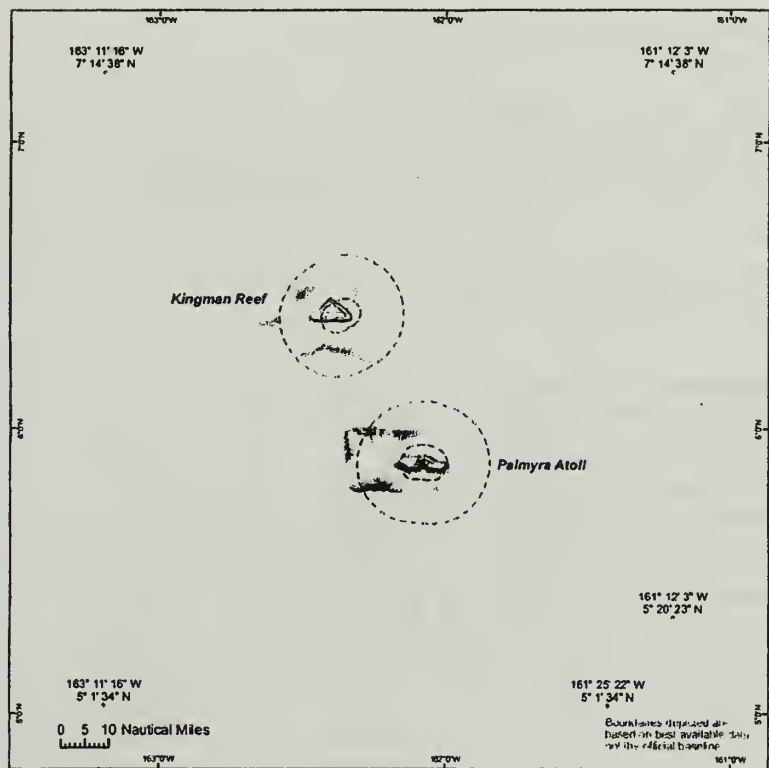


Pacific Remote Islands  
Marine National Monument

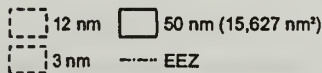




Pacific Remote Islands  
Marine National Monument



Bathymetry



High : -2

Low : -3500



Proclamation 8337 of January 6, 2009

**Establishment of the Rose Atoll Marine National Monument***By the President of the United States of America  
A Proclamation*

In the Pacific Ocean approximately 130 nautical miles east-southeast of Pago Pago Harbor, American Samoa, lies Rose Atoll—the easternmost Samoan island and the southernmost point of the United States. This small atoll, which includes the Rose Atoll National Wildlife Refuge with about 20 acres of land and 1,600 acres of lagoon, remains one of the most pristine atolls in the world. The lands, submerged lands, waters, and marine environment around Rose Atoll support a dynamic reef ecosystem that is home to a very diverse assemblage of terrestrial and marine species, many of which are threatened or endangered.

One of the most striking features of Rose Atoll is the pink hue of fringing reef caused by the dominance of coralline algae, which is the primary reef-building species. Though there are roughly 100 species of stony corals, the shallow reefs are dominated by crustose coralline algae, making them distinctive and quite different from those found at other Samoan islands. The marine area provides isolated, unmolested nesting grounds for green and hawksbill turtles and has the largest number of nesting turtles in American Samoa. Its waters are frequented by numerous large predators: whitetip reef sharks, blacktip reef sharks, gray reef sharks, snappers, jacks, groupers, and barracudas. Species that have faced depletion elsewhere, some of which have declined worldwide by as much as 98 percent, are found in abundance at Rose Atoll, including giant clams, Maori wrasse, large parrotfishes, and blacktip, whitetip, and gray reef sharks. Humpback whales, pilot whales, and the porpoise genus *Stenella* have all been spotted at Rose Atoll. There are 272 species of reef fish, with seven species first described by scientists at Rose and dozens more new species discovered on the first deep water dive to 200 meters. Recent submersible dives around Rose Atoll have revealed abundant marine life, deep sea coral forests, and several new fish and invertebrate species.

Rose Atoll supports most of the seabird population of American Samoa, including 12 federally protected migratory seabirds, five species of federally protected shorebirds, and a migrant forest bird, the long-tailed cuckoo. Rare species of nesting petrels, shearwaters, and terns are thriving at Rose Atoll and increasing in number. The atoll is known to Samoans, who have periodically visited over the past millennium, as “Nu’u O Manu” (“Village of seabirds”). It is believed that Polynesians have harvested at Rose Atoll for millennia and several species, such as the giant clam, were used for cultural celebrations and events. Few relatively undisturbed islands remain in the world and Rose Atoll is one of the last remaining refuges for the seabird and turtle species of the Central Pacific. Threatened *Pisonia* atoll forest trees are also found at Rose Atoll.

WHEREAS the lands, submerged lands, and waters of and marine environment around Rose Atoll contain objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States;

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WHEREAS the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the "Antiquities Act") authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the lands, submerged lands and waters of, and marine environment around Rose Atoll as necessary for the care and management of the historic and scientific objects therein:

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act, do proclaim that there are hereby set apart and reserved as the Rose Atoll Marine National Monument (the "monument" or "marine national monument") for the purpose of protecting the objects described in the above preceding paragraphs, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries that lie approximately 50 nautical miles from the mean low water line of Rose Atoll as depicted on the accompanying map entitled "Rose Atoll Marine National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consists of approximately 13,451 square miles of emergent and submerged lands and waters of and around Rose Atoll in American Samoa, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws to the extent that those laws apply.

**Management of the Marine National Monument**

The Secretary of the Interior shall have management responsibility for the monument, including Rose Atoll National Wildlife Refuge, in consultation with the Secretary of Commerce, except that the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, shall have the primary management responsibility regarding the management of the marine areas of the monument seaward of mean low water, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and any other applicable authorities. The Secretary of Commerce shall initiate the process to add the marine areas of the monument to the Fagatele Bay National Marine Sanctuary in accordance with the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), including its provision for consultation with an advisory council, to further the protection of the objects identified in this proclamation. In developing and implementing any management

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Title 3—The President

plans and any management rules and regulations, the Secretary of Commerce shall consult with the Secretary of the Interior and shall designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of State, the Department of Defense, and other agencies through scoping in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), its implementing regulations and with Executive Order 13352 of August 26, 2004, Facilitation of Cooperative Conservation, and shall treat as a cooperating agency the Government of American Samoa, consistent with these authorities.

The Secretary of the Interior shall continue to manage the Rose Atoll National Wildlife Refuge consistent with the protection of the objects identified in this proclamation. The Secretary of the Interior shall, in developing any management plans and any management rules and regulations governing the Rose Atoll National Wildlife Refuge, comply with the National Environmental Policy Act and consult with the Secretary of Commerce.

For the purposes of protecting the objects identified above, the Secretaries of the Interior and Commerce, respectively, shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.

*Regulation of Scientific Exploration and Research*

Subject to such terms and conditions as the Secretaries deem necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

*Regulation of Fishing and Management of Fishery Resources*

The Secretaries shall prohibit commercial fishing within the monument. Subject to such terms and conditions as the Secretaries deem necessary for the care and management of the objects of this monument, the Secretaries may permit noncommercial and sustenance fishing or, after consultation with the Government of American Samoa, traditional indigenous fishing within the monument. The Secretaries of the Interior and Commerce, respectively, in consultation with the Government of American Samoa, shall provide for a process to ensure that recreational fishing shall be managed as a sustainable activity consistent with Executive Order 12962 of June 7, 1995, as amended, and other applicable law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law. The management



## Proclamations

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plan and implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict navigation and overflight and other internationally recognized lawful uses of the sea in the monument and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the Government of American Samoa. The Secretaries of the Interior and Commerce shall, in developing any management plans and any management rules and regulations governing the marine areas of the monument, as described above, consult with the Government of American Samoa.

### Emergencies, National Security, and Law Enforcement Activities

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.
2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

### Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).
2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.
3. In the event of threatened or actual destruction of, loss of, or injury to a monument living marine resource resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.
4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces'; discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes.

The establishment of this monument is subject to valid existing rights.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument

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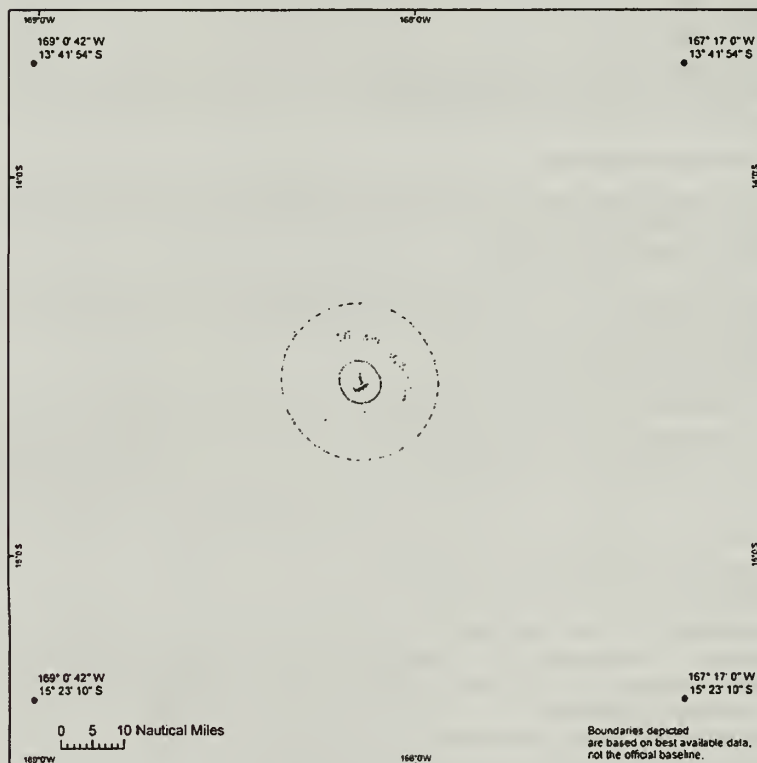
shall be dominant over any other existing Federal withdrawal, reservation, or appropriation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

## Rose Atoll Marine National Monument



### Bathymetry

12 nm	High : -1
3 nm	
60 nm (10,157 nm²)	Low : -4677



# Presidential Documents

Title 3—

Executive Order 13494 of Economy in Government Contracting

The President

## Economy in Government Contracting

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 *et seq.*, it is hereby ordered that:

**Section 1.** To promote economy and efficiency in Government contracting, certain costs that are not directly related to the contractors' provision of goods and services to the Government shall be unallowable for payment, thereby directly reducing Government expenditures. This order is also consistent with the policy of the United States to remain impartial concerning any labor-management dispute involving Government contractors. This order does not restrict the manner in which recipients of Federal funds may expend those funds.

**Sec. 2.** It is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration of Government contracts, contracting departments and agencies, when they enter into, receive proposals for, or make disbursements pursuant to a contract as to which certain costs are treated as unallowable, shall treat as unallowable the costs of any activities undertaken to persuade employees—whether employees of the recipient of the Federal disbursements or of any other entity—to exercise or not to exercise, or concerning the manner of exercising, the right to organize and bargain collectively through representatives of the employees' own choosing. Such unallowable costs shall be excluded from any billing, claim, proposal, or disbursement applicable to any such Federal Government contract.

**Sec. 3.** Notwithstanding section 2 of this order, contracting departments and agencies shall treat as allowable costs incurred in maintaining satisfactory relations between the contractor and its employees, including costs of labor-management committees, employee publications (other than those undertaken to persuade employees to exercise or not to exercise, or concerning the manner of exercising, the right to organize and bargain collectively), and other related activities. See 48 C.F.R. 31.205–21.

**Sec. 4.** Examples of costs unallowable under section 2 of this order include the costs of the following activities, when they are undertaken to persuade employees to exercise or not to exercise, or concern the manner of exercising, rights to organize and bargain collectively:

- (a) preparing and distributing materials;
- (b) hiring or consulting legal counsel or consultants;
- (c) holding meetings (including paying the salaries of the attendees at meetings held for this purpose); and
- (d) planning or conducting activities by managers, supervisors, or union representatives during work hours.

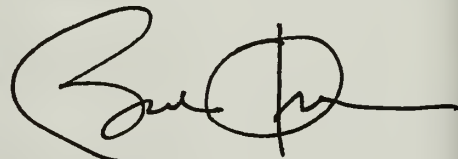
**Sec. 5.** Within 150 days of the effective date of this order, the Federal Acquisition Regulatory Council (FAR Council) shall adopt such rules and regulations and issue such orders as are deemed necessary and appropriate to carry out this order. Such rules, regulations, and orders shall minimize the costs of compliance for contractors and shall not interfere with the ability of contractors to engage in advocacy through activities for which they do not claim reimbursement.

Sec. 6. Each contracting department or agency shall cooperate with the FAR Council and provide such information and assistance as the FAR Council may require in the performance of its functions under this order.

Sec. 7. (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 8. This order shall become effective immediately, and shall apply to contracts resulting from solicitations issued on or after the effective date of the action taken by the FAR Council under section 5 of this order.



THE WHITE HOUSE,  
*January 30, 2009.*

[FR Doc. E9-2483  
Filed 2-3-09; 8:45 am]  
Billing code 3195-W9-P



# Presidential Documents

Title 3—

Executive Order 13508 of May 12, 2009

The President

## Chesapeake Bay Protection and Restoration

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the Clean Water Act of 1972, as amended (33 U.S.C. 1251 *et seq.*), and other laws, and to protect and restore the health, heritage, natural resources, and social and economic value of the Nation's largest estuarine ecosystem and the natural sustainability of its watershed, it is hereby ordered as follows:

### PART 1—PREAMBLE

The Chesapeake Bay is a national treasure constituting the largest estuary in the United States and one of the largest and most biologically productive estuaries in the world. The Federal Government has nationally significant assets in the Chesapeake Bay and its watershed in the form of public lands, facilities, military installations, parks, forests, wildlife refuges, monuments, and museums.

Despite significant efforts by Federal, State, and local governments and other interested parties, water pollution in the Chesapeake Bay prevents the attainment of existing State water quality standards and the “fishable and swimmable” goals of the Clean Water Act. At the current level and scope of pollution control within the Chesapeake Bay's watershed, restoration of the Chesapeake Bay is not expected for many years. The pollutants that are largely responsible for pollution of the Chesapeake Bay are nutrients, in the form of nitrogen and phosphorus, and sediment. These pollutants come from many sources, including sewage treatment plants, city streets, development sites, agricultural operations, and deposition from the air onto the waters of the Chesapeake Bay and the lands of the watershed.

Restoration of the health of the Chesapeake Bay will require a renewed commitment to controlling pollution from all sources as well as protecting and restoring habitat and living resources, conserving lands, and improving management of natural resources, all of which contribute to improved water quality and ecosystem health. The Federal Government should lead this effort. Executive departments and agencies (agencies), working in collaboration, can use their expertise and resources to contribute significantly to improving the health of the Chesapeake Bay. Progress in restoring the Chesapeake Bay also will depend on the support of State and local governments, the enterprise of the private sector, and the stewardship provided to the Chesapeake Bay by all the people who make this region their home.

### PART 2—SHARED FEDERAL LEADERSHIP, PLANNING, AND ACCOUNTABILITY

**Sec. 201. *Federal Leadership Committee.*** In order to begin a new era of shared Federal leadership with respect to the protection and restoration of the Chesapeake Bay, a Federal Leadership Committee (Committee) for the Chesapeake Bay is established to oversee the development and coordination of programs and activities, including data management and reporting, of agencies participating in protection and restoration of the Chesapeake Bay. The Committee shall manage the development of strategies and program plans for the watershed and ecosystem of the Chesapeake Bay and oversee their implementation. The Committee shall be chaired by the Administrator of the Environmental Protection Agency (EPA), or the Administrator's designee, and include senior representatives of the Departments of Agriculture

(USDA), Commerce (DOC), Defense (DOD), Homeland Security (DHS), the Interior (DOI), Transportation (DOT), and such other agencies as determined by the Committee. Representatives serving on the Committee shall be officers of the United States.

**Sec. 202. *Reports on Key Challenges to Protecting and Restoring the Chesapeake Bay.*** Within 120 days from the date of this order, the agencies identified in this section as the lead agencies shall prepare and submit draft reports to the Committee making recommendations for accomplishing the following steps to protect and restore the Chesapeake Bay:

(a) define the next generation of tools and actions to restore water quality in the Chesapeake Bay and describe the changes to be made to regulations, programs, and policies to implement these actions;

(b) target resources to better protect the Chesapeake Bay and its tributary waters, including resources under the Food Security Act of 1985 as amended, the Clean Water Act, and other laws;

(c) strengthen storm water management practices at Federal facilities and on Federal lands within the Chesapeake Bay watershed and develop storm water best practices guidance;

(d) assess the impacts of a changing climate on the Chesapeake Bay and develop a strategy for adapting natural resource programs and public infrastructure to the impacts of a changing climate on water quality and living resources of the Chesapeake Bay watershed;

(e) expand public access to waters and open spaces of the Chesapeake Bay and its tributaries from Federal lands and conserve landscapes and ecosystems of the Chesapeake Bay watershed;

(f) strengthen scientific support for decisionmaking to restore the Chesapeake Bay and its watershed, including expanded environmental research and monitoring and observing systems; and

(g) develop focused and coordinated habitat and research activities that protect and restore living resources and water quality of the Chesapeake Bay and its watershed.

The EPA shall be the lead agency for subsection (a) of this section and the development of the storm water best practices guide under subsection (c). The USDA shall be the lead agency for subsection (b). The DOD shall lead on storm water management practices at Federal facilities and on Federal lands under subsection (c). The DOI and the DOC shall share the lead on subsections (d), (f), and (g), and the DOI shall be lead on subsection (e). The lead agencies shall provide final reports to the Committee within 180 days of the date of this order.

**Sec. 203. *Strategy for Protecting and Restoring the Chesapeake Bay.*** The Committee shall prepare and publish a strategy for coordinated implementation of existing programs and projects to guide efforts to protect and restore the Chesapeake Bay. The strategy shall, to the extent permitted by law:

(a) define environmental goals for the Chesapeake Bay and describe milestones for making progress toward attainment of these goals;

(b) identify key measureable indicators of environmental condition and changes that are critical to effective Federal leadership;

(c) describe the specific programs and strategies to be implemented, including the programs and strategies described in draft reports developed under section 202 of this order;

(d) identify the mechanisms that will assure that governmental and other activities, including data collection and distribution, are coordinated and effective, relying on existing mechanisms where appropriate; and

(e) describe a process for the implementation of adaptive management principles, including a periodic evaluation of protection and restoration activities.



The Committee shall review the draft reports submitted by lead agencies under section 202 of this order and, in consultation with relevant State agencies, suggest appropriate revisions to the agency that provided the draft report. It shall then integrate these reports into a coordinated strategy for restoration and protection of the Chesapeake Bay consistent with the requirements of this order. Together with the final reports prepared by the lead agencies, the draft strategy shall be published for public review and comment within 180 days of the date of this order and a final strategy shall be published within 1 year. To the extent practicable and authorized under their existing authorities, agencies may begin implementing core elements of restoration and protection programs and strategies, in consultation with the Committee, as soon as possible and prior to release of a final strategy.

**Sec. 204. *Collaboration with State Partners.*** In preparing the reports under section 202 and the strategy under section 203, the lead agencies and the Committee shall consult extensively with the States of Virginia, Maryland, Pennsylvania, West Virginia, New York, and Delaware and the District of Columbia. The goal of this consultation is to ensure that Federal actions to protect and restore the Chesapeake Bay are closely coordinated with actions by State and local agencies in the watershed and that the resources, authorities, and expertise of Federal, State, and local agencies are used as efficiently as possible for the benefit of the Chesapeake Bay's water quality and ecosystem and habitat health and viability.

**Sec. 205. *Annual Action Plan and Progress Report.*** Beginning in 2010, the Committee shall publish an annual Chesapeake Bay Action Plan (Action Plan) describing how Federal funding proposed in the President's Budget will be used to protect and restore the Chesapeake Bay during the upcoming fiscal year. This plan will be accompanied by an Annual Progress Report reviewing indicators of environmental conditions in the Chesapeake Bay, assessing implementation of the Action Plan during the preceding fiscal year, and recommending steps to improve progress in restoring and protecting the Chesapeake Bay. The Committee shall consult with stakeholders (including relevant State agencies) and members of the public in developing the Action Plan and Annual Progress Report.

**Sec. 206. *Strengthen Accountability.*** The Committee, in collaboration with State agencies, shall ensure that an independent evaluator periodically reports to the Committee on progress toward meeting the goals of this order. The Committee shall ensure that all program evaluation reports, including data on practice or system implementation and maintenance funded through agency programs, as appropriate, are made available to the public by posting on a website maintained by the Chair of the Committee.

### **PART 3—RESTORE CHESAPEAKE BAY WATER QUALITY**

**Sec. 301. *Water Pollution Control Strategies.*** In preparing the report required by subsection 202(a) of this order, the Administrator of the EPA (Administrator) shall, after consulting with appropriate State agencies, examine how to make full use of its authorities under the Clean Water Act to protect and restore the Chesapeake Bay and its tributary waters and, as appropriate, shall consider revising any guidance and regulations. The Administrator shall identify pollution control strategies and actions authorized by the EPA's existing authorities to restore the Chesapeake Bay that:

(a) establish a clear path to meeting, as expeditiously as practicable, water quality and environmental restoration goals for the Chesapeake Bay;

(b) are based on sound science and reflect adaptive management principles;

(c) are performance oriented and publicly accountable;

(d) apply innovative and cost-effective pollution control measures;

(e) can be replicated in efforts to protect other bodies of water, where appropriate; and

(f) build on the strengths and expertise of Federal, State, and local governments, the private sector, and citizen organizations.

**Sec. 302. *Elements of EPA Reports.*** The strategies and actions identified by the Administrator of the EPA in preparing the report under subsection 202(a) shall include, to the extent permitted by law:

(a) using Clean Water Act tools, including strengthening existing permit programs and extending coverage where appropriate;

(b) establishing new, minimum standards of performance where appropriate, including:

(i) establishing a schedule for the implementation of key actions in cooperation with States, local governments, and others;

(ii) constructing watershed-based frameworks that assign pollution reduction responsibilities to pollution sources and maximize the reliability and cost-effectiveness of pollution reduction programs; and

(iii) implementing a compliance and enforcement strategy.

#### **PART 4—AGRICULTURAL PRACTICES TO PROTECT THE CHESAPEAKE BAY**

**Sec. 401.** In developing recommendations for focusing resources to protect the Chesapeake Bay in the report required by subsection 202(b) of this order, the Secretary of Agriculture shall, as appropriate, concentrate the USDA's working lands and land retirement programs within priority watersheds in counties in the Chesapeake Bay watershed. These programs should apply priority conservation practices that most efficiently reduce nutrient and sediment loads to the Chesapeake Bay, as identified by USDA and EPA data and scientific analysis. The Secretary of Agriculture shall work with State agriculture and conservation agencies in developing the report.

#### **PART 5—REDUCE WATER POLLUTION FROM FEDERAL LANDS AND FACILITIES**

**Sec. 501.** Agencies with land, facilities, or installation management responsibilities affecting ten or more acres within the watershed of the Chesapeake Bay shall, as expeditiously as practicable and to the extent permitted by law, implement land management practices to protect the Chesapeake Bay and its tributary waters consistent with the report required by section 202 of this order and as described in guidance published by the EPA under section 502.

**Sec. 502.** The Administrator of the EPA shall, within 1 year of the date of this order and after consulting with the Committee and providing for public review and comment, publish guidance for Federal land management in the Chesapeake Bay watershed describing proven, cost-effective tools and practices that reduce water pollution, including practices that are available for use by Federal agencies.

#### **PART 6—PROTECT CHESAPEAKE BAY AS THE CLIMATE CHANGES**

**Sec. 601.** The Secretaries of Commerce and the Interior shall, to the extent permitted by law, organize and conduct research and scientific assessments to support development of the strategy to adapt to climate change impacts on the Chesapeake Bay watershed as required in section 202 of this order and to evaluate the impacts of climate change on the Chesapeake Bay in future years. Such research should include assessment of:

(a) the impact of sea level rise on the aquatic ecosystem of the Chesapeake Bay, including nutrient and sediment load contributions from stream banks and shorelines;

(b) the impacts of increasing temperature, acidity, and salinity levels of waters in the Chesapeake Bay;

(c) the impacts of changing rainfall levels and changes in rainfall intensity on water quality and aquatic life;

(d) potential impacts of climate change on fish, wildlife, and their habitats in the Chesapeake Bay and its watershed; and

(e) potential impacts of more severe storms on Chesapeake Bay resources.



**PART 7—EXPAND PUBLIC ACCESS TO THE CHESAPEAKE BAY AND CONSERVE LANDSCAPES AND ECOSYSTEMS**

**Sec. 701.** (a) Agencies participating in the Committee shall assist the Secretary of the Interior in development of the report addressing expanded public access to the waters of the Chesapeake Bay and conservation of landscapes and ecosystems required in subsection 202(e) of this order by providing to the Secretary:

(i) a list and description of existing sites on agency lands and facilities where public access to the Chesapeake Bay or its tributary waters is offered;

(ii) a description of options for expanding public access at these agency sites;

(iii) a description of agency sites where new opportunities for public access might be provided;

(iv) a description of safety and national security issues related to expanded public access to Department of Defense installations;

(v) a description of landscapes and ecosystems in the Chesapeake Bay watershed that merit recognition for their historical, cultural, ecological, or scientific values; and

(vi) options for conserving these landscapes and ecosystems.

(b) In developing the report addressing expanded public access on agency lands to the waters of the Chesapeake Bay and options for conserving landscapes and ecosystems in the Chesapeake Bay, as required in subsection 202(e) of this order, the Secretary of the Interior shall coordinate any recommendations with State and local agencies in the watershed and programs such as the Captain John Smith Chesapeake National Historic Trail, the Chesapeake Bay Gateways and Watertrails Network, and the Star-Spangled Banner National Historic Trail.

**PART 8—MONITORING AND DECISION SUPPORT FOR ECOSYSTEM MANAGEMENT**

**Sec. 801.** The Secretaries of Commerce and the Interior shall, to the extent permitted by law, organize and conduct their monitoring, research, and scientific assessments to support decisionmaking for the Chesapeake Bay ecosystem and to develop the report addressing strengthening environmental monitoring of the Chesapeake Bay and its watershed required in section 202 of this order. This report will assess existing monitoring programs and gaps in data collection, and shall also include the following topics:

(a) the health of fish and wildlife in the Chesapeake Bay watershed;

(b) factors affecting changes in water quality and habitat conditions; and

(c) using adaptive management to plan, monitor, evaluate, and adjust environmental management actions.

**PART 9—LIVING RESOURCES PROTECTION AND RESTORATION**

**Sec. 901.** The Secretaries of Commerce and the Interior shall, to the extent permitted by law, identify and prioritize critical living resources of the Chesapeake Bay and its watershed, conduct collaborative research and habitat protection activities that address expected outcomes for these species, and develop a report addressing these topics as required in section 202 of this order. The Secretaries of Commerce and the Interior shall coordinate agency activities related to living resources in estuarine waters to ensure maximum benefit to the Chesapeake Bay resources.

**PART 10—EXCEPTIONS**

**Sec. 1001.** The heads of agencies may authorize exceptions to this order, in the following circumstances:

(a) during time of war or national emergency;

(b) when necessary for reasons of national security;

(c) during emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution; or

(d) in any case that constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures at sea, such as cases of *force majeure* caused by stress of weather or other act of God.

#### PART 11—GENERAL PROVISIONS

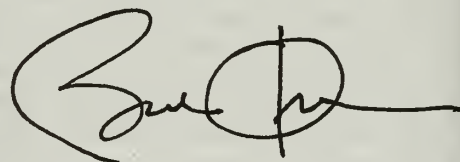
**Sec. 1101.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
May 12, 2009.

# Presidential Documents

Title 3—

Executive Order 13511 of September 29, 2009

The President

## Continuance of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution and the laws of the United States of America, and consistent with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

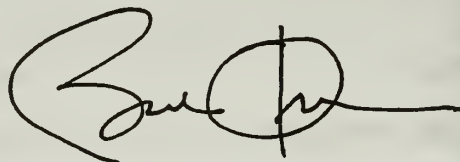
**Section 1.** Each advisory committee listed below is continued until September 30, 2011.

- (a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).
- (b) National Infrastructure Advisory Council; Executive Order 13231, as amended (Department of Homeland Security).
- (c) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor).
- (d) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13256 (Department of Education).
- (e) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13270 (Department of Education).
- (f) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).
- (g) President's Committee for People with Intellectual Disabilities; Executive Order 12994, as amended (Department of Health and Human Services).
- (h) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).
- (i) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).
- (j) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).
- (k) President's Council on Physical Fitness and Sports; Executive Order 13265 (Department of Health and Human Services).
- (l) President's Council of Advisors on Science and Technology; Executive Order 13226, as amended (Office of Science and Technology Policy).
- (m) President's Export Council; Executive Order 12131, as amended (Department of Commerce).
- (n) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).
- (o) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

**Sec. 2.** Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

Sec. 3. Sections 1 and 2 of Executive Order 13446 are superseded by sections 1 and 2 of this order.

Sec. 4. This order shall be effective September 30, 2009.

A handwritten signature in black ink, appearing to be Barack Obama's, consisting of a large 'B' followed by a circle and a horizontal line.

THE WHITE HOUSE,  
*September 29, 2009.*

[FR Doc. E9-23886  
Filed 9-30-09; 11:15 am]  
Billing code 3195-W9-P



# Presidential Documents

Title3—

Executive Order 13514 of October 5, 2009

The President

## Federal Leadership in Environmental, Energy, and Economic Performance

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to establish an integrated strategy towards sustainability in the Federal Government and to make reduction of greenhouse gas emissions a priority for Federal agencies, it is hereby ordered as follows:

**Section 1. Policy.** In order to create a clean energy economy that will increase our Nation's prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment, the Federal Government must lead by example. It is therefore the policy of the United States that Federal agencies shall increase energy efficiency; measure, report, and reduce their greenhouse gas emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services; design, construct, maintain, and operate high performance sustainable buildings in sustainable locations; strengthen the vitality and livability of the communities in which Federal facilities are located; and inform Federal employees about and involve them in the achievement of these goals.

It is further the policy of the United States that to achieve these goals and support their respective missions, agencies shall prioritize actions based on a full accounting of both economic and social benefits and costs and shall drive continuous improvement by annually evaluating performance, extending or expanding projects that have net benefits, and reassessing or discontinuing under-performing projects.

Finally, it is also the policy of the United States that agencies' efforts and outcomes in implementing this order shall be transparent and that agencies shall therefore disclose results associated with the actions taken pursuant to this order on publicly available Federal websites.

**Sec. 2. Goals for Agencies.** In implementing the policy set forth in section 1 of this order, and preparing and implementing the Strategic Sustainability Performance Plan called for in section 8 of this order, the head of each agency shall:

(a) within 90 days of the date of this order, establish and report to the Chair of the Council on Environmental Quality (CEQ Chair) and the Director of the Office of Management and Budget (OMB Director) a percentage reduction target for agency-wide reductions of scope 1 and 2 greenhouse gas emissions in absolute terms by fiscal year 2020, relative to a fiscal year 2008 baseline of the agency's scope 1 and 2 greenhouse gas emissions. Where appropriate, the target shall exclude direct emissions from excluded vehicles and equipment and from electric power produced and sold commercially to other parties in the course of regular business. This target shall be subject to review and approval by the CEQ Chair in consultation with the OMB Director under section 5 of this order. In establishing the target, the agency head shall consider reductions associated with:

(i) reducing energy intensity in agency buildings;

- (ii) increasing agency use of renewable energy and implementing renewable energy generation projects on agency property; and
- (iii) reducing the use of fossil fuels by:
  - (A) using low greenhouse gas emitting vehicles including alternative fuel vehicles;
  - (B) optimizing the number of vehicles in the agency fleet; and
  - (C) reducing, if the agency operates a fleet of at least 20 motor vehicles, the agency fleet's total consumption of petroleum products by a minimum of 2 percent annually through the end of fiscal year 2020, relative to a baseline of fiscal year 2005;
- (b) within 240 days of the date of this order and concurrent with submission of the Strategic Sustainability Performance Plan as described in section 8 of this order, establish and report to the CEQ Chair and the OMB Director a percentage reduction target for reducing agency-wide scope 3 greenhouse gas emissions in absolute terms by fiscal year 2020, relative to a fiscal year 2008 baseline of agency scope 3 emissions. This target shall be subject to review and approval by the CEQ Chair in consultation with the OMB Director under section 5 of this order. In establishing the target, the agency head shall consider reductions associated with:
  - (i) pursuing opportunities with vendors and contractors to address and incorporate incentives to reduce greenhouse gas emissions (such as changes to manufacturing, utility or delivery services, modes of transportation used, or other changes in supply chain activities);
  - (ii) implementing strategies and accommodations for transit, travel, training, and conferencing that actively support lower-carbon commuting and travel by agency staff;
  - (iii) greenhouse gas emission reductions associated with pursuing other relevant goals in this section; and
  - (iv) developing and implementing innovative policies and practices to address scope 3 greenhouse gas emissions unique to agency operations;
- (c) establish and report to the CEQ Chair and OMB Director a comprehensive inventory of absolute greenhouse gas emissions, including scope 1, scope 2, and specified scope 3 emissions (i) within 15 months of the date of this order for fiscal year 2010, and (ii) thereafter, annually at the end of January, for the preceding fiscal year.
- (d) improve water use efficiency and management by:
  - (i) reducing potable water consumption intensity by 2 percent annually through fiscal year 2020, or 26 percent by the end of fiscal year 2020, relative to a baseline of the agency's water consumption in fiscal year 2007, by implementing water management strategies including water-efficient and low-flow fixtures and efficient cooling towers;
  - (ii) reducing agency industrial, landscaping, and agricultural water consumption by 2 percent annually or 20 percent by the end of fiscal year 2020 relative to a baseline of the agency's industrial, landscaping, and agricultural water consumption in fiscal year 2010;
  - (iii) consistent with State law, identifying, promoting, and implementing water reuse strategies that reduce potable water consumption; and
  - (iv) implementing and achieving the objectives identified in the stormwater management guidance referenced in section 14 of this order;
- (e) promote pollution prevention and eliminate waste by:
  - (i) minimizing the generation of waste and pollutants through source reduction;
  - (ii) diverting at least 50 percent of non-hazardous solid waste, excluding construction and demolition debris, by the end of fiscal year 2015;
  - (iii) diverting at least 50 percent of construction and demolition materials and debris by the end of fiscal year 2015;
  - (iv) reducing printing paper use and acquiring uncoated printing and writing paper containing at least 30 percent postconsumer fiber;

- (v) reducing and minimizing the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of;
  - (vi) increasing diversion of compostable and organic material from the waste stream;
  - (vii) implementing integrated pest management and other appropriate landscape management practices;
  - (viii) increasing agency use of acceptable alternative chemicals and processes in keeping with the agency's procurement policies;
  - (ix) decreasing agency use of chemicals where such decrease will assist the agency in achieving greenhouse gas emission reduction targets under section 2(a) and (b) of this order; and
  - (x) reporting in accordance with the requirements of sections 301 through 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 *et seq.*);
- (f) advance regional and local integrated planning by:
- (i) participating in regional transportation planning and recognizing existing community transportation infrastructure;
  - (ii) aligning Federal policies to increase the effectiveness of local planning for energy choices such as locally generated renewable energy;
  - (iii) ensuring that planning for new Federal facilities or new leases includes consideration of sites that are pedestrian friendly, near existing employment centers, and accessible to public transit, and emphasizes existing central cities and, in rural communities, existing or planned town centers;
  - (iv) identifying and analyzing impacts from energy usage and alternative energy sources in all Environmental Impact Statements and Environmental Assessments for proposals for new or expanded Federal facilities under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*); and
  - (v) coordinating with regional programs for Federal, State, tribal, and local ecosystem, watershed, and environmental management;
- (g) implement high performance sustainable Federal building design, construction, operation and management, maintenance, and deconstruction including by:
- (i) beginning in 2020 and thereafter, ensuring that all new Federal buildings that enter the planning process are designed to achieve zero-net-energy by 2030;
  - (ii) ensuring that all new construction, major renovation, or repair and alteration of Federal buildings complies with the *Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings*, (Guiding Principles);
  - (iii) ensuring that at least 15 percent of the agency's existing buildings (above 5,000 gross square feet) and building leases (above 5,000 gross square feet) meet the Guiding Principles by fiscal year 2015 and that the agency makes annual progress toward 100-percent conformance with the Guiding Principles for its building inventory;
  - (iv) pursuing cost-effective, innovative strategies, such as highly reflective and vegetated roofs, to minimize consumption of energy, water, and materials;
  - (v) managing existing building systems to reduce the consumption of energy, water, and materials, and identifying alternatives to renovation that reduce existing assets' deferred maintenance costs;
  - (vi) when adding assets to the agency's real property inventory, identifying opportunities to consolidate and dispose of existing assets, optimize the performance of the agency's real-property portfolio, and reduce associated environmental impacts; and
  - (vii) ensuring that rehabilitation of federally owned historic buildings utilizes best practices and technologies in retrofitting to promote long-term viability of the buildings;
- (h) advance sustainable acquisition to ensure that 95 percent of new contract actions including task and delivery orders, for products and services with the exception of acquisition of weapon systems, are energy-



efficient (Energy Star or Federal Energy Management Program (FEMP) designated), water-efficient, biobased, environmentally preferable (e.g., Electronic Product Environmental Assessment Tool (EPEAT) certified), non-ozone depleting, contain recycled content, or are non-toxic or less-toxic alternatives, where such products and services meet agency performance requirements;

(i) promote electronics stewardship, in particular by:

(i) ensuring procurement preference for EPEAT-registered electronic products;

(ii) establishing and implementing policies to enable power management, duplex printing, and other energy-efficient or environmentally preferable features on all eligible agency electronic products;

(iii) employing environmentally sound practices with respect to the agency's disposition of all agency excess or surplus electronic products;

(iv) ensuring the procurement of Energy Star and FEMP designated electronic equipment;

(v) implementing best management practices for energy-efficient management of servers and Federal data centers; and

(j) sustain environmental management, including by:

(i) continuing implementation of formal environmental management systems at all appropriate organizational levels; and

(ii) ensuring these formal systems are appropriately implemented and maintained to achieve the performance necessary to meet the goals of this order.

**Sec. 3. *Steering Committee on Federal Sustainability.*** The OMB Director and the CEQ Chair shall:

(a) establish an interagency Steering Committee (Steering Committee) on Federal Sustainability composed of the Federal Environmental Executive, designated under section 6 of Executive Order 13423 of January 24, 2007, and Agency Senior Sustainability Officers, designated under section 7 of this order, and that shall:

(i) serve in the dual capacity of the Steering Committee on Strengthening Federal Environmental, Energy, and Transportation Management designated by the CEQ Chair pursuant to section 4 of Executive Order 13423;

(ii) advise the OMB Director and the CEQ Chair on implementation of this order;

(iii) facilitate the implementation of each agency's Strategic Sustainability Performance Plan; and

(iv) share information and promote progress towards the goals of this order;

(b) enlist the support of other organizations within the Federal Government to assist the Steering Committee in addressing the goals of this order;

(c) establish and disband, as appropriate, interagency subcommittees of the Steering Committee, to assist the Steering Committee in carrying out its responsibilities;

(d) determine appropriate Federal actions to achieve the policy of section 1 and the goals of section 2 of this order;

(e) ensure that Federal agencies are held accountable for conformance with the requirements of this order; and

(f) in coordination with the Department of Energy's Federal Energy Management Program and the Office of the Federal Environmental Executive designated under section 6 of Executive Order 13423, provide guidance and assistance to facilitate the development of agency targets for greenhouse gas emission reductions required under subsections 2(a) and (b) of this order.

**Sec. 4. *Additional Duties of the Director of the Office of Management and Budget.*** In addition to the duties of the OMB Director specified elsewhere in this order, the OMB Director shall:



(a) review and approve each agency's multi-year Strategic Sustainability Performance Plan under section 8 of this order and each update of the Plan. The Director shall, where feasible, review each agency's Plan concurrently with OMB's review and evaluation of the agency's budget request;

(b) prepare scorecards providing periodic evaluation of Federal agency performance in implementing this order and publish scorecard results on a publicly available website; and

(c) approve and issue instructions to the heads of agencies concerning budget and appropriations matters relating to implementation of this order.

**Sec. 5. *Additional Duties of the Chair of the Council on Environmental Quality.*** In addition to the duties of the CEQ Chair specified elsewhere in this order, the CEQ Chair shall:

(a) issue guidance for greenhouse gas accounting and reporting required under section 2 of this order;

(b) issue instructions to implement this order, in addition to instructions within the authority of the OMB Director to issue under subsection 4(c) of this order;

(c) review and approve each agency's targets, in consultation with the OMB Director, for agency-wide reductions of greenhouse gas emissions under section 2 of this order;

(d) prepare, in coordination with the OMB Director, streamlined reporting metrics to determine each agency's progress under section 2 of this order;

(e) review and evaluate each agency's multi-year Strategic Sustainability Performance Plan under section 8 of this order and each update of the Plan;

(f) assess agency progress toward achieving the goals and policies of this order, and provide its assessment of the agency's progress to the OMB Director;

(g) within 120 days of the date of this order, provide the President with an aggregate Federal Government-wide target for reducing scope 1 and 2 greenhouse gas emissions in absolute terms by fiscal year 2020 relative to a fiscal year 2008 baseline;

(h) within 270 days of the date of this order, provide the President with an aggregate Federal Government-wide target for reducing scope 3 greenhouse gas emissions in absolute terms by fiscal year 2020 relative to a fiscal year 2008 baseline;

(i) establish and disband, as appropriate, interagency working groups to provide recommendations to the CEQ for areas of Federal agency operational and managerial improvement associated with the goals of this order; and

(j) administer the Presidential leadership awards program, established under subsection 4(c) of Executive Order 13423, to recognize exceptional and outstanding agency performance with respect to achieving the goals of this order and to recognize extraordinary innovation, technologies, and practices employed to achieve the goals of this order.

**Sec. 6. *Duties of the Federal Environmental Executive.*** The Federal Environmental Executive designated by the President to head the Office of the Federal Environmental Executive, pursuant to section 6 of Executive Order 13423, shall:

(a) identify strategies and tools to assist Federal implementation efforts under this order, including through the sharing of best practices from successful Federal sustainability efforts; and

(b) monitor and advise the CEQ Chair and the OMB Director on the agencies' implementation of this order and their progress in achieving the order's policies and goals.

**Sec. 7. *Agency Senior Sustainability Officers.*** (a) Within 30 days of the date of this order, the head of each agency shall designate from among

the agency's senior management officials a Senior Sustainability Officer who shall be accountable for agency conformance with the requirements of this order; and shall report such designation to the OMB Director and the CEQ Chair.

(b) The Senior Sustainability Officer for each agency shall perform the functions of the senior agency official designated by the head of each agency pursuant to section 3(d)(i) of Executive Order 13423 and shall be responsible for:

- (i) preparing the targets for agency-wide reductions and the inventory of greenhouse gas emissions required under subsections 2(a), (b), and (c) of this order;
- (ii) within 240 days of the date of this order, and annually thereafter, preparing and submitting to the CEQ Chair and the OMB Director, for their review and approval, a multi-year Strategic Sustainability Performance Plan (Sustainability Plan or Plan) as described in section 8 of this order;
- (iii) preparing and implementing the approved Plan in coordination with appropriate offices and organizations within the agency including the General Counsel, Chief Information Officer, Chief Acquisition Officer, Chief Financial Officer, and Senior Real Property Officers, and in coordination with other agency plans, policies, and activities;
- (iv) monitoring the agency's performance and progress in implementing the Plan, and reporting the performance and progress to the CEQ Chair and the OMB Director, on such schedule and in such format as the Chair and the Director may require; and
- (v) reporting annually to the head of the agency on the adequacy and effectiveness of the agency's Plan in implementing this order.

**Sec. 8. *Agency Strategic Sustainability Performance Plan.*** Each agency shall develop, implement, and annually update an integrated Strategic Sustainability Performance Plan that will prioritize agency actions based on lifecycle return on investment. Each agency Plan and update shall be subject to approval by the OMB Director under section 4 of this order. With respect to the period beginning in fiscal year 2011 and continuing through the end of fiscal year 2021, each agency Plan shall:

- (a) include a policy statement committing the agency to compliance with environmental and energy statutes, regulations, and Executive Orders;
- (b) achieve the sustainability goals and targets, including greenhouse gas reduction targets, established under section 2 of this order;
- (c) be integrated into the agency's strategic planning and budget process, including the agency's strategic plan under section 3 of the Government Performance and Results Act of 1993, as amended (5 U.S.C. 306);
- (d) identify agency activities, policies, plans, procedures, and practices that are relevant to the agency's implementation of this order, and where necessary, provide for development and implementation of new or revised policies, plans, procedures, and practices;
- (e) identify specific agency goals, a schedule, milestones, and approaches for achieving results, and quantifiable metrics for agency implementation of this order;
- (f) take into consideration environmental measures as well as economic and social benefits and costs in evaluating projects and activities based on lifecycle return on investment;
- (g) outline planned actions to provide information about agency progress and performance with respect to achieving the goals of this order on a publicly available Federal website;
- (h) incorporate actions for achieving progress metrics identified by the OMB Director and the CEQ Chair;
- (i) evaluate agency climate-change risks and vulnerabilities to manage the effects of climate change on the agency's operations and mission in both the short and long term; and



(j) identify in annual updates opportunities for improvement and evaluation of past performance in order to extend or expand projects that have net lifecycle benefits, and reassess or discontinue under-performing projects.

**Sec. 9. *Recommendations for Greenhouse Gas Accounting and Reporting.*** The Department of Energy, through its Federal Energy Management Program, and in coordination with the Environmental Protection Agency, the Department of Defense, the General Services Administration, the Department of the Interior, the Department of Commerce, and other agencies as appropriate, shall:

(a) within 180 days of the date of this order develop and provide to the CEQ Chair recommended Federal greenhouse gas reporting and accounting procedures for agencies to use in carrying out their obligations under subsections 2(a), (b), and (c) of this order, including procedures that will ensure that agencies:

(i) accurately and consistently quantify and account for greenhouse gas emissions from all scope 1, 2, and 3 sources, using accepted greenhouse gas accounting and reporting principles, and identify appropriate opportunities to revise the fiscal year 2008 baseline to address significant changes in factors affecting agency emissions such as reorganization and improvements in accuracy of data collection and estimation procedures or other major changes that would otherwise render the initial baseline information unsuitable;

(ii) consider past Federal agency efforts to reduce greenhouse gas emissions; and

(iii) consider and account for sequestration and emissions of greenhouse gases resulting from Federal land management practices;

(b) within 1 year of the date of this order, to ensure consistent and accurate reporting under this section, provide electronic accounting and reporting capability for the Federal greenhouse gas reporting procedures developed under subsection (a) of this section, and to the extent practicable, ensure compatibility between this capability and existing Federal agency reporting systems; and

(c) every 3 years from the date of the CEQ Chair's issuance of the initial version of the reporting guidance, and as otherwise necessary, develop and provide recommendations to the CEQ Chair for revised Federal greenhouse gas reporting procedures for agencies to use in implementing subsections 2(a), (b), and (c) of this order.

**Sec. 10. *Recommendations for Sustainable Locations for Federal Facilities.*** Within 180 days of the date of this order, the Department of Transportation, in accordance with its Sustainable Partnership Agreement with the Department of Housing and Urban Development and the Environmental Protection Agency, and in coordination with the General Services Administration, the Department of Homeland Security, the Department of Defense, and other agencies as appropriate, shall:

(a) review existing policies and practices associated with site selection for Federal facilities; and

(b) provide recommendations to the CEQ Chair regarding sustainable location strategies for consideration in Sustainability Plans. The recommendations shall be consistent with principles of sustainable development including prioritizing central business district and rural town center locations, prioritizing sites well served by transit, including site design elements that ensure safe and convenient pedestrian access, consideration of transit access and proximity to housing affordable to a wide range of Federal employees, adaptive reuse or renovation of buildings, avoidance of development of sensitive land resources, and evaluation of parking management strategies.

**Sec. 11. *Recommendations for Federal Local Transportation Logistics.*** Within 180 days of the date of this order, the General Services Administration, in coordination with the Department of Transportation, the Department of

the Treasury, the Department of Energy, the Office of Personnel Management, and other agencies as appropriate, shall review current policies and practices associated with use of public transportation by Federal personnel, Federal shuttle bus and vehicle transportation routes supported by multiple Federal agencies, and use of alternative fuel vehicles in Federal shuttle bus fleets, and shall provide recommendations to the CEQ Chair on how these policies and practices could be revised to support the implementation of this order and the achievement of its policies and goals.

**Sec. 12. *Guidance for Federal Fleet Management.*** Within 180 days of the date of this order, the Department of Energy, in coordination with the General Services Administration, shall issue guidance on Federal fleet management that addresses the acquisition of alternative fuel vehicles and use of alternative fuels; the use of biodiesel blends in diesel vehicles; the acquisition of electric vehicles for appropriate functions; improvement of fleet fuel economy; the optimizing of fleets to the agency mission; petroleum reduction strategies, such as the acquisition of low greenhouse gas emitting vehicles and the reduction of vehicle miles traveled; and the installation of renewable fuel pumps at Federal fleet fueling centers.

**Sec. 13. *Recommendations for Vendor and Contractor Emissions.*** Within 180 days of the date of this order, the General Services Administration, in coordination with the Department of Defense, the Environmental Protection Agency, and other agencies as appropriate, shall review and provide recommendations to the CEQ Chair and the Administrator of OMB's Office of Federal Procurement Policy regarding the feasibility of working with the Federal vendor and contractor community to provide information that will assist Federal agencies in tracking and reducing scope 3 greenhouse gas emissions related to the supply of products and services to the Government. These recommendations should consider the potential impacts on the procurement process, and the Federal vendor and contractor community including small businesses and other socioeconomic procurement programs. Recommendations should also explore the feasibility of:

- (a) requiring vendors and contractors to register with a voluntary registry or organization for reporting greenhouse gas emissions;
- (b) requiring contractors, as part of a new or revised registration under the Central Contractor Registration or other tracking system, to develop and make available its greenhouse gas inventory and description of efforts to mitigate greenhouse gas emissions;
- (c) using Federal Government purchasing preferences or other incentives for products manufactured using processes that minimize greenhouse gas emissions; and
- (d) other options for encouraging sustainable practices and reducing greenhouse gas emissions.

**Sec. 14. *Stormwater Guidance for Federal Facilities.*** Within 60 days of the date of this order, the Environmental Protection Agency, in coordination with other Federal agencies as appropriate, shall issue guidance on the implementation of section 438 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17094).

**Sec. 15. *Regional Coordination.*** Within 180 days of the date of this order, the Federal Environmental Executive shall develop and implement a regional implementation plan to support the goals of this order taking into account energy and environmental priorities of particular regions of the United States.

**Sec. 16. *Agency Roles in Support of Federal Adaptation Strategy.*** In addition to other roles and responsibilities of agencies with respect to environmental leadership as specified in this order, the agencies shall participate actively in the interagency Climate Change Adaptation Task Force, which is already engaged in developing the domestic and international dimensions of a U.S. strategy for adaptation to climate change, and shall develop approaches through which the policies and practices of the agencies can be made compatible with and reinforce that strategy. Within 1 year of the date of



this order the CEQ Chair shall provide to the President, following consultation with the agencies and the Climate Change Adaptation Task Force, as appropriate, a progress report on agency actions in support of the national adaptation strategy and recommendations for any further such measures as the CEQ Chair may deem necessary.

**Sec. 17. *Limitations.*** (a) This order shall apply to an agency with respect to the activities, personnel, resources, and facilities of the agency that are located within the United States. The head of an agency may provide that this order shall apply in whole or in part with respect to the activities, personnel, resources, and facilities of the agency that are not located within the United States, if the head of the agency determines that such application is in the interest of the United States.

(b) The head of an agency shall manage activities, personnel, resources, and facilities of the agency that are not located within the United States, and with respect to which the head of the agency has not made a determination under subsection (a) of this section, in a manner consistent with the policy set forth in section 1 of this order to the extent the head of the agency determines practicable.

**Sec. 18. *Exemption Authority.***

(a) The Director of National Intelligence may exempt an intelligence activity of the United States, and related personnel, resources, and facilities, from the provisions of this order, other than this subsection and section 20, to the extent the Director determines necessary to protect intelligence sources and methods from unauthorized disclosure.

(b) The head of an agency may exempt law enforcement activities of that agency, and related personnel, resources, and facilities, from the provisions of this order, other than this subsection and section 20, to the extent the head of an agency determines necessary to protect undercover operations from unauthorized disclosure.

(c) (i) The head of an agency may exempt law enforcement, protective, emergency response, or military tactical vehicle fleets of that agency from the provisions of this order, other than this subsection and section 20.

(ii) Heads of agencies shall manage fleets to which paragraph (i) of this subsection refers in a manner consistent with the policy set forth in section 1 of this order to the extent they determine practicable.

(d) The head of an agency may exempt particular agency activities and facilities from the provisions of this order, other than this subsection and section 20, where it is in the interest of national security. If the head of an agency issues an exemption under this section, the agency must notify the CEQ Chair in writing within 30 days of issuance of the exemption under this subsection. To the maximum extent practicable, and without compromising national security, each agency shall strive to comply with the purposes, goals, and implementation steps in this order.

(e) The head of an agency may submit to the President, through the CEQ Chair, a request for an exemption of an agency activity, and related personnel, resources, and facilities, from this order.

**Sec. 19. *Definitions.*** As used in this order:

(a) “absolute greenhouse gas emissions” means total greenhouse gas emissions without normalization for activity levels and includes any allowable consideration of sequestration;

(b) “agency” means an executive agency as defined in section 105 of title 5, United States Code, excluding the Government Accountability Office;

(c) “alternative fuel vehicle” means vehicles defined by section 301 of the Energy Policy Act of 1992, as amended (42 U.S.C. 13211), and otherwise includes electric fueled vehicles, hybrid electric vehicles, plug-in hybrid electric vehicles, dedicated alternative fuel vehicles, dual fueled alternative

fuel vehicles, qualified fuel cell motor vehicles, advanced lean burn technology motor vehicles, self-propelled vehicles such as bicycles and any other alternative fuel vehicles that are defined by statute;

(d) “construction and demolition materials and debris” means materials and debris generated during construction, renovation, demolition, or dismantling of all structures and buildings and associated infrastructure;

(e) “divert” and “diverting” means redirecting materials that might otherwise be placed in the waste stream to recycling or recovery, excluding diversion to waste-to-energy facilities;

(f) “energy intensity” means energy consumption per square foot of building space, including industrial or laboratory facilities;

(g) “environmental” means environmental aspects of internal agency operations and activities, including those aspects related to energy and transportation functions;

(h) “excluded vehicles and equipment” means any vehicle, vessel, aircraft, or non-road equipment owned or operated by an agency of the Federal Government that is used in:

(i) combat support, combat service support, tactical or relief operations, or training for such operations;

(ii) Federal law enforcement (including protective service and investigation);

(iii) emergency response (including fire and rescue); or

(iv) spaceflight vehicles (including associated ground-support equipment);

(i) “greenhouse gases” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride;

(j) “renewable energy” means energy produced by solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project;

(k) “scope 1, 2, and 3” mean;

(i) scope 1: direct greenhouse gas emissions from sources that are owned or controlled by the Federal agency;

(ii) scope 2: direct greenhouse gas emissions resulting from the generation of electricity, heat, or steam purchased by a Federal agency; and

(iii) scope 3: greenhouse gas emissions from sources not owned or directly controlled by a Federal agency but related to agency activities such as vendor supply chains, delivery services, and employee travel and commuting;

(l) “sustainability” and “sustainable” mean to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations;

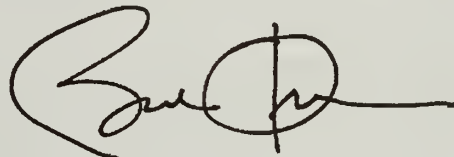
(m) “United States” means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Northern Mariana Islands, and associated territorial waters and airspace;

(n) “water consumption intensity” means water consumption per square foot of building space; and

(o) “zero-net-energy building” means a building that is designed, constructed, and operated to require a greatly reduced quantity of energy to operate, meet the balance of energy needs from sources of energy that do not produce greenhouse gases, and therefore result in no net emissions of greenhouse gases and be economically viable.

#### Sec. 20. General Provisions.

- (a) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.
- (b) Nothing in this order shall be construed to impair or otherwise affect the functions of the OMB Director relating to budgetary, administrative, or legislative proposals.
- (c) This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
*Washington, October 5, 2009.*

[FR Doc. E9-24518  
Filed 10-7-09; 12:30 pm]  
Billing Code 3195-W9-P



# Presidential Documents

Title 3—

Executive Order 13515 of October 14, 2009

The President

## Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. *Policy.*** The more than 16 million Asian Americans and Pacific Islanders (AAPIs) across our country have helped build a strong and vibrant America. The AAPI communities represent many ethnicities and languages that span generations, and their shared achievements are an important part of the American experience. They have started businesses and generated jobs, including founding some of our Nation's most successful and innovative enterprises. The AAPI communities have made important contributions to science and technology, culture and the arts, and the professions, including business, law, medicine, education, and politics.

While we acknowledge the many contributions of the AAPI communities to our Nation, we also recognize the challenges still faced by many AAPIs. Of the more than a million AAPI-owned businesses, many firms are small sole-proprietorships that continue to need assistance to access available resources such as business development counseling and small business loans. The AAPI community also continues to face barriers to employment and workplace advancement. Specific challenges experienced by AAPI subgroups include lower college-enrollment rates by Pacific Islanders than other ethnic groups and high poverty rates among Hmong Americans, Cambodian Americans, Malaysian Americans, and other individual AAPI communities. Additionally, one in five non-elderly AAPIs lacks health insurance.

The purpose of this order is to establish a President's Advisory Commission on Asian Americans and Pacific Islanders and a White House Initiative on Asian Americans and Pacific Islanders. Each will work to improve the quality of life and opportunities for Asian Americans and Pacific Islanders through increased access to, and participation in, Federal programs in which they may be underserved. In addition, each will work to advance relevant evidence-based research, data collection, and analysis for AAPI populations and subpopulations.

**Sec. 2. *President's Advisory Commission on Asian Americans and Pacific Islanders.*** There is established in the Department of Education the President's Advisory Commission on Asian Americans and Pacific Islanders (Commission).

(a) *Mission and Function of the Commission.* The Commission shall provide advice to the President, through the Secretaries of Education and Commerce, as Co-Chairs of the Initiative described in section 3 of this order, on: (i) the development, monitoring, and coordination of executive branch efforts to improve the quality of life of AAPIs through increased participation in Federal programs in which such persons may be underserved; (ii) the compilation of research and data related to AAPI populations and subpopulations; (iii) the development, monitoring, and coordination of Federal efforts to improve the economic and community development of AAPI businesses; and (iv) strategies to increase public and private-sector collaboration, and community involvement in improving the health, education, environment, and well-being of AAPIs.



(b) *Membership of the Commission.* The Commission shall consist of not more than 20 members appointed by the President. The Commission shall include members who: (i) have a history of involvement with the AAPI communities; (ii) are from the fields of education, commerce, business, health, human services, housing, environment, arts, agriculture, labor and employment, transportation, justice, veterans affairs, and economic and community development; (iii) are from civic associations representing one or more of the diverse AAPI communities; or (iv) have such other experience as the President deems appropriate. The President shall designate one member of the Commission to serve as Chair, who shall convene regular meetings of the Commission, determine its agenda, and direct its work.

(c) *Administration of the Commission.* The Secretary of Education, in consultation with the Secretary of Commerce, shall designate an Executive Director for the Commission. The Department of Education shall provide funding and administrative support for the Commission to the extent permitted by law and within existing appropriations. Members of the Commission shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707). Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the “Act”), may apply to the administration of the Commission, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary of Education, in accordance with the guidelines issued by the Administrator of General Services.

(d) *Termination Date.* The Commission shall terminate 2 years from the date of this order, unless renewed by the President.

**Sec. 3. *White House Initiative on Asian Americans and Pacific Islanders.*** There is established the White House Initiative on Asian Americans and Pacific Islanders (Initiative), a Federal interagency working group whose members shall be selected by their respective agencies. The Secretary of Commerce and the Secretary of Education shall serve as the Co-Chairs of the Initiative. The Executive Director of the Commission established in section 2 of this order shall also serve as the Executive Director of the Initiative and shall report to the Secretaries on Initiative matters.

(a) *Mission and Function of the Initiative.* The Initiative shall work to improve the quality of life of AAPIs through increased participation in Federal programs in which AAPIs may be underserved. The Initiative shall advise the Co-Chairs on the implementation and coordination of Federal programs as they relate to AAPIs across executive departments and agencies.

(b) *Membership of the Initiative.* In addition to the Co-Chairs, the Initiative shall consist of senior officials from the following executive branch departments, agencies, and offices:

- (i) the Department of State;
- (ii) the Department of the Treasury;
- (iii) the Department of Defense;
- (iv) the Department of Justice;
- (v) the Department of the Interior;
- (vi) the Department of Agriculture;
- (vii) the Department of Labor;
- (viii) the Department of Housing and Urban Development;
- (ix) the Department of Transportation;
- (x) the Department of Energy;
- (xi) the Department of Health and Human Services;
- (xii) the Department of Veterans Affairs;
- (xiii) the Department of Homeland Security;

- (xiv) the Office of Management and Budget;
- (xv) the Environmental Protection Agency;
- (xvi) the Small Business Administration;
- (xvii) the Office of Personnel Management;
- (xviii) the Social Security Administration;
- (xix) the White House Office of Cabinet Affairs;
- (xx) the White House Office of Intergovernmental Affairs and Public Engagement;
- (xxi) the National Economic Council;
- (xxii) the Domestic Policy Council;
- (xxiii) the Office of Science and Technology Policy; and
- (xxiv) other executive branch departments, agencies, and offices as the President may, from time to time, designate.

At the direction of the Co-Chairs, the Initiative may establish subgroups consisting exclusively of Initiative members or their designees under this section, as appropriate.

(c) *Administration of the Initiative.* The Department of Education shall provide funding and administrative support for the Initiative to the extent permitted by law and within existing appropriations. The Co-Chairs shall convene regular meetings of the Initiative, determine its agenda, and direct its work.

(d) *Federal Agency Plans and Interagency Plan.* Each executive department and agency designated by the Initiative shall prepare a plan (agency plan) for, and shall document, its efforts to improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs in which Asian Americans and Pacific Islanders may be underserved. Where appropriate, this agency plan shall address, among other things, the agency's efforts to:

- (i) identify Federal programs in which AAPIs may be underserved and improve the quality of life for AAPIs through increased participation in these programs;
- (ii) identify ways to foster the recruitment, career development, and advancement of AAPIs in the Federal Government;
- (iii) identify high-priority action items for which measurable progress may be achieved within 2 years to improve the health, environment, opportunity, and well-being of AAPIs, and implement those action items;
- (iv) increase public-sector, private-sector, and community involvement in improving the health, environment, opportunity, and well-being of AAPIs;
- (v) foster evidence-based research, data-collection, and analysis on AAPI populations and subpopulations, including research and data on public health, environment, education, housing, employment, and other economic indicators of AAPI community well-being; and
- (vi) solicit public input from AAPI communities on ways to increase and improve opportunities for public participation in Federal programs considering a number of factors, including language barriers.

Each agency, in its plan, shall provide appropriate measurable objectives and, after the first year, shall provide for the assessment of that agency's performance on the goals set in the previous year's plan. Each agency plan shall be submitted to the Co-Chairs by a date to be established by the Co-Chairs. The Co-Chairs shall review the agency plans and develop for submission to the President a Federal interagency plan to improve the quality of life of AAPIs through increased participation in Federal programs in which such persons may be underserved. Actions described in the Federal interagency plan shall address improving access by AAPIs to Federal programs and fostering advances in relevant research and data.

*Sec. 4. General Provisions.*

(a) This order supersedes Executive Order 13125 of June 7, 1999, and Executive Order 13339 of May 13, 2004.

(b) The heads of executive departments and agencies shall assist and provide information to the Commission, consistent with applicable law, as may be necessary to carry out the functions of the Commission. Each executive department and agency shall bear its own expenses of participating in the Commission.

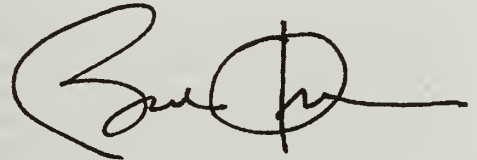
(c) Nothing in this order shall be construed to impair or otherwise affect:  
(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) For purposes of this order, the term "Asian American and Pacific Islander" includes persons within the jurisdiction of the United States having ancestry of any of the original peoples of East Asia, Southeast Asia, or South Asia, or any of the aboriginal, indigenous, or native peoples of Hawaii and other Pacific Islands.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
October 14, 2009.



# Presidential Documents

Title 3—

The President

Executive Order 13532 of February 26, 2010

## Promoting Excellence, Innovation, and Sustainability at Historically Black Colleges and Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to advance the development of the Nation's full human potential and to advance equal opportunity in higher education, strengthen the capacity of historically black colleges and universities to provide the highest quality education, increase opportunities for these institutions to participate in and benefit from Federal programs, and ensure that our Nation has the highest proportion of college graduates in the world by the year 2020, it is hereby ordered as follows:

**Section 1. *Policy.*** Historically black colleges and universities (HBCUs) have made historic and ongoing contributions to the general welfare and prosperity of our country. Established by visionary leaders, America's HBCUs, for over 150 years, have produced many of the Nation's leaders in business, government, academia, and the military and have provided generations of American men and women with hope and educational opportunity. The Nation's 105 HBCUs are located in 20 States, the District of Columbia, and the U.S. Virgin Islands and serve more than 300,000 undergraduate and graduate students. These institutions continue to be important engines of economic growth and community service, and they are proven ladders of intergenerational advancement for men and women of all ethnic, racial, and economic backgrounds, especially African Americans. These institutions also produce a high number of baccalaureate recipients who go on to assume leadership and service roles in their communities and who successfully complete graduate and professional degree programs.

**Sec. 2. *White House Initiative on HBCUs.***

(a) *Establishment.* There is established the White House Initiative on Historically Black Colleges and Universities (Initiative), to be housed in the Department of Education (Department).

(b) **Mission and Functions.** The Initiative shall work with executive departments, agencies, and offices, the private sector, educational associations, philanthropic organizations, and other partners to increase the capacity of HBCUs to provide the highest-quality education to a greater number of students, and to take advantage of these institutions' capabilities in serving the Nation's needs through five core tasks:

- (i) strengthening the capacity of HBCUs to participate in Federal programs;
- (ii) fostering enduring private-sector initiatives and public-private partnerships while promoting specific areas and centers of academic research and programmatic excellence throughout all HBCUs;
- (iii) improving the availability, dissemination, and quality of information concerning HBCUs to inform public policy and practice;
- (iv) sharing administrative and programmatic practices within the HBCU community for the benefit of all; and
- (v) exploring new ways of improving the relationship between the Federal Government and HBCUs.

(c) *Administration.* There shall be an Executive Director of the Initiative. The Department shall provide the staff, resources, and assistance for the Initiative, and shall assist the Initiative in fulfilling its mission and responsibilities under this order.



(d) *Federal Agency Plans.* (1) Each executive department and agency designated by the Secretary of Education (Secretary) shall prepare an annual plan (agency plan) of its efforts to strengthen the capacity of HBCUs through increased participation in appropriate Federal programs and initiatives. Where appropriate, each agency plan shall address, among other things, the agency's proposed efforts to:

(i) establish how the department or agency intends to increase the capacity of HBCUs to compete effectively for grants, contracts, or cooperative agreements and to encourage HBCUs to participate in Federal programs;

(ii) identify Federal programs and initiatives in which HBCUs may be either underserved or underused as national resources, and improve HBCUs' participation therein; and

(iii) encourage public-sector, private-sector, and community involvement in improving the overall capacity of HBCUs.

(2) Each department and agency, in its agency plan, shall provide appropriate measurable objectives and, after the first year, shall annually assess that department's or agency's performance on the goals set in the previous year's agency plan.

(3) The Secretary shall establish a date by which agency plans shall be submitted to the Secretary. The Secretary and the Executive Director shall review the agency plans in consultation with the President's Board of Advisors on HBCUs, established in section 3 of this order, and shall submit to the President an annual plan to strengthen the overall capacity of HBCUs.

(4) To help fulfill the objectives of these plans, the head of each department and agency identified by the Secretary shall provide, as appropriate, technical assistance and information to the Executive Director for purposes of communicating with HBCUs concerning program activities of the department or agency and the preparation of applications or proposals for grants, contracts, or cooperative agreements.

(5) To help fulfill the goals of this order, each executive department and agency identified by the Secretary shall appoint a senior official to report directly to the department or agency head with respect to that department's or agency's activities under this order, and to serve as liaison to the President's Board of Advisors on HBCUs and to the Initiative.

(e) *Interagency Working Group.* There is established the Interagency Working Group, which shall be convened by the Executive Director and that shall consist of representatives from agencies designated by the Secretary, to help advance and coordinate the work of Federal agencies pursuant to this order, where appropriate.

### **Sec. 3. President's Board of Advisors on HBCUs.**

(a) *Establishment.* There is established in the Department the President's Board of Advisors on Historically Black Colleges and Universities (the Board). The Board shall consist of not more than 25 members appointed by the President. The President shall designate one member of the Board to serve as Chair, who shall coordinate with the Executive Director to convene meetings and help direct the work of the Board. The Board shall include representatives of a variety of sectors, including philanthropy, education, business, finance, entrepreneurship, innovation, and private foundations, as well as sitting HBCU presidents.

(b) *Mission and Functions.* Through the Initiative, the Board shall advise the President and the Secretary on all matters pertaining to strengthening the educational capacity of HBCUs. In particular, the Board shall advise the President and the Secretary in the following areas:

(i) improving the identity, visibility, and distinctive capabilities and overall competitiveness of HBCUs;

(ii) engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives;

(iii) improving the ability of HBCUs to remain fiscally secure institutions that can assist the Nation in reaching its goal of having the highest proportion of college graduates by 2020;

(iv) elevating the public awareness of HBCUs; and

(v) encouraging public-private investments in HBCUs.

(c) *Administration.* The Executive Director of the Initiative shall also serve as the Executive Director of the Board. The Department shall provide funding and administrative support for the Board to the extent permitted by law and within existing appropriations. Members of the Board shall serve without compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Board, any functions of the President under that Act, except for those of reporting to the Congress, shall be performed by the Secretary, in accordance with guidelines issued by the Administrator of General Services.

(d) *Report.* As part of the annual report of the Initiative, the Board shall report to the President and the Secretary on their progress in carrying out its duties under this section.

**Sec. 4. General Provisions.** (a) For the purposes of this order, "historically black colleges and universities" shall mean those institutions listed in 34 C.F.R. 602.8.

(b) This order shall apply to executive departments and agencies designated by the Secretary. Those departments and agencies shall provide timely reports and such information as is required to effectively carry out the objectives of this order.

(c) The heads of executive departments and agencies shall assist and provide information through the White House Initiative to the Board, consistent with applicable law, as may be necessary to carry out the functions of the Board. Each executive department and agency shall bear its own expenses of participating in the Initiative.

(d) Nothing in this order shall be construed to impair or otherwise affect:

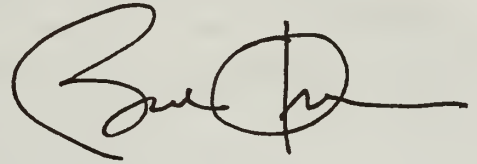
(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(e) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(g) Executive Order 13256 of February 12, 2002, is hereby revoked.

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish on the right side.

THE WHITE HOUSE,  
*February 26, 2010.*

[FR Doc. 2010-4593  
Filed 3-2-10; 8:45 am]  
Billing code 3195-W0-P



# Presidential Documents

Title 3—

Executive Order 13537 of April 14, 2010

The President

## Interagency Group on Insular Areas

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

### Section 1. *Interagency Group on Insular Areas.*

(a) There is established, within the Department of the Interior for administrative purposes, the Interagency Group on Insular Areas (IGIA) to address policies concerning Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands (Insular Areas).

(b) The IGIA shall consist of:

(i) the heads of the executive departments, as defined in 5 U.S.C. 101;

(ii) the heads of such other executive agencies as the Co-Chairs of the IGIA may designate; and (iii) the Deputy Assistant to the President and Director of Intergovernmental Affairs.

(c) The Secretary of the Interior and the Deputy Assistant to the President and Director of Intergovernmental Affairs shall serve as Co-Chairs of the IGIA, convene and preside at its meetings, direct its work, and establish such subgroups of the IGIA as they deem appropriate, consisting exclusively of members of the IGIA.

(d) Members of the IGIA may designate a senior department or agency official who is a full-time officer or employee of the Federal Government to perform their IGIA functions.

### Sec. 2. *Functions of the IGIA.* The IGIA shall:

(a) advise the President on establishment or implementation of policies concerning the Insular Areas;

(b) solicit information and advice concerning the Insular Areas from the Governors of, and other elected officials in, the Insular Areas (including through at least one meeting each year with any Governors of the Insular Areas who may wish to attend) in a manner that seeks their individual advice and does not involve collective judgment, or consensus advice or deliberation;

(c) solicit information and advice concerning the Insular Areas, as the IGIA determines appropriate, from representatives of entities or other individuals in a manner that seeks their individual advice and does not involve collective judgment, or consensus advice or deliberation;

(d) solicit information from executive departments or agencies for purposes of carrying out its mission; and

(e) at the request of the head of any executive department or agency who is a member of the IGIA, with the approval of the Co-Chairs, promptly review and provide advice on a policy or policy implementation action affecting the Insular Areas proposed by that department or agency.

### Sec. 3. *Recommendations.* The IGIA shall:

(a) submit annually to the President a report containing recommendations regarding the establishment or implementation of policies concerning the Insular Areas; and

(b) provide to the President, from time to time, as appropriate, recommendations concerning proposed or existing Federal programs and policies affecting the Insular Areas.

*Sec. 4. General Provisions.*

(a) The heads of executive departments and agencies shall assist and provide information to the IGIA, consistent with applicable law, as may be necessary to carry out the functions of the IGIA. Each executive department and agency shall bear its own expenses of participating in the IGIA.

(b) Nothing in this order shall be construed to impair or otherwise affect:

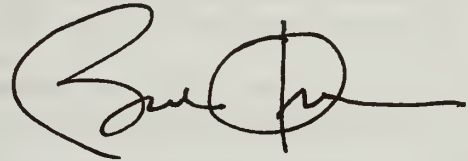
(i) authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order shall supersede Executive Order 13299 of May 8, 2003.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
*April 14, 2010.*

## Presidential Documents

Executive Order 13543 of May 21, 2010

### National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. *Establishment.*** There is established the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling (the "Commission").

**Sec. 2. *Membership.*** (a) The Commission shall be composed of not more than 7 members who shall be appointed by the President. The members shall be drawn from among distinguished individuals, and may include those with experience in or representing the scientific, engineering, and environmental communities, the oil and gas industry, or any other area determined by the President to be of value to the Commission in carrying out its duties.

(b) The President shall designate from among the Commission members two members to serve as Co-Chairs.

**Sec. 3. *Mission.*** The Commission shall:

(a) examine the relevant facts and circumstances concerning the root causes of the Deepwater Horizon oil disaster;

(b) develop options for guarding against, and mitigating the impact of, oil spills associated with offshore drilling, taking into consideration the environmental, public health, and economic effects of such options, including options involving:

(1) improvements to Federal laws, regulations, and industry practices applicable to offshore drilling that would ensure effective oversight, monitoring, and response capabilities; protect public health and safety, occupational health and safety, and the environment and natural resources; and address affected communities; and

(2) organizational or other reforms of Federal agencies or processes necessary to ensure such improvements are implemented and maintained.

(c) submit a final public report to the President with its findings and options for consideration within 6 months of the date of the Commission's first meeting.

**Sec. 4. *Administration.*** (a) The Commission shall hold public hearings and shall request information including relevant documents from Federal, State, and local officials, nongovernmental organizations, private entities, scientific institutions, industry and workforce representatives, communities, and others affected by the Deepwater Horizon oil disaster, as necessary to carry out its mission.

(b) The heads of executive departments and agencies, to the extent permitted by law and consistent with their ongoing activities in response to the oil spill, shall provide the Commission such information and cooperation as it may require for purposes of carrying out its mission.

(c) In carrying out its mission, the Commission shall be informed by, and shall strive to avoid duplicating, the analyses and investigations undertaken by other governmental, nongovernmental, and independent entities.

(d) The Commission shall ensure that it does not interfere with or disrupt any ongoing or anticipated civil or criminal investigation or law enforcement



activities or any effort to recover response costs or damages arising out of the Deepwater Horizon explosion, fire, and oil spill. The Commission shall consult with the Department of Justice concerning the Commission's activities to avoid any risk of such interference or disruption.

(e) The Commission shall have a staff, headed by an Executive Director.

(f) The Commission shall terminate 60 days after submitting its final report.

Sec. 5. *General Provisions.* (a) To the extent permitted by law, and subject to the availability of appropriations, the Secretary of Energy shall provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary to carry out its mission.

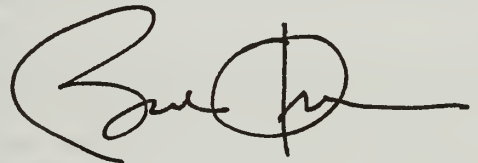
(b) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act"), may apply to the Commission, any functions of the President under that Act, except for those in section 6 of the Act, shall be performed by the Secretary of Energy in accordance with guidelines issued by the Administrator of General Services.

(c) Members of the Commission shall serve without any additional compensation for their work on the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

(d) Nothing in this order shall be construed to impair or otherwise affect:  
(1) authority granted by law to a department, agency, or the head thereof; or

(2) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
May 21, 2010.

# Presidential Documents

Title 3—

Executive Order 13547 of July 19, 2010

The President

Stewardship of the Ocean, Our Coasts, and the Great Lakes

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Purpose.** The ocean, our coasts, and the Great Lakes provide jobs, food, energy resources, ecological services, recreation, and tourism opportunities, and play critical roles in our Nation's transportation, economy, and trade, as well as the global mobility of our Armed Forces and the maintenance of international peace and security. The Deepwater Horizon oil spill in the Gulf of Mexico and resulting environmental crisis is a stark reminder of how vulnerable our marine environments are, and how much communities and the Nation rely on healthy and resilient ocean and coastal ecosystems. America's stewardship of the ocean, our coasts, and the Great Lakes is intrinsically linked to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental changes, social justice, international diplomacy, and national and homeland security.

This order adopts the recommendations of the Interagency Ocean Policy Task Force, except where otherwise provided in this order, and directs executive agencies to implement those recommendations under the guidance of a National Ocean Council. Based on those recommendations, this order establishes a national policy to ensure the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhance the sustainability of ocean and coastal economies, preserve our maritime heritage, support sustainable uses and access, provide for adaptive management to enhance our understanding of and capacity to respond to climate change and ocean acidification, and coordinate with our national security and foreign policy interests.

This order also provides for the development of coastal and marine spatial plans that build upon and improve existing Federal, State, tribal, local, and regional decisionmaking and planning processes. These regional plans will enable a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing sustainable multiple uses across sectors and improve the conservation of the ocean, our coasts, and the Great Lakes.

**Sec. 2. Policy.** (a) To achieve an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations, it is the policy of the United States to:

- (i) protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources;
- (ii) improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies;
- (iii) bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems;
- (iv) use the best available science and knowledge to inform decisions affecting the ocean, our coasts, and the Great Lakes, and enhance humanity's capacity to understand, respond, and adapt to a changing global environment;

- (v) support sustainable, safe, secure, and productive access to, and uses of the ocean, our coasts, and the Great Lakes;
  - (vi) respect and preserve our Nation's maritime heritage, including our social, cultural, recreational, and historical values;
  - (vii) exercise rights and jurisdiction and perform duties in accordance with applicable international law, including respect for and preservation of navigational rights and freedoms, which are essential for the global economy and international peace and security;
  - (viii) increase scientific understanding of ocean, coastal, and Great Lakes ecosystems as part of the global interconnected systems of air, land, ice, and water, including their relationships to humans and their activities;
  - (ix) improve our understanding and awareness of changing environmental conditions, trends, and their causes, and of human activities taking place in ocean, coastal, and Great Lakes waters; and
  - (x) foster a public understanding of the value of the ocean, our coasts, and the Great Lakes to build a foundation for improved stewardship.
- (b) The United States shall promote this policy by:
- (i) ensuring a comprehensive and collaborative framework for the stewardship of the ocean, our coasts, and the Great Lakes that facilitates cohesive actions across the Federal Government, as well as participation of State, tribal, and local authorities, regional governance structures, nongovernmental organizations, the public, and the private sector;
  - (ii) cooperating and exercising leadership at the international level;
  - (iii) pursuing the United States' accession to the Law of the Sea Convention; and
  - (iv) supporting ocean stewardship in a fiscally responsible manner.

**Sec. 3. Definitions.** As used in this order:

(a) "Final Recommendations" means the *Final Recommendations of the Interagency Ocean Policy Task Force* that shall be made publicly available and for which a notice of public availability shall be published in the *Federal Register*.

(b) The term "coastal and marine spatial planning" means a comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas. Coastal and marine spatial planning identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives. In practical terms, coastal and marine spatial planning provides a public policy process for society to better determine how the ocean, our coasts, and Great Lakes are sustainably used and protected—now and for future generations.

(c) The term "coastal and marine spatial plans" means the plans that are certified by the National Ocean Council as developed in accordance with the definition, goals, principles, and process described in the Final Recommendations.

**Sec. 4. Establishment of National Ocean Council.** (a) There is hereby established the National Ocean Council (Council).

(b) The Council shall consist of the following:

- (i) the Chair of the Council on Environmental Quality and the Director of the Office of Science and Technology Policy, who shall be the Co-Chairs of the Council;
- (ii) the Secretaries of State, Defense, the Interior, Agriculture, Health and Human Services, Commerce, Labor, Transportation, Energy, and Homeland Security, the Attorney General, the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget,



the Under Secretary of Commerce for Oceans and Atmosphere (Administrator of the National Oceanic and Atmospheric Administration), the Administrator of the National Aeronautics and Space Administration, the Director of National Intelligence, the Director of the National Science Foundation, and the Chairman of the Joint Chiefs of Staff;

(iii) the National Security Advisor and the Assistants to the President for Homeland Security and Counterterrorism, Domestic Policy, Energy and Climate Change, and Economic Policy;

(iv) an employee of the Federal Government designated by the Vice President; and

(v) such other officers or employees of the Federal Government as the Co-Chairs of the Council may from time to time designate.

(c) The Co-Chairs shall invite the participation of the Chairman of the Federal Energy Regulatory Commission, to the extent consistent with the Commission's statutory authorities and legal obligations, and may invite the participation of such other independent agencies as the Council deems appropriate.

(d) The Co-Chairs of the Council, in consultation with the National Security Advisor and the Assistant to the President for Homeland Security and Counterterrorism, shall regularly convene and preside at meetings of the Council, determine its agenda, direct its work, and, as appropriate to address particular subject matters, establish and direct committees of the Council that shall consist exclusively of members of the Council.

(e) A member of the Council may designate, to perform committee functions of the member, any person who is within such member's department, agency, or office and who is (i) an officer of the United States appointed by the President, (ii) a member of the Senior Executive Service or the Senior Intelligence Service, (iii) a general officer or flag officer, or (iv) an employee of the Vice President.

(f) Consistent with applicable law and subject to the availability of appropriations, the Office of Science and Technology Policy and the Council on Environmental Quality shall provide the Council with funding, including through the National Science and Technology Council or the Office of Environmental Quality. The Council on Environmental Quality shall, to the extent permitted by law and subject to the availability of appropriations, provide administrative support necessary to implement this order.

(g) The day-to-day operations of the Council shall be administered by a Director and a Deputy Director, who shall supervise a full-time staff to assist the Co-Chairs in their implementation of this order.

**Sec. 5. Functions of the Council.** (a) The Council shall have the structure and function and operate as defined in the Final Recommendations. The Council is authorized, after the Council's first year of operation, to make modifications to its structure, function, and operations to improve its effectiveness and efficiency in furthering the policy set forth in section 2 of this order.

(b) To implement the policy set forth in section 2 of this order, the Council shall provide appropriate direction to ensure that executive departments', agencies', or offices' decisions and actions affecting the ocean, our coasts, and the Great Lakes will be guided by the stewardship principles and national priority objectives set forth in the Final Recommendations, to the extent consistent with applicable law. The Council shall base its decisions on the consensus of its members. With respect to those matters in which consensus cannot be reached, the National Security Advisor shall coordinate with the Co-Chairs and, as appropriate, the Assistants to the President for Energy and Climate Change, and Economic Policy, and the employee of the United States designated by the Vice President, subject to the limitations set forth in section 9 of this order, to present the disputed issue or issues for decision by the President.

**Sec. 6. *Agency Responsibilities.*** (a) All executive departments, agencies, and offices that are members of the Council and any other executive department, agency, or office whose actions affect the ocean, our coasts, and the Great Lakes shall, to the fullest extent consistent with applicable law:

(i) take such action as necessary to implement the policy set forth in section 2 of this order and the stewardship principles and national priority objectives as set forth in the Final Recommendations and subsequent guidance from the Council; and

(ii) participate in the process for coastal and marine spatial planning and comply with Council certified coastal and marine spatial plans, as described in the Final Recommendations and subsequent guidance from the Council.

(b) Each executive department, agency, and office that is required to take actions under this order shall prepare and make publicly available an annual report including a concise description of actions taken by the agency in the previous calendar year to implement the order, a description of written comments by persons or organizations regarding the agency's compliance with this order, and the agency's response to such comments.

(c) Each executive department, agency, and office that is required to take actions under this order shall coordinate and contribute resources, as appropriate, to assist in establishing a common information management system as defined in the Final Recommendations and shall be held accountable for managing its own information assets by keeping them current, easily accessible, and consistent with Federal standards.

(d) To the extent permitted by law, executive departments, agencies, and offices shall provide the Council such information, support, and assistance as the Council, through the Co-Chairs, may request.

**Sec. 7. *Governance Coordinating Committee.*** The Council shall establish a Governance Coordinating Committee that shall consist of 18 officials from State, tribal, and local governments in accordance with the Final Recommendations. The Committee may establish subcommittees chaired by representatives of the Governance Coordinating Committee. These subcommittees may include additional representatives from State, tribal, and local governments, as appropriate to provide for greater collaboration and diversity of views.

**Sec. 8. *Regional Advisory Committees.*** The lead Federal department, agency, or office for each regional planning body established for the development of regional coastal and marine spatial plans, in consultation with their nonfederal co-lead agencies and membership of their regional planning body, shall establish such advisory committees under the Federal Advisory Committee Act, 5 U.S.C. App., as they deem necessary to provide information and to advise the regional planning body on the development of regional coastal and marine spatial plans to promote the policy established in section 2 of this order.

**Sec. 9. *General Provisions.*** (a) Nothing in this order, the establishment of the Council, and the Final Recommendations shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department or agency or the head thereof; or

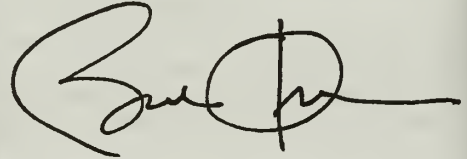
(ii) functions assigned by the President to the National Security Council or Homeland Security Council (including subordinate bodies) relating to matters affecting foreign affairs, national security, homeland security, or intelligence.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) In carrying out the provisions of this order and implementing the Final Recommendations, all actions of the Council and the executive departments, agencies, and offices that constitute it shall be consistent with applicable international law, including customary international law, such as that reflected in the Law of the Sea Convention.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**Sec. 10. Revocation.** Executive Order 13366 of December 17, 2004, is hereby revoked.



THE WHITE HOUSE,  
July 19, 2010.

[FR Doc. 2010-18169  
Filed 7-21-10; 11:15 am]  
Billing code 3195-W0-P



## Presidential Documents

Executive Order 13548 of July 26, 2010

### Increasing Federal Employment of Individuals With Disabilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish the Federal Government as a model employer of individuals with disabilities, it is hereby ordered as follows:

**Section 1. *Policy.*** Approximately 54 million Americans are living with a disability. The Federal Government has an important interest in reducing discrimination against Americans living with a disability, in eliminating the stigma associated with disability, and in encouraging Americans with disabilities to seek employment in the Federal workforce. Yet Americans with disabilities have an employment rate far lower than that of Americans without disabilities, and they are underrepresented in the Federal workforce. Individuals with disabilities currently represent just over 5 percent of the nearly 2.5 million people in the Federal workforce, and individuals with targeted disabilities (as defined below) currently represent less than 1 percent of that workforce.

On July 26, 2000, in the final year of his administration, President Clinton signed Executive Order 13163, calling for an additional 100,000 individuals with disabilities to be employed by the Federal Government over 5 years. Yet few steps were taken to implement that Executive Order in subsequent years.

As the Nation's largest employer, the Federal Government must become a model for the employment of individuals with disabilities. Executive departments and agencies (agencies) must improve their efforts to employ workers with disabilities through increased recruitment, hiring, and retention of these individuals. My Administration is committed to increasing the number of individuals with disabilities in the Federal workforce through compliance with Executive Order 13163 and achievement of the goals set forth therein over 5 years, including specific goals for hiring individuals with targeted disabilities.

**Sec. 2. *Recruitment and Hiring of Individuals with Disabilities.*** (a) Within 60 days of the date of this order, the Director of the Office of Personnel Management, in consultation with the Secretary of Labor, the Chair of the Equal Employment Opportunity Commission, and the Director of the Office of Management and Budget, shall design model recruitment and hiring strategies for agencies seeking to increase their employment of people with disabilities and develop mandatory training programs for both human resources personnel and hiring managers on the employment of individuals with disabilities.

(b) Within 120 days of the date the Office of Personnel Management sets forth strategies and programs required under subsection (a), each agency shall develop an agency-specific plan for promoting employment opportunities for individuals with disabilities. The plan shall be developed in consultation with and, as appropriate, subject to approval by the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, and shall, consistent with law, include performance targets and numerical goals for employment of individuals with disabilities and sub-goals for employment of individuals with targeted disabilities.

(c) Each agency shall designate a senior-level agency official to be accountable for enhancing employment opportunities for individuals with disabilities and individuals with targeted disabilities within the agency, consistent with law, and for meeting the goals of this order. This official, among other things, shall be accountable for developing and implementing the agency's plan under subsection (b), creating recruitment and training programs for employment of individuals with disabilities and targeted disabilities, and coordinating employment counseling to help match the career aspirations of individuals with disabilities to the needs of the agency.

(d) In implementing their plans, agencies, to the extent permitted by law, shall increase utilization of the Federal Government's Schedule A accepted service hiring authority for persons with disabilities and increase participation of individuals with disabilities in internships, fellowships, and training and mentoring programs.

(e) The Office of Personnel Management shall assist agencies with the implementation of their plans. The Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall implement a system for reporting regularly to the President, the heads of agencies, and the public on agencies' progress in implementing their plans and the objectives of this order. The Office of Personnel Management, to the extent permitted by law, shall compile and post on its website Government-wide statistics on the hiring of individuals with disabilities.

**Sec. 3. Increasing Agencies' Retention and Return to Work of Individuals with Disabilities.** (a) The Director of the Office of Personnel Management, in consultation with the Secretary of Labor and the Chair of the Equal Employment Opportunity Commission, shall identify and assist agencies in implementing strategies for retaining Federal workers with disabilities in Federal employment including, but not limited to, training, the use of centralized funds to provide reasonable accommodations, increasing access to appropriate accessible technologies, and ensuring the accessibility of physical and virtual workspaces.

(b) Agencies shall make special efforts, to the extent permitted by law, to ensure the retention of those who are injured on the job. Agencies shall work to improve, expand, and increase successful return-to-work outcomes for those of their employees who sustain work-related injuries and illnesses, as defined under the Federal Employees' Compensation Act (FECA), by increasing the availability of job accommodations and light or limited duty jobs, removing disincentives for FECA claimants to return to work, and taking other appropriate measures. The Secretary of Labor, in consultation with the Director of the Office of Personnel Management, shall pursue innovative re-employment strategies and develop policies, procedures, and structures that foster improved return-to-work outcomes, including by pursuing overall reform of the FECA system. The Secretary of Labor shall also propose specific outcome measures and targets by which each agency's progress in carrying out return-to-work and FECA claims processing efforts can be assessed.

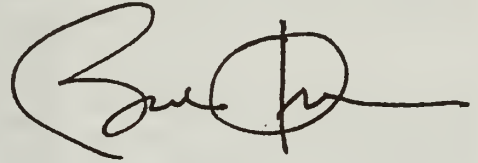
**Sec. 4. Definitions.** (a) "Disability" shall be defined as set forth in the ADA Amendments Act of 2008.

(b) "Targeted disability" shall be defined as set forth on the form for self-identification of disability, Standard Form 256 (SF 256), issued by the Office of Personnel Management, or any replacements, updates, or revisions thereto.

(c) Not less than 1 year after the date of this order and in consultation with the Equal Employment Opportunity Commission, the Department of Labor, and the Office of Management and Budget, the Office of Personnel Management shall review the effectiveness of the definition of targeted disability set forth in SF 256 and replace, update, or revise it as appropriate.

**Sec. 5. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) authority granted by law to a department or agency, or the head thereof; or
  - (ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations, and shall not be construed to require any Federal employee to disclose disability status involuntarily.
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
*July 26, 2010.*

[FR Doc. 2010-18988

Filed 7-29-10; 11:15 am]

Billing code 3195-W0-P



## Presidential Documents

Executive Order 13554 of October 5, 2010

### Establishing the Gulf Coast Ecosystem Restoration Task Force

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. *Purpose.*** The Gulf Coast is a national treasure. Its natural resources are an important economic engine for the entire United States; its waters sustain a diverse and vibrant ecosystem; and the Gulf's culture, natural beauty, and historic significance are unique. Each year, millions of tourists visit the Gulf to vacation, swim, boat, fish, hunt, and bird-watch; and, together, the Gulf's tourism and commercial and recreational fishing industries make a significant contribution to the United States economy. More than 90 percent of the Nation's offshore oil and gas is produced in the Gulf, and it is where nearly one-third of seafood production in the continental United States is harvested.

The United States needs a vibrant Gulf Coast, and the Federal Government is committed to helping Gulf Coast residents conserve and restore resilient and healthy ecosystems in the Gulf of Mexico and surrounding regions that support the diverse economies, communities, and cultures of the region. To effectively address the damage caused by the BP Deepwater Horizon Oil Spill, address the longstanding ecological decline, and begin moving toward a more resilient Gulf Coast ecosystem, ecosystem restoration is needed. Ecosystem restoration will support economic vitality, enhance human health and safety, protect infrastructure, enable communities to better withstand impact from storms and climate change, sustain safe seafood and clean water, provide recreational and cultural opportunities, protect and preserve sites that are of historical and cultural significance, and contribute to the overall resilience of our coastal communities and Nation.

In order to achieve these objectives, it is necessary that Federal efforts be efficiently integrated with those of local stakeholders and that particular focus be given to innovative solutions and complex, large-scale restoration projects. Efforts must be science-based and well-coordinated to minimize duplication and ensure effective delivery of services. This order establishes a Gulf Coast Ecosystem Restoration Task Force to coordinate intergovernmental responsibilities, planning, and exchange of information so as to better implement Gulf Coast ecosystem restoration and to facilitate appropriate accountability and support throughout the restoration process.

**Sec. 2. *Establishment of the Gulf Coast Ecosystem Restoration Task Force.*** There is established the Gulf Coast Ecosystem Restoration Task Force (Task Force).

(a) The Task Force shall consist of:

(1) A senior official from each of the following executive departments, agencies, and offices, selected by the head of the respective department, agency, or office:

- a. the Department of Defense;
- b. the Department of Justice;
- c. the Department of the Interior;
- d. the Department of Agriculture;
- e. the Department of Commerce;
- f. the Department of Transportation;

- g. the Environmental Protection Agency;
- h. the Office of Management and Budget;
- i. the Council on Environmental Quality;
- j. the Office of Science and Technology Policy;
- k. the Domestic Policy Council; and

l. other executive departments, agencies, and offices as the President may, from time to time, designate.

(2) Five State representatives, appointed by the President upon recommendation of the Governors of each Gulf State, who shall be elected officers of State governments (or their designated employees with authority to act on their behalf) acting in their official capacities.

(b) The Task Force may include representatives from affected tribes, who shall be elected officers of those tribes (or their designated employees with authority to act on their behalf) acting in their official capacities. The Task Force shall, in collaboration with affected tribes, determine an appropriate structure for tribal participation in matters within the scope of the Task Force's responsibilities.

(c) The President shall designate a Chair of the Task Force from among senior officials of executive departments, agencies, and offices represented on the Task Force. The Chair shall lead the coordination of intergovernmental Gulf Coast ecosystem restoration efforts and oversee the work of the Task Force. The Chair shall regularly convene and preside at meetings of the Task Force, determine its agenda, and direct its work. The Chair's duties shall also include:

(1) facilitating a smooth transition from the response phase of addressing the BP Deepwater Horizon Oil Spill to the restoration phase;

(2) communicating and engaging with States, tribes, local governments, other stakeholders in the Gulf Coast region, and the public on ecosystem restoration, as well as other aspects of Gulf recovery, including economic recovery and public health efforts; and

(3) coordinating the efforts of executive departments, agencies, and offices related to the functions of the Task Force.

(d) Representatives of the Gulf States under subsection (a)(2) of this section shall select from among themselves a Vice-Chair of the Task Force.

**Sec. 3. Functions of the Task Force.** The Task Force shall be an advisory body to:

(a) coordinate intergovernmental efforts to improve efficiency and effectiveness in the implementation of Gulf Coast ecosystem restoration actions;

(b) support the Natural Resource Damage Assessment process by referring potential ecosystem restoration actions to the Natural Resource Damage Assessment Trustee Council for consideration and facilitating coordination among the relevant departments, agencies, and offices, as appropriate, subject to the independent statutory responsibilities of the trustees;

(c) present to the President a Gulf of Mexico Regional Ecosystem Restoration Strategy (Strategy) as provided in section 4 of this order;

(d) engage local stakeholders, communities, the public, and other officials throughout the Gulf Coast region to ensure that they have an opportunity to share their needs and viewpoints to inform the work of the Task Force, including the development of the Strategy;

(e) provide leadership and coordination of research needs in support of ecosystem restoration planning and decisionmaking in the Gulf Coast region, and work with existing Federal and State advisory committees, as appropriate, to facilitate consideration of relevant scientific and technical knowledge;

(f) prepare a biennial update for the President on progress toward the goals of Gulf Coast ecosystem restoration, as outlined in the Strategy;

(g) communicate with affected tribes in a manner consistent with Executive Order 13175 of November 6, 2000, on consultation and coordination with Indian tribal governments; and

(h) coordinate with relevant executive departments, agencies, and offices on ways to encourage health and economic benefits associated with proposed ecosystem restoration actions.

**Sec. 4. *Gulf of Mexico Regional Ecosystem Restoration Strategy.*** (a) Within 1 year of the date of this order, the Task Force shall prepare a Strategy that proposes a Gulf Coast ecosystem restoration agenda, including goals for ecosystem restoration, development of a set of performance indicators to track progress, and means of coordinating intergovernmental restoration efforts guided by shared priorities. In developing the Strategy, the Task Force shall:

(1) define ecosystem restoration goals and describe milestones for making progress toward attainment of those goals;

(2) consider existing research and ecosystem restoration planning efforts in the region, including initiatives undertaken by the National Ocean Council and the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force (Gulf Hypoxia Task Force), in order to identify planning and restoration needs and ways under existing authorities to address those needs;

(3) identify major policy areas where coordinated intergovernmental action is necessary;

(4) propose new programs or actions to implement elements of the Strategy where existing authorities are not sufficient;

(5) identify monitoring, research, and scientific assessments needed to support decisionmaking for ecosystem restoration efforts and evaluate existing monitoring programs and gaps in current data collection; and

(6) describe the circumstances under which termination of the Task Force would be appropriate.

(b) The executive departments, agencies, and offices enumerated in section 2(a)(1) of this order shall, to the extent permitted by law, consider ways to align their relevant programs and authorities with the Strategy.

**Sec. 5. *Administration.*** (a) The Task Force shall have a staff, headed by an Executive Director, which shall provide support for the functions of the Task Force.

(b) The Executive Director shall be selected by the Chair and shall supervise, direct, and be accountable for the administration and operation of the Task Force.

(c) The Departments of Commerce (through the National Oceanic and Atmospheric Administration), the Interior (through the Fish and Wildlife Service), and Justice shall identify linkages and opportunities for the Task Force to complement the restoration progress of the Natural Resource Damage Assessment Trustee Council.

(d) At the request of the Chair, executive departments and agencies, including the Departments of Labor, Health and Human Services, Energy, and Homeland Security, the Small Business Administration, and the National Science Foundation, shall serve in an advisory role to the Task Force on issues within their expertise.

(e) The Task Force may establish such technical working groups as necessary to support its function. These working groups may include additional representatives from State and tribal governments, as appropriate, to provide for greater collaboration.

(f) The first meeting of the Task Force shall be held within 90 days of the date of this order.

**Sec. 6. *Definitions.*** (a) "Affected tribe" means any Indian tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges



to exist as an Indian tribe as defined in the Federally Recognized Tribe List Act of 1994 (25 U.S.C. 479a(2)), physically located in a Gulf State.

(b) "Ecosystem restoration" means all activities, projects, methods, and procedures appropriate to enhance the health and resilience of the Gulf Coast ecosystem, as measured in terms of the physical, biological, or chemical properties of the ecosystem, or the services it provides, and to strengthen its ability to support the diverse economies, communities, and cultures of the region. It includes activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity, and sustainability. It also includes protecting and conserving ecosystems so they can continue to reduce impacts from tropical storms and other disasters, support robust economies, and assist in mitigating and adapting to the impacts of climate change.

(c) "Gulf State" means any of the States of Texas, Louisiana, Mississippi, Alabama, and Florida.

(d) "Natural Resource Damage Assessment" means the process of collecting and analyzing information to evaluate the nature and extent of natural resource injuries resulting from the BP Deepwater Horizon Oil Spill and to determine the restoration actions needed to bring injured natural resources and services back to baseline conditions and make the environment and public whole for interim losses as defined in 15 CFR 990.30.

(e) "Natural Resource Damage Assessment Trustee Council" means the designated Federal, State, local, and tribal trustees as provided in 33 U.S.C. 2706, with trusteeship over natural resources injured, lost, or destroyed as a result of the BP Deepwater Horizon Oil Spill.

**Sec. 7. General Provisions.** (a) To the extent permitted by law and subject to the availability of appropriations, the department, agency, or office represented by the Chair shall provide the Task Force with such administrative services, funds, facilities, staff, and other support services as may be necessary for the Task Force to carry out its function.

(b) In addition to staff provided by the department, agency, or office represented by the Chair, other executive departments, agencies, and offices represented on the Task Force are requested to make services, staff, and facilities available to the Task Force for the performance of its function to the maximum extent practicable, to the extent permitted by law and subject to the availability of appropriations.

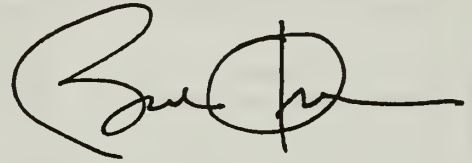
(c) Members of the Task Force shall serve without any additional compensation for their work on the Task Force.

(d) Nothing in this order shall be construed to impair or otherwise affect: (i) authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or (ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(e) Nothing in this order shall interfere with the statutory responsibilities and authority of the Natural Resource Damage Assessment Trustee Council or the individual trustees to carry out their statutory responsibilities to assess natural resource damages and implement restoration actions under 33 U.S.C. 2706 and other applicable law.

(f) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(g) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish at the end.

THE WHITE HOUSE,  
*October 5, 2010.*

[FR Doc. 2010-25578  
Filed 10-7-10; 8:45 am]  
Billing code 3195-W1-P

# Presidential Documents

Title 3—

Executive Order 13562 of December 27, 2010

The President

## Recruiting and Hiring Students and Recent Graduates

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, it is hereby ordered as follows:

**Section 1. *Policy.*** The Federal Government benefits from a diverse workforce that includes students and recent graduates, who infuse the workplace with their enthusiasm, talents, and unique perspectives. The existing competitive hiring process for the Federal civil service, however, is structured in a manner that, even at the entry level, favors job applicants who have significant previous work experience. This structure, along with the complexity of the rules governing admission to the career civil service, creates a barrier to recruiting and hiring students and recent graduates. It places the Federal Government at a competitive disadvantage compared to private-sector employers when it comes to hiring qualified applicants for entry-level positions.

To compete effectively for students and recent graduates, the Federal Government must improve its recruiting efforts; offer clear paths to Federal internships for students from high school through post-graduate school; offer clear paths to civil service careers for recent graduates; and provide meaningful training, mentoring, and career-development opportunities. Further, exposing students and recent graduates to Federal jobs through internships and similar programs attracts them to careers in the Federal Government and enables agency employers to evaluate them on the job to determine whether they are likely to have successful careers in Government.

Accordingly, pursuant to my authority under 5 U.S.C. 3302(1), and in order to achieve a workforce that represents all segments of society as provided in 5 U.S.C. 2301(b)(1), I find that conditions of good administration (specifically, the need to promote employment opportunities for students and recent graduates in the Federal workforce) make necessary an exception to the competitive hiring rules for certain positions in the Federal civil service.

**Sec. 2. *Establishment.*** There are hereby established the Internship Program and the Recent Graduates Program, which, along with the Presidential Management Fellows Program, as modified herein, shall collectively be known as the Pathways Programs. I therefore direct the Director of the Office of Personnel Management (OPM) to issue regulations implementing the Pathways Programs consistent with this order, including:

(a) a description of the positions that executive departments and agencies (agencies) may fill through the Pathways Programs because conditions of good administration necessitate excepting those positions from the competitive hiring rules;

(b) rules governing whether, to what extent, and in what manner public notice should be provided of job opportunities in the Pathways Programs;

(c) a description of career-development, training, and mentorship opportunities for participants in the Pathways Programs;

(d) requirements that managers meaningfully assess the performance of participants in the Pathways Programs to identify those who should be considered for conversion to career civil service positions;

(e) a description of OPM oversight of agency use of the Pathways Programs to ensure that (i) they serve as a supplement to, and not a substitute for,



the competitive hiring process, and (ii) agencies are using the Pathways Programs in a genuine effort to develop talent for careers in the civil service;

(f) a description of OPM plans to evaluate agencies' effectiveness in recruiting and retaining talent using the Pathways Programs and of the satisfaction of Pathways Programs participants and their hiring managers; and

(g) standard naming conventions across agencies, so that students and recent graduates can clearly understand and compare the career pathway opportunities available to them in the Federal Government.

**Sec. 3. *Internship Program.*** The Internship Program shall provide students in high schools, community colleges, 4-year colleges, trade schools, career and technical education programs, and other qualifying educational institutions and programs, as determined by OPM, with paid opportunities to work in agencies and explore Federal careers while still in school. The Internship Program would replace the existing Student Career Experience Program, established pursuant to Executive Order 12015 of October 26, 1977. The following principles and policies shall govern the Internship Program:

(a) Participants in the program shall be referred to as "Interns" and shall be students enrolled, or accepted for enrollment, in qualifying educational institutions and programs, as determined by OPM.

(b) Subject to any exceptions OPM may establish by regulation, agencies shall provide Interns with meaningful developmental work and set clear expectations regarding the work experience of the intern.

(c) Students employed by third-party internship providers but placed in agencies may, to the extent permitted by OPM regulations, be treated as participants in the Internship Program.

**Sec. 4. *Recent Graduates Program.*** The Recent Graduates Program shall provide individuals who have recently graduated from qualifying educational institutions or programs with developmental experiences in the Federal Government intended to promote possible careers in the civil service. The following principles and policies shall govern the Recent Graduates Program:

(a) Participants in the program shall be referred to as "Recent Graduates" and must have obtained a qualifying degree, or completed a qualifying career or technical education program, as determined by OPM, within the preceding 2 years, except that veterans who, due to their military service obligation, were precluded from participating in the Recent Graduates Program during the 2-year period after obtaining a qualifying degree or completing a qualifying program shall be eligible to participate in the Program within 6 years of obtaining a qualifying degree or completing a qualifying program.

(b) Responsibilities assigned to a Recent Graduate shall be consistent with his or her qualifications, educational background, and career interests, the purpose of the Recent Graduates Program, and agency needs.

**Sec. 5. *Presidential Management Fellows Program.*** The Presidential Management Fellows (PMF) Program is an existing program established pursuant to Executive Order 13318 of November 21, 2003, that aims to attract to the Federal service outstanding men and women from a variety of academic disciplines at the graduate level who have a clear interest in, and commitment to, the leadership and management of public policies and programs. The following requirements shall govern the PMF Program upon the revocation of Executive Order 13318, as provided in section 8 of this order:

(a) Participants in this program shall continue to be known as Presidential Management Fellows (PMFs or Fellows) and must have received, within the preceding 2 years, a qualifying advanced degree, as determined by OPM.

(b) Responsibilities assigned to a PMF shall be consistent with the PMF's qualifications, educational background, and career interests, the purposes of the PMF Program, and agency needs.

(c) OPM shall establish the eligibility requirements and minimum qualifications for the program, as well as a process for assessing eligible individuals for consideration for appointment as PMFs.

**Sec. 6. Appointment and Conversion.** (a) Appointments to any of the Pathways Programs shall be under Schedule D of the excepted service, as established by section 7 of this order.

(b) Appointments to the Recent Graduates or PMF Programs shall not exceed 2 years, unless extended by the employing agency for up to 120 days thereafter.

(c) Appointment to a Pathways Program shall confer no right to further Federal employment in either the competitive or excepted service upon the expiration of the appointment, except that agencies may convert eligible participants noncompetitively to term, career, or career conditional appointments after satisfying requirements to be established by OPM, and agencies may noncompetitively convert participants who were initially converted to a term appointment under this section to a career or career-conditional appointment before the term appointment expires.

#### 5 CFR PART 6

#### ■ PART 6—[AMENDED]

**Sec. 7. Implementation.** (a) Civil Service Rule VI is amended as follows:

(i) 5 CFR 6.1(a) is amended to read:

*OPM may except positions from the competitive service when it determines that (A) appointments thereto through competitive examination are not practicable, or (B) recruitment from among students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs can better be achieved by devising additional means for recruiting and assessing candidates that diverge from the processes generally applicable to the competitive service. These positions shall be listed in OPM's annual report for the fiscal year in which the exceptions are made.*

(ii) 5 CFR 6.2 is amended to read:

*OPM shall list positions that it excepts from the competitive service in Schedules A, B, C, and D, which schedules shall constitute parts of this rule, as follows:*

*Schedule A. Positions other than those of a confidential or policy-determining character for which it is not practicable to examine shall be listed in Schedule A.*

*Schedule B. Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination shall be listed in Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by OPM.*

*Schedule C. Positions of a confidential or policy-determining character shall be listed in Schedule C.*

*Schedule D. Positions other than those of a confidential or policy-determining character for which the competitive service requirements make impracticable the adequate recruitment of sufficient numbers of students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs. These positions, which are temporarily placed in the excepted service to enable more effective recruitment from all segments of society by using means of recruiting and assessing candidates that diverge from the rules generally applicable to the competitive service, shall be listed in Schedule D.*

(iii) The first sentence of 5 CFR 6.4 is amended to read:

*Except as may be required by statute, the Civil Service Rules and Regulations shall not apply to removals from positions listed in Schedules A, C, or D or from positions excepted from the competitive service by statute.*

The second sentence of 5 CFR 6.4 is to remain unchanged.

(iv) The first sentence of 5 CFR 6.6 is amended to read:



*OPM may remove any position from or may revoke in whole or in part any provision of Schedule A, B, C, or D.*

The second sentence of 5 CFR 6.6 is to remain unchanged.

(b) The Director of OPM shall:

(i) promulgate such regulations as the Director determines may be necessary to implement this order;

(ii) provide oversight of the Pathways Programs;

(iii) establish, if appropriate, a Government-wide cap on the number of noncompetitive conversions to the competitive service of Interns, Recent Graduates, or PMFs (or a Government-wide combined conversion cap applicable to all three categories together);

(iv) administer, and review and revise annually or as needed, any Government-wide cap established pursuant to this subsection;

(v) provide guidance on conducting an orderly transition from existing student and internship programs to the Pathways Programs established pursuant to this order; and

(vi) consider for publication in the *Federal Register* at an appropriate time a proposed rule seeking public comment on the elimination of the Student Temporary Employment Program, established through OPM regulations at 5 CFR 213.3202(a).

(c) In accordance with regulations prescribed pursuant to this order and applicable law, agencies shall:

(i) use appropriate merit-based procedures for recruitment, assessment, placement, and ongoing career development for participants in the Pathways Programs;

(ii) provide for equal employment opportunity in the Pathways Programs without regard to race, ethnicity, color, religion, sex, national origin, age, disability, sexual orientation, or any other non-merit-based factor;

(iii) apply veterans' preference criteria; and

(iv) within 45 days of the date of this order, designate a Pathways Programs Officer (at the agency level, or at bureaus or components within the agency) to administer Pathways Programs, to serve as liaison with OPM, and to report to OPM on the implementation of the Pathways Programs and the individuals hired under them.

**Sec. 8. *Prior Executive Orders.*** (a) Effective March 1, 2011, Executive Order 13162 (Federal Career Intern Program) is superseded and revoked. Any individuals serving in appointments under that order on March 1, 2011, shall be converted to the competitive service, effective on that date, with no loss of pay or benefits.

(b) On the effective date of final regulations promulgated by the Director of OPM to implement the Internship Program, Executive Order 12015 (pursuant to which the Student Career Experience Program was established), as amended, is superseded and revoked.

(c) On the effective date of final regulations promulgated by the Director of OPM to implement changes to the PMF Program required by this order, Executive Order 13318 (Presidential Management Fellows Program), as amended, is superseded and revoked.

**Sec. 9. *General Provisions.*** (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this order shall be construed to impair or otherwise affect:

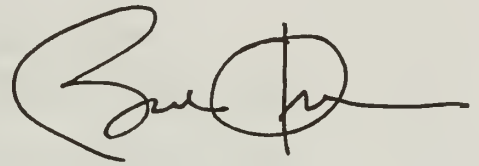
(i) authority granted by law, regulation, Executive Order, or Presidential Directive to an executive department, agency, or head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party



against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish at the end.

THE WHITE HOUSE,  
*December 27, 2010.*

[FR Doc. 2010-33169  
Filed 12-29-10; 11:15 am]  
Billing code 3195-W1-P

## Appendix III

PUBLIC LAW 105-263—OCT. 19, 1998

112 STAT. 2343

### Public Law 105-263 105th Congress

#### An Act

To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

Oct. 19, 1998

[H.R. 449]

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Public Land Management Act of 1998".

Southern Nevada  
Public Land  
Management Act  
of 1998.  
31 USC 6901  
note.

#### SEC. 2. FINDINGS AND PURPOSE.

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

(1) The Bureau of Land Management has extensive land ownership in small and large parcels interspersed with or adjacent to private land in the Las Vegas Valley, Nevada, making many of these parcels difficult to manage and more appropriate for disposal.

(2) In order to promote responsible and orderly development in the Las Vegas Valley, certain of those Federal lands should be sold by the Federal Government based on recommendations made by local government and the public.

(3) The Las Vegas metropolitan area is the fastest growing urban area in the United States, which is causing significant impacts upon the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area, and the Spring Mountains National Recreation Area, which surround the Las Vegas Valley.

(b) PURPOSE.—The purpose of this Act is to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

#### SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "unit of local government" means Clark County, the City of Las Vegas, the City of North Las Vegas, or the City of Henderson; all in the State of Nevada.

(3) The term "Agreement" means the agreement entitled "The Interim Cooperative Management Agreement Between The United States Department of the Interior—Bureau of Land Management and Clark County", dated November 4, 1992.

(4) The term “special account” means the account in the Treasury of the United States established under section 4(e)(1)(C).

(5) The term “Recreation and Public Purposes Act” means the Act entitled “An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes”, approved June 14, 1926 (43 U.S.C. 869 et seq.).

(6) The term “regional governmental entity” means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District.

#### SEC. 4. DISPOSAL AND EXCHANGE.

(a) DISPOSAL.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), the Secretary, in accordance with this Act, the Federal Land Policy and Management Act of 1976, and other applicable law, and subject to valid existing rights, is authorized to dispose of lands within the boundary of the area under the jurisdiction of the Director of the Bureau of Land Management in Clark County, Nevada, as generally depicted on the map entitled “Las Vegas Valley, Nevada, Land Disposal Map”, dated April 10, 1997. Such map shall be on file and available for public inspection in the offices of the Director and the Las Vegas District of the Bureau of Land Management.

##### (b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

###### (1) RECREATION AND PUBLIC PURPOSE ACT CONVEYANCES.—

Not less than 30 days before the offering of lands for sale or exchange pursuant to subsection (a), the State of Nevada or the unit of local government in whose jurisdiction the lands are located may elect to obtain any such lands for local public purposes pursuant to the provisions of the Recreation and Public Purposes Act. Pursuant to any such election, the Secretary shall retain the elected lands for conveyance to the State of Nevada or such unit of the local government in accordance with the provisions of the Recreation and Public Purposes Act.

###### (2) RIGHTS-OF-WAY.—

(A) ISSUANCE.—Upon application, by a unit of local government or regional governmental entity, the Secretary, in accordance with this Act and the Federal Land Policy and Management Act of 1976, and other applicable provisions of law, shall issue right-of-way grants on Federal lands in Clark County, Nevada, for all reservoirs, canals, channels, ditches, pipes, pipelines, tunnels, and other facilities and systems needed for—

(i) the impoundment, storage, treatment, transportation, or distribution of water (other than water from the Virgin River) or wastewater; or

(ii) flood control management.

(B) DURATION.—Right-of-way grants issued under this paragraph shall be valid in perpetuity.

(C) WAIVER OF FEES.—Right-of-way grants issued under this paragraph shall not require the payment of rental or cost recovery fees.



(3) **YOUTH ACTIVITY FACILITIES.**—Within 30 days after a request by Clark County, Nevada, the Secretary shall offer to Clark County, Nevada, the land depicted on the map entitled “Vicinity Map Parcel 177-28-101-020 dated August 14, 1996, in accordance with the Recreation and Public Purposes Act for the construction of youth activity facilities.

(c) **WITHDRAWAL.**—Subject to valid existing rights, all Federal lands identified in subsection (a) for disposal are withdrawn from location and entry, under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary terminates the withdrawal or the lands are patented.

(d) **SELECTION.**—

(1) **JOINT SELECTION REQUIRED.**—The Secretary and the unit of local government in whose jurisdiction lands referred to in subsection (a) are located shall jointly select lands to be offered for sale or exchange under this section. The Secretary shall coordinate land disposal activities with the unit of local government in whose jurisdiction such lands are located. Land disposal activities of the Secretary shall be consistent with local land use planning and zoning requirements and recommendations.

(2) **OFFERING.**—After land has been selected in accordance with this subsection, the Secretary shall make the first offering of land as soon as practicable after the date of the enactment of this Act.

(e) **DISPOSITION OF PROCEEDS.**—

(1) **LAND SALES.**—Of the gross proceeds of sales of land under this subsection in a fiscal year—

(A) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(B) 10 percent shall be paid directly to the Southern Nevada Water Authority for water treatment and transmission facility infrastructure in Clark County, Nevada; and

(C) the remainder shall be deposited in a special account in the Treasury of the United States for use pursuant to the provisions of paragraph (3).

Amounts in the special account shall be available to the Secretary without further appropriation and shall remain available until expended.

(2) **LAND EXCHANGES.**—

(A) **PAYMENTS.**—In the case of a land exchange under this section, the non-Federal party shall provide direct payments to the State of Nevada and the Southern Nevada Water Authority in accordance with paragraphs (1)(A) and (B). The payments shall be based on the fair market value of the Federal lands to be conveyed in the exchange and shall be considered a cost incurred by the non-Federal party that shall be compensated by the Secretary if so provided by any agreement to initiate exchange.

(B) **PENDING EXCHANGES.**—The provisions of this Act, except this subsection and subsections (a) and (b), shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized

representative of the exchange proponent and an authorized officer of the Bureau of Land Management prior to February 29, 1996.

(3) AVAILABILITY OF SPECIAL ACCOUNT.—

(A) IN GENERAL.—Amounts deposited in the special account may be expended by the Secretary for—

(i) the acquisition of environmentally sensitive land in the State of Nevada in accordance with subsection (h), with priority given to lands located within Clark County;

(ii) capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Red Rock Canyon National Conservation Area and other areas administered by the Bureau of Land Management in Clark County, and the Spring Mountains National Recreation Area;

(iii) development of a multispecies habitat conservation plan in Clark County, Nevada;

(iv) development of parks, trails, and natural areas in Clark County, Nevada, pursuant to a cooperative agreement with a unit of local government; and

(v) reimbursement of costs incurred by the local offices of the Bureau of Land Management in arranging sales or exchanges under this Act.

(B) PROCEDURES.—The Secretary shall coordinate the use of the special account with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.

(C) LIMITATION.—Not more than 25 percent of the amounts available to the Secretary from the special account in any fiscal year (determined without taking into account amounts deposited under subsection (g)(4)) may be used in any fiscal year for the purposes described in subparagraph (A)(ii).

(f) INVESTMENT OF SPECIAL ACCOUNT.—All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended according to the provisions of subsection (e)(3).

(g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND TRANSFER.—Upon request of Clark County, Nevada, the Secretary shall transfer to Clark County, Nevada, without consideration, all right, title, and interest of the United States in and to the lands identified in the Agreement, subject to the following:

(1) Valid existing rights.

(2) Clark County agrees to manage such lands in accordance with the Agreement and with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated pursuant to that section.

(3) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed or leased by Clark County, such sale, lease, or other conveyance shall contain a limitation which requires uses compatible with the Agreement and such Airport Noise Compatibility Planning provisions.

(4) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed by Clark County, such lands shall be sold, leased, or otherwise conveyed for fair market value. Clark County shall contribute 85 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the special account. If any of such lands sold, leased, or otherwise conveyed by Clark County are identified on the map referenced in section 2(a) of the Act entitled "An Act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes", approved December 23, 1980 (94 Stat. 3381; commonly known as the "Santini-Burton Act"), the proceeds contributed to the special account by Clark County from the sale, lease, or other conveyance of such lands shall be used by the Secretary of Agriculture to acquire environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Santini-Burton Act. Clark County shall contribute 5 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the State of Nevada for use in the general education program of the State, and the remainder shall be available for use by the Clark County Department of Aviation for the benefit of airport development and the Noise Compatibility Program.

#### SEC. 5. ACQUISITIONS.

##### (a) ACQUISITIONS.—

(1) DEFINITION.—For purposes of this subsection, the term "environmentally sensitive land" means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(B) enhance recreational opportunities and public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

(2) IN GENERAL.—After the consultation process has been completed in accordance with paragraph (3), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Lands may not be acquired under this section without the consent of the owner thereof. Funds made available from the special account may be used with any other funds made available under any other provision of law.

(3) CONSULTATION.—Before initiating efforts to acquire land under this subsection, the Secretary or the Secretary of Agriculture shall consult with the State of Nevada and with local government within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition.



Consultation under this paragraph is in addition to any other consultation required by law.

(b) ADMINISTRATION.—On acceptance of title by the United States, land and interests in land acquired under this section that is within the boundaries of a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national conservation or national recreation area established by Act of Congress—

(1) shall become part of the unit or area without further action by the Secretary or Secretary of Agriculture; and

(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.

(c) DETERMINATION OF FAIR MARKET VALUE.—The fair market value of land or an interest in land to be acquired by the Secretary or the Secretary of Agriculture under this section shall be determined pursuant to section 206 of the Federal Land Policy and Management Act of 1976 and shall be consistent with other applicable requirements and standards. Fair market value shall be determined without regard to the presence of a species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) PAYMENTS IN LIEU OF TAXES.—Section 6901(1) of title 31, United States Code, is amended as follows:

(1) By striking “or” at the end of subparagraph (F).

(2) By striking the period at the end of subparagraph (G) and inserting “; or”.

(3) By adding at the end the following:

“(H) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Southern Nevada Public Land Management Act of 1998 that is not otherwise described in subparagraphs (A) through (G).”.

#### SEC. 6. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report on all transactions under this Act.

#### SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.

(a) TRANSFER OF REVERSIONARY INTEREST.—

(1) IN GENERAL.—Upon request by a grantee of lands within Clark County, Nevada, that are subject to a lease or patent issued under the Recreation and Public Purposes Act, the Secretary may transfer the reversionary interest in such lands to other non-Federal lands. The transfer of the reversionary interest shall only be made to lands of equal value, except that with respect to the State of Nevada or a unit of local government an amount equal to the excess (if any) of the fair market value of lands received by the unit of local government over the fair market value of lands transferred by the unit of local government shall be paid to the Secretary and shall be treated under subsection (e)(1) of section 4 as proceeds from the sale of land. For purposes of this subsection, the fair market value of lands to be transferred by the State of

Nevada or a unit of local government may be based upon a statement of value prepared by a qualified appraiser.

(2) **TERMS AND CONDITIONS APPLICABLE TO LANDS ACQUIRED.**—Land selected under this subsection by a grantee described in paragraph (1) shall be subject to the terms and conditions, uses, and acreage limitations of the lease or patent to which the lands transferred by the grantee were subject, including the reverter provisions, under the Recreation and Public Purposes Act.

(b) **AFFORDABLE HOUSING.**—The Secretary, in consultation with the Secretary of Housing and Urban Development, may make available, in accordance with section 203 of the Federal Land Planning and Management Act of 1976, land in the State of Nevada at less than fair market value and under other such terms and conditions as he may determine for affordable housing purposes. Such lands shall be made available only to State or local governmental entities, including local public housing authorities. For the purposes of this subsection, housing shall be considered to be affordable housing if the housing serves low-income families as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

#### **SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON NATIONAL CONSERVATION AREA.**

Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) is amended to read as follows:

“(2) The conservation area shall consist of approximately 195,780 acres as generally depicted on the map entitled ‘Red Rock Canyon National Conservation Area Administrative Boundary Modification’, dated August 8, 1996.”.

Approved October 19, 1998.

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#### **LEGISLATIVE HISTORY—H.R. 449:**

HOUSE REPORTS: No. 105-68 (Comm. on Resources).

SENATE REPORTS: No. 105-291 (Comm. on Energy and Natural Resources).

#### **CONGRESSIONAL RECORD:**

Vol. 143 (1997): Apr. 23, considered and passed House.

Vol. 144 (1998): Oct. 2, considered and passed Senate.









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